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by P. Barry
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**Meeting between the Tánaiste and the Secretary of State,
Grand Hotel, Malahide, 29 May 1997**

13/6/97

Summary Report

The issued reports on pp 4, 5 show notable movement by the new Secretary of State on decommissioning where we are working well towards paper of the two Governments

The Tánaiste and the Minister for Justice, were accompanied by Pádraic MacKernan, Sean Ó hUiginn, Val O'Donnell, David Cooney, Colm Ó Floinn and Niall Burgess.

The Secretary of State was accompanied by John Chilcot, David Fell, Quentin Thomas, Ambassador Sutherland, Jonathan Stephens, and Ken Lindsay.

The meeting lasted from 2.15 pm to 3.30 pm. The atmosphere was cordial throughout. The following is a summary of discussion of the main points of substance.

5.6.97

Preparation for the resumption of the multi-party negotiations

The Secretary of State pointed out that the timing of the resumption of the negotiations would have to be delayed until 2 pm to allow for the return of those party representatives who were to participate in the discussion in South Africa. It was agreed that the two Governments should seek a meeting with the Independent Chairmen for 12 noon.

The Tánaiste suggested that the talks would resume with a open debate which, on past form, would be dominated by long and repeated interventions from the DUP and UKUP. The Secretary of State said that the "good news" was that she understood that the DUP would not be present, as they were refusing to attend the negotiations until after the resumption of the Forum which could not take place until the end of the week.

Demand for expulsion of the loyalist parties

The Minister for Justice asked about the likelihood of a formal complaint being lodged against the loyalist parties when the talks resumed and whether, if this were to occur, the talks would be stalled pending judgement by the two Governments. The general view on both sides was that, on the basis of precedent, the tabling of such a complaint need not require the suspension of other business.

Stephens pointed out that, in any case, while John Alderdice had announced his intention to question the quality of the loyalist ceasefire on the resumption of the talks, he maintained that he did not want to see the loyalists expelled. However, Chilcot expressed concern that once the matter was raised in the talks a bandwagon effect could lead to the lodging of a formal complaint.

The Tánaiste pointed out that while the PUP and the UDP could not be directly linked to much of the recent violence attributed to loyalists, it was accepted that each of the component

parts of the CLMC had breached the ceasefire on at least one occasion. That said, it made no sense to seek the expulsion of the loyalist parties from the talks. Thomas reported that Sinn Féin had made it clear to British officials that they did not wish to see the loyalists expelled.

Ó hUiginn noted that there had been mention of a "yellow card" option, whereby the loyalists could be warned on their future behaviour but not expelled. Thomas claimed not to recognise the concept (even though it had been floated informally by a member of the British delegation at the last meeting of the Liaison Group.) Ó hUiginn suggested that, while the Irish Government would not wish to be seen in the forefront of any action directed against the loyalists, they would be prepared to look anything along the lines of a "yellow card" which the British might come up with.

The Minister for Justice pointed out that people would be looking at what was done in respect of the loyalists for an indication of possible future attitudes to Sinn Féin. Chilcot agreed, and said that it was important for that reason that allegations against the loyalists be taken seriously.

The Secretary of State suggested that it would be useful to think through the question of double standards. The test which she would apply to any future IRA ceasefire would be a rounded political judgement on the overall quality of the ceasefire. She suggested that the same test should be applied to the loyalist ceasefire. Chilcot suggested that this concept might be built into the opening statements of the two Governments for next Tuesday.

David Trimble

The Tánaiste pointed out that David Trimble would be the key to progress in the negotiations and asked the Secretary of State for her assessment of his intentions. The Secretary of State replied that she had spoken to Trimble in the House of Commons on a number of occasions recently, but that it was difficult to judge Trimble without testing him the talks. She knew that he was concerned at the outcome of the local elections, which had not gone well for him. She said that, in reality, while Trimble had been more accommodating than before over the recent weeks (for instance, "he did not jump up and down" when she met the local residents groups), he could turn tomorrow and there was very little the British Government could do about it.

She pointed to the difficulties in meeting the Sinn Féin's demands for confidence-building measures without upsetting unionists. She referred specifically to the transfer of prisoners, where the British Government's early action appeared to have done little to satisfy Sinn Féin. She made it clear that while she was not going to get into the business of "giving sweets to both sides", there was a need to manage media presentation in order to prevent problems. She thought that the Prime Minister's Belfast speech had helped to bolster unionist confidence and had provided cover for the opening of talks with Sinn Féin.

