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(Read from
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Tánaiste)

DRAFT

cc PST
PSS
Secretary of the Taoiseach
SECRET
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Cuba
London, Washington
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(Schedule)

*Meeting between the Taoiseach,
Tánaiste and Minister for Foreign Affairs
and the International Body,
Friday, 12 January, 1996*

1. The Taoiseach and the Tánaiste and Minister for Foreign Affairs met with the International Body in Government Buildings on 12 January. A list of those present is attached. Following is a summary report of the meeting.

15.1.96

2. The Taoiseach welcomed the International Body delegation and expressed appreciation for the committed way in which the Body had been going about its work: time was important. He noted that the Body had already been presented with a written submission by the Government and said that a further written elaboration would be passed over in the course of the meeting. He went on to make a number of general points as follows. First, it was important that the Body should keep to their original timetable for presenting their report. There was considerable potential for the growth of mistrust and the emergence of malign interpretations in some quarters if the report were delayed. Second, the Irish Government, as a sovereign Government, wished to see full decommissioning: it was a question of how rather than whether this should be obtained. Third, the Government believed it was very important that the Body's report should have the effect of encouraging the commencement of substantive all-party negotiations - there was a

dynamic relationship between the work of the Body and the work being carried out by the Tánaiste in the political track.

3. The Taoiseach emphasised the importance of getting people together around the table. By way of support, he mentioned that the previous day he had been speaking with the Israeli Prime Minister, Mr. Shimon Peres at a lunch in Paris. Referring to his negotiations with Mr. Yasser Arafat and the prospect of discussions with the Syrians, Mr. Peres had said that his primary objective in the lead-up to these discussions had been simply to establish that he had a partner with whom he could do business. While Mr. Peres had not referred to the Irish situation, his remark in effect crystallised the Government's thinking in this regard.

4. Moving on, the Taoiseach recalled that at their 18 December meeting with the Tánaiste and Minister for Justice, the International Body had put forward certain ideas on decommissioning including the idea of a time-frame for the phased decommissioning of arms and the suggestion that paramilitaries should be asked to produce an inventory of arms. Having considered these ideas, the Government's response was that the setting of unduly detailed time-frames could be unhelpful and could in effect set new preconditions and road-blocks on the route (to political progress). What was needed at this point was to establish a partnership rather than to set up a series of preordained steps to decommissioning. This applied equally to the idea of an inventory of arms, which could have the effect of creating internal tensions within the relevant groupings.

5. As a further general point, the Taoiseach said that the Body's report should deal with principles, possible methods of decommissioning and with the need for responsive measures by the other side. The Body was right to seek to map out a win/win situation through its report. The Government had tried to set out the elements of a win/win situation in its original submission and in the elaboration which would be handed over at the meeting. They continued to see value in confidence building endeavours by and for all sides and would urge the Body to underline the value of an endorsement of the principles outlined by the Government and of a clarification of the practical consequences of those principles, as set out on page 21 of the Government's original submission. The Government also believed that the responsive measures indicated in paragraph 9 of the Joint Communiqué of 28 November were potentially very important in this regard. The early implementation of measures of this kind could significantly improve the prospects for decommissioning. This was particularly the case with the area of policing and the question of licensed and legally-held weapons. The Governments' thinking in these respects was set out in more detail in the submission which had been prepared for this meeting.

6. Continuing with his opening remarks, the Taoiseach said that the Government believed that the start of actual decommissioning would not be possible unless there was some real political progress through all-party negotiations. The Government wanted to advance actual decommissioning in the course of all-party negotiations. They expected that this would only happen if all the relevant parties had demonstrated a determination to work for a political solution and there was a clear

indication of the nature of the political settlement likely to attract widespread support. To use an analogy, the Government believed that the discussions in the negotiating phase needed to reach the point where each of the participating parties had depicted the ultimate solution they were prepared to accept and where the picture painted by each party contained a significant degree of overlap with the picture painted by other parties. In effect, the Government believed that such evidence of convergence could trigger actual decommissioning. The main problem at present was that some people, especially Republicans, were not convinced that there was a willingness on the part of others to paint the picture: on the contrary, they believed that there was an absence of such willingness on the part of the British Government and the Unionists. By the same token, Unionists doubted the commitment of Sinn Féin to exclusively peaceful means. It was important therefore that the Body's report should encourage both sides to show that they were committed to engage seriously on proposals of a political nature advanced by the other side of the table.

