

30. Jul. 1997 11:42

IPL NIO LONDON

No. 2497 P. 3/9

CONFIDENTIAL

Top: FA/PS

FROM: DAVID BROOKER
IPL DIVISION
30 July 1997

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VC

cc: as attached

Note for the Record**MEETING BETWEEN OFFICIALS AND SINN FEIN: MONDAY 28 JULY 1997**

Officials met Sinn Fein on 28 July in Castle Buildings. The meeting, which began at 11.00 am and lasted for an hour, was the first meeting since the announcement of the IRA ceasefire. Messrs Thomas, Stephens and Brooker were present on the Government side; Sinn Fein were represented by Gerry Kelly - who did most of the talking - Pat Doherty and Siobhan O'Hanlon.

Summary

2. A generally friendly, brisk and business-like meeting which was useful for preparing the way for a meeting with the Secretary of State. Sinn Fein were not looking for arguments and there was an element of going through the motions as they sought reassurance on the future of the Talks process, decommissioning, demilitarisation and prisoners. In turn, officials emphasised the way that it was in Sinn Fein's gift to create the necessary confidence that the ceasefire was genuine and thus to create the climate to facilitate progress on de-escalatory measures and prisoners. Sinn Fein were offered two dates for a meeting with the Secretary of State - 6 and 4 August, in that order. They also floated the idea of Junior Ministers meeting Sinn Fein to discuss social and economic issues.

Detail

3. Thomas opened the meeting by welcoming Sinn Fein back to Castle Buildings. He acknowledged the significance of the ceasefire and was glad that events had moved to their present stage. He hoped that this augured well for Sinn Fein's inclusion in Talks. As to the purpose of the meeting, he regarded this as primarily to prepare for a meeting between Sinn Fein and the Secretary of State. He had some dates to offer; it would also be useful to look at the agenda too. Kelly agreed.

-1-

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:43

IPL NIO LONDON

No. 2497 P. 4/9

CONFIDENTIAL

4. In response to a question from Kelly, Thomas outlined the point that had been reached in the Talks. They remained locked in the opening Plenary. Despite sustained efforts to reach agreement on the mechanics of decommissioning, efforts which dated back to last Autumn, no agreement had yet been reached. The two Governments had attempted to chart a way forward by tabling joint proposals but these had ultimately failed to achieve sufficient consensus. A Plenary session of the Talks was planned for today. He expected that the parties would meet and then adjourn until 9 September.

5. On decommissioning, Thomas emphasised that the two Governments remained committed to the joint paper. They were also committed to the launch of substantive talks in September. The failure to reach agreement on decommissioning had caused a gap which would need to be bridged.

6. Kelly asked whether the Rules of Procedure allowed any room for manoeuvre. People were beginning to talk of different scenarios, possibly the Chairman moving the Talks forward under his own powers or the Talks changing into a different format. Did the problem have to be solved by sufficient consensus under the Rules of Procedure?

7. In response, Thomas said that it was a matter of finding a basis for agreement. The Chairman could use his authority to move the process forward, but only with the agreement of the parties. Otherwise it was a matter of solving the problem by sufficient consensus. In practice, this was the best route; the two Governments would go on exploring the possibilities. But if that did not work the Governments could examine whether people would agree to move on in the absence of agreement on decommissioning.

8. As an aside, Kelly encouraged the Government to adopt the South African interpretation of sufficient consensus. That is, treat it as an 'art form' rather than legalistically. But he wondered again whether in the absence of agreement on decommissioning there would have to be a new Talks process? Thomas repeated that there was a range of possibilities but that the Government's attention was on the present process. Whatever creative view was taken of "sufficient consensus" it was unrealistic to pretend it could be achieved without the UUP. Kelly appeared to accept this.

9. Stephens asked what Sinn Fein would like to see. Kelly said that what they wanted was substantive negotiations that were as inclusive as

-2-

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:43

IPL NIO LONDON

No. 2497 P. 5/9

CONFIDENTIAL

possible. They needed to be sure that there was a determination by both Governments to have inclusive negotiations. Thomas said that Sinn Fein would no doubt find it helpful to discuss the way forward with the Secretary of State. There was an issue of what Sinn Fein themselves could say and do to help bring about inclusive negotiations. Kelly emphasised that Sinn Fein were not in the business of trying to squeeze the Unionists out of Talks.