The Tánaiste asked about the influence of John Taylor and, specifically, whether he accompanied Trimble to meetings with her. The Secretary of State replied that Trimble liked to come alone. She pointed to the lack of comradeship in the UUP leadership, recalling that

four of the parliamentary party had stood against Trimble in the leadership election. She suggested that Taylor used every opportunity to knife Trimble, while Ken Maginnis "had no function". She thought that the election of Jeffrey Donaldson to the Commons could be helpful".

Implications of the Irish Elections

The Secretary of State asked about the possible implications of the Irish election. The Minister for Justice explained that, whatever the outcome of the election, the present Government would continue in office until 26 June. The Tánaiste expressed the view that, in the event of a change of Government, there would be little discernable change in policy on the North, pointing out that all main parties saw the Joint Framework Document as "the guiding light". He suggested that, if the outcome of the election were to indicate a change of Government, the outgoing Government would consult their likely successors on any matter of importance which might arise between the election and the appointment of the new Government.

Prospects for a renewal of the IRA ceasefire

The Tánaiste suggested that there seemed to be a new opportunity as regards the restoration of the IRA ceasefire, but expressed concern at the widespread assumption that there might not be any movement until the autumn. The Secretary of State agreed that the autumn could be too late and that nobody should doubt the British Government's readiness to act quickly. They wanted inclusive negotiations and had made it clear to Sinn Féin that, as regards the timing of their entry to talks, they stood by the language of the Ground Rules. Nevertheless, if they did not get a ceasefire, they would go ahead without Sinn Féin. She warned that Tony Blair would give the talks until next May.

Thomas interjected to point to the unhelpful press reports quoting republican and Irish Government sources as speculating that there would be no ceasefire until September.

The Secretary of State warned that if things were left until September they could go wrong. She warned of the dangers posed by the marching season and reported that Seamus Mallon had made it quite clear that the SDLP would not hang around in the talks indefinitely if the unionists refused to engage in substantive negotiation. She said that the Prime Minister wanted to move "very fast" and that if he did not see movement he would go ahead without every one on board.

Ó hUiginn said that the Irish Government had received informal read outs from both sides on the previous day's meeting between Sinn Féin and British Government officials. He said that it was clear that, for whatever reason, Sinn Féin had been stalling. Irish officials had sent a very strong message to Sinn Féin that they could not afford to waste opportunities for dialogue and that Wednesday's meeting had cast doubts about their intentions. Sinn Féin had come back offering a more up-beat assessment of the meeting and pledging that they were in earnest.

Ó hUiginn expressed concern that even early movement to address matters raised by Sinn Féin as requiring resolution before the IRA ceasefire would leave Sinn Féin entry unlikely before July. Going through the four points, he suggested that the question of a time-frame and confidence building measures were on the way to being resolved and that the timing of entry, while of huge symbolic significance, was ultimately presentational and ought not to be an insurmountable obstacle. The real problem, in his view, was decommissioning.

The Secretary of State suggested that marches could also be a complicating factor as regards the date of entry. The situation was already very tense on the ground and she could not presently see a way through, in spite of what she described as her "bullying". She suggested that Sinn Féin could do a lot to help in this area, if it were so minded.

Decommissioning

Ó hUiginn pointed to the threat posed by the decommissioning issue. Republicans knew that the next ceasefire was the "last throw of the dice" and that they had to get it right. Their deep fear was that they would find themselves in talks in which their continued presence was hostage to David Trimble wielding the lever of undeliverable demands on decommissioning. In such circumstances they saw every possibility that they could be thrown out and would be obliged to go back to war. Ó hUiginn pointed to the disastrous impact such action would have within the nationalist community, which traditionally did not attach great significance to the question of decommissioning. If Sinn Féin were ejected from the talks over the question of decommissioning, nationalists would feel that they had been wronged and this would have a deeply radicalising impact on nationalist opinion. It would be disastrous if the IRA were pushed back towards violence against a background of increased public sympathy.

The Secretary of State said that she did not expect to see lorry loads of weapons being handed over, or indeed anything much before the end of the negotiations; what the parties would be expected to do would be to "consider" some parallel decommissioning. She said that nobody could force anybody to decommission, but suggested that if the Governments said at the outset that nothing would happen until after the talks, the unionists would not be there. Nevertheless, in her view, any decommissioning would take place towards the end as a result of a benign dynamic; Sinn Féin should not think that they would be expected to deliver within weeks. She hoped that if Sinn Féin realised that expectations were end-loaded they would consider it worthwhile going back to the IRA. (Note: following the meeting, both Thomas and Bell made the point to the undersigned that the Secretary of State's comments revealed a significant shift in British Government policy.)