7. In summing up, the Taoiseach said that the Government were seeking actual decommissioning in the course of negotiations. They believed that the necessary confidence to secure decommissioning could be built up in the course of all-party negotiations. They also believed that the momentum of the peace process had to be maintained and that no party should be allowed to delay matters through political manoeuvres. The Government would urge the Body to call on all parties to commit to the political road, which they believed would lead to decommissioning: they would also urge the importance of the Body's avoiding the appearance of

endorsing the agenda of one side or another. The Taoiseach also made the point that the actual format of negotiations was best decided in discussions between the Governments and the parties. The Government was willing to examine all proposals in the context of a three-stranded approach, including those for an elected Assembly or Convention. However, as of now the proposal for such a body was supported only by Unionist parties and it was opposed in varying degrees by Nationalists. While the Government was willing to engage in discussion of the idea, they would caution the Body that any endorsement of it could be misinterpreted as taking a position in favour of one side. Concluding, the Taoiseach wished the Body well in its work and invited them to put any questions they might have.

8. Senator Mitchell thanked the Taoiseach for his opening remarks. He asked for clarification that, as he understood it, the Government would wish the Body to complete its work promptly - notwithstanding various suggestions that had been made that more time should be allowed in view of the complexity of the issues being addressed. The Taoiseach confirmed this. The Government would urge the Body to use its best endeavours to stick to the original time-table, although if having done so, the Body were to decide for itself that it needed a day or two more, that would be acceptable.

9. Senator Mitchell also asked what kind of advance notice the Government would like of the general thrust of the Body's report (so as to avoid their being caught by surprise). The Taoiseach said that the Government would like two things. The first was advance notice of the timing of the

report, so that diaries could be arranged accordingly. The Taoiseach mentioned in this context the possibility of a meeting between him and the Italian Prime Minister and the Tánaiste's involvement in the Troika. [At the end of the meeting, he returned to this matter and said that six days notice would be desirable]. Second, the Government would like at least two days notice of the general thrust of the report. Senator Mitchell said that the Body would get back to the Irish and British Governments on dates, after they had held a planned meeting on this matter. He also mentioned that the Body would expect the Governments to publish the report on the day of its receipt.

10. Senator Mitchell asked for clarification that the Government believed that prior decommissioning, while desirable, was not attainable and that they would not recommend in favour of inclusion of this idea in the Body's report. The Taoiseach confirmed that the Government did not believe prior decommissioning was attainable and that they would recommend against the Body's endorsing this idea.

11. Senator Mitchell referred to newspaper converge of the Assembly idea and said that the issue had come up quite a lot in the various meetings which the Body had had. While the Body felt that the issue was outside their mandate, they would appreciate comments from the Government side in this regard. The Taoiseach said that the Government had identified a number of practical problems with this proposal and that these had been discussed at a meeting of the Liaison Group of Irish and British officials the previous day. The Irish side had passed over a paper

on these problems at the meeting and this could be made available to the Body. Senator Mitchell indicated that he would appreciate this.

12. Continuing, the Taoiseach said that the paper necessarily stressed the negative aspects of the proposal as the British side had asked for a paper devoted to the problems associated with the proposal. However, the Body should not draw the conclusion that we were entirely dismissive of the idea. That said, we did have a practical concern that unless a significant Nationalist party came around to support the idea, it could not work. The problem was that any Assembly election run on a purely internal Northern Ireland basis would be seen by Nationalists to dilute the all-Ireland dimension to their identity. For these reasons, we believed that any proposal for an elected body would have to incorporate all three Strands, including the North/South Strand and would also have to involve both Governments.

13. The Taoiseach noted that there were other more detailed problems with the Assembly idea - for example, the idea that a 90 member body could successfully conduct negotiations. In addition, there was the difficulty that a number of leading people on the Nationalist side believed that the Assembly idea was simply a delaying tactic and that once it met, people like Dr. Ian Paisley would seek a restoration of Stormont and would refuse to discuss anything else until this was done. There was also the problem that the necessary legislation could take time and that this could result in a fatal loss of patience by the Republican movement - a feeling that the sole purpose of the exercise was to test their patience to breaking point.

