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Taoiseach

CofS

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25/9

PST: PSS: Ministers Owen.
de Rossa & Taylor; Attorney
General: Minister of State
Coveney; Messrs. Teahon.
Donlon & Dalton: Ambs.
London and Washington: Joint
Secretary; Counsellors A-I.

CONFIDENTIAL

25-9-96

Meeting of Irish and British Officials with UUP Delegation
Castle Buildings, Belfast, 18 September 1996

Irish Side: Val O'Donnell, David Cooney, Brendan Callaghan
British Side: Stephen Leach, Nick Perry, David Hill
UUP Side: Alan McFarland, John Hunter, Peter King, Reg Weir

ms. Keenan
ms. Nolan
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26/9
26/9/96

1. The purpose of the meeting was to respond to a list of 15 questions submitted by the UUP at the trilateral meeting with the Irish and British Governments on 18 September (questions attached).
2. Leach opened the meeting by speaking to points which had been agreed beforehand by the Irish and British sides. He said that while both Governments would continue to do everything in their power to recover illegally held arms and prosecute those who possessed them, their efforts alone had not been completely successful. The process of decommissioning would be a different and distinct process. The two Governments accepted the compromise approach set out in the International Body's report, which envisaged parallel progress on the decommissioning and political tracks. The Governments' legislation was therefore of an enabling character. The Governments proposed a structure to take forward decommissioning alongside political negotiations, which would involve six elements:
 - a commitment by both Governments to get their enabling legislation enacted as quickly as possible and, in any case, before Christmas. This assumed a supportive Parliamentary climate, which in turn would be affected by the degree of constructive engagement in the negotiations as a whole.
 - a commitment by all present and future participants to work constructively to implement all aspects of the International Body's report, including the compromise approach to decommissioning
 - the establishment of a committee, to provide the right forum to make progress on the lines indicated by the International Body's report
 - the Government's would be willing to make appropriate expertise available to the committee to get on with its preparatory work
 - from day one, the committee would undertake a programme of work, including working up alternative schemes, an analysis of the role, powers and privileges of the Independent Commission and details of decommissioning such as timing and sequencing
 - the committee would make recommendations to the Governments, which would finalise and promulgate a scheme for decommissioning capable of

finding acceptance among the parties and those expected to decommission.

A Plenary session should be convened, in December, to take stock of progress in the negotiations as a whole, including the work of the committee.

3. Hunter said that his interpretation of the timetable for the legislation was that it was dependent on progress in the Talks. He read this as a threat. If further allegations were made against parties in the Talks, as already made by the DUP and Alliance, this would "pull the plug" on the Parliamentary debates on the Bills. Cooney recalled that the Tánaiste had given Christmas as the estimated completion date. Leach agreed with this target date, but said that there would be implications if the Talks collapsed. The aim of the legislation was to implement the compromise approach in the Mitchell report.
4. McFarland said that there was a broad church in the unionist community on decommissioning. Some said that there could be no negotiations until all the arms were in. Others said we could go down the Talks road when a start had been made on decommissioning. While he appreciated the importance of giving ownership of the issue to the parties, the proposed committee had enormous potential for getting bogged down. If Sinn Féin came in from the cold, there was no organisation ready to receive arms - legislation would take time. At least a framework should be in existence. The Governments had already gone down some of the road on modalities.
5. King said that it was not appropriate that members of the committee, as politicians, should take technical advice on issues such as destruction of arms and semtex. A core commission could work on this better. Callaghan said that it was not the intention that the advice offered to the committee would be of such a technical nature as physical methods of destruction.
6. McFarland said that the IRA ceasefire had been a technical use of the armed struggle. Next time it had to be clear that there was a genuine end to violence. People were not prepared to negotiate until they were convinced of this. There was a high degree of sensitivity among parties to being railroaded by legislation and events. They could see that the Governments were dragging their heels on the work on decommissioning. Leach agreed that there had to be a process of building trust when Sinn Féin entered the Talks. If the IRA offered to surrender arms in advance of decommissioning arrangements being in place, it would cause the Governments some problems, but they would be problems of success and so solvable.
7. Cooney said that confidence building was a two way process. Sinn Féin would expect substantive negotiations. In any case, significant progress would not be made on the political side immediately, and not before Christmas. This would give time for the committee to carry out significant work. Hunter said that, while the question of confidence building was important, the purpose of the meeting was to look at the list of questions.
8. Hill said that the questions presupposed that the Governments knew what the

