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Meeting with the UUP

PSM: PSMOS: PSS:  
 S/S O hUiginn: Mr Teahon:  
 Mr Dalton: Dr Mansergh:  
 Ambassadors Ottawa and  
 Helsinki: Counsellors A-I Div:  
 Section: Box

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The Minister for Foreign Affairs and the Minister of State had a meeting at Castle Buildings today with the UUP. at the latter's request. The UUP delegation consisted of David Trimble, Ken Maginnis, Reg Empey and Peter King. Second Secretary O hUiginn and the undersigned were also present.

The Minister opened the meeting by underlining the importance of a good understanding between the Government and the UUP for stability and political progress in relation to Northern Ireland. He appreciated the sensitivity of the decommissioning issue for Unionists. What was required was a realistic game-plan for achieving decommissioning in practice. The joint paper was a carefully balanced attempt to do that. It would be important to preserve the balance in the paper. He would note carefully, however, any points the UUP wished to make about it.

Trimble said he had met the British Government yesterday arising from his recent letter to the Prime Minister. (The Minister noted that we had not seen this letter, though we had seen a Newsletter summary of it). Trimble said that the joint paper contained a number of ambiguities which could hopefully be cleared up. There were other points where a careful look at the "mechanics" would be required. It would be necessary to have the machinery for decommissioning in place at the time when it was required and to give no opportunity for anyone to obstruct the operational procedures. Unionists were greatly concerned about possible delays and obstruction which might arise if Sinn Féin were to join the process (though he acknowledged that this scenario was not very likely at present).

When Trimble began to make a critical reference to the previous Minister for Foreign Affairs, the Minister recalled earlier remarks of this kind by the UUP leader and made clear that he would not be party to criticism of his predecessor outside the context of Dáil Eireann.. He believed that the previous Government had acted in good faith at all stages. The decommissioning legislation had been taken through the Oireachtas and only a Ministerial Order was required to put the arrangements into effect.

Asked by Trimble about the timescale in this respect, he indicated that this Order could be made immediately, on the basis of an agreement with the British Government. Trimble

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observed that the paper envisaged such an agreement being reached within the next fortnight. A difficulty was that neither Government had shared with the UUP any information about that agreement, which they would have to take on trust.

Maginnis said that, when the UUP had had an informal meeting with the previous Government in May 1996, they had been told that there would be no difficulty about having the legislation in place at an early stage in the talks process. However, the legislation had not been enacted until the end of last year and the beginning of this year. The UUP had pressed the former Government to identify a possible Chairman of the Commission, along with a number of advisers from both sides, who could begin preparatory work as a Commission-designate. In practical terms, however, he saw no evidence as yet of Commissioners being identified or of work being done on that subject. What timescale did the Government envisage for putting these arrangements in place and presenting schemes to the Plenary? Could all of this realistically be done before the beginning of September?

Empey expressed concern about a scenario in which Sinn Féin might enter the process in September but the practical arrangements for decommissioning would not exist at that point. This was why the UUP had made proposals for an "inchoate" Commission. It would be ridiculous if people wanted to decommission but were unable to do so in the absence of these arrangements.

Maginnis asked whether the Government had a realistic expectation that Sinn Féin/IRA would be interested in entering the talks on a basis which would entail agreeing to disarm and to abide by democratic methods (as opposed to paying mere lip-service to the principle of non-violence, as Sinn Féin Councillors had done in signing the statutory declaration).

The Minister replied that the overall objective was to achieve peace and to move on to a long-term resolution which would enable people to live together in harmony and which would involve a decommissioning of mind-sets as well as weapons. The joint paper was a balanced effort to achieve this. If the UUP wished to propose amendments to it, the Governments would be open to considering suggestions. We would be willing to entertain proposed changes which would represent genuine improvements and could attract broad support without losing the essential balance. However, there was not much room for this; the balance of the text imposed very tight parameters.

Trimble took up the reference in para 2 of the paper to the "compromise approach envisaged



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in paras 34-35 of the Mitchell Report". It was essential that everyone understood what was meant by this, i.e., that actual decommissioning "shall occur during the talks". Some people had sought to argue in the past that this only meant talking about decommissioning, or leaving it to the last minute. It was essential to have an understanding that this meant actual decommissioning during the talks. If decommissioning did not start and proceed alongside the talks, it would not be parallel decommissioning. This point would not involve an amendment to the paper. However, it must be dealt with on the record, so that everyone could understand what was meant by it.

