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SECURITY POLICY & OPERATIONS 1

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FROM: TED HALLETT
12 November 1996

cc PS/Secretary of State (B&L) - B (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
Ms Mapstone - 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

NOTE FOR THE RECORD

TALKS: 11 NOVEMBER 1996

Summary

The day's business consisted of Ministerial-level bilaterals with the Alliance Party and the UKUP in the morning and an official-level bilateral with the Irish in the late afternoon.

At the Alliance meeting, the Secretary of State asked Lord Alderdice to outline their proposal to refer decommissioning to an independent international commission in the form of the reconstituted international Body and how he proposed to sell this to the other parties. Lord Alderdice said that an international commission of the kind outlined in the Alliance decommissioning paper was the only way

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of making progress on decommissioning in parallel with the three strands. He would have early bilaterals with the UUP, the SDLP and the Irish Government to persuade them of this approach. He anticipated greatest difficulty with the Irish Government who, in his view, were pursuing an illuatory strategy of bringing Sinn Fein into the talks on the basis of a renewed ceasefire. He would seek an early "political" meeting with the Irish.

In the meeting with the UKUP, Mr McCartney sought clarification of the Government's conditions for Sinn Fein's entry into the process in the event of a restored ceasefire. He made clear that, for the UKUP a restored ceasefire had to be "permanent", with delivery of a first "tranche" of weapons, before Sinn Fein could enter the process. While not seeking explicitly to exclude Sinn Fein, he doubted whether they could be brought into the process without making concessions to them which would be unacceptable to the Unionist community.

In a bilateral discussion at official level with the Irish in the afternoon, Mr Hill indicated our wish to explore the possibility of making progress on the Alliance Party's suggestion for an independent commission to examine decommissioning, with the commission being given a remit to recommend when an appropriate stage had been reached, in terms of political progress, to require a start to be made to decommissioning. The Irish displayed a clear lack of enthusiasm for an approach on these lines.

Detail

The Secretary of State met an Alliance Party delegation led by Lord Alderdice at 11.45 am. He said that we were very interested in the ideas contained in the Alliance Party's decommissioning paper and asked whether these had yet been discussed with other parties. Lord Alderdice said that he hoped to see the UUP later in the day. He had spoken informally to Mr Trimble and Mr Taylor and sensed that their response was positive. He would need to probe them further but was satisfied that business could be done on the basis of the Alliance proposal. He thought that a positive response might also be achieved with the SDLP. He hoped to see them soon. The biggest problem would

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be with the Irish Government who were pursuing an illusory strategy of trying to establish a restored ceasefire so that Sinn Fein could be brought into the process. He was convinced that the basis for a restored ceasefire did not exist. There was a small window of opportunity to make progress in the talks before Christmas, after which the parties would be in a pre-electoral situation and "tents will be folded". It would be a disaster if that happened. He outlined a nightmare scenario in which Sinn Fein called a ceasefire, perhaps in February, which would put the SDLP on the defensive, with the risk that Sinn Fein would overtake them as the majority representative of nationalist opinion. If that happened there would be no prospect of an accommodation with Unionism. It was therefore necessary to press on with the current process as quickly as possible.

Mr Hill said that decommissioning was the key issue and asked whether the Alliance Party envisaged the independent commission taking decisions and what link would it have with the talks process.

Lord Alderdice said that the commission was a means of taking decommissioning out of the talks process. It was madness to seek progress on decommissioning through a sub committee on which all parties were represented. The only route was an independent commission to "do the technical job" of drawing up the arrangements for decommissioning. The commission would be responsible to the two Governments and not to the talks process. The two Governments would have to decide the basis on which it would work. There would have to be some form of liaison with the talks process to report on progress made. An explicit link with political progress, however, would give everyone an opportunity to block. It must therefore be kept separate from the talks process, with no line of authority, but with arrangements for liaison.

