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FROM: ANITA BHARUCHA
IPL Division
11 August 1997

file
PB
12/8

cc PS/Secretary of State (L&B)
 PS/Mr Ingram (L&B)
 PS/Mr Murphy (L&B)
 PS/PUS (L&B)
 PS/Sir David Fell
 Mr Thomas
 Mr Steele
 Mr Bell
 Mr Stephens O/R
 Mr Leach
 Mr Ray
 Mr Watkins
 Mr Brooker
 Mr Beeton
 Mr Hill
 Mr Maccabe
 Mr Lavery
 Mr Perry
 Mr White
 Mr Woods
 Ms Jude
 Ms Mapstone
 Mr Warner
 Mrs Fenning, RID - F
 Mr Holmes, No. 10 - F
 Mr Sanderson, Cab Office - F
 HMA Dublin - F via RID
 Ms Robinson, Prison Service - F

NOTE FOR THE RECORD**LIAISON GROUP: LONDON, 8 AUGUST 1997**

~~Friday~~
 Today's Liaison Group was attended on the Irish side by Mr O hUiginn, Mr Donoghue, Mr Cooney, Mr McDonagh, Mr Hare and Mr Callaghan; Mr Thomas led the British side, supported by Mr Leach, Mr Sanderson, Mr Brooker, Mr Maccabe, Mrs Fenning, Mr Warner and myself. The meeting started at 11.30.

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2. Good natured meeting. Agreement to prepare a joint demarche to the US, Canadian and Finnish governments to identify on a contingent basis members of the Commission; agreement on the need to amend the draft International Agreement so that the Commission could begin work even without a Chairman having been designated; Irish to revert shortly with their amendments to the Trimble letter; and with redrafts of our papers, with a view to a Ministerial meeting during the last week of August.

News from the Road**Ceasefire**

3. **Mr Thomas** opened the meeting by noting that the ceasefire seems to be holding well. He recalled the commitment to consult the Irish before the Secretary of State takes her decision and asked in what terms the Irish envisaged this. **Mr O hUiginn** said that the Irish shared the view that things were going reasonably well (and noted the strong message which the Taoiseach had sent over Ballsbridge). It was **agreed** later in the meeting that 'consulting' the Irish about the ceasefire could be dealt with at an Adare meeting in the last week of August.

Sinn Fein

4. **Mr Hare** described their meeting with Sinn Fein - Doherty and O'Hare - as good. Sinn Fein had described their meeting with the Secretary of State as business-like and positive. They had referred to their meeting with the Chairmen and Martha Pope in terms of the difficulty of getting access to the talks minutes. Sinn Fein had emphasised to the Irish the need to keep things moving, particularly in relation to prisoners (in both jurisdictions) where they had expressed concern at the delays in respect of transfers, and about the conditions in SSUs.

5. In response to a question from **Mr Thomas**, **Mr Hare** confirmed that Sinn Fein had not probed how the governments would deliver their commitment to commence substantive negotiations on 15 September. **Mr O hUiginn** emphasised that Sinn Fein value the image of being around a table with the Unionists, and that the Irish side were not suggesting any alternative to the present process to them.

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6. **Mr O hUiginn** also mentioned that Sinn Fein had expressed appreciation for the manner in which they had been treated on their recent visits to prisons. In response to a comment from Mr Thomas, Mr O hUiginn confirmed that they had made the point to Sinn Fein that assurances from them that assisted escapes would be viewed as a breach of the ceasefire would have a positive impact on the recategorisation of prisoners, but emphasised that this was a delicate area for Sinn Fein.

7. **Mr O hUiginn** also raised the case of prisoner Hayes (in jail in GB) who had turned down an escorted visit, insisting on an unescorted one: he emphasised that the Irish appreciated this gesture by the Prison Service and hoped that this would not result in other prisoners not being offered escorted visits.

8. **Mr Thomas** noted that the HMG side had mentioned decommissioning at their meeting briefly and Sinn Fein had not reacted to the point that they should work constructively on the basis of the two governments' paper; he said that it was interesting that in his comments to the press afterwards, McGuinness had said that he had previously been misquoted by the media ('not a bullet').

DUP

9. **Mr Maccabe** characterised the Secretary of State's meeting with the DUP as business-like. The DUP paper handed over at the meeting envisaged a process of 'bilaterals of choice' (on whom and where they would meet); they particularly said that talks on the basis of Frameworks were totally unacceptable. On our side, the Secretary of State had stressed that we expected this talks process to continue and gave no indication of any alternative strategy.

Decommissioning

10. **Mr Leach** said that work on the technical issues relating the Commission was well advanced. In light of the two governments' commitment in the Communique to have the Commission operational by 15 September, there were two possible pieces of action:

- (i) make contingent approaches to donor governments, possibly including the Canadians in case it is not possible to establish de Chastelain as Chairman of the Commission;

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(ii) in case it is not possible to find a Chairman, amend the International Agreement as it currently stands in order to make it operational when one or two of the members have been appointed.

11. **Mr Thomas** noted that if it is not possible to persuade the Unionists that Mitchell should chair Strand 2, then under the Rules of Procedure Mr Holkeri could take over as he is currently alternate chairman. The Irish side were opposed to this for two reasons; firstly, they doubted his ability to assimilate technical detail quickly, and secondly, they believed that appointing the 'first substitute' to chair Strand 2 would send the wrong signals to the SDLP and Sinn Fein, for whom this aspect of the talks is the crux.