Empey mentioned a UUP concern that, if the envisaged sub-committee was to have any power other than that of serving as a conduit for information between the talks and the Commission, "people" would exercise their vetos courtesy of the sufficient consensus requirement and no agreed scheme would emerge. While the SDLP seemed to accept that this should not be the case, the UUP had to be very careful to ensure that the exercise by any group of its right of veto did not mean that decisions on the sub-committee would be blocked. This point was not directed solely at the Irish Government; all participants would have a role in ensuring that no blockage occurred.

Trimble said he appreciated the difficulties which arose once positions were committed to paper. That was why, in framing the issues which they wished to raise about the joint paper, they had looked at matters which could be dealt with either through minor amendments or through authoritative clarification. The UUP would draw up a more precise list of the points which it wished to raise. (Note: This document was received later and is attached).

Trimble confirmed that the points put to the Prime Minister last week were the sum total of the party's position on the joint paper and they had nothing else "up our sleeves".

Maginnis asked what the Government meant by "confidence-building measures". The UUP understood these to mean matters which, though difficult to define, could be agreed by the greater number of people in both traditions. One practical example was the right of people to attend Mass at Harryville. The greater number of people in Northern Ireland, he suggested, would support the right of both traditions to attend their place of worship. This was something which could be defined and "rubber-stamped". There might be other matters which could also be built on. His impression, however, was that, for some people (and possibly including the Irish Government), "confidence-building measures" were a means of achieving concessions to Sinn Féin/IRA in relation to policing, prisons etc. The UUP, on

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the other hand, saw these as matters for negotiation.

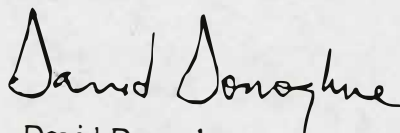
The Minister noted that the list of confidence-building measures was not finite. As one example, prison issues such as visiting rights were of concern to both communities, as the Government's contacts with both the Loyalist parties and Sinn Féin had revealed.

Trimble looked forward to receiving our response to his list of points and saw value in having a full discussion on this. The Minister proposed that, to avoid any misunderstandings, and bearing in mind that it was a joint paper, our response would be given at a trilateral meeting involving the two Governments and the UUP.

Trimble said that they were not seeking to play one Government off against another. (The Minister commented that this would in any event "not happen"). It would, however, be important to have a discussion for the purpose of understanding each other's position. He did not object to a trilateral meeting, though trilaterals would have "a different dynamic". It was important for the new Irish Government and the UUP to have a meeting of minds.

Maginnis recalled that, during the exercise involving clarification of the Joint Declaration, Sinn Féin had been provided with clarification in respect of one Government's position.

In conclusion, Trimble indicated that he was happy with the structure of the proposed timetable for the remainder of July, though whether the target could be achieved would depend on the progress made in relation to clarification of the joint paper.



David Donoghue

8 July 1997





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There are concerns about the definition of a genuine cease-fire. Different language has been used from time to time. Can we be assured that a genuinely complete, permanent and universal ending of violence will be insisted on? Will there be consultation with us, and others, about the interpretation of any cease-fire and about any invitation to Sinn Fein to enter the talks? In any event there is in our view no need to give Sinn Fein any further time. The murders and attempted murders since they received the Aide Memoire are answer enough.

We consider that the suggested 6 week period for assessment of the cease-fire is a mistake. Surely the crucial issue is not the passage of time, but whether the cease-fire possesses the requisite quality as set out above?

The Aide Memoire makes it clear that immediately after a cease-fire Sinn Fein would have access to Ministers, the Independent Chairmen and to the talks building and could hold bilateral meetings with other parties. This is not consistent with the idea of assessing whether the cease-fire is genuine. This amounts to immediate involvement in talks as experience has shown that the bulk of the work takes place away from the Plenary. How can there be participation in the talks before an invitation by the Secretary of State under the Act? Or are there two periods one to assess the cease-fire followed by a six week period?

There needs to be a clear understanding that there will be parallel disarmament. The coy reference to paras 34 and 35 of the Mitchell Report need to be amplified to make it clear that all parties are committed to a properly scheduled disarmament programme during talks and that it is precisely this that the governments are promising to the parties to secure.

It must be clear that the procedures in "possible conclusions" cannot be used to block actual decommissioning of weapons as distinct from merely talking or negotiating about decommissioning.

It has been suggested that the committee will discuss the way in which decommissioning alongside talks will be done including a possible timetable. This, however, raises the question as to whether the committee has any function with

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regard to decommissioning. It would be a very serious problem if it did. The committee should merely be a sounding board and a conduit for information.

