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SECURITY POLICY & OPERATIONS 1

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NORTHERN IRELAND OFFICE (B)

FROM: JULIE MAPSTONE
IPL
21 NOVEMBER 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Malcolm Moss (DHSS, DOE&L) - B
PS/Baroness Denton (DED, DANI&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Steele - B
Mr Bell - B
Mr Leach - B
Mr Watkins - B
Mr Stephens - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Priestly - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Ms Bharucha - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, TAU - B
Mr Lamont, RID FCO - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B

c- (A)

NOTE FOR THE RECORD

TALKS, 18 NOVEMBER 1996

Pre-Brief

Discussion in the pre-brief centered on the strongly antagonistic reaction of the Irish to the HMG decommissioning proposal paper, shown to them last week, and the arguments to be deployed with them in the bilateral later in the day were rehearsed.

The SDLP/UUP bilaterals last week were inconclusive and both sides had let it be known that they saw value in continuing with them.

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The SDLP were reported as feeling let down because the UDP had not discussed their decommissioning proposals paper with the SDLP as promised.

The other point of discussion was the need to bring Hume-Adams to a head this week, particularly in view of the criticism emanating from the UUP. The first stage in this process was to pass the latest text with the compromise entry procedure to the Irish. Agreement from No. 10 was awaited on this move.

Meeting with the Chairmen

At a brief meeting with the Irish and the Chairmen it was agreed that it would be better to adjourn today's plenary until Wednesday because of parliamentary demands on the time of MPs, and to allow further bilaterals, particularly in the case of the UUP and SDLP. General de Chastelain indicated he wished to have an early meeting with the two Governments, following his bilaterals on decommissioning with all parties last week. He now had a timetable to take us to the end of the year and outline suggestions for further action. Senator Mitchell would be away for most of this week.

Plenary

The plenary commenced at 12 noon. Consideration of the minutes was postponed. The Chairmen reported that four parties - NIWC, DUP, UKUP and UUP - had taken the opportunity to put in papers on proposals for decommissioning. Peter Robinson and David Trimble both expressed disappointment at the limited number of parties which had submitted further papers, and asked whether any more would be forthcoming, particularly from the Governments. Both Alliance and SDLP indicated they thought it was more helpful to engage in bilaterals at this stage. The two Governments gave much the same message, the Secretary of State reserving the right to put a paper

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in at a later date. Despite protests that his intervention was substantive and not procedural, Mr McCartney summarised the main points of the three Unionist Party papers as:

parties which are linked to paramilitary groups must

- ensure a permanent ceasefire;
- accompany the ceasefire with a handing over of weapons;
- make the commitment to the six Mitchell principles; and
- accept that decommissioning cannot be linked to political progress.

Following a request from the SDLP for an adjournment to allow further bilaterals, supported by the DUP and the UUP, the plenary adjourned at the call of the Chair, which would be not before Wednesday at noon.

The pressure for the Government to table a paper on decommissioning proposals was discussed after the plenary. The current paper would need to be discussed first with the Irish and the Unionists.

Bilateral with the Irish

The Secretary of State introduced the meeting with the Irish by describing the route to the 1 October joint conclusions paper, the two Governments' - in the event failed - attempt to get round the impasse. We had not resiled from the 1 October paper but it was clear it would not work, and it was important to put forward a compromise position, if only because the process may break down on this point. In response to Unionist fears about the Committee in the joint paper, and their need for political cover against DUP and UKUP, the Government's most recent attempt moved nearer to an

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inchoate Commission, although there would still be a need for a Liaison Committee. The ideas in the paper had been discussed with Mr Trimble, who had been cautious in his response.

Mr Coveney expressed strong dislike of a process in which the decision on when decommissioning should start was taken outside the political process. It seemed to be heading back to Washington 3 - a point refuted by the Secretary of State. With reference to the UUP paper, he said they could not agree to process which meant Sinn Fein could never enter talks. He viewed it as highly unlikely that David Trimble's need for political cover could be met, and he returned to previous arguments about the ratchet effect of Unionist demands.

Sean O'hUiginn described the HMG paper as a trap, not an exit strategy, and saw no merit in it. The Unionists in his view were using decommissioning as a bar to substantive negotiations, and their fear of a pan-nationalist front was false; either of the major groupings, nationalist or unionist, could prevent progress at the talks; avoiding this possibility was unrealisable.

Michael Ancram asked how, under the terms of the joint conclusions paper, decommissioning would be triggered. Mr O'hUiginn said this would happen in the negotiations; the Governments would make the judgement in consultation with the parties. Mr Hickey intervened at this point saying that in fact only the paramilitaries could in practice make that judgement.

Mr Thomas explained that essentially the only new element in the proposal was the ability of the Commission to offer a judgement of when decommissioning could start, but it could not make the decision. The response to that judgement could not be predicted; it may herald the point at which Unionists walk out; equally it may be the point Sinn Fein feel they have to show good faith by making a start to decommissioning. The unionists had not got their initial

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tranche of weapons, nor a schedule of benchmarks, and we would still be going into the three strands on the basis of decommissioning being addressed by both Committee and Commission.

Sean O'hUiginn asked whether the Commission would have access to paramilitary groups in order to assist with making this judgement. On being told no, he asserted that the process would ensure that political parties remained in thrall to their associated paramilitary groups. In a passionate outburst he said the proposal was doomed to failure with both loyalists and republicans, and that it would be more candid to say we were not seeking an inclusive process. The Commission would not get co-operation and he described the likely result as "worse than a farce".