Chilcot intervened to say that, whatever our expectations, something would be needed to give unionists confidence that something more substantive was possible. The Secretary of State accepted this point, but argued that if expectations were placed too near the beginning, it would give rise to difficulties in the other direction.

The Minister for Justice regretted that unionists had never really confronted the issue of decommissioning on its merits, but had used it as a tactical weapon to spare them from having to talk to Sinn Féin. The Secretary of State suggested that the unionist position was

only partly tactical and that they also saw it as a means of testing whether Sinn Féin were serious in their commitment to negotiation. The Tánaiste accepted that people wanted to be sure that the war was over, but pointed out that there would almost certainly be some splinter groups which would want to continue violence and these would have to be confronted with all the resources at the disposal of the two Governments. He speculated that, even with successful negotiations, it could be five years before violence was finally ended.

Thomas suggested that the more convinced unionists were that the ceasefire was definitive, the less worried they would be about decommissioning. The Tánaiste responded that this ceasefire had to be the last one; there could be no third ceasefire. That is why it was necessary to ensure that there were no traps. Ó hUiginn recalled the wisdom of the Prime Minister's words in Noordwyck, were he had described entry into negotiations as an ordeal, rather than a reward, for Sinn Féin. The Secretary of State agreed, and said that whoever "walked first" would pay a high price.

Thomas suggested that what was required was a construct which could bring the unionists in on the basis that decommissioning could take place as envisaged in the Mitchell Report, alongside negotiations; something which would give them the confidence to take the next step "without realising that the pass had been sold". The Secretary of State added that any assurance that decommissioning would take place should not be so strong as to lose Sinn Féin. However, she also noted that the unionists would not be bought by anything that was "too waffly"

Ó hUiginn asked whether it made sense that politics should be made hostage to decommissioning. He complained that the Washington Three precondition had taken on a life of its own, way beyond the tactical purpose envisaged by those who had originally devised it. He argued that there were nine chances out of ten that there would be no decommissioning before the end of the process and that the process would simply abort if there was any expectation of lorry-loads of weapons being handed over. The Secretary of State interjected to ask that there be no more talk of "lorry-loads". Thomas added that the Secretary of State had made clear the British Government's expectation that any actual decommissioning would be back loaded.

Ó hUiginn argued that there would be a need for ambiguity around the question of timing. He thought that Sinn Féin might be able to live with a commitment to implement all aspects of the International Body's report if they could be confident that the process was not booby-trapped, but asked if the unionists could accept a mere aspirational approach to parallel decommissioning. He said that while the Irish Government could not accept that agreement to deliver actual decommissioning was a requirement for sitting down at the table, they felt that it could reasonably be regarded as a precondition for getting up from the table.

Stephens replied that unionists required reassurance on decommissioning and that, unless this was forthcoming, there would be no political process. However, he said that the British Government had made it very clear to the unionists that their demands for advance agreements on installments and such-like were non-runners. What was needed was some degree of cover to allow Trimble to break with Paisley and McCartney.

Thomas drew a distinction between the common understanding between the two Governments on what might be expected in relation to decommissioning and what would have to be said to bring the unionists into substantive talks. However, Chilcot pointed to the need to demonstrate good faith and to avoid selling the same product differently in different markets.

The Minister for Justice pointed to the differing interpretations of what Mitchell had to say about parallel decommissioning and the need for the two Governments to understand what they meant by "the implementation of all aspects of the report". The Secretary of State agreed, saying that it was necessary "to unfudge Mitchell's fudge".

Thomas suggested that the two Governments should have no problem in committing themselves to working to achieve parallel decommissioning. He pointed out that Sinn Féin would be most unhappy if the British Government took the line that there could be no movement on "demilitarisation" matters until the end of the negotiations. Stephens noted that Sinn Féin had demanded that prisoners be released even before the restoration of the ceasefire. The Secretary of State intervened sharply to say that she was not moving on demilitarisation until she had got a ceasefire.

The Secretary of State noted that what was required was language which was somewhere between aspiration and commitment. She confirmed that the British side would table a revised paper which, hopefully, could be worked on during the following week. The Tánaiste stressed that, if the negotiations were to retain any credibility, the two Governments could not delay too long before testing their ideas with both the unionists and Sinn Féin.

