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PST, PSS, S/S Ó hUiginn, Counsellors A-I, Section Messrs Teahon, Donlon & Dalton, Ambassadors London & Washington, Joint Secretary

Meeting of Liaison Group, Dublin, 27 May 1997

Summary Report

S. Hare 10.7.97

TAOIS 12/6  
To see  
The Secretary  
to write

60/7

The Liaison Group met for approximately two hours, with discussion continuing over lunch. Present on the Irish Side were Seán Ó hUiginn, Wally Kirwan, David Donoghue, David Cooney, Simon Hare, Brendan Callaghan, Rory Montgomery and Gerard Keown. Present on the British side were: Quentin Thomas, Veronica Sutherland, Peter Bell, Jonathan Stephens, David Hill, David Lavery, Nigel Warner and Nick Saunderson.

2. The meeting was largely taken up with discussion of the Irish paper, **An Approach to the Decommissioning Roadblock** (attached), which was handed to the British side the previous evening. There was also discussion of how to proceed on 3 June when the multi-party negotiations resume, the handling of any summer recess and the modalities and timing of Sinn Féin entry to negotiations in the event of a ceasefire.
3. Ó hUiginn introduced the Irish paper, stating that it was intended as a discussion paper and had not received political clearance. He said the talks process would not survive a further period without progress to substantive negotiations on the three strands. In order to prevent the process from unravelling over the summer, the two governments would have to confront the issue of decommissioning in a more forthright manner than heretofore. The issue had been allowed to acquire a symbolism out of all proportion to its functional importance, particularly as regards the unionists. Although decommissioning was of real concern to unionists, it had also been used blatantly as a tactical device to delay the entry of Sinn Féin to negotiations. The aim of the paper was to offer an approach which met the unionists' substantive concerns, while not creating 'booby-traps' through which decommissioning could be used to abort the negotiations in their later stages.
4. To this end, Ó hUiginn explained that the paper suggested that the governments formally make a commitment to pursue decommissioning on the basis of the implementation of all aspects of the Mitchell Report, and guarantee that the matter must be resolved to the satisfaction of all participants as part of the process. Such a guarantee would meet unionist accusations, however unfounded, of potential bad faith.
5. The Chairmen would be invited to ascertain whether the parties could equally commit themselves to the full implementation of Mitchell as the way forward. Provision would be made for the Chairmen to examine the concerns of parties who were unwilling to accept Mitchell in its entirety, and then rule whether any such reservations were serious enough to constitute rejection of the Report. This met the unionist position that they did not want to commit themselves unreservedly to Mitchell in every single detail.
6. Further comfort would be offered to the unionists through provision for mechanisms of the sort they had discussed with the SDLP (a committee of the plenary and an Independent Commission to be set up as soon as the negotiations were sufficiently

inclusive to make decommissioning a serious practical possibility). There were also provisions for review.

