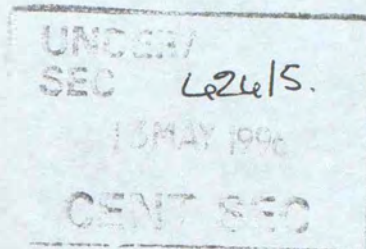


From: Clare Checksfield
IPL
10 May 1996
CT/MR/66806



DESK IMMEDIATE

PS/SECRETARY OF STATE (L&B)

cc PS/Michael Ancram (DENI, L&B)
PS/PUS (L&B)
PS/Sir David Fell
Mr Thomas
Mr Bell
Mr Leach
Mr Watkins
Mr Brooke
Mr Beeton
Mr Hill
Mr Maccabe
Mr Stephens
Mrs Mapstone
Mr Lamont, RID
HMA Dublin
Mr Budd, Cabinet Office-FAX

1. *cc in Carson*
in Henry
2. *back to Mr. pl.*
B.

15 MAY 1996
NC/27/S

LIAISON GROUP, LONDON, FRIDAY 10 MAY

Summary

1. The Irish side showed greater optimism over the prospects for a restoration of the ceasefire, based on:

- (i) a slightly less paranoid view of David Trimble; and
- (ii) a judgement, based on a number of meetings, that the Sinn Fein leadership is disposed to restore the ceasefire, and is showing sustained interest in details of talks.

2. A serious, relaxed and relatively detailed discussion of the handling issues surrounding the opening plenary. This included exchanging ideas on the order of business, commitment to the Mitchell principles, at what stage in the proceeding decommissioning

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should be addressed, as well as the mechanics of exclusion. Sean O hUiginn (in response to a UK question) offered his judgement that a UK official-level meeting with Sinn Fein might be productive. The value of Senator Mitchell noted as chairman, in particular the sway he would hold over Sinn Fein. The next meeting of the Liaison Group pencilled for Friday 17 May in Dublin.

Publicity

3. Quentin Thomas noted that the Liaison Group was most effective without attendant publicity, such as that in that morning's Irish Independent.

David Trimble's meeting with the Prime Minister

4. Quentin Thomas described Tuesday's meeting in response to an invitation from Sean O hUiginn (who said that the Irish side felt David Trimble to be "pivotal" to success, and commented that the aggressive packing covered a welcome reticence on matters of substance), noting also in so doing that the damaging effect of publicity applied equally to such meetings at No.10.

5. The meeting had been short, with David Trimble offering the view that the UVF was more tense than the UDA. He had asked the Prime Minister about progress on legislation on decommissioning, to which the Prime Minister had given him an outline of our thinking. In response to a question about equivalent Irish progress, the Secretary of State said that he had been told all this to be good, but had not seen any draft legislation.

6. David Trimble had emphasised the importance of the Mitchell principles and for an indication of purposive engagement on decommissioning. He had suggested the idea of a timetable which should include a start to the decommissioning. Quentin Thomas noted

that this did not appear to envisage actual decommissioning in the plenary, but "some weeks", but not many, down the track. The Prime Minister and David Trimble had had a preliminary exchange on the question of possible chairmen, where David Trimble had remarked on the need to decide between a neutral or a driving role. The meeting with the Prime Minister had also confirmed that the Tanaiste's speech had had an adverse effect, with David Trimble seeing a fourth strand as a device to bury decommissioning. However the notion of some dedicated machinery to advance decommissioning was not ruled out. Another meeting was planned, but had not been fixed. Sean O hUiginn noted that on this account, a benign scenario still seemed possible.

Tanaiste's speech to BIIPB

7. Sean O hUiginn said that the Tanaiste's speech had been both discreet and considered. His judgement was that false assumptions in the long term were more damaging than having a full public debate in advance, even if that debate were uncomfortable. He acknowledged the speech was intended for a particular constituency and said that he felt that any irritation was compensated for by its benefits. Quentin Thomas said that the Prime Minister and the Taoiseach had already corresponded on this subject, but that our main concern was not that of irritation but that the chance of a good idea succeeding had been damaged. The idea had been discussed in the Liaison Group only one or two days before, implicitly privately, with no indication that this was anything other than a matter that was still under joint private consideration. He asked how the Tanaiste's consultations with the parties had gone.

