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File
m 1076

DESK IMMEDIATE

FROM: D A LAVERY
Central Secretariat
29 May 1997

cc PS/Secretary of State (B&L)
PS/Mr Murphy (B&L)
PS/Mr Ingram (B&L)
PS/PUS (B&L)
PS/Sir David Fell
PS/Mr Thomas (B&L)
Mr Steele
Mr Stephens
Mr Bell
Mr Watkins
Mr Wood (B&L)
Mr Beeton
Mr Brooker
Mr Hill (B&L)
Mr Priestly
Mr Maccabe
Mr Whysall
Ms Mapstone
Miss Bharucha
Miss Benson
Mr Budd, Cabinet Office
(via IPL)
Mr Sanderson, Cabinet Office
(via IPL)
HMA Dublin
Mr Tebitt, RID
Mr Lamont, RID
Mr Warner
(enclosure issued separately)

FILE NOTE

LIAISON GROUP MEETING: 27 MAY

1. A Liaison Group meeting with Irish officials took place in Dublin on Tuesday. The 'away team' was led by Mr Thomas, supported by HMA, Mr Stephens, Mr Bell, Mr Sanderson, Mr Hill, Mr Warner and Mr Lavery. Mr O'hUiginn led for the Irish side, supported by Mr Kirwan, Mr Donoghue, Mr Cooney, Mr Montgomery, Mr Hare, Mr Callaghan and Mr Keown.

Summary

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2. A meeting dominated by discussion of the Irish side's paper of 26 May ('An Approach to the Decommissioning Roadblock') which the British side had only received that morning (copy enclosed). A lengthy discussion (which continued at a working lunch) exposed some significant weaknesses in the Irish paper and concluded with the British side undertaking to prepare a first draft of a new paper combining the best features of our own paper of 7 April and the Irish paper of 26 May. The new paper will be further considered by officials ad referendum to Ministers. Further consideration to be given as to how, and when, such a paper might be deployed with the Talks participants. The lunchtime discussion included Mr O'hUiginn's advice on handling Sinn Fein, including the symbolic importance for them of the timescale of entry to the Talks process (with Mr O'hUiginn cautioning that a possible consequence of deferring Sinn Fein's entry until the autumn could be that any new ceasefire would similarly be deferred), and the importance for Sinn Fein of not being treated differently from other participants. Looking forward to Thursday's Adare meeting between the Secretary of State and the Tanaiste, decommissioning and the handling of the resumption of the Talks on 3 June were identified as likely agenda items.

3. The main points to emerge in the course of the discussion were as follows.

(a) **DECOMMISSIONING**

4. The British side were allowed time to read the Irish paper of 26 May, which had only just become available.

5. Regarding the status of the paper, Mr O'hUiginn explained that it had not been cleared with Irish Ministers. However, officials had endeavoured to consult widely in developing the ideas reflected in the paper, and some of its central ideas, if not the actual drafting, had been discussed with Ministers.

6. Mr O'hUiginn conceded that the drafting of the paper had proved difficult. They had previously explained the difficulties they had with the British side's paper of 7 April. He suggested that both Governments shared a common position on the need to address the substance of decommissioning, the key to which would be the implementation of the report

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of the International Body. Assuming that both Governments agreed that implementation of the Report was the best way forward, it would be necessary to find a way to decouple this objective from the tactical use of decommissioning as an issue to keep Sinn Fein out of the Talks process. The Irish side was particularly anxious that the interplay of the substantive political discussions in the Talks and the need to address decommissioning did not have the effect of obstructing progress. For this reason, the Irish side were reluctant to endorse those ideas in the British side's paper, (eg the 'communication cord') which might have the effect of obstructing progress.

7. Against this background, the Irish side's paper sought to balance the objective of an engagement on the substance of decommissioning with sufficient measures to sufficiently address the concerns of the Unionists. Among the principal measures intended to reassure the Unionists were the following:

- (a) an emphasis on the good faith of both Governments in their commitment to the implementation of the International Body's Report - hence the idea that the Governments would give a formal pledge of this commitment;
- (b) provision for mechanisms to take decommissioning forward - this would be achieved through the establishment of a sub-committee with an emphasis on the implementation of the International Body's Report in its entirety;
- (c) a guarantee that the Governments' proposals on taking the issue of decommissioning forward would not be open to re-negotiation if Sinn Fein were to join the process; and
- (d) a commitment to establish an Independent Commission to oversee decommissioning - the Commission could be established once the Talks process becomes inclusive on the entry of Sinn Fein.

8. Mr O'hUiginn explained that the paper envisaged the Talks resuming with an opportunity for the participants to engage in a limited round of further discussion on

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decommissioning. The Governments would then need to reach an early determination as to whether a sufficient consensus could be secured on a commitment to implement the International Body's Report.

