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Mr. Collins
Tánaiste
S. Hone

26

SECRET

***Meeting between Taoiseach, Tánaiste and
Minister for Foreign Affairs and
Minister for Social Welfare with a UDP Delegation
led by Mr. Gary McMichael, Government Buildings,
Tuesday, 19 September, 1995***

1. The following is a summary report of this meeting. A list of those present is attached.
2. The Taoiseach welcomed the delegation and thanked them for agreeing to the meeting, which he described as historic - given that it was the first formal meeting between the two sides. He expressed appreciation for the role of the UDP in bringing about the CLMC ceasefire and for their recent "no first strike" statement. He also emphasised the importance for us of hearing Unionist opinion at first hand. We recognised that Unionists felt that their voice was not being heard by the Government here - or, perhaps, by the British Government. The Taoiseach emphasised that the UDP delegation should not underestimate their ability to influence us: we would think very carefully about what they had to say.
3. Mr. McMichael agreed that it was an important meeting, adding that the only previous contact with the Irish Government had been by way of correspondence with the Taoiseach and his predecessor. In agreeing to the meeting, the UDP had been influenced by the belief that the time had come to take risks, so that all sides fully understood each other. Part of the problem in the past had been the degree of mutual mis-understanding, with the North/South dimension being elevated to the neglect of the East/West dimension. Given the stakes that were being played with, it was important to ensure that mistakes arising from lack of information should be minimised to the extent possible.
4. The Taoiseach said that the Irish Government were working to bring about a situation where Nationalists could fully accept the constitutional arrangements for Northern Ireland. Since the 1920s, Nationalists had been reluctant to co-operate fully in the arrangements as pertained up to now - the abstentionist policy which had been followed by them from

time to time was symptomatic of their lack of acceptance of these arrangements. What the Government was trying to do in the peace process was to bring about a situation which Nationalists could accept and this required modification/elaboration of the way in which Northern Ireland was governed. The Taoiseach emphasised that while the link with Britain offered Unionists a degree of security, security and certainty for Unionists would only be fully complete if Nationalists whole - heartedly accepted the constitutional set-up.

5. The Taoiseach noted that the UDP had been critical of the undue emphasis on the North/South dimension, to the neglect of the East/West dimension. He himself had raised the East/West relationship with Prime Minister Major at his first meeting with him in London and he had expected the latter to come back to him on this. The Taoiseach added that perhaps we should have moved on this issue ourselves. However, we did recognise the importance of the East/West relationship in terms of putting the North/South relationship in context. We were not averse to moving forward on both the East/West and North/South dimensions, even if this involved some concessions on our side in relation to the former. The Taoiseach said that we would welcome the UDP's ideas on this.
6. Moving on, the Taoiseach turned to the question of Articles 2 & 3 of the Constitution, which we recognised were of concern to the UDP. The Government - and its predecessor - had indicated that they would be willing to make changes in the context of an overall settlement. While it could be argued that movement should take place on this issue in advance of a settlement, we felt that there were pragmatic reasons for not doing so. Essentially, we needed to bring the Nationalist community along with us in the peace process: if we moved unilaterally on Articles 2 & 3, a significant section - perhaps up to half - of the Nationalist community would say that Dublin had abandoned them. Articles 2 & 3 were very important in terms of Nationalist perceptions and any unilateral move on them would be counterproductive. The Taoiseach added that we were open to discussing Articles 2 & 3 with Unionist/Loyalist representatives at technical/legal level.
7. Mr. McMichael said that Articles 2 & 3 were part of the overall situation which needed to be addressed. The UDP wanted a fair and equitable Government for Northern Ireland. We should recognise, however, that insecurities existed in both communities. A major problem arose in the

peace process where Governments were seen to be taking sides: this deepened suspicion in one community or the other as to the nature of a settlement. Articles 2 & 3 were very important for the UDP's community. They felt that the continuance of the territorial claim was disingenuous and undermined our claim that we wished to see a fair and equitable settlement. At this stage in the peace process, there was a need for confidence building measures. Each side had a responsibility in this regard to ensure that the peace process was kept alive. Over the last 14 months, the approach of the Irish Government had been accepted (within the Unionist community) with varying degrees of acceptance: however, the bona fides of the Irish Government were increasingly being questioned.