8. Sean O hUiginn said that he apologised if it had not been clear that the Irish side felt that if the substance was wrong that this view must supersede tactical considerations. There was no doubt in his mind that a lack of clarity over the handling of

decommissioning, which had paralysed progress for the last 18 months, diminished both the chances of the restoration of a ceasefire, and the success of talks.

Irish Government talks with Sinn Fein

9. Sean O hUiginn said that Irish officials had had three or four meetings with Sinn Fein. If anything, their interest in the details of talks had strengthened. The Irish side had made clear that a restoration of the ceasefire was a *sine qua non* of participation, but Sean O hUiginn felt that the leadership was disposed to restore the ceasefire. (Comment: When pressed on this less gloomy analysis, he did not dispute the possibility of this being a tactical ploy on Sinn Fein's part, but did not adjust on his judgement).

10. In answer to questions from the British side, Sean O hUiginn said that Sinn Fein was still preoccupied with the question of whether the negotiations were a trap, and whether they could trust either Government, although he also said that they were in the process of trying to re-establish a level of "understanding" between Sinn Fein and the Irish Government.

11. The most recent meeting had been 9 May, when the following points had arisen:

- (i) Sinn Fein had given a clear signal that they understood the need not to deliberately antagonise British Ministers on the subject of decommissioning;
- (ii) he believed that Sinn Fein would make a constructive statement on the subject of decommissioning;
- (iii) there was interest in a separate format for decommissioning,

but Sinn Fein was strongly allergic to a configuration of Governments and themselves - some kind of variable geometry would be necessary;

- (iv) the Irish side had given Sinn Fein the strong message that the sooner a ceasefire was restored the better.

12. A further meeting was scheduled for the week beginning 13 May. The Irish side had mentioned the possibility of an article in the Irish Press by the Prime Minister. Quentin Thomas said that he thought that the Prime Minister may associate himself with the Taoiseach's carefully crafted speech in Finglas.

Sinn Fein and Mitchell principles

13. Sean O hUiginn said that Sinn Fein's initial instinct was to re-write the Mitchell principles, which were not written in "friendly" language. The Irish side had been trying to discourage them from this. It would be important to aim for a brisk and clear-cut statement of commitment to the Mitchell principles, and although they hoped that Sinn Fein would do so with a clean set of heels, it was undeniable that some of the principles caused Sinn Fein serious difficulties. They were likely to want to add the context of demilitarisation and there were particular neuralgic points such as the word "paramilitary". It was clear that it would be easy to arrange for Sinn Fein to "fail" the Mitchell principles, but he hoped that people would recognise a need for some "virtuous hypocrisy", which might be needed on both sides.

14. Jonathan Stephens noted the legitimate worry that Sinn Fein would make a commitment, but subsequently not "honour" them. This would have serious consequences for the unionist position. The question went wider than the Mitchell principles. Unionist fear was that parallel decommissioning (itself already a compromise) would be ruled out early on.

Parallel decommissioning

15. Sean O hUiginn and Quentin Thomas agreed that it was of the essence that this remained on the table to be fully explored. Sean O hUiginn said that the process must not be posited on parallel decommissioning taking place; but in our presentation we must emphasise that it was possible and, added Quentin Thomas, work to bring it about.

Draft agenda

16. Sean O hUiginn said that they valued the precedents of 1991/92, and had found the earlier agenda serviceable. Quentin Thomas thanked the Irish side for their paper and noted that some kind of covering statement would be necessary, particularly if this were circulated among the parties before the opening plenary. He also noted that he was grateful that the Irish Government had not formally put forward agenda proposals on Strand 1. Had they done so, he would have had to, equally formally, ask them to be withdrawn.

Open Plenary

17. Quentin Thomas said that British ideas had not yet fully developed. But it is clear that there was new territory in the opening plenary, before the formal appointment of a chairman or the adoption of procedural rules. The UK envisaged both Governments being there in some ways to launch the process (noting that this might be the Taoiseach and the Prime Minister), but that there were no formal means of reaching conclusion. The Business Committee should probably be set up and running in parallel to get procedural rules agreed as soon as possible, but there were still grey areas. This would require the appointment of a Chairman for Strand 2, or an agreed alternate.

