

FROM: James Tansley, Dublin
DATE: 25 July 1997

cc: PS/Mr Murphy (L&B)
PS/PUS (L&B)
PS/Sir David Fell
Mr Thomas
Mr Steele
Mr Bell
Mr Stephens
Mr Watkins
Mr Ray - MUFAX
Mr Beeton
Mr Brooker
Mr Hill
Mr Lavery
Mr Maccabe
Mr Lamont, RID - fax
Mr Budd, Cabinet Office - fax



PS/Sofs (L&B)

MEETING OF LIAISON GROUP - DUBLIN, 25 JULY

1. A Liaison Group meeting took place in Dublin today. Mr Thomas led the British side, supported by Messrs Stephens, Lavery, Perry and myself. Mr O hUiginn led for the Irish side, supported by Messrs Donoghue, Mansergh, Kirwan, Cooney, Hickey, Hare and Montgomery.

SUMMARY

2. A good natured meeting with discussion focussed on the timing of the establishment of the International Commission, and on how best to move the talks forward should agreement on decommissioning not be forthcoming. The Irish side continued to argue that the Commission should not be established before 15 September, although agreed that preparatory work should continue. Little discussion of the draft Communique for the Ministerial meeting on 29 July.

DETAIL

News from the Road

3. Mr O hUiginn opened the meeting by giving an account of the Taoiseach's meeting with Hume and Adams earlier in the morning. This had primarily been a courtesy call. The Taoiseach had given an outline of contacts between the two Governments on decommissioning and on the talks process, during which he had emphasised the extent to which the Prime Minister had been engaged. There had been a general discussion of confidence-building measures, with Adams raising Sinn Fein's concerns about prisoners (particularly those in SSUs in Britain) and asking about the possibility of a resumption of the early release programmes in the Republic.

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4. Adams had told the Taoiseach that the announcement of the ceasefire had taken many within the IRA by surprise. He had implied that the leadership was even now still educating many of the "troops". Adams had also expressed concern at the continuing high level of troops and police on the ground since the ceasefire, particularly in west Belfast.

5. Looking to the future, the Taoiseach had made clear that he was ready to meet party leaders. He had also indicated that the Forum for Peace and Reconciliation might reconvene on an occasional basis, but would not meet regularly. On the question of all party talks, the Taoiseach had reiterated that everything was on "on the table". Adams had said that Sinn Fein would continue to pursue a united Ireland.

6. Mr Thomas thanked the Irish side for their efforts in securing the IRA's ceasefire. Turning to the speech that the Taoiseach had made the previous evening, he expressed disappointment that the Irish Government had not notified HMG of its contents in advance. Mr Donoghue replied that a copy of the text had been delivered to the British side of the Secretariat at 7 p.m.. He accepted that this was not much notice, but stressed that the Taoiseach had been working on the text it up to the last moment.

7. Pointing out that HMG had published details of its exchanges with Sinn Fein, Mr Thomas asked what contacts there had been between the Irish Government and Sinn Fein in the run up to the IRA ceasefire. Mr O hUiginn replied that they had said nothing to Sinn Fein which was not already publicly known. A number of presentational issues had been raised, including the need for an understanding on the early release of prisoners in the Republic. But he was 99% certain that nothing new had been said. In support of Mr O hUiginn, Mr Mansergh said that the Taoiseach's speech the previous evening had clearly laid out the Irish Government's position. Aside from the question of early releases (which was a question for the Irish Government alone), there had been no change in policy.

8. Mr Stephens asked about the attitude of the Irish Government to Republican prisoners repatriated from the UK. The Home Office were concerned lest those transferred be released earlier than if they had served their sentences in the UK. Mr O hUiginn confirmed that he had seen nothing which might imply a change in policy from that of the last Government.

Decommissioning

9. Mr O hUiginn said it was necessary to focus on what needed to be done before the talks resumed. His understanding of his Minister's position was that, while the Irish side could be flexible in terms of preparation of the Independent Commission, it was a point of doctrine that this should be launched at the same time as the political talks. If the Commission was established before 15 September, this could be an indication that the two governments

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were prepared to act in a preemptory manner. It could also give Trimble an excuse to delay substantive negotiations until the machinery for decommissioning had yielded results.