8. Asked by the Taoiseach to elaborate on this, Mr. McMichael responded that to date the initiatives taken by the Irish Government seemed to serve Republican interests only e.g. prisoner releases. He accepted that there were no Loyalist prisoners in the Republic. However, the release of republican prisoners gave rise to a perception that the Government was only interested in advancing the peace process in the interests of republicans. Mr. McMichael added that his community were concerned that Sinn Féin/IRA appeared to be dictating the policy of the Irish Government, as evidenced during the recent postponement of the Summit. The ease with which we had appeared to interact with Sinn Féin had reduced confidence that the peace process could be moved forward to a conclusion. He contrasted the Irish Government's willingness to roll/over in the face of Sinn Féin demands, with their calls on Unionists to be flexible and imaginative.
9. Mr. English described Articles 2 & 3 as "an illegal claim", which conferred a perverse legitimacy on Sinn Féin/IRA's acts of terror directed against his community. In his Party's view, the Articles represented a barrier to a more harmonious relationship with this State.
10. Mr. McMichael said that the UDP wished to see increased and better relations between the Republic of Ireland and Northern Ireland. However, the necessary trust was lacking. He added that it was not so much what was in the Framework Document that was important but what Unionists did not see in the Document. Their suspicions arose from the emphasis on the North/South relationship, as against the East/West dimension.

11. Responding, the Taoiseach said that so far as the release of Republican prisoners was concerned, we would have released Loyalist prisoners in the same way, if there had been any in this State. The strategy of releasing prisoners had been designed as a gesture of faith in the cessation of violence by paramilitaries generally (rather than as a way of favouring Republicans). We had urged the British Government to adopt a similar approach and this would benefit the Loyalist community. So far as the postponement of the Summit was concerned, the Taoiseach emphasised that there was no question of policy being dictated by Sinn Féin - nor would there be. The background to the postponement was that we had been working on a formula involving the establishment of an International Commission and the setting aside of the British demand for a gesture. However, it had come to light that neither the British Government nor Sinn Féin would buy into the approach which we were proposing and in these circumstances, we had had to seek a postponement. Admittedly, the first negative signal we had received had come from Sinn Féin, when they had indicated that they would not go ahead with the International Commission. However, it had subsequently become clear, on Monday, that the British Government would not answer the question (about the gesture) in the way we had felt they should. To have gone ahead with the Summit in these circumstances would have led to a crisis - and without people having a clear understanding of the issues. The advantage of the postponement was that at least the people now had a better understanding of the issues. Concluding on this point, the Taoiseach emphasised that the Irish Government was not going to be dictated to, as he had indicated recently at Dublin Castle. We had our own interests to protect and our own agenda to advance.

12. Returning to Articles 2 & 3, the Taoiseach said that we took the points made by the UDP side - although he added that we would not accept that the Articles conferred legitimacy on republicanism, which had predated the Articles. On the Framework Document, he said that it was very important to emphasise that it was an outline of the way forward and that it was open to negotiation. If Unionists felt that there was too much of an emphasis on North/South co-operation and not enough on the East/West dimension, this could be altered. He suggested that it would be useful to go through the Framework Document and see what the Unionists would like to be added to it.

14. The Tánaiste expressed the hope that the meeting would be the first of many. He underscored the Taoiseach's point that the release of prisoners was intended as a signal of our acceptance of the bona fides of paramilitaries generally and that it was not designed as a way of appeasing Sinn Féin. He also emphasised that the Irish Government was not going to be dictated to by anyone and that they recognised that they had to bring everybody along in the peace process. Responding to the point made by the UDP side about the apparent ease in which we interacted with Sinn Féin, the Tánaiste said that while it was true that we had had a number of meetings with Sinn Féin, this was because we had not been able to meet with them over the past 25 years and because we needed to understand their position. The Tánaiste also underlined the point that while the Framework Document represented the best efforts of the two Governments on relations within Northern Ireland, between East and West and between North and South, they were quite open to suggestions.