10. Kelly enquired about documentation for the Talks. Was there a list of papers that Sinn Fein could usefully start reading? Thomas suggested that the party raise this with the Chairmen and their staff (whom Sinn Fein were meeting at 1.30 pm). For its part, the Government would encourage the handing over of relevant papers but as a matter of practicality this was a matter for the Chairmen, not the Government.

11. Kelly sought clarification of the two Governments' statement the previous week which invited the parties to consult with them in the run up to the September Talks. What did this mean for Sinn Fein? They would be looking for equality of treatment. Thomas envisaged that these consultations would provide opportunities for preparatory work, both on the substantive negotiations and on decommissioning. The discussion they had just had could be regarded as part of their consultations. He doubted whether the two Governments would maintain a continuous presence in Castle Buildings throughout August but if parties wanted meetings no doubt arrangements could be made.

12. Kelly enquired where things stood on the issue of prisoners. This was an important issue to the Republican movement. These were not matters for negotiation between the two sides but were issues of fair treatment. Thomas agreed that they were not for negotiation. He then brought Sinn Fein up to date on the specific issues referred to in his letter of 9 July to Martin McGuinness. The letter had referred to the review of the security classification and conditions of prisoners in the SSUs, which would be conducted in the light of the reduced security threat and threat of escape attempts. This review would begin within the next few days. The level of security classification of prisoners would continue to reflect the level of the assessed threat. In re-assessing the threat in the light of the ceasefire the Home Office would have to bear in mind that the Whitemoor escape took place during the last ceasefire. Of course Sinn Fein's own words and actions could themselves have a bearing on the perceived threat.

-3-

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:43

IPL NIO LONDON

No. 2497 P. 6/9

CONFIDENTIAL

13. Kelly deployed an anecdote about his own father's experiences in Wormwood Scrubs, which was clearly intended to add colour and weight to his argument. His father had fought a battle against the SSUs in the 1970s because they were degrading and inhuman. He had not been incarcerated in one himself but his party felt strongly that these Units should not be used. We were now in a "different situation". The continued use of the SSUs created great tension and should be stopped. Sinn Fein did not want a repetition of what happened during the last ceasefire, when prisoners in the SSUs had got worse treatment than before the ceasefire. Thomas took note, again mentioning the relevance of the Whitemoor escape.

14. As regards other prison matters in his letter of 9 July, Thomas explained that the Government was seeking clarification from the new Irish Government about its policy on the release of prisoners. Once that clarification had been received the way would be clear to take decisions on individual repatriation cases. Since his letter of 7 July, three further repatriation cases had been referred to the Irish Government. The letter had also indicated that the Home Secretary would shortly set tariffs for four long term prisoners; this remained under active consideration.

15. Kelly raised the issue of temporary transfers to Northern Ireland. These were unacceptable; the transfers should be made permanent. Otherwise prisoners were treated differently; prisoners were being denied compassionate parole. Stephens explained that there were legal changes which were expected to be made in the Autumn which should improve the situation.

16. Kelly mentioned that a delegation from Sinn Fein had visited the Maze on Friday. As a result of that visit they would now like to seek the approval of the authorities for the release, on temporary parole, of Patrick Wilson, the leader of the republican prisoners in the prison. The purpose of the leave would be to allow him to have a long discussion with the Sinn Fein leadership, which would help the situation in the prisons. There were precedents from the 1970s. Sinn Fein were looking for political support for the idea from within the NIO; they suspected that they might receive a negative response from the prison authorities. Thomas nevertheless encouraged the party to raise the issue with the Prison Department in the first place; he hoped that the request could be accommodated but did not know the context. Thomas noted that the

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:44

IPL NIO LONDON

No. 2497 P. 7/9

CONFIDENTIAL

record of respect for such undertakings by republicans was good. Kelly said that there would be no problem with Wilson returning to the prison.

17. In response to a question from Brooker, Kelly also mentioned that the party intended to visit Maghaberry the following day (Tuesday) then Portlaoise at a later point. They also hoped to visit four English jails next week - Belmarsh, Frankland, Full Sutton and Whitemoor. These would be one-off visits and they hoped they could take place on the same basis as the visits to the Northern Ireland prisons. They hoped the NIO would smooth the way. Thomas took note.

18. Kelly raised the issue of demilitarisation. The community needed to see things happening following the ceasefire announcement. The party had a particular concern about plastic baton rounds. They were a lethal weapon. The police and army should stop using them in the "changed situation".