9. Paragraph 6(iii) of the paper contemplated a situation where the Independent Chairmen concluded that a party was not prepared to work in good faith to implement the Mitchell Report but where this refusal did not appear to amount to a fundamental contradiction of the Report (so as to leave open the possibility that this reserve would be capable of resolution in the course of the negotiations). This procedural device was intended to allow the Independent Chairmen to "shelter" the UUP where their attitude to the Mitchell Report stopped short of its complete rejection. This reflected the Irish side's uncertainty as to how to read the UUP's commitment to the Mitchell Report - unlike the position of, say, the Loyalists, it did not seem to the Irish side that a refusal by the UUP to give a commitment to implement the Mitchell Report would necessarily be conclusive. Unlike the position of, say, the Loyalist parties, such a refusal would be unlikely to constitute a breach of the Mitchell Principles.

10. Finally, Mr O'hUiginn explained that the paper contemplated (at paragraph 11) that where there was not sufficient consensus for the launch of the 3 Strands, the Chairmen might initiate preparatory discussions on some of the substantive issues to the extent that the participants were agreeable to this.

11. Responding to this, and noting that both sides shared a good deal of common ground (including recognition of the need to make a play on decommissioning soon), Mr Thomas said there were important differences in the approaches of the two Governments to this issue. Central among these was the British side's conviction that it was necessary to look at the issue of decommissioning not merely as an analytical exercise, but in a way which recognised the political context to the current impasse. One important consideration was that not all of the participants accepted the Mitchell Report and it was unlikely, therefore, that they would be prepared to make a commitment to its full implementation. He suggested it might be possible, and indeed preferable, to find a way forward on decommissioning which was consistent with the Mitchell Report, and which

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acknowledged the concerns of a number of the participants on decommissioning, but which stopped short of confronting the participants with a requirement to make a commitment to implement the Report.

12. Mr Thomas said that if the Governments were to make a play on decommissioning, their stance in relation to the Unionists should be such as to clearly indicate that a purely tactical reserve on decommissioning would not be acceptable, while at the same time acknowledging that the Unionists do have genuine concerns regarding decommissioning. Mr Thomas suggested that the Unionists' concern was that they could find themselves engaged in negotiations with Sinn Fein and, in doing so, it was essential that they would not appear to their supporters to have compromised their principles by negotiating on equal terms with a party which retained its own private army.

13. Mr Thomas acknowledged that a requirement to give a commitment to implement the Mitchell Report must not be such as would predictably have the consequence of preventing Sinn Fein's entry to the Talks process - it was self-evident that decommissioning would only be possible, if at all, once Sinn Fein had entered the process. What was required was a political construct which would allow us to enter the substantive political process bringing all of the participants with us - once in the substantive process, we would be in a position to test the Mitchell Report's proposition that a benign dynamic could be created. His principal concern with the Irish side's paper was that it was less sound as a political construct than the British side's paper of 7 April.

14. Turning to the detail of the Irish paper, Mr Thomas sought clarification of the proposed "formal intergovernmental guarantee" (that "the decommissioning issue must be resolved to the satisfaction of the participants as an indispensable part of the process") as contemplated in paragraph 6(i)(c). He wondered what this might amount to in practice? Although finding it superficially attractive, it was a more forward position than anything contemplated in the British side's paper, which was couched in terms of the Governments' expectation that some parallel decommissioning might take place. Mr Stephens suggested that the UUP were quite likely to ask whether this "guarantee" amounted to a commitment

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to secure actual decommissioning, or merely a commitment that some "consideration" might be given to this.

15. Visibly uncomfortable, Mr O'hUiginn sought to argue that although the Irish Government wished to see actual decommissioning taking place, they had a problem in making the entire process hostage to this expectation. He argued that too categorical an expression of this expectation on the part of the Governments could cause difficulties, not least for the UUP. This aspect of the paper was intended to address the Unionists' apparent distrust of the Governments' commitment to decommissioning - but he acknowledged that the idea of a guarantee could become a hostage to fortune.

16. Mr Thomas cautioned that if the Governments were to use language which suggested a formal guarantee, in time they might well be asked whether they regarded their responsibility in this regard as having been discharged. The guarantee could come to be regarded either as false-talk or, alternatively, the parties would seek to hold the Governments to it. A further difficulty with the approach suggested in the Irish paper was that it required the Independent Chairmen to ascertain whether the participants were committed to implementing the Mitchell Report - this could well lead to the Chairmen being asked to explain what their Report contemplated on decommissioning.

17. Mr O'hUiginn said that the Irish side's approach to this issue amounted to saying, in terms:-

- we are serious about this process;
- we do not want to make a particular interpretation of the Mitchell Report a condition of entry to the process;
- we do not want to raise so specific an expectation regarding decommissioning as to store-up difficulty for the process ahead.