15. Mr. Adams questioned the value of the guarantee of the two Governments that any change in the status of Northern Ireland could only come about by consent, given that each Government had a differing view of the status of Northern Ireland. He also suggested that there was a lack of firmness on the commitment to changes in Articles 2 & 3. If we could agree on the (current) status of Northern Ireland, this would represent a step forward. Mr. de Rossa said that our Constitution reflected the period in which it was written. Articles 2 & 3 no longer reflected the feelings of people generally. The Government were committed to change but a political judgement had to be made as to whether any suggested change would succeed. The key point for the moment was that the Downing Street Declaration and the Framework Document contained a clear and solemn declaration that the legitimacy of Northern Ireland as part of the UK was accepted and that there could be no change without the consent of a majority of the people of Northern Ireland. Mr. English reiterated the UDP's view that the armed struggle was based on Articles 2 & 3. He also asked whether the Irish Government would be prepared to make a declaration that they had no selfish, strategic or economic interest in Northern Ireland. The Taoiseach in response emphasised that we had no ambitions of any sort over Northern Ireland, other than to contribute to a situation where the people of Northern Ireland could live together in peace.

16. Mr. Adams said that there was a perception in the Unionist community that Articles 2 & 3 represented a territorial claim. The judgement of the Supreme Court in the McGimpsey case was to the effect that the Articles represented a constitutional imperative. He asked again whether it would be possible for the Irish Government to openly state what their definition of the status of Northern Ireland was.

17. The Tánaiste said that the purpose of constitutional change to which the Government were committed in principle would be to remove any sense of threat felt by the Unionists. However, it had to be done in the right circumstances. Otherwise, it could lead to a setback in the whole process. The Tánaiste added that it was disingenuous to blame Articles 2 & 3 for sectarian strife, given that in Belfast in the 1880's and 1890's, for example, there had been very serious sectarian strife. The Taoiseach said that we would be in a worse situation than at present if we were to try to bring about constitutional change (in the wrong circumstances) and failed - this would put us back 100 years. The Minister for Social Welfare added that a failed attempt to change the Constitution would in effect give the IRA the legitimisation which the UDP had referred to. The Minister also took issue with Mr. Adams' point about disagreement between the British and Irish Governments on the status of Northern Ireland. The key point was that there was an agreement that the status of Northern Ireland - however it was defined - could not be changed without consent. He also made the point that holding a referendum was an extremely hazardous exercise, in that referendums tended to bring out peoples' inherent conservatism. In support the Minister cited the experience of referendums in Switzerland and the Irish Governments' experience with the Divorce Referendum in 1986. The Taoiseach said that common prudence argued that we should not move on a referendum until the time was right.

18. Mr. Adams asked whether the Supreme Court judgement in the McGimpsey case in effect precluded the Irish Government from making a declaration which recognised Northern Ireland as part of the UK. Mr. Ó hÚiginn said that everyone, including the Government, was subject to the Constitution. If the Government were to proceed as suggested by Mr. Adams it would be open to any citizen to challenge this on the basis that they were contravening the Constitution. The only way to proceed was by way of Referendum.