18. Sean O hUiginn said that the Irish side had envisaged the Prime Minister and the Taoiseach being there, that the opening session would probably last about 2 days, with each of the parties being given an hour for an opening statement, which would include commitment to the Mitchell principles and modalities of decommissioning. A brisk management style would be necessary, along with careful preparation (Comment: he clearly had Conor Cruise O'Brien in mind).

19. His aims for the plenary were to have agreed on chairmanship, an agenda for negotiations, rules of procedure, and agreement on a dedicated format on decommissioning, to move on swiftly to serious engagement on the 3 Strands.

20. Quentin Thomas said that he had envisaged the Prime Minister and Taoiseach making an introductory address, to give the occasion momentum, but then hand on to a functional chairman. It was entirely sensible to try and arrange as much as possible in advance, but we could not rely on the participants not noticing the initial procedural gap. An early start to the Business Committee was a sensible requirement.

Mechanics of exclusion

21. Stephen Leach said that the UK, in contrast to the Irish side, saw the need for a separate item on decommissioning. This might be better covered in the opening statement. It was also essential that we had an authoritative way of determining a means of judging any equivocation over what constituted commitment to the Mitchell principle. Quentin Thomas said that it was a matter of mechanics. The Secretary of State had the initial power of invitation to the negotiation, but he had no powers of exclusion once negotiations had started. The Ground Rules was also silent on this subject. In discussion it was agreed that exclusion because of failure to sign up to the six principles likely to be decided by the two Government assisted or advised by the independent chairman. Sean O hUiginn noted that the chairman's personal authority would be critical, and

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that there could be no better interpretor of his own Report than Senator Mitchell. Subsequent exclusion for demonstrably dishonouring the principles might be a collective decision by sufficient consensus.

22. The preferable option would be for plenary to agree a joint statement, recording its commitment to the Mitchell principles, but, in practice, a statement under the name of the plenary chairman might be more easily realisable.

Decommissioning in opening plenary

23. The Irish side explored UK ideas on the handling of decommissioning. Sean O hUiginn said that their fear was that a separate item would lead to maximalist positions, despite any private disposition to pragmatism.

24. Quentin Thomas, supported by David Hill and Jonathan Stephens said that we envisaged an opening statement, that included commitment to the Mitchell principles, but that we would not invite parties to address decommissioning at the same time. Some of them would obviously choose to do so, but the thrust should be on broad-ranging statements. The opening statements would be unchallenged; a debate was needed on the Mitchell proposals. The sequence of opening statements, followed by the adoption of an overall agenda and procedural rules, in the knowledge that there would be a debate on the Mitchell proposals, seemed more likely to work and to generate the necessary confidence both that decommissioning was being taken seriously and that it would not be gratuitously used as a road block.

25. Sean O hUiginn said that both sides were obviously trying to find ways of achieving the same thing, but that his fear was that discussion of the overall agenda and procedural rules could be stymied if decommissioning was introduced into that discussion. He said that a shared advance assumption of an exit strategy (to which the UK-side noted that agreement on a dedicated format was the key)

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would be an important step.

Action points:

- consideration of possible meeting between UK officials and Sinn Fein;
- draft joint statement for plenary to agree, recording commitment to Mitchell principles;
- draft statement for plenary chairman to give under his own name, recording commitment to Mitchell principles;
- response to Irish draft agenda (Strands 2 & 3 only)
- Irish side to respond on draft procedural rules.

Attendance:

Irish Side

Mr S O hUiginn
Mr D Donoghue
Mr F Finlay
Mr W Kirwan
Mr Cooney
Mr Montgomery
Mr Barrington
Mr P Hickey

British Side

Mr Thomas
Mr Bell
Mr Stephens
Mr DJR Hill
Mr Budd (later)
Mr Watkins
Mr Lamont
Mr Leach
Ms C Checksfield

NORTHERN IRELAND OFFICE

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