10. Mr Thomas said that establishing the Commission before 15 September would be better than doing nothing. HMG wanted to proceed on this basis not out of concern of Trimble, but because it was in line with their overall policy. Mr O hUiginn countered by asking why the Commission needed to be set up before 15 September. It was not as if there was a backlog of arms to be dealt with. He also pointed to the need to take account of public perceptions. If, as seemed likely, the two governments decided to move to Plan B on 15 September, the announcement of the establishment of the Commission could help demonstrate that the move was not just for Sinn Fein's benefit.

11. Mr Thomas said that this was an issue which the Secretary of State, and possibly the Prime Minister, would want to discuss further. Meanwhile, it would be useful to check that all preparatory work for the establishment of the Commission was in hand. Mr Hickey said that work on the draft agreement was well advanced. Preparation of the various statutory instruments and orders in both jurisdictions could also be taken forward quickly. The identification of members of the Commission and other practical arrangements could take more time. Operationally, the next step was to draft a joint Demarche to the US and Finnish governments, asking for suitable candidates.

12. Agreeing with this analysis, Mr Thomas also pointed to the need to consider when and how to consult the parties. Although they could not stop nominations to the Commission, they could block the appointment of Chairmen in the talks (which would be particularly relevant if de Chastelain was appointed to the Commission). Mr O hUiginn said that this was another reason to be cautious in proceeding with the establishment of the Commission. It would be wrong to commit de Chastelain if this was to have a damaging effect elsewhere.

13. In summing up the discussion, Mr Thomas said that it would be helpful if a document could be prepared spelling-out the precise position for the Ministerial meeting on 29 July.

Plan A and Plan B

14. Mr Thomas said that it was necessary to consider what to do if agreement could not be reached on decommissioning in September. In his view, it was important to minimise disruption. Plan A and Plan B were not that different. Both involved the same agenda, participants, timescale and need to take account of decommissioning. If it was not possible to take forward the current talks process, it would be wrong to abandon it completely. The two governments also had to be in a position where they could get all the parties around the table again if that proved possible. If agreement was not reached, there were a number of ways forward. One course of action (which Mr Thomas named 'soft' Plan B), was that the two governments could declare that they now proposed to work in

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FRI 25 JUL 97 17:37

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consultation with the parties, with the intention of drawing up proposals to put to referenda North and South of the border. The second option ('hard' Plan B) envisaged a clean break with the current talks process, including the winding up of the Forum. His instinct was to aim for a soft Plan B. Mr O hUigin said the Irish Government agreed with much of this analysis. But he added that the two Governments had to have no doubt that they intended to pursue substantive talks.

15. Mr Thomas said that, whether Plan A or Plan B was pursued, he saw logic in producing a document laying out the Governments' position. (He added that he had not discussed this idea with Ministers). Mr O hUigin said that such a document should do nothing to detract or water-down the Framework documents. After some discussion, he accepted that whatever happened on 15 September, a clear agenda would be required. But any document produced would need to be carefully balanced to avoid deterring any of the parties.

16. Mr O hUigin drew attention to the presentational difficulties the two governments would face if, on 15 September, they chose to pursue Plan B. By its very nature, this involved the abandonment of the principle of sufficient consensus.

17. Concluding the discussion, Mr Thomas said that, if Plan B was pursued, the two governments might change their position, depending on progress. If it became clear after a few months that the parties did not agree on any issues of substance, they might move from "soft" Plan B to a harder position.

29 July Communiqué

18. Mr Thomas handed over a copy of the draft Joint Communiqué for next week's Ministerial meeting. The Irish side promised detailed comments after the weekend. Their only initial reaction was to question whether it would be premature to announce at this time that de Chastelain had been invited to serve as Chairman-designate of the Independent Commission.

Next Meeting

19. It was provisionally agreed that the Liaison Group should aim to meet again in the week beginning 4 August.

(SIGNED)

A J N TANSLEY

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