12. **Mr O hUiginn** said that they do not share the premise that the Chairman of the Commission has to be a Canadian. He also said that the Unionists should accept Mitchell as Chairman of Strand 2 as a quid pro quo for getting de Chastelain as Chairman of the Independent Commission. **Mr Thomas** made clear that Ministers might wish to press further the case for appointing General de Chastelain quickly on the basis that Prime Minister Holkeri will pick up Strand 2.

13. It was **agreed** that the two governments, through the Secretariat, should prepare a joint demarche to the three countries on a contingency basis, which would express the hope that de Chastelain would chair the Commission, but if this regrettably proved impossible, we would be looking for suggestions from all three countries. Mr Thomas said that the approach should make clear that we were looking for people who would serve as members, although they may be called upon to be the Chairman temporarily, or even permanently. Mr Leach noted that we should ask the Canadians to nominate someone with a military background only, as it was important that the Chairman should have such experience. It was agreed that Senator Mitchell, General de Chastelain and Prime Minister Holkeri will be kept abreast of these moves.

14. On amending the draft International Agreement, **Mr O hUiginn** **agreed** in principle with Mr Leach's proposal, subject to expressing this in the simplest way possible.

15. It was **agreed** that, subject to Ministers' diaries the Secretary of State and Mr Burke should sign the Agreement at a meeting in the week beginning 25 August: this would be a useful piece of theatre to reassure Unionists.

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CONFIDENTIALPapers by the British Side:'Approach to the Launch of Substantive Negotiations on 15 September''Political Negotiations: Carrying the Consultations Forward'

16. At **Mr O hUiginn's** request, **Mr Thomas** introduced these two papers, emphasising that they should be kept tightly restricted within the two governments. Our main objective is to get the decommissioning proposals agreed; if this fails, there would be merit in seeking sufficient consensus support for a procedural motion to launch the three strands regardless; if this too fails (and Mr Thomas noted the importance of testing Plan A to destruction), the two governments would suspend the present process, but signal their intention to give effect to the pledge to launch substantive negotiations on 15 September, and also their hope to return ultimately to the formal three stranded negotiations. To give the new process credibility it would be important to table a paper i.e. 'Carrying the Consultations Forward' which also draws on and amplifies the agenda previously agreed by the three parties.

17. **Mr Donoghue** probed the thinking behind terminating the process 'so starkly'. **Mr Thomas** said that it was important for the credibility of the process and of the two governments to make a decisive break; however, if in September it appeared that it would be possible to keep Trimble engaged through bilaterals under the auspices of the present talks, that would be the preferred option.

18. **Mr O hUiginn** agreed that Trimble is the fulcrum on which the decision for the two governments turns. He noted that the smaller parties want the maximum of continuity with the present process and wondered whether a softer option would be possible: launch substantive negotiations on 15 September, but keep the Talks suspended for 2 weeks to soften the blow, and also in case it becomes possible to return to them at the end of that period. This would mean that the Forum was not immediately terminated and that allowances continued to be paid.

19. It was **agreed** that Ministers would have to consider these two options, and weigh up the desirability of avoiding ending the Talks prematurely, against losing the momentum which the two governments have already built up, and

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the psychological and political significance with which they had successfully invested 15 September. **Mr Thomas** said that we could give the soft option credibility by tabling our paper alongside the process. It would be possible to have a combine a high profile launch of substantive negotiations, while emphasising that we were not displacing the Talks, although were ready to if this proved impossible to avoid. We would express our willingness to discuss our consultation papers with all the parties and to resume in two weeks to take stock. The parties would then see that they could continue in this fashion of variable geometry, or could go back to the three Strands. **Mr O hUiginn** agreed that an approach along these lines would be desirable.

20. **Mr O hUiginn** wondered whether it would be possible to start work on Strand 3 during this two week period. **Mr Thomas** said that this was the idea behind the further paper which we have in preparation, but that it would be unhelpful to label it as Strand 3 as such. This paper would advertise the issues but would not attempt to reach conclusions. It could be published, along with the agenda to demonstrate to people that real progress was being made. He undertook to show this paper to the Irish during August. **Mr O hUiginn** said that they regard Frameworks as the bedrock text, but are fully aware of the need for careful presentation to avoid making things difficult for the UUP.

21. The Irish side ran through their brief comments on the 'Approach' paper:

Annex A

Paragraph (a): welcomed the fact that the paper says that the two governments stand by the decommissioning paper, but this should be amplified to make clear that this will continue to be our position in future;

paragraph (b): 'would in any event be fully operational' should be amended to reflect the language of the communique;

paragraph (h): would like to reflect further on this and offer comments.

Annex B

paragraph 3: would prefer this to be amended along the lines of para. 3 of Annex C;

paragraph 4: the last phrase should be avoided since it might give the impression of 'talks about talks'.

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22. It was agreed that the Irish would revert through the Secretariat in ten days' time to offer a (relatively minor) redraft. **Mr Thomas** noted that Annex C also needed to reflect the possibility of keeping the talks in suspension for a further two weeks: he suggested two versions should be prepared.

23. It was agreed that officials should have the two papers ready for the Ministerial meeting at the end of August. **[I should be grateful if the Secretariat would liaise with Private Offices and the Irish over suitable dates.]** **Mr O hUiginn** also noted the possibility of a Summit in early September.

Letter to Trimble

24. This was raised by the Irish: it was agreed that they would feed in any comments over the next few days.

25. The meeting ended at 13.30.

signed

ANITA BHARUCHA
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