Under the Talks procedures there cannot be a sufficient consensus unless there is agreement by, inter alia, a majority of unionists, a majority of nationalists the British government and the Irish government. Consequently any one of these four could veto any agreement in the committee. As we suspect that some are reluctant to see Sinn Fein embarrassed by a request to hand in any weapon, then these procedures could be used to block permanently any actual disarmament. It was for this reason that we have steadfastly opposed giving the committee any function other than being a mere conduit for information.

The terms of reference of the committee as set out in the "possible conclusions" paper are ambiguous. While "consider" can imply that no particular function has to be discharged, "charged with assisting the implementation" implies that there are things the committee must do. It is essential that the committee is deprived of any ability to block progress on actual disarmament.

There is a need to avoid unnecessary delay. Some delay is implicit in "possible conclusions". That paper suggests that, while formally established on the launch of the three stranded negotiations, the Verification Commission would not actually commence work until those negotiations began. The Commission's responsibilities as set out in the Annex implies that several months would then elapse before the Commission would be in a position to actually receive any weapons or supervise their destruction.

This would be completely unacceptable. It is essential that the Commission is set up and running. The Commission must be operational immediately. Substantive talks cannot occur until the Commission is in a position to receive arms. Consequently "possible conclusions" will have to be clarified in such a way as to reflect the Secretary of State's assurance to you and to ensure that there is no possibility of obstruction.

Setting up the Commission will take time. We have repeatedly asked whether the Governments have yet identified any possible members of the Commission. They have still to consult with us as to the possible members or structure of the Commission. Such consultation is indispensable.

The Parliamentary timetable may also be a problem. The Commission can only be established by a statutory instrument after consultation between the British and Irish Governments. Has that consultation taken place? When will the statutory instrument be made?



The Decommissioning Schemes also require legislative procedures. When will the necessary Order or Orders be made as respects the United Kingdom? In the Irish Republic the scheme must be made by Regulation. Can we be assured that there will not be delays with regard to the Regulations?

How in the light of the above can the timetable in the Aide Memoire be kept?

There is also a need for a clear timetable for disarmament. It is wholly inconsistent for there to be a timetable for the negotiations without an equivalent timetable for disarmament. Such a timetable cannot be left until after Sinn Fein has joined the process for then disarmament will not be parallel.

The review mechanism envisaged by "possible conclusions" requires clarification. The essence of the idea was that on such a review there would have to be a consensus or sufficient consensus for progress beyond the review, so that if there had been no, or insufficient, progress on actual decommissioning the talks would automatically halt and remain halted until the necessary confidence had been restored. The wording of para. 6 of "possible conclusions" must reflect this more clearly.

In addition while two months may be an appropriate period to review a process once started, it is too late for a first review. The object of the exercise is to create and maintain confidence. Such confidence cannot be created if there is no actual delivery or it comes too late. We need to create an effective mechanism on or about the point of entry to ensure that confidence is created.

Sinn Fein must not be allowed to deny its connection with the IRA. Sinn Fein is only admissible on the basis of a clear commitment to disarmament by the IRA. In this respect the commitment in para. 2 of "possible conclusions" needs to be clarified. A bald reference to "the compromise approach ... in paras. 34 and 35" is insufficient. It should be clear that the commitment is to parallel disarmament and that Sinn Fein must commit itself to secure such disarmament from the IRA.

Moreover, it must be made clear that Sinn Fein will give a commitment to the absence of violence and the threat of violence from the Republican movement. The genuine difficulties encountered by Loyalists from defections and splinter groups must not be allowed to generate a flag of convenience for the IRA. It is necessary that the parties be assured that Sinn Fein would be excluded from the talks in the event of IRA violence.



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The precise location of "confidence building mechanisms" needs to be defined. Those of an institutional nature should be located in the appropriate strand. The reference mechanism in the final paragraph of the Annex needs to be revised, at present it wrongly gives the "subcommittee precedence over the strands.

In any event the structure is unnecessarily complex, with a committee and two sub-committees. The committee has no function apart from the sub-committee and so one must query the reason for it meeting if not to balance the "progress" on disarmament against the "progress" on other issues. This would tell the world that weapons are being traded for other concessions. Two committees would be preferable.

Finally, we refer to the commitments in position paper of the two governments, namely

"1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations."

"4 ...this should involve:

(e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect.

The assurances we need merely build upon those commitments. It is essential that confidence is created in their determination to fulfil these commitments. At present that confidence does not exist and there is little prospect of progress until it is created.

While there are many issues where a joint British/Irish response would be adequate, it would be helpful if our party and the Irish government could come to a better understanding of each other's thinking in order to facilitate our possible future co-operation on these difficult and sensitive issues.

8 July 1997