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FROM: D J R HILL
CONSTITUTIONAL & POLITICAL DIVISION
30 JULY 1997

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AC

cc: PS/Mr Ingram (L&B)
 PS/Mr Murphy (L&B)
 PS/PUS (L&B)
 PS/Sir David Fell
 Mr Thomas
 Mr Steele
 Mr Watkins
 Mr Leach
 Mr Bell
 Mr Stephens
 Mr Wood (L&B)
 Mr Lavery
 Mr Perry
 Mr Maccabe
 Mr Beeton
 Mr Brooker
 Mr Priestly
 Mr Whysall
 Ms Mapstone
 Ms Bharucha
 → Mr Lamont, RID
 → HMA Dublin
 → Mr Clarke, Dublin
 → Mr Holmes, No 10
 → Mr Sanderson, Cabinet Office

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PS/Secretary of State (L&B)

MEETING WITH IRISH MINISTERS, 29 JULY

I attach a record of yesterday's meeting between the Secretary of State and Mr Burke.

(Signed: David Hill)

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**MEETING BETWEEN THE SECRETARY OF STATE FOR NORTHERN IRELAND AND THE
IRISH MINISTER FOR FOREIGN AFFAIRS AT IVEAGH HOUSE, DUBLIN, ON TUESDAY
29 JULY 1997**

Those present

Secretary of State
Paul Murphy MP, Minister of State
HMA Dublin
Mr Thomas
Mr Stephens
Mr Bell
Mr Hill
Mr Lindsay

Ray Burke TD, Minister for Foreign Affairs
Liz O'Donnell, Minister of State
Mr Kernaghan
Mr OhUiginn
Mr Donoghue
Mr Cooney
Mr O'Donnell, DOJ
Mr Hickey, DOJ
Mr O'Flain

Summary

An amicable and constructive meeting. The Irish side showed every sign of wanting to go the extra mile in helping the UUP to remain engaged in a fully inclusive talks process:

- within the limits of the existing joint policy position on decommissioning they were willing to explore any way of re-presenting that position if it would be sufficient to secure Mr Trimble's support;
- they committed themselves to making all the necessary preparations to establish the Independent Commission alongside the launch of substantive negotiations, and stand ready to choreograph the various practical steps (signature of International Agreement, making of Commencement Orders, conferral of immunities, appointment of members etc) over the last week of August/first two weeks of September, or whatever timescale would suit Mr Trimble better;
- while agreeing on the need to have a credible fallback strategy in place for launching substantive negotiations on 15 September even if the UUP cannot be brought to agree the two Governments' decommissioning proposals, they showed a proper appreciation of the need to maximise the prospects for UUP engagement in such a process. (At the subsequent press conference Mr Burke

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squashed the notion that the two Governments might be considering any alternative to the current talks process.)

Detail

2. In his opening remarks Mr Burke said that he thought the two Governments' joint commitment to the start of substantive negotiations on 15 September had ensured that the lack of sufficient consensus support for their decommissioning proposals on 23 July was not seen as a dramatic blow to the talks process. The task now was to prepare for 15 September.

3. He went on to make the following points:

- the Taoiseach, John Hume and Gerry Adams had met on 25 July and issued a "good" statement. Gerry Adams had been "very positive". He noted that British officials had met Sinn Féin representatives the previous day, as had Senator Mitchell, all of which was important for public perceptions;
- the Irish Government planned to meet as many parties as possible by early September. The PUP (David Ervine) had responded positively to an invitation. The UDP (Gary McMichael) had taken receipt of their invitation without comment. The Northern Ireland Women's Coalition were keen;
- so far as the Unionists were concerned, the Taoiseach was very anxious to meet David Trimble and Mr Burke asked the Secretary of State to pass that on. He had been bothered by the negative tone of John Taylor's comments at the previous day's plenary;
- the two Governments, especially HMG, should do all they could to encourage those businessmen, church leaders etc which the UUP would be consulting to take a positive approach. Contacts with the Loyalist parties suggested that they were receiving solid public support for their commitment to the talks, and he

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hoped the UUP would appreciate that they could win support for a similarly positive stand;

- the two recent sectarian murders in Northern Ireland had been totally appalling and underline the urgency of moving forward. He asked whether there was any evidence of LVF involvement in the murder of Bernadette Martin. [The Secretary of State said it did not appear to have been "authorised" but undertook to keep the Irish side briefed on developments].

4. Responding, the Secretary of State began by acknowledging the significance of the IRA ceasefire, and expressed appreciation for the role of the Taoiseach and others in the Irish system for helping to bring it about. [Mr Burke complimented the Prime Minister and the Secretary of State on their contribution.] The Secretary of State said that she and Mr Murphy would meet Sinn Féin next week. HMG would do what it could to facilitate Sinn Féin's introduction into the talks process and would stick to the letter of the aide memoire. But the Republican Movement had to play ball too: words and actions had to be consistent with an unequivocal restoration of the ceasefire. The attempted armed robbery in Ballsbridge earlier in the week could not be ignored. [Mr Burke undertook to keep the British side fully briefed on that incident and on the previous week's discovery of a consignment of hand guns being imported via Dublin: there was no information about the intended recipient of the weapons. Mr OhUiginn interjected to say that the IRA could be in the clear, if only because one of the couriers originally arrested, and since released, was actually called Martin McGuinness!]