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18. Mr Thomas suggested that a softer commitment on the part of the Governments regarding decommissioning might be more advisable. The idea that the Independent Chairmen might reach a judgement as to when decommissioning should start was one possible way of structuring participants' expectations on this difficult issue.

19. Mr Stephens noted that paragraph 6(iii) of the Irish paper invited the Independent Chairmen to ascertain whether the participants were prepared to work constructively to implement the Mitchell Report. The draft also contemplated that the Independent Chairmen might conclude that a participant's objection to this was not of a fundamental nature. While recognising that this formula was intended to meet unionist reservations regarding aspects of the Mitchell Report, he thought it quite likely that the Unionists would choose to read this provision as a means of allowing Sinn Fein to fudge the issue of decommissioning. The current draft could also cause difficulty with a party such as the DUP who have such an unambiguous position on the Mitchell Report.

20. Mr Thomas wondered whether a "package deal" approach might not be needed, based on the Governments' best judgement of what could be achievable. Such an approach would almost-certainly have to be forced through by tabling a paper and pushing for sufficient consensus. This might be preferable as both the British side's paper and the Irish paper involved a sequence of commitments that the parties might not be prepared to make.

21. Mr O'hUiginn explained that paragraph 8 was intended to be helpful to the unionists in that it prevented any renegotiation of the Governments' proposals on decommissioning.

22. Mr Thomas noted that paragraph 9 combined decommissioning and confidence-building in a single sub-committee notwithstanding known unionist objections to this. He wondered whether this was wise - he suggested the Governments should try to deny the unionists grounds for rejecting this proposal.

23. On paragraph 11 Mr Thomas wondered how realistic the idea of preparatory discussions was? He thought it quite likely that if a move into substantive negotiations was not possible, it might be better to default to a new 'Plan B' if such could be found.

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24. Concluding this part of the discussion, Mr Thomas said that the British side would endeavour to produce a draft of a possible joint paper for presentation in the Talks. Although such a paper was unlikely to be ready in time for the Adare meeting, he thought that officials might have an opportunity to discuss the new draft at Castle Buildings next week. Mr O'hUiginn said that any such paper would have to meet the dual test of not only getting people into the Talks process, but also sustaining the Talks.

(b) **SINN FEIN ENTRY**

25. Various possible scenarios were discussed, including the possibility that the decommissioning impasse could be resolved before the Summer break, with the launch of the 3 Strands in September coinciding with Sinn Fein's entry to the process. Mr Thomas noted the likelihood that a ceasefire would necessitate a pause in the Talks to allow the parties to take stock.

26. Mr O'hUiginn said it was his assumption that there was no prospect of a cease-fire ahead of the Irish General Election on 6 June. But he believed there were signs of a willingness to "do business" quite soon afterwards. However it was unclear to what extent Sinn Fein/IRA were factoring Drumcree into their assessment and keeping their options open. He cautioned that if the political horizon was formally transferred to September, tactical considerations could well come into play so that Sinn Fein/IRA might defer any formal ceasefire until then.

27. Mr O'hUiginn said that Sinn Fein/IRA appeared to place particular reliance on having a reliable sense of where the two Governments wanted to get to in the process. He thought that the key issue was whether the timescale for Sinn Fein's entry could be got out of the way - it was not a matter of historical significance but was largely symbolic. He recognised that the Secretary of State would require some time to be satisfied regarding any new ceasefire, but any such time period would need to be limited (he appeared to suggest that a period of 4 weeks might be acceptable) and it would be important to avoid any suggestion of unequal treatment for Sinn Fein. There were important issues of symbolism

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and reassurance for both sides in all of this. In the case of Sinn Fein, it would be helpful to signal that the timescale for their entry to the process would be clear, manageable and brisk.

28. Mr Stephens said that the British side had told Sinn Fein that the idea of their immediate admission to the Talks following a ceasefire was not realistic. The Secretary of State would inevitably require some time to be satisfied that words and deeds were consistent with a ceasefire. This time could be used to address matters which would help to develop confidence. In time, the Minister of State and the Secretary of State might be prepared to hold meetings with Sinn Fein. Sinn Fein would also be likely to have access to Castle Buildings.

(c) THE LOYALIST PARTIES

29. It was noted that the situation with the loyalist cease-fire was a potential source of difficulty when the Talks resumed. The Alliance Party had indicated they intended to raise this issue. There were also the activities of the LVF. Mr O'hUiginn argued that it would be wrong to make those at the Talks table hostage to the actions of groups outside the process. Mr Thomas cautioned that a difficulty could arise in relation to the concept of mutual decommissioning if splinter groups were active.

[Signed: D A LAVERY]

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