committee would decide. There was a whole range of possible functions for the Commission, from verification onwards. McFarland said that this was an argument for a core Commission, with a number of core groups. One group could look at storage of arms and explosives, for example. To what extent had this idea been considered? Would it be possible to have a piece of paper on the options? Leach said the Governments had not concluded their consideration of a number of these questions. Before doing so, the schemes had to be decided on and the views of the Talks participants taken. Hunter said that this could be interpreted as saying that the Governments had done no thinking, and so could not answer their questions, or were not prepared to do so, even on a without prejudice basis. O'Donnell and Callaghan denied this was the case and referred to the range of possible functions set out by the International Body in paragraphs 42 and 47 of its report and incorporated into the enabling legislation. We were willing to reply to the questions to the extent we could.

9. McFarland said they wanted to be confident that they were not getting into a secret agenda of dragging things out. They needed to be offered more ideas. They now needed to consult "their hierarchy" about what to do next. Hunter said a committee would kill things.
10. Cooney said it was clear that the UUP wanted to be involved in the arrangements for decommissioning. This was also the view of the Governments. It was not only the parties which had to decommission which should be involved - parties like the UUP should also be involved. This was the rationale for setting up the committee. King said a committee could only be regarded as dynamic as its participants. Were the Governments offering a committee which would include Sinn Féin?
11. McFarland said that other parties had said that they would not talk to Sinn Féin until they were committed to peace and had started to decommission. The UUP would not get involved in the committee in such a situation. They were elected politicians and would have to face the electorate. Cooney said that if this was the situation it was a serious one.
12. Hunter asked whether the Governments had started on the regulations or looked at international experience. He again claimed that no work had been done by the Governments. Leach said that decommissioning could work only by agreement. That was why the answers were not more precise.
13. McFarland said that the "higher levels of modalities" were outside the remit of the IRA, eg. that the members of the Commission would be independent. However, how terrorist organisations went about decommissioning could be left to them. Hill said that there were, firstly, the modalities and, secondly, their implementation. The Governments saw the Commission as part of the implementation stage, while the UUP saw it as part of the modalities. McFarland said that the Commission had to have its own sources of expertise and body of knowledge. Perry said that that expertise already resided with the Governments. McFarland said that it would be useful to pick through this question, but it could not be done at this meeting.

14. Cooney said that the Governments needed a clearer idea of what the UUP had in mind by an inchoate Commission, and also their ideas for the political track. Leach asked how an inchoate Commission would differ from a committee with expertise. King said the significant difference was the participation. Hunter said that they had not finalised their thinking. The Irish and British sides offered again to go through the questions, but the UUP side said that they were time limited, as they had commitments elsewhere.
15. It was agreed that the discussions should continue at a meeting in the same format in the course of the morning of Monday, 23 September, in advance of the trilateral meeting between the Governments and the UUP in the afternoon.



B Callaghan

QUESTIONS ON DECOMMISSIONING

- 1 What is the intended parliamentary timetable for the passage of this ~~Legislation~~ ?
- 2 What consideration has been given to the structure and membership of the Verification Commission ?
- 3 Will the membership contain representatives for the British and Irish governments , or will its membership be entirely drawn from outside the British Isles ?
- 4 Has the option of setting up an inchoate Commission with some of its staff and their functions designated at this stage been considered ?
- 5 What will the terms of reference for the Commission and when will these be in place ?
- 6 What will the powers of the Commission be ? Will these be entirely dependant on the grace and favour of the two governments or will it have powers to act independently of them ?
- 7 Will these powers be passive or will it ,for example, have the powers to enter and search, or require the production of information ?
- 8 Have any international comparisons been considered and investigated , e.g. SALT ?
- 9 What work has been done on the draft regulations on decommissioning (Irish Government)/ draft decommissioning scheme (British Government) ?
- 10 How much work can be done prior to the paramilitaries coming in ?
- 11 What procedures should be agreed now to cover the situation if and when Sinn Fein enter the process ?
- 12 What thoughts have been given to the timetable/schedule for actual decommissioning ?
- 13 How is ~~is~~ this to be staged ?
- 14 What ~~remedy~~ remedy will be available if there is failure of any paramilitary party to comply with the decommissioning process/ timetable ?
- 15 What decommissioning provisions would apply if one set of paramilitary parties/party were to leave or be expelled from the process, to the remaining paramilitary party/parties ?

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General; Minister of State
Coveney; Messrs. Teahan,
Donlon & Dalton; Ambe.
✓ London and Washington; Joint
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