5. The Secretary of State said that the way Sinn Féin exercised its influence on the Bogside Residents' Group in relation to the Apprentice Boys of Derry parade on 9 August could also be significant. Mr Burke said that the Taoiseach and John Hume had impressed on Gerry Adams the desirability of facilitating the ABD "pageant". Mr Trimble confirmed that at the official level meeting with Sinn Féin the previous day, Sinn Féin's response to this point had been "non-committal" but the body language positive. The Secretary of State confirmed that she would consult the Irish Government

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about her decision on issuing an invitation to Sinn Féin to join the negotiations, a decision she intended to take on the last Friday in August.

6. On the UUP, she accepted that John Taylor's remarks were unhelpful but, given the divisions in the UUP there were bound to be many silly comments. The two Governments had to plough on. She agreed on the desirability of building up a positive head of steam in the media and the wider community in support of fully inclusive negotiations, and mentioned that she was considering a polling exercise to bring out the extent of support for that.

Commitment to Plan A

7. Turning to the main business of the meeting, Mr Burke repeatedly emphasised the Irish Government's "strong preference" for "Plan A". They wanted to achieve the least possible disruption of the present process, which all the parties now seemed settled into. He knew from a conversation with Davy Adams that the Loyalist parties would be very nervous of any move away from the present arrangements, especially the requirement for sufficient consensus. On the other hand, the two Governments could not allow David Trimble to exercise a permanent veto on progress, by keeping the whole process hostage in his search for decommissioning. If he tried that in September the two Governments would have to find a way of moving the process forward around him. However, in an attempt to meet UUP concerns on decommissioning

- the Irish Government would do "everything possible" to meet Mr Trimble's bottom line, if HMG could establish what that was;
- he assumed the Prime Minister would be responding to Mr Trimble's outstanding letter of 30 June and hoped that would be helpful, although he pointed to the extreme sensitivity of the issues and asked to be consulted or at least briefed on what was to be said;

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- the Irish Government was ready, in line with its firm commitment to the joint proposals of 25 June, to engage in all necessary preparations for the establishment of the Independent Commission alongside the launch of substantive negotiations. He argued that any earlier move would only put pressure on David Trimble to wait until the decommissioning machinery had delivered some actual decommissioning before entering substantive negotiations and commented that, in any event, the Irish had no wish to be seen to "reward" Mr Trimble's intransigence; but he accepted that the two Governments needed to send a signal to the wider community that they were genuinely serious about decommissioning;
- the Irish Government was ready to agree to General de Chastelain's appointment as Chairman-designate of the Independent Commission, but only once the UUP said they were ready to relieve him of the Chairmanship of Strand 2 (which would require an amendment of the Rules of Procedure).

8. The Secretary of State

- agreed that any draft reply to Mr Trimble's letter of 30 June would be discussed with the Irish side;
- acknowledged the point about General de Chastelain's appointment and said she would ask Mr Trimble about it the following day. Recalling a brief conversation with General de Chastelain the previous day she wondered whether he could continue as Chair of the Business Committee. The Irish side were clearly uneasy about this: Mr OhUginn suggested that the SDLP would have objections to bringing the decommissioning role so close to the heart of the negotiations;
- commented that it would be equally helpful to know where Sinn Féin's bottom line was on the issue of decommissioning;

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- agreed that "Plan A" was far preferable to any alternative. It provided the best and most efficient negotiating structure, built up over years of effort and should not lightly be discarded. But she accepted that the two Governments needed to plan how to move ahead if Sinn Féin joined the negotiations on 9 September and the UUP refused to engage. She hoped it might be possible to go for a "fudge" in which substantive negotiations would take place in bilaterals, trilaterals or whatever within the "shell" of Plan A, with occasional plenaries meeting for an inclusive discussion of decommissioning. The reported UUP decision to participate in public exchanges with Sinn Féin could be an encouraging sign of the UUP testing the water for a more substantial engagement.

Movement on the Independent Commission

9. Mr O'Uiginn argued that the two Governments must be seen to honour their commitment to substantive negotiations beginning on 15 September, come what may. Sinn Féin needed to have a credible process beginning then. They wanted the UUP to break their taboos and join in fully inclusive negotiations but appreciated that the two Governments could not force any party to participate if it did not want to. So far as decommissioning was concerned, this was a serious objective: it had to be discussed and a satisfactory resolution of it would be part of any settlement. The Irish Government had brought Sinn Féin as far as it could go on decommissioning: the proposals of 25 June and the clarification of 16 July represented the high water mark of what was possible for Sinn Féin - going any further would "frighten them".