The Secretary of State pointed out that unless decommissioning was only addressed as part of an overall settlement, these objections were equally true of any scheme. This proposal merely alters the terms of trade between Committee and Commission, and gives the Commission a role which is not entirely mechanical. The Secretary of State said that Mr O'hUiginn's view appears to be that the Mitchell compromise is not achievable. If we accept this, we accept the fact that the talks have already come to a halt. We are seeking a route which will deliver the hope of forward movement.

Mr Coveney assured the Secretary of State that they had not taken the view that it was the Committee or nothing, but were still prepared to search for a way through. He strongly pressed for a joint Government position; this would maximise pressure on the parties. He also referred to the Irish need for political cover within their own system; they don't want a breakdown, but neither do they want a settlement at any price.

Bilateral with the UDP

The UDP were gloomy about the prospects for agreement on decommissioning, refusing to say they would accept either the UUP or

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SDLP positions, but avoided specifying what they would regard as an acceptable compromise. They were critical of the UUP in particular, and accused them of using decommissioning as a proxy for keeping Sinn Fein out of the process. The sort of barrier they were wanting to erect would not be accepted by the SDLP or Sinn Fein. The UDP would not be drawn however on what they saw as appropriate entry requirements for Sinn Fein, although they said a delay between ceasefire and entry seemed unavoidable. In McMichael's view, Sinn Fein/IRA were not stable and it was therefore not possible to determine what was necessary at this stage. It could only therefore be left to Sinn Fein to provide the evidence which everyone, and especially the Government, would regard as convincing. The onus was not on others to create a set of circumstances for Sinn Fein to come in, but was rather up to them. He asserted that the loyalist ceasefire had been regarded differently because of the terms in which it was delivered.

The Secretary of State referred to his demand for evidence from deeds as well as words should there be a new ceasefire. McMichael pointed out that in paramilitary circles, words carried great significance; they constituted public position statements and were taken as more honourable, it being seen as a duty to remain consistent with previous statements. He reminded the Secretary of State that the last IRA ceasefire had not been dishonoured by the return to violence because the wording of the ceasefire had talked about "total and complete" but hadn't mentioned a time period.

The discussion then moved on to prisoners and the alleged failure of HMG to make concessions to loyalist prisoners, particularly those serving life sentences, in the light of the continuing ceasefire. The Secretary of State pointed out that anything that was done applied across the board. John White argued that the Life Sentence Review Board could regard loyalist prisoners differently within the rules because of the reduced risk as a result of the ceasefire. Joe English's intervention in this discussion produced some acrimony,

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and as the Secretary of State pointed out, he scorned as worthless possible changes which had been on the original loyalist wish list. The Secretary of State accepted the importance of prisoner issues and the major importance of the maintenance of the ceasefire. He agreed to take the point raised on board.

Bilateral with the UUP

The UUP team, led by Mr Trimble and Mr Maginnis, launched directly into complaints of being left out of the loop on the Hume-Adams initiative. Their uncertainty about what was happening on this was they said hampering their ability to move forward on decommissioning, and they resented being "the one party left in the dark". (There was an exchange on this point between the Secretary of State and Mr Trimble on the extent on which he had been kept informed, Trimble finally saying he had seen no papers. The Secretary of State also reminded him that the Prime Minister had said he would see any text before publication.)

Their thesis on Hume-Adams was that HMG was getting sucked into a dangerous position where conciliating Sinn Fein becomes almost inevitable. Their perception was very much that a trap was being laid and the Taoiseach was "a nice man misled". They reserved particular opprobrium for the Secretary of State's response to Martin McGuinness in his Manchester speech. The message to the rest of Northern Ireland was that addressing Sinn Fein was the priority; the Government, in its anxiety to send signals to Sinn Fein was sending the wrong signals to everyone else.

The Secretary of State pointed out that the Government had to respond if there was a chance that restating policy could bring about a ceasefire. It had additionally been useful in the Manchester speech to tie McGuinness publicly into his comment about

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permanence. He said it was not the number one objective to see Sinn Fein in the process, but there was no doubt that any outcome would be more reliable if they were in. He then asked what was the UUP position on the entry of Sinn Fein into talks. Trimble responded that in his assessment Sinn Fein were not going to make commitment to peaceful and democratic methods. In the meantime, time was being wasted at the talks. The way out of decommissioning is to refine Sinn Fein entry conditions. Michael Ancram pointed out the political reality was that we needed agreement between the two governments, the UUP and the SDLP to move forward; tightening up entry requirements, even if it were possible to achieve within the legislation, would not win general support.

The Secretary of State having reminded Mr Trimble that he had been taken through the HMG decommissioning proposals paper already (which Mr Maginnis seemed unaware of), Michael Ancram then went over the main points again, emphasising the extra responsibility afforded to the Commission in the plan, but also the necessary feedback into the liaison committee. Mr Maginnis seemed attracted by the realisation of the inchoate Commission, and asked whether the liaison committee precluded bilateral contact. The delegation appeared to reserve judgement on the scheme, but Trimble emphasised the need to know the entry arrangements for Sinn Fein, and the terms of reference of both Committee and Commission. Asked whether they in fact wanted Sinn Fein in talks, Ken Maginnis replied "realistically, no".

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