7. Thomas welcomed a degree of common ground between the Irish paper and the British paper of 7 April. He agreed that the current talks could not continue much longer without moves towards substantive negotiations, and that the governments needed to 'make a play on decommissioning.' Any approach should be based on the Mitchell Report. However, he noted that some parties did not accept the Mitchell Report in its entirety, and wondered whether it would be helpful to challenge them to state their full support if this would be to invite a negative response.
8. Instead, Thomas proposed the two governments base their decommissioning proposals squarely on the Mitchell Report, but without requiring of the parties an explicit statement of adherence to all its recommendations. However, questioned by O hUiginn, who pointed to a similar provision in the British paper, he seemed to retreat from this position.
9. The British side repeatedly asked what it was the two Governments would actually be guaranteeing under the Irish scheme. The key issue remained the interpretation put on Mitchell by the various parties to the talks, and in particular whether the two governments were committed to only considering decommissioning during substantive negotiations, or whether they were committed to actually securing some parallel decommissioning. Unionists would look at any guarantee by the two governments to see which interpretation was being offered. It was, Thomas said, a question of devising a political construct that would carry all the parties through into substantive negotiations on the three strands. He conceded an element of tactical use of decommissioning by unionists, but stressed that it was an area of substantial concern to their supporters. Insofar as it was a real concern, the governments should seek to show that their proposals offered unionists political cover by addressing those concerns.
10. O hUiginn said the earlier British proposals could force the negotiations to abort if parallel decommissioning was not advancing. The Irish Government could not ensure decommissioning, and was not prepared to abort the negotiations process over that issue. He warned of the danger of putting a decommissioning test to Sinn Féin which the wider nationalist community would not regard as credible. If Sinn Féin were sidelined on decommissioning, or expelled from the negotiations on such grounds, the nationalist community in Northern Ireland would become further radicalised. Any likely settlement would be problematic for Sinn Féin. To add the prospect of insurmountable hurdles on decommissioning would be to reduce the chances of the leadership bringing its constituency on board. Instead, arguing for a 'positive dynamic' and not mutual inhibition between the political and decommissioning issues, he said the governments should seek to keep Sinn Féin in the talks and ensure a realistic strategy to this end.
11. Thomas denied that the British interpretation required a categorical commitment from Sinn Féin. Decommissioning in parallel would occur as a benign dynamic developed between it and substantive negotiations. Thus they did not envisage a specific date when the first arms would be handed over. He also said that any commitment to Mitchell on their part was not framed so as to preclude Sinn Féin entry, though this might be re-evaluated if it became apparent that Sinn Féin were not interested in joining the

negotiations.

12. Ó hUiginn reiterated that it would be short-sighted to secure Sinn Féin entry to negotiations at the price of an abort mechanism that might be invoked by unionists. He stressed the danger of allowing a situation where, faced with what they regarded as insufficient progress on decommissioning after substantive negotiations had commenced, the unionists would feel they had no option but to withdraw. Unrealistic expectations in the intergovernmental scenario would add to these pressures on them. This was an issue which the governments would have to face up to.
13. Thomas contended that unionists would either be suspicious of a commitment given by the two governments, or they would assume it to have a substantive meaning and then try to hold the two governments to it. Either way, the commitment envisaged was, in the British side's opinion, too strong given the low expectation that progress on actual parallel decommissioning could be achieved. He wondered whether there would be more advantage in a less categorical commitment by the Governments to work to ensure a more substantive result than in a guarantee which the unionists would not find persuasive. He suggested a formula could be found along the lines of 'work to secure decommissioning in parallel'.
14. Ó hUiginn said the commitment of the Irish Government to decommissioning was clear. We would continue to work towards decommissioning as a goal. What the Irish side could not accept was a prior commitment to parallel decommissioning as a pre-condition or an abort mechanism. We did not wish to make promises to the unionists which we could not reasonably guarantee would be kept.
15. Stephens said that unionists would want to know what the guarantee envisaged by the Irish paper meant, and speculated that it would be interpreted to mean a commitment to parallel decommissioning. Hill observed that unionists would seek clarification from Mitchell of the interpretation of his Report. Donoghue said it was vital that they keep as many interpretations of the Mitchell Report open as was possible.
16. Stephens remarked that unionists would see the provision for a qualified commitment to implementation of the Mitchell report as designed not for them but for Sinn Féin. Hill thought that giving a role to the Chairmen in this area was too close to what had been agreed on 6 June last to be acceptable.
17. Thomas noted that both the British and Irish papers were unclear on what would happen to those parties which might refuse to make any commitment to Mitchell. Montgomery wondered whether, given sufficient consensus among the other parties to proceed on this basis, the remaining participants would calculate that it would not be in their interest to block progress. Thomas asked whether this would amount to these parties being expelled, unless their commitment was optional.
18. Ó hUiginn reminded the meeting that the position of the loyalist parties on decommissioning was also crucial. If the Chairmen made a judgment that a party accepted a sufficient portion of the Mitchell Report this would suffice, with any problematic areas being referred to a sub-committee. This fell short of unionist fears

about a political role for the Chairmen in determining entry to the Three Strands. It would also help the loyalist parties to remain in the talks, as to lose them would have a destabilising effect on the entire process. He said that either Sinn Féin, the loyalists and other parties should enjoy the same room for manoeuvre or, alternatively, the unionists should insist on a rigorous interpretation of Mitchell for all. Equality of treatment with the other parties was, he said, a central concern to Sinn Féin. There was general agreement on this point.