14. Continuing, the Taoiseach said that on the other hand, the Government would acknowledge that the Assembly proposal was probably being put forward in a genuine attempt to find common ground. The motivation behind the proposal was at least potentially and probably in practice good. The Government was therefore reluctant to be dismissive although, as the paper already referred to made clear, they did see problems in it. If agreement could be reached in the political track on a way forward (out of the difficulties), the proposal could perhaps become part of the process. It would depend on the necessary trust being established between the two sides. In concluding, the Taoiseach mentioned, as another possibility, the idea of a poll to decide on the parties which should participate in negotiations.

15. The Tánaiste made two points on the Assembly idea. First, that there was no legislative provision in existence to give effect to it and that given the sluggishness of the Westminster system, it would take some time before such legislation could be processed, leading to delay. Second, that while the overriding objective of all proposals (on Northern Ireland) should be to find the common ground, in effect this proposal did the exact opposite and would have a polarising effect.

16. The Taoiseach said that the Government was not intent on a wrecking exercise in regard to the Assembly idea. There might indeed be ways around the problems with the idea but the difficulty would be to find these before Nationalists lost patience. In the circumstances, the

Government felt that the best way forward was to get everybody around the table.

17. Senator Mitchell commented that it was quite hard to see David Trimble entering into negotiations in the absence of some form of election. It was a chicken and egg situation. Moving on, he said that he would like to raise some quite detailed questions, which the Government side might wish to respond to at a later date. The first was whether the Government felt it would be appropriate to seek a commitment from the parties that they would not participate in punishment beatings and killings and that they would take all available steps to stop such activities. Senator Mitchell noted that this was implicit in the principle of a commitment to exclusively peaceful and democratic means set out on page 21 of the Government's original submission: the question was whether it would be advisable to be more explicit on this point. The Taoiseach responded that the Government would wish to consider this further but that his preliminary reaction would be to support this idea.

18. Senator Mitchell noted that paragraph 6.11 (5) of the Government's original submission did not precisely reflect the language of the Downing Street Declaration on the consent principle. He asked whether the Government had deliberately avoided using the Declaration language. The Taoiseach said that we had recently picked up this point ourselves and that the text in the aide-memoire was closer to the Downing Street Declaration.

19. Senator Mitchell asked why we had not simply referred to the principle of consent as set out in the Declaration. Mr. Ó'hÚiginn said that, essentially, the problem was that Sinn Féin in particular did not accept the validity of any Northern Ireland framework. The question was whether they would be prepared to accept back to back referenda, North and South, on a deal as a legitimate expression of the self-determination of the Irish people which they had always sought. The Taoiseach said that it was clear from the language of paragraph 5, page 5 of the aide-memoire that a majority in the North and South respectively would have to assent to the outcome of negotiations and that this wording avoided the ambiguity in the text contained in the Government's original submission. The Taoiseach added that it seemed preferable to use the language of the Downing Street Declaration rather than an explicit reference to the Declaration itself, given that Sinn Féin had not accepted the Declaration when it was first published.
20. Senator Mitchell recalled that the Taoiseach had earlier emphasised the need for the International Body not to be seen to be endorsing the position of one side or the other in its report. In the event that the Body were to accept the recommendations made by the Irish Government, what would there be to prevent people saying that the Body had sided with the Sinn Féin position, given that it would be recommending that Washington Three should be dropped? The Taoiseach, responding, pointed out that the Government envisaged that Sinn Féin would have to make concessions as well (as the British Government). He drew attention in particular to the series of confidence - building steps on decommissioning outlined at pages 6/7 of the aide-memoire. Agreement

on these steps and the principle of actual decommissioning during negotiations would break new ground so far as Sinn Féin was concerned. He also reiterated the Government's view that it was better to think in terms of a series of steps rather than specific time - frames.

21. Senator Mitchell asked if we were in effect saying that the "win" for Sinn Féin would be that Unionists would not get prior decommissioning and, for Unionists, that Sinn Féin would have to subscribe to the steps outlined at pages 6/7 of the aide - memoire. The Tánaiste confirmed this.