19. Thomas explained that the authorities would want to move according to their assessment of the threat. No doubt they would want to move as quickly as circumstances permitted; Sinn Fein could no doubt help in this respect, through its words and actions. The more that the authorities could have confidence that the ceasefire was complete and holding, the more they would be able to move quickly.

20. Kelly said that he hoped that these would not just be military decisions; the intelligence services got it wrong. This was a political situation, requiring political decisions. Thomas acknowledged the political context. On baton rounds, he hoped that the security situation would be such that there was no cause to use them.

21. Kelly referred briefly to other confidence building measures - funding of Irish language and parity of treatment. People needed to see the manifestations of the new situation. These were issues they might pick up with the Secretary of State. Thomas again emphasised that the more complete and demonstrable the ceasefire, the easier it would be for the authorities to move on the issues of interest to Sinn Fein. There was concern about a recent incident at Ballsbridge where a robbery appeared to be being planned. He did not know if the IRA were involved, but generally if people saw evidence of activity it would be much more difficult to move in the way Sinn Fein were seeking. Kelly opined that it would be wrong for the Government to wait six weeks before doing anything.

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:44

IPL NIO LONDON

No. 2497 P. 8/9

CONFIDENTIAL

22. There was a brief reference to marches. Thomas explained that the Secretary of State was very preoccupied with what might happen during the rest of the season. There were obvious concerns about Derry. The Government was working hard but this issue, like others, was a two-way street. Sinn Fein had a lot of influence which it could use to positive effect.

23. Thomas turned the discussion to the question of the agenda for the Secretary of State's meeting. He expected that she would want to talk about the establishment of the ceasefire and Sinn Fein's progress towards talks. The stronger the ceasefire, the better the prospects from Sinn Fein's point of view. Other issues they might cover included confidence building measures, on which both sides would have points to make, and the round of consultation with the parties. As to dates, the Secretary of State would be available at 11.30 on 6 August; Sinn Fein thought that would be all right, subject to confirmation with Gerry Adams. As a fall-back, the Secretary of State could be available at 4 pm on 4 August. Sinn Fein agreed to let us know as soon as possible whether the 6th could be confirmed.

24. Thomas said that it was not quite clear what the pattern of contact would be after the Secretary of State's meeting. Dr Mowlam was wondering whether the party would be interested in discussing Welfare to Work with Mr Worthington and/or the economy with Mr Ingram. In response, Kelly thought these meetings could be helpful.

25. Sinn Fein raised a number of practical issues. Kelly, supported by O'Hanlon, made a strong plea that the party should receive the same range of allowances as the other parties (travel, subsistence, research, etc). Kelly pleaded that they were "a poor party" and that most of their delegates were on the dole; they needed the moneys to be paid now. This was fully justified because Sinn Fein were in Castle Buildings, having meetings with the other parties, etc. Others had not had to go through the six week qualifying period; why should Sinn Fein be punished?

26. Stephens said there was no question of punishment. Allowances and expenses could be paid once the party were formally invited to talks, after the Secretary of State had made her judgement. The background to the current situation was that the Government had set out, in the aide memoire, a series of confidence building measures to use the six week period constructively. Thus, Sinn Fein were in Castle Buildings, meeting officials, Ministers etc. But the formal invitation to talks had not yet been

-6-

CONFIDENTIAL

Brooker/1792

30. Jul. 1997 11:44

IPL NIO LONDON

No. 2497 P. 9/9

CONFIDENTIAL

issued; until that happened we had no legal authority to pay allowances, etc. The invitation could, of course, be issued earlier than 15 September but until it was, no money could be paid.

27. Kelly pressed the case, in this situation, for payments to be backdated. Sinn Fein would accept that. This was an issue of equality between parties. Thomas brought the exchanges to a close by repeating that there was a legal dimension to this which limited the scope for decisions.

28. As part of this discussion, Sinn Fein also complained that they had been given three offices on earlier occasions but had now been reduced to two. There were also problems over car park spaces. Stephens encouraged the party to take these issues up directly with the TAU.

29. Thomas wound-up the meeting by repeating that it was good to have Sinn Fein back in the building and that the Government side wanted Sinn Fein to feel that it was being properly treated. The two sides agreed that contacts with the press would be handled on the basis that this was essentially a preparatory meeting ahead of a meeting with the Secretary of State.

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