19. The British side found paragraph 8 of the Irish paper (which would prevent renegotiation of whatever was agreed on decommissioning by a new entrant to the negotiations) helpful.
20. While accepting the logic of having a single committee of the plenary entitled to consider all aspects of the Mitchell Report (even if it could be decided that some matters would be operationally best advanced elsewhere), the British side wondered whether, in deference to UUP concerns, we could not agree to establish two sub-committees of the Plenary. Kirwan suggested having two sub-committees of a single committee.
21. In conclusion it was agreed that the British side would produce a draft paper, for consideration between the two Governments during the first week of the negotiations, aimed at forming the basis of a joint paper for presentation to the parties at a point to be determined.

Resumption of negotiations on 3 June and conditions for Sinn Féin entry

22. The question of an adjournment over the summer arose. Ó hUiginn noted that an adjournment might conceivably be required depending on the result of the Irish general election. He then suggested that every effort be made to secure agreement on decommissioning before the summer break. This would reduce tension over the marching season, and also increase the likelihood of an IRA ceasefire. He warned against giving Sinn Féin the impression that the governments did not envisage any progress towards Sinn Féin entry to talks until the autumn. To do so would be to invite the republican movement to defer any moves of its own until then as well.
23. On timing, Thomas said that pre-ceasefire inactivity did not displace words and deeds in the assessment of an IRA ceasefire, but stressed that the decision to admit Sinn Féin would be a political one. Stephens said a September ceasefire would mean admission to talks nearer Christmas. Sinn Féin had been told, he said, that immediate admission to talks was not a possibility. Cooney raised the possibility of convening a special session of the plenary in late July to allow Sinn Féin to sign up to the Mitchell principles after an initial adjournment following a ceasefire had been called. The unionists could decide whether or not to turn up, but their absence could be demonstrated as not having prevented some progress. This would allow a further month before negotiations involving all of the parties. The possibility of a formal launch of the three strands before the summer was also raised, with substantive negotiations held over until September.
24. Ó hUiginn agreed that there would be a better chance of keeping the unionists in the negotiations if some continuity with the previous British Government's policy on the timing of Sinn Féin entry were maintained. Any time period should be short, and an

appearance of equality of treatment with the other parties maintained. On the format for Sinn Féin's entry, he wondered whether it would be wise to raise the question of the attendance of other parties too early, and speculated that Sinn Féin would not be interested in turning up to a special session of the plenary on their own to sign up to the Mitchell principles. He wondered whether there might be meetings at ministerial level.

25. Stephens said that Minister Paul Murphy would meet with Sinn Féin after a ceasefire had been called, followed by the Secretary of State. He did not think the Prime Minister would meet the party until after it had become involved in negotiations. There might also be some access to Castle Buildings for Sinn Féin.
26. On the possibility of a challenge to the loyalist parties, Stephens said Lord Alderdice had indicated that he would be amenable to the Chairmen asking him to resolve his difficulties with the loyalist parties in a bilateral meeting. Hill speculated that the DUP would raise this issue by outlining the reasons why it would not call for the expulsion of the loyalist parties, whilst calling on the British Government to do so.
27. Hill also asked whether it would be prudent of the two governments to prepare a statement explaining why Sinn Féin would not be admitted to multi-party negotiations on 3 June in anticipation of a possible Sinn Féin protest as had happened on 10 June 1996. Donoghue did not consider it helpful publicly to anticipate difficulties.

JK

Gerard Keown  
28 May 1997