19. Mr. English emphasised that the UDP had to "get something to bring back" from the meeting. They had got very little from the British Government and they had achieved very little for their own community to date in the peace process. The perception in their community was that the Irish Government danced to the tune of provisional Sinn Féin.
20. The Taoiseach said that we recognised that this was the perception, although it was not the case and eventually we might be able to demonstrate this. However, we were very anxious not to provoke a return to violence by the IRA through reckless action. If the Irish Government were to act without due care and if they were to get it wrong, the Loyalists would be no less critical than they were being now about the Government's current stance. The Taoiseach recalled that in his recent speech at Dublin Castle he had said that the Irish Government would act with the British Government if necessary and that he had put on the record Unionists concerns about decommissioning - something which had not been done previously in a formal way by the Irish Government. We were not unconscious of the points which the UDP were making but we needed to be prudent as regards the referendum on Articles 2 & 3. Our concern was that if this was held in the wrong circumstances, people would feel that they were being asked to desert the Nationalists and this would have enormous emotional appeal. We did not want the peace process to be derailed by emotion.
21. Mr. McMichael said that he understood and sympathised with what the Taoiseach was saying. He added that it was unfortunate that the Taoiseach's Dublin Castle speech had come in the shadow of the breakdown of the Summit. He reiterated that the UDP's basic message was that they believed that the peace process must belong to the people but that it seemed that its pace was being dictated by Sinn Féin intransigence. He added that, against the background that where the ability of the peace process to proceed was being questioned in his community, the UDP had tried to maintain confidence in the process through their "no first strike" initiative. Sinn Féin were excluding themselves from all party talks by their position on decommissioning. The Irish Government needed to counter their arguments.
22. The Taoiseach responded that throughout the summer the Government had been challenging the idea put forward by Sinn Féin that the British and Irish Governments should convene all party talks. We were against the idea of empty chairs. It was important that everyone should have

ownership of the process from the outset. Otherwise it would be self defeating.

23. Mr. McMichael said that he felt that Unionists were being quite reasonable in refusing to take part in all party talks without decommissioning. If the decommissioning issue could not be overcome, it was reasonable to ask how the other differences could be overcome. The Taoiseach said that Sinn Féin seemed to be trying to make the British Government bear responsibility for all of the problems. They were able to get away with this because Unionists would not sit down and confront them and say that they (Unionists) were the problem and that Sinn Féin had to come to terms with them. In effect, by holding back from talks, Unionists were making it easier for Sinn Féin. They were using the British Government to avoid confronting the fact that the majority of the people in Northern Ireland did not agree with them. Decommissioning in effect was the hook which let Sinn Féin off.
24. Mr. English said that the reality was that the UDP could not talk to Sinn Féin. The Loyalists wanted the guns out but they had to look to their own constituency and to the mandate which they had from the CLMC. They had not got a mandate to talk to Sinn Féin from the people who enjoyed their trust. The Taoiseach accepted this point.
25. The Tánaiste said that he had spent a lot of his time at Anglo-Irish Intergovernmental Conferences in trying to persuade Sir. Patrick Mayhew of the merits of releasing Loyalist prisoners. We believed that it was important that they should be returned community: they had made an important contribution to bringing about the ceasefire.
26. Taking up this point, Mr. White said that the UDP were not seeking an amnesty as they recognised the sensitivities of the victims. However, they wanted to see a phased programme of releases. They had been very, very disappointed about the British attitude to the release of prisoners. No matter how hard the UDP etc. had tried to impress on the British Government the need for movement, they had not appeared to be listening and this has given rise to difficulties (for the UDP) with their community. The removal of troops from the streets, the release of (republican) prisoners and the opening of border roads were all inevitable consequences of the ceasefire but at the same time they had given rise to a perception that republicans were the only beneficiaries of the peace process. Mr. White added that the UDP welcomed the

restoration of the 50% rate of remission for prisoners, although they believed it should have taken place earlier and that they hoped that there would be further liberalisation. In particular, the position of those sentenced to life should be addressed by the Life Sentence Review Board. Mr. White also indicated that the UDP appreciated the efforts of the Irish Government on behalf of Loyalist prisoners.

27. The Tánaiste suggested that it might be useful to have a meeting at official level to discuss prisoners issues. There was a problem in that Mr. Michael Howard had not switched on to the peace process. By way of illustration, he added that the position of republican prisoners had worsened since the ceasefire. Mr. Howard appeared to be working to a law and order agenda. Mr. English stressed the importance for the peace process of reuniting loyalist leaders with their families. Mr. McMichael concurred, saying that it would increase the commitment of the Loyalist leadership to the peace process if they could see the practical benefits. While loyalists had welcomed the more progressive approach of the Irish Government on prisoner releases, it had had a reverse affect in further adding to perceptions in the Loyalist Community that the Irish Government "only looked after their own". The fact that Loyalists did not feel that they owned the peace process was part of the reason why they would not talk to Sinn Féin.
28. The Taoiseach referred to the experience of the Forum in support of his argument that Unionists should talk to Sinn Féin. While the Forum might appear to be a nationalist body, in fact, it had shown that Sinn Féin were quite isolated. It was only when Sinn Féin were directly confronted in dialogue that they could be persuaded to move away from their position on decommissioning etc. The Taoiseach added that he would raise the question of the life sentence review mechanism at Majorca.
29. The Taoiseach noted that Sinn Féin had not responded to the CLMC "no first strike" statement. He asked for the UDP's best assessment on the way forward and for their assessment on the state of Unionist opinion.
30. Mr. McMichael said that it seemed to be a question of who would blink first on decommissioning, as between Sinn Féin and the British Government. He did not believe the issue should be defined in this way. The UDP did not believe that the hand over of weapons should be a precondition to negotiations. Loyalists and republicans did not fear the