Mr Thomas agreed that liaison would be necessary to allow "benign interaction". He could see that the committee approach might be a recipe for deadlock. The Alliance-proposed commission might be a "source of moral authority" regarding the timing of decommissioning. Lord Alderdice saw the commission giving the Unionists cover to say

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to their supporters that real business on decommissioning was in progress in a way which was clearly different from the "fourth strand" committee approach.

Mr Hill asked about the commission's terms of reference. Lord Alderdice replied that its task would be to "deliver" the Mitchell proposals. It might deliberate for two months or so and then report back to the talks. It could examine the practicalities and provide the "political context" for decommissioning.

Mr Close wondered why the Irish might object to the proposal. The Secretary of State replied that they needed to have a direct link with political progress if Sinn Fein were to be brought in to the talks. That was why they favoured the sub committee. But they might be open to persuasion that the same could be achieved through the commission.

Lord Alderdice suggested that, as the prospects for Sinn Fein/IRA being involved in the process were "miniscule", we should not create extra hurdles on the basis of an unlikely eventuality. The Secretary of State replied that Unionists were convinced that the two Governments were subordinating everything to getting Sinn Fein into the talks. This was not true. The Irish, for their part, believed that the UUP were not interested in making progress in the talks. We believed that they were. There was thus a mutuality of suspicion which had to be overcome. The Irish were driven by the fear that further IRA attacks would break the Loyalist ceasefire and result in attacks in Dublin. Lord Alderdice commented that the Irish did not appear to understand that the Loyalist ceasefire would break in any case if they believed that the Irish were obstructing progress because of the absence of Sinn Fein.

The Secretary of State concluded that this pointed to the Alliance putting their views to the Irish as quickly as possible.

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Meeting with the UKUP

The Secretary of State met a UKUP delegation, led by Mr McCartney, at their request at 12.30 pm.

Mr McCartney asked about the prospects for a ceasefire and the criteria against which this would be judged by the British Government. The Secretary of State replied that in his view a renewed ceasefire was unlikely. The British Government's position was clear. There would be no ceasefire purchased with changes in policy. It was difficult to see why the IRA would call a ceasefire now, when there had been no change in the objective circumstances. It was nevertheless a possibility which must be explored. It was better to have Sinn Fein in, on the right terms.

Mr McCartney made clear that his party's requirement was that any ceasefire should be "permanent" and that there must be some initial handover of weapons to demonstrate good faith. He did not think that the IRA could deliver this. Their whole history since 1916 and their constitution virtually ruled this out. The Secretary of State argued that this reasoning was flawed. A constitution could always be changed. The IRA could move if they decided to do so. It was possible that they would recognise that it was not possible to make progress towards their objectives by violence. We would have to be satisfied that any renewed ceasefire was irrevocable and we would need evidence of corroboration. It was not appropriate, however, to say that, because we could not be sure that a ceasefire was permanent, Sinn Fein should never be admitted to the talks process. It would be necessary to examine any ceasefire carefully against the available evidence and make a prudent judgement whether it provided a basis to admit Sinn Fein to the process and sign them up to the Mitchell principles. Mr McCartney said that it had never been his position that total decommissioning was required before Sinn Fein's entry. That was the DUP position. His own position was that assurances of permanence were required, accompanied by some practical demonstration of good faith in the form of a first "tranche" of weapons. The Secretary of State replied that these criteria were probably not deliverable.

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Mr McCartney commented that it was difficult to see Sinn Fein abandoning their ultimate objectives and was sure that they could not be brought in without being convinced that they could make progress towards those objectives.

Mr Thomas said there was an alternative way of looking at things, which assumed that the Republican movement was looking for a way out of violence and that it was necessary to devise a transitional process to enable them to do so. Their overt demand now was merely for access to political dialogue. This could be conceded without any surrender of principle.

Mr McCartney did not accept this, repeating that Sinn Fein would only enter dialogue if they saw it as a more effective way of progressing towards their ultimate objectives. Unionists would never subscribe to that. Mr Thomas replied that Mr McCartney's assumption was that Sinn Fein only entered the talks to win. His premise was that they would come in on the basis of implicit acceptance that they could not win.