10. However, he continued, the Irish Government was willing to consider any "optical variations" which might help the UUP. The problem was that David Trimble seemed to want an eject button he could press if there was no decommissioning: it would be "cruel" to concede this as he would then be left under terrible pressure from the Unionist community if he colluded in keeping Sinn Féin in, or incur the odium of the rest of the world if he threw them out. However, the Irish Government would be willing to build up the decommissioning agenda and orchestrate a series of practical steps (signing

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the International Agreement, making Commencement Orders under the legislation, appointing Commissioners, conferring immunities etc) which would project an appropriate signal of commitment on decommissioning to the Unionist community.

11. The Secretary of State said this would be very helpful but referred to the Prime Minister's desire to see movement on this front before 15 September. Mr Burke said that the Irish would be willing to do everything short of making the Commission fully operational before 15 September. Everything could be put in place to enable the Independent Commission to start work as the substantive negotiations began. Mr O'Uiginn suggested that the timing of the various practical steps he had outlined might be discussed with Mr Trimble; but his own view was that if taken now their effect would be lost and that it would be better to play them in, in an orchestrated way, during the last week of August and early September. If the Prime Minister wanted to say something specific to Mr Trimble tomorrow he could either give a private assurance or rely on the communiqué to be issued after the meeting which would record the two Governments' commitment to having the decommissioning machinery in place and fully operational by 15 September.

Possible alternatives to "Plan A"

12. Mr Burke returned to the need for the two Governments to have a firm contingency plan available in case the UUP refused to agree anything on decommissioning or join substantive negotiations on 15 September. The two Governments needed to work up an agenda, an outline timetable and a programme of work to be carried forward by both Governments, and all that needed to be ready by 9 September. The Secretary of State acknowledged that there was a need to be prepared but cautioned that the two Governments should not take their eye off the ball and abandon "Plan A" too lightly. Any suggestion that the two Governments were considering an alternative approach would alarm people, especially if a perception developed that the two Governments were planning to override at least the first element of the "triple lock" and impose something over the heads of the parties, albeit subject to referendum.

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13. In subsequent discussion there was general agreement that

- for the present the two Governments should maintain a position of "robust optimism" that decommissioning would be resolved and that substantive negotiations would start on 15 September; and take the line that active preparatory work was needed over the summer in both areas. The kind of preparations for substantive negotiations envisaged by Mr Burke would be necessary whichever plan we were on;
- if on 9 September there was no agreement on decommissioning it would be sensible to test whether the UUP would be content to leave decommissioning formally unresolved and move into substantive discussions in the three strands, possibly using "variable geometry";
- if not, the two Governments needed to have a credible posture which could deliver substantive negotiations beginning on 15 September and some thought should be given to how that should be presented;
- there would be a difficult and sensitive balance to strike between using the authority of the two Governments to give credibility to a proactive, clearly focused and timetabled process of drawing up proposals to be put to referendum, and avoiding any impression that the two Governments were out to impose a settlement. Unionists would be put off by too crude an assertion of the two Governments' "joint management" of the negotiating process. It would be crucial to emphasise the two Governments' determination to consult the parties;
- there was undoubtedly an element of bluff in any such approach. The Irish side acknowledged that it would be "madness" to put any proposed settlement to a referendum without broad support among the Northern Ireland parties, but it would be equally wrong to allow the search for sufficient consensus on decommissioning to hold up progress on the substantive issues. The trick

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would be to launch a process of substantive negotiation which the UUP could not veto and which would maximise the incentives for them to participate in order to influence the outcome. It was difficult to see how, in conditions of continuing peace where the real negotiation going on, the UUP could resist the pressure to participate, in one form or another. Indeed, they were clearly already toying with alternative negotiating structures, as were the DUP. (Even the UKUP had been quick to follow their "walkout" with an amicable meeting with HMG);

- whatever path we were on by 15 September it would be right to establish the decommissioning mechanisms by then anyway. [This assertion by the British side was not challenged by the Irish and would be implicit in their readiness to begin practical steps to establish the Independent Commission from late August onwards].

14. Ultimately, it was agreed that officials should be tasked to draw up detailed proposals (apt for any eventuality) for taking forward the substantive negotiations; and to prepare, on a contingency basis, an approach which the two Governments might adopt if by 15 September it was clear that round table negotiations were not possible. Mr Burke interjected that the "broad headings" of any proposal for carrying the negotiations forward would need to "correspond" to the Joint Framework Document.

15. Towards the end of the meeting the Secretary of State noted the significance of the UUP conference on 25 October: it might mean that Mr Trimble would not want to show much flexibility before then, but there was no guarantee he would be more flexible afterwards.

Communiqué and press conference

16. The attached communiqué was agreed without difficulty, with the Irish side apparently quite willing to make firm commitments on the Independent Commission. The general tone of working to prepare the ground for agreement on decommissioning

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and for substantive negotiations beginning on 15 September was carried through into the press conference, during which Mr Burke flatly denied that the two Governments were considering any "Plan B". He also unfortunately revealed that Mr Trimble would be meeting the Prime Minister and the Secretary of State the following day.

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