retention of weapons, even though they would be the ones directly involved in conflict. However, we are now at the point where decommissioning was embedded in the peace process and it had to be accepted that there were genuine fears within the Unionist community of republican violence. Similarly, there were fears in the Nationalist community of Loyalist violence. We needed to find a way of redefining the argument and encouraging each side to engage in some degree of compromise. There needed to be confidence that the commitment to peace was for real and that the process would be seen through to the end. The Loyalists had sought (through the "no first strike" statement) to deal with the issue. However, the IRA had not. Mr. McMichael recognised that there was a genuine fear among republicans that if they engaged (on the decommissioning issue), further preconditions - "a pub crawl of preconditions" - would follow. Ultimately, it must be a matter of making it unreasonable for Unionists to stay away from the table because of IRA intransigence. We needed to create the atmosphere in which all party talks could take place. It was a matter for the Irish Government to consider how best they could interest the Unionist community in talks. The UDP felt that movement on Articles 2 & 3 would help.

31. The Taoiseach asked if the UDP side were saying if the Irish Government moved on Articles 2 & 3, Unionists would sit down and talk to Sinn Féin about decommissioning. Mr. McMichael said that they were not saying this. Movement on Articles 2 & 3 would simply create one of the conditions for talks. There also needed to be pragmatism within the Loyalist community and republicans had to be seen to be prepared to overcome obstacles. He added that he believed that physical decommissioning was impossible.
32. The Taoiseach asked if there was any possibility that the Loyalist paramilitaries might be prepared to make a voluntary decommissioning gesture simultaneously with a gesture from the republicans. Mr. English said that they could not add to the most recent CLMC statement but they had hoped that there might be something in it that people could grasp. Mr. Adams noted that Sinn Féin was the only party which had not signed up to the principal of consent.
33. The Minister for Social Welfare asked how the UDP side would respond to the point made by Mr. Mitchell McLoughlin that the IRA ceasefire statement had spoken of a total cessation of violence and that this meant that both offensive and defensive action was ruled out. Mr. Adams

responded that if this was what was meant, why did Sinn Féin not say it. Mr. de Rossa pointed out that the CLMC statement also lacked clarity. Mr. English repeated that the UDP side could neither add to nor subtract from the CLMC statement.

34. Mr. McMichael said that the key question was that of trust. Whether one bullet or one hundred tonnes of explosives were handed over was irrelevant. Mr. English added in support that even if there was decommissioning, the capacity to make more weapons was still there.
35. Returning to the question of consent, the Taoiseach indicated that the Irish Government had pressed Sinn Féin on this matter and that they had come some distance - although it was not clear that they had the same understanding of the concept as the UDP. However, it seemed that they would be reluctant to go the extra mile on consent as long as the British Government continued to insist on Washington three.
36. Mr. McMichael said that Unionists were the key constituency which needed to be addressed so far as decommissioning was concerned. If the Unionists agreed to any particular approach on this issue the backbenchers would agree and the British Government would agree.
37. Mr. English said that there was no precedent for decommissioning. It had not happened in the case of the Official IRA. We should make this clear to the British Government.
38. Mr. Adams said that Sinn Féin only saw things in their own terms. The onus was on them to build up confidence. The Taoiseach repeated that this would not happen as long as Unionists refused to talk to Sinn Féin.
39. Mr. English noted that the Loyalists had already talked to the British Government about the modalities of decommissioning. Mr. McMichael said that it could be said that they had dealt with both Washington one and two. They were not prepared to move further given that (1) it would be unsellable and (2) why should they? They needed an indication that Sinn Féin were prepared to be responsible.
40. The Taoiseach asked for a view as to how Sinn Féin could go about finding out what Unionists wanted on decommissioning, assuming that a gesture was not the only thing that they needed. He could understand that Sinn Féin would not want to go on a fishing expedition on this issue.