Mr McCartney conceded that there was a "glimmer of hope" of a true cessation of violence. He was willing to test the possibility, but doubted whether this would be realised. Sinn Fein would, however, never be a significant force in Northern Ireland by relying on purely democratic methods. Mr Thomas countered that if they were not brought into the political process, they would remain an irreconcilable minority. Mr McCartney suggested that the nationalist minority had a vested interest in instability, since they would never be reconciled to Northern Ireland remaining within the UK. Mr Thomas pointed to the broad acceptance in the nationalist community of the consent principle, while the Secretary of State reminded Mr McCartney of Mr Bruton's willingness to amend Articles 2 and 3 to remove any claim to jurisdiction. He attempted to bring the discussion to a conclusion by suggesting that the British Government and the UKUP were agreed that it was necessary to exercise judgement in assessing a restored ceasefire. The disagreement concerned where to draw the line. His own view was that a ceasefire was very unlikely on terms

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which the British Government could accept, but he did not believe that it was impossible. Mr McCartney replied that no one in the Unionist community believed that Sinn Fein/IRA had any real intention of adopting the democratic path or that they would abide by any assurances they gave. The attempt to bring Sinn Fein in "at any price" should not be pursued. The Secretary of State denied any intention to bring Sinn Fein in at any price. While he shared some of Mr McCartney's scepticism, it would be wrong not to test the possibility of securing a ceasefire.

The Secretary of State suggested that the Unionist community should show greater self confidence. The reality was that the majority of the nationalist community North and South did not anticipate unity in the foreseeable future. Mr Wilson replied that Unionists feared being part of a process which would facilitate eventual unity. The Secretary of State countered that the assurances which were built into the current process meant that the future of the Union was secure. Mr McCartney said that if he could believe in such assurances he would happily retire from politics, but he remained to be convinced.

The Secretary of State repeated that we should not get into the position of effectively saying "never" to Sinn Fein. It was a matter of getting the judgement right. The Secretary of State hoped that the UKUP would look at the possibility of securing practical agreements on the decommissioning issue which would enable the process to move to the three-stranded political dialogue. Mr McCartney argued that the terms of a ceasefire and decommissioning could not be separated. The Secretary of State replied that it was first necessary to secure a ceasefire. Decommissioning would then be a means of establishing its credibility. Mr McCartney said he still had problems with paragraphs 34 and 35 of the Mitchell report. Those holding weapons would only give them up in return for political progress in their direction.

The Secretary of State concluded the discussion by outlining the possibility of handing the decommissioning issue over to an

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independent body, but the UKUP did not take the opportunity to explore this suggestion.

Although the discussion was essentially repetitive, Mr McCartney showed a degree of flexibility and willingness to listen to counter-argument that has not been apparent in Plenary sessions. The British team drew some encouragement from this.

Meeting with the Irish

In the late afternoon an official-level bilateral at official level was held with the Irish, at which Mr Hill aired the possibility of a solution to the decommissioning issue based on the Alliance proposal for an independent commission, perhaps with the task of recommending the stage at which decommissioning should commence. The Irish response was extremely wary. They pointed out that the commission having a role in determining the timing of decommissioning did not feature in the Alliance proposal and was clearly an addition by the British Government. They did not think it would be saleable to the SDLP or Sinn Fein. They argued that it would result in an "unbalanced" situation in which the requirement for "sufficient consensus" remained in the political talks, but was removed from decommissioning. There would need to be strong assurances of UUP readiness to move into the three strands and to making real progress there. The Irish were willing to examine the idea of a commission, but there were strict limits to what they could accept with regard to any role in the timing of decommissioning. They stressed that their thinking was at a preliminary stage, however, and agreed that the next step was for the Alliance to float their proposals with the UUP and the SDLP, with the Governments thereafter forming a view on the way ahead. They would be having a bilateral meeting with the Alliance, at which they would seek clarification of the proposal.

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In a brief discussion of the implications of Senator Mitchell's possible withdrawal, the Irish made clear that they would be looking for another American with a similar background and that he should assume Senator Mitchell's role as the senior Chairman.

(Signed)

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