22. Mr. Holkeri referred back to the Taoiseach's comments on the idea of an elected body. It seemed clear to the International Body that they could not make recommendations in this area. However, if they were to endorse the Government's proposals in some form or other, they had to be able to offer the Unionists something. Mr. Holkeri fully understood the difficulties in terms of getting an elected body through the legislative process. However, the gains (for Unionists) from the Government's proposals seemed very narrow and the idea of an elected body might offer the only substantial gain. David Trimble could not go to his Party and say "we accept Sinn Féin's position". The Party would want to know "what did you get (in return)?". Mr. Holkeri felt that the Body would have to put something in their report that reflected the political side. He asked if the Government would accept that the Body should go beyond its remit in this way.

23. The Taoiseach indicated (check) that the Body should encourage Unionists to make clear to Nationalists that they accepted that the elected

Body would deal with the North/South dimensions, including by way of institutional structures and that Unionists would be willing to engage seriously in the peace process (through an elected body). However, the Body would be going beyond its remit if it were to go into detail on the elected body idea. The Taoiseach added that the Government was very concerned at the narrowness of the exit from the present impasse. They saw the elected body as one possible means of exit but were concerned to ensure that everybody went through the exit together.

24. Continuing, the Taoiseach said that the purpose of the political track was to get clarification of the respective views of the different parties on the idea of an elected body. The Government was in a position to influence to some degree the attitude of Nationalists to this idea but if they were to use that influence, they would need to be satisfied that Unionists would meet Nationalist concerns with it. For this to happen, Unionists had to talk to the Government in the political track. So far, they had refused to do this. David Trimble had responded to the Tánaiste's invitation to talks in the political track by characterising it as impudent. The Tánaiste had replied to Mr. Trimble's letter in a very level manner and where matters stood at present was that Mr. Trimble might come back. The Taoiseach emphasised that for the Government to persuade Nationalists to look again at the idea of an elected body, Unionists would have to engage with the Irish Government: this was the price which Unionists would have to pay to get a serious hearing for their proposal. If they kept to the principle that the Irish Government had no role to play on Northern Ireland, they would be confirming Nationalist fears about the idea of an elected Assembly i.e. that it was a device to exclude the Irish

Government. The Taoiseach added that if Unionists did decide to talk to the Irish Government, they would have to talk to the Tánaiste, as he was managing the discussions in the political track - Unionists could not decide to engage with the Irish Government by some other route.

25. The Tánaiste provided some detail of the correspondence which he had had with Mr. Trimble. The Government always tried to encourage the Unionists and they always tended to be rebuffed. Unless Unionists engaged, we would get nowhere. The Tánaiste added that there were some indications that Unionists were now trying to engage.
26. Mr. Holkeri referred to the International Body's planned meeting with the Unionists on Monday and suggested that this might provide an opportunity to persuade them to adopt a more positive approach to engaging with the Irish Government.
27. The Taoiseach referred to the difficulties which Unionists had had in talking to the Irish Government since the 1985 Anglo-Irish Agreement. They had come some way since then in that they had participated in the '92 discussions and last year, Mr. Trimble had met with the Taoiseach, Tánaiste and Minister for Social Welfare, albeit as Party Leaders rather than as Government representatives. Obviously, they still had reservations about talking to the Irish Government. However, from their own point of view, if they were to do anything to allay the concerns of Nationalists, they would have to take part in discussions with the Irish Government in the political track.

28. General de Chastelain returned to the question of an inventory of weapons. If the IRA were prepared to agree to reject the use of force for political ends, why could they not be brought to agree to identify their holdings of weapons? The General also referred to the desirability of confidence building measures on the other side in terms of reviewing the licensing of weapons not required for agricultural purposes.
29. The Taoiseach responded that the Government's concern was less with the idea of inventory as such, which would not be inappropriate, but rather with the idea of setting a timetable for the production of an inventory.
30. Secretary Dalton indicated that in his view, the paramilitaries would be likely to react negatively to the idea of an inventory: he did not see the paramilitaries agreeing to it. The security forces already had a fairly good idea as to the paramilitaries' holdings of weapons and to pursue this idea might be unnecessarily provocative and divisive. The Secretary also pointed out that agricultural weapons could be used to kill people: many crimes, both North and South, had been committed with sawn-off shotguns.
31. General de Chastelain said that his main concern in raising this issue was with the question of balance. If the RUC and Gardaí knew what the weapons holdings were, where was the problem in the paramilitaries identifying their holdings in terms of numbers of AK47s etc.? Secretary Dalton responded that the problem with the proposal was that it risked losing the paramilitaries. He referred to the elements of a win/win