41. Mr. McMichael said that he understood this. He was not sure how the problem could be overcome. However, Sinn Féin had a responsibility to make the first move at least in terms of a commitment to non violent means. While he could not substantiate it, his gut instinct was that if the IRA were able to deal with decommissioning on the same basis as the CLMC (i.e. in terms of a "no first strike" statement), sufficient pressure could be brought upon Unionists to compromise. The Taoiseach noted that there could be some merit in this approach, if it were being asked of Sinn Féin by the Loyalists rather than the British Government: Sinn Féin would not then appear to be surrendering to British Government demands.
42. Mr. English indicated that there was a growing perception that the US Government were taking sides: they could easily become part of the problem. The Taoiseach and the Tánaiste emphasised the efforts which the Irish Government had made to ensure that the US Government took the Unionists into account.
43. Mr. McMichael said that where people were behaving badly - as Sinn Féin were - they needed to be slapped. Sinn Féin needed to be given a very clear message from the right quarters, that they would have to take risks. Mr. McMichael added that he had been very encouraged by the Taoiseach's recent Dublin Castle speech about the British and Irish Governments moving together. However, the message had not sunken deeply enough within his community.
44. Mr. Adams' said that he had no doubt that pressure was being put on Sinn Féin by both the Irish and US administrations behind the scenes but it was important that it should be indicated publicly that pressure was being applied. Otherwise, the perceptions of a (one-sided peace process) would remain. The Taoiseach took the point but added that we did not want bring about a situation where the IRA went overboard. The Taoiseach also commented that the whole decommissioning issue put the Government - as a sovereign Government - in a very difficult situation. We wanted all illegally held weapons handed over "yesterday". At the same time, we recognised reality. At the end of the day, if we were going to move around the gesture issue, we needed to know if Sinn Féin and the Unionists would buy into whatever approach was being proposed.

45. The Taoiseach expressed concern that the British Government might be settling for a policy of drift. This could be very dangerous. We probably needed movement within the next 3 - 4 months. Mr. McMichael said that the UDP side would not favour drawing lines in the sand so far as timing was concerned. The Taoiseach took the opportunity to say that we felt that Mr. David Ervines' criticism of the Government's position on the timing of all party talks was misplaced, given that the suggested timetable was part of an overall package, involving the International Commission - i.e. it was not freestanding. Mr. McMichael commented that the UDP had not discussed this with the PUP.
46. Mr. English said that the Loyalists had decommissioned the personnel - they had taken their intent away. They could not see what more they could do. Mr. McMichael said that this was a key point. Sinn Féin, for their part, had to tell Unionists that they had nothing to fear and that all they sought was an equitable agreement. The Taoiseach noted that talk of a "crisis" did not help. Mr Adams agreed. However, we needed to move the peace process on or it would stagnate.
47. The meeting concluded with a discussion of the briefing to be given to the media following the meeting.

S. Hare.

Attendance

The Taoiseach, Mr. John Bruton, T.D.

The Tánaiste and Minister for Foreign Affairs, Mr. Dick Spring, T.D.

The Minister for Social Welfare, Mr. Proinsias de Rossa, T.D.

Mr. Seán Ó hÚiginn, Second Secretary, Department of Foreign Affairs

Mr. Fergus Finlay, Special Adviser to the Tánaiste and Minister for Foreign
Affairs

Mr. Simon Hare, Acting Principal Officer, Department of the Taoiseach

Mr. Garry McMichael, UDP

Mr. David Adams, UDP

Mr. John White, UDP

Mr. Joe English, UDP