Parades

The Secretary of State expressed concern about the marching season which she said would begin in Bellaghy in late June and peak at Drumcree on 6 July. Asked by Ó hUiginn as to whether she had given up hope of Hume and Trimble pulling off a solution to Drumcree, she replied that she had not, although she was not optimistic. She suggested that Derry had only been resolved last year only "because John Hume and Alistair Simpson were human beings". She saw Hume as possibly the only hope, since the churches were "no good" and the loyal orders would not talk to Sinn Féin representatives on the residents associations. She regretted this, since she recognised that the residents associations were genuinely representative. However, she said that she was in a weak position to criticise the attitude of the loyal orders, since she herself would not talk to Sinn Féin. (However, she has, more pertinently, met the residents associations, including their Sinn Féin members). She lamented that Saulters was particularly nervous, having been "done over by the press for the last three weeks"

Ó hUiginn noted that there were lessons from the resolution of the Derry situation last year and from the failed attempt to broker a deal at Dunloy earlier this year. He warned against any attempt to impose a settlement on Drumcree without some previous engagement in dialogue. The Secretary of State suggested that Derry had worked last year because Sinn Féin realised that they had no space left in which to manoeuvre. Any similar solutions this year would require both sides to feel that they had achieved at least partial success.

Fell wondered whether, now that two members of the Garvaghy Road residents, including Breandán Mac Cionnaith had been elected to Craigavon District Council, that some unionists might not be ready to talk to the residents representatives within that forum. However, the Secretary of State was sceptical as to whether those with the "guts" to do so could be found on Craigavon Council.

Ó hUiginn expressed concern at the previous week's events in Dunloy, where he felt that the RUC had tried to be "too clever by half" in seeking to simultaneously satisfy both the residents and the marchers. He regretted that, as a result, the locals had lost any remaining faith in the RUC. A number of representatives on the residents group had resigned in fear of assassination. This illustrated one reason for involvement by Sinn Féin members, who were generally less afraid to put themselves forward in residents associations.

The Secretary of State replied that the RUC were being "badly squeezed". She said that Ronnie Flanagan had told her that he would not carry responsibility for any decision on Drumcree. She accepted that she would take the necessary decision and that, once taken, it would not be changed. She said that she had warned those to whom she had spoken that she would send in the army if there was any attempt to repeat the blocking of the ports and airports which were a feature of last year's "Orange" demonstrations.

She concluded on parades by stressing that, while she was not confident of achieving agreement, she was resolved to keep trying.

Roisín McAliskey

The Tánaiste explained to the Secretary of State that the one North related issue he consistently encountered on the doorsteps during his election campaigning was the treatment of Roisín McAliskey. He also pointed to the possibility that Sinn Féin might conceivably win one or two seats in the General Election. He asked the Secretary of State if she could do anything which might address Ms. McAliskey's situation. The Minister for Justice pointed out that in our jurisdiction, a female prisoner in Ms. McAliskey's situation would be placed under the care of a nursing order for 6 weeks.

The Secretary of State expressed understanding, saying that nobody wanted to have a pregnant female prisoner. However she stressed that she felt that all that could be done as regards Ms. McAliskey's conditions was being done. Two female Ministers had been in to see her in Holloway and she herself had visited the mother and child facility. Asked about the possibility of Ms. McAliskey being transferred to Northern Ireland, she regretted that this was not legally possible.

The Tánaiste asked if the Government could not intervene with the Crown Prosecution Service (CPS) and the Prison Service to get them to drop their opposition to bail. Stephens claimed that the Prison Service had not opposed bail and that the CPS were not acting on behalf of the British Government and were not legally accountable to the Government. The Tánaiste noted the use of the qualification "legally" and expressed incredulity at the suggestion that the British Government had absolutely no influence with the CPS.

Ó Floinn pointed out that the German authorities had claimed that they did not oppose bail and that it was entirely a matter for the British authorities. Stephens denied this, claiming that if the Germans ceased to oppose bail the CPS would be obliged to report this to the judge hearing the case. Cooney asked why, if this was so and given the embarrassment that the McAliskey case was causing them, had the British Government not considered inviting the Germans to do just that. Stephens replied that it would be inappropriate given that Ms. McAliskey was wanted for questioning in relation to an attack on a British Army barracks in Germany.

The Tánaiste sought to draw discussion to a conclusion by appealing to the Secretary of State that, at a minimum, nothing further of a provocative nature should occur in relation to Ms. McAliskey. The Secretary of State undertook to take note of this appeal and to see what she could do.

In relation to the wider question of prison transfers, the Minister for Justice indicated that she was preparing to transfer 13 British prisoners to the UK, while the Irish authorities were expecting to receive a further 8 prisoners from the UK.

David Cooney
Department of Foreign Affairs

3 June 1997