situation as already outlined by the Government side. He also noted that the term inventory could give rise to problems. Senator Mitchell interjected that since the Body had commenced its work, its members had become quite adept at using synonyms. The Taoiseach returned to the point that what was needed was engagement in a process. He also noted that the idea of an inventory could give rise to problems in that there would inevitably be disputes as to whether the inventories provided were comprehensive or not. The Government felt that the inventory idea was premature at this stage in the process. General de Chastelain asked if the Government accepted that it would be necessary eventually to have an inventory. The Taoiseach confirmed that they did and added that Sinn Féin accepted the need for verification of decommissioning - for which an inventory would of course be necessary.

32. Senator Mitchell again emphasised the need for a balanced report by the International Body. The Body could not simply - assuming it were to do this - endorse the Sinn Féin view (on Washington Three). The Taoiseach commented that the trouble with Washington Three was that it tended to emphasise the military end of things and forced Sinn Féin to dig in in this area, given that their instinct was always to do the opposite of what the British Government wanted. What was needed in the circumstances was to find a way to de-emphasise the arms issue, while at the same time not avoiding it. The Taoiseach suggested that the proposal to seek a commitment on punishment killings, referred to earlier by Senator Mitchell, was a good way of approaching the decommissioning issue (in that it was indirect). He suggested that the Body might like perhaps to consider other ideas on these lines.

33. Secretary Teahon recalled that the Government were proposing that the International Body should seek concessions from Sinn Féin in three key areas. These were firstly, acceptance of the principle of consent; secondly, agreement to decommissioning in the course of negotiations; and thirdly, a willingness to look constructively at the idea of an elected body on condition that it addressed the North/South dimension etc. The International Body should be under no misapprehension that these were points which Sinn Féin would accept casually. Unless they were presented very carefully, there was a danger that they would put Sinn Féin off-side. It would be necessary to present these ideas as things which Sinn Féin could do to build confidence. Any suggestion that they were alternatives to Washington Three would be counterproductive.
34. General de Chastelain asked if Sinn Féin would accept the need, not for preconditions, but for compromise in order to get to all-party talks without decommissioning. Secretary Teahon indicated that they would. The Tánaiste also referred to the need to use the language of compromise to overcome the impasse.
35. The Taoiseach said that he had the impression that once Sinn Féin got to the stage where they were sitting at the table with the Unionists, the war would be over so far as they were concerned and the whole decommissioning issue would evaporate. What was needed was for the Unionists to make an act of faith. What had they got to lose? If they entered into talks, they could then see whether progressive decommissioning evolved over the ensuing 1 or 2 months.

36. Secretary Dalton emphasised the importance of avoiding making the peace process hostage to paramilitary hardliners by mapping out concrete steps and associated timeframe for decommissioning. The Taoiseach spoke in support of this point.
37. The meeting ended at this point. It was followed by a meeting with the press on the steps of Government Buildings and a short lunch. The International Body delegation then left for a meeting with Sinn Féin.

S. Hare

Meeting with International Body, 12 January, 1996

Attendance

Mr. John Bruton, T.D., Taoiseach

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

Mr. Paddy Teahon, Secretary, Department of the Taoiseach

Mr. Tim Dalton, Secretary, Department of Justice,

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

Mr. Seán Donlon, Special Adviser to the Taoiseach

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

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Senator George Mitchell, Chairman of the International Body

Mr. Harri Holkeri, Member, International Body

General John de Chastelain, Member, International Body

Ms. Martha Pope and Mr. David Pezorski, aides to Senator Mitchell

Mr. Timo Kantola, aide to Mr. Holkeri

Mr. David Angel, aide to General de Chastelain