



An Chartlann Náisiúnta National Archives

Reference Code: 2021/99/20

Creator(s): Department of the Taoiseach

Accession Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Taircrah
h
12-9-97

Copy

(3)

A-I. Mr Teahon, Mr Dalton,
Dr Mansergh. Ambassadors
London & Washington. Joint
Secretary, Section. Box

Meeting of the Liaison Group, Belfast, 8 September 1997

The meeting took place at Castle Buildings, Stormont and lasted from 3.30pm to 6.35pm. The following were present:

Irish side: Dermot Gallagher, Martin Mansergh, David Donoghue, Wally Kirwan, David Cooney, Simon Hare, Dermot Brangan

British side: Quentin Thomas, Jonathan Stephens, Chris McCabe, Dick Lavery, David Hill, John Fisher

Plenary on 9 September.

Thomas believed little would happen at the Plenary on 9 September - Sinn Féin would sign up to the Mitchell Principles and make a speech. He expected that UUP would have a presence in the building but not in the room.

Gallagher agreed with the above scenario and said that the Chairman should then adjourn until 15th September. He believed that the two Governments should speak welcoming Sein Féin's inclusion in the process. He envisaged the morning of the 9th beginning with a bilateral meeting between Ministers Burke and Murphy at 10pm, followed by a meeting with the Chairman before the Plenary began at noon.

UUP Consultative Process.

Gallagher said we needed both to encourage and to keep pressure on Trimble. Any wavering in our firm commitment to launch the talks process on the 15th might make it more difficult for the Ulster Unionist Executive Council to reach a positive decision on 13 September. We should avoid any reference to Plan B at this stage. He said our information was that the UUP consultation process was going reasonably well, with the majority wanting the party in the talks. This was certainly true of the constituency representatives, but there was a problem with Trimble's parliamentary colleagues. Trimble wanted to come out of the 13 September meeting with a decision to go into the talks on 15th, but the crucial question of the precise format for such participation remained uncertain.

Hill said Trimble was trying to find a way forward. The consultative process was moving in favour of the UUP's participation in talks. This might not mean meeting directly with Sinn Féin but rather taking part in bilaterals with acceptable parties. Trimble's greatest worry in his recent meeting with Minister Murphy was the possibility of a moving away from the principle of sufficient consensus. He wanted this retained in any other talks process format. The British

had replied on 2 September to Trimble's note of 31 July on confidence building measures for Unionists and had talked him through it. Trimble wasn't impressed with its contents and was looking for material that would assist him to achieve a favourable decision on 13 September.

McCabe mentioned the continuing edginess and nervousness of Unionists. It was unlikely, therefore, that the UUP would be eyeballing Sinn Féin across the table in the short term.

Gallagher said that it would be very difficult if the UUP were only in bilaterals. In a sense also they would be playing into the hands of the DUP and the UKUP..

Consent and Decommissioning.

The conversation then turned to the ongoing exchanges between the Taoiseach and the Prime Minister, in particular on consent and decommissioning. Gallagher emphasised that the language was only to be used in the circumstances where Trimble could be delivered fully into the current talks process (i.e. face to face Plenaries).

Mansergh explained the background to the most recent Dublin text, emphasizing that the Taoiseach had signed off on it. He was, therefore, very reluctant to consider any changes. Gallagher strongly endorsed that position.

Thomas expressed gratitude for our explanation but asked that we look at three possible amendments (text attached). Firstly, in paragraph 2, our description of consent was as in the Anglo-Irish Agreement rather than the more helpful Joint Declaration. The Agreement reference was a description of a political reality rather than of a principle. He asked that we substitute the word "should" for "would" or, failing that, delete the entire phrase beginning "under which any chance majority of its people".

On the 2nd point, Thomas suggested adding a paragraph on sufficient consensus that would be helpful to their Prime Minister for his meeting with Trimble on Wednesday.

On the 3rd point, Thomas was anxious to add the phrase in the final paragraph - that on decommissioning- "and will work to bring about due progress". Mansergh, supported by Gallagher, explained in detail the difficulties of going beyond the language of 25 June on decommissioning and cautioned that this was an area where we have to be ultra careful. There was no more sensitive issue. The benefit of changes in the decommissioning language could well be outweighed by its effect of frightening the Sinn Féin horses. Thomas accepted this and withdrew his suggestion.

The British side subsequently circulated a text containing their prepared amendments. It was agreed that further discussion would take place directly between the offices of the Taoiseach and the Prime Minister.

Chairmanship of the Verification Commission.

Thomas said he understood from the recent conversation between the Taoiseach and the Prime Minister that, if we could get Senator Mitchell's agreement on the Chairmanship of Strand 2, we could proceed with de Chastelain as Chairman of the Verification Commission. The agreement on Strand 2 would in effect involve a fudge whereby Mitchell would be the effective Chair, though de Chastelain would nominally hold the title. Gallagher warned of the danger of alienating Mitchell by asking him to stand in for de Chastelain. This was a very delicate issue which required further consideration.

Preparations for September 15-Draft Procedural Motion

There was some discussion on the language of the 4 September version of the draft Procedural Motion (to enable the bypassing of a vote on the decommissioning paper and the completion of the initial agenda) and a new draft was agreed. Discussion then turned to its deployment.

Hill said that, rather than hit the parties with the draft on Monday, it would be better to brief them before that date. It would show Trimble that the Governments are intent on proceeding with the talks on that date. This might be most effective when the Prime Minister sees Trimble on Wednesday. Donoghue agreed that it should be flagged to Trimble otherwise he could claim on 15 September that he hadn't seen it. Gallagher said it was better to let people know of it rather than surprise them next Monday.

Plan B

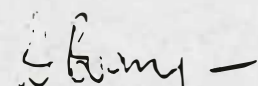
Discussion then moved to what might happen if neither the decommissioning text nor the draft procedural motion was acceptable to the UUP and we were forced to move to Plan B(an alternative talks process). Thomas said Annex B (the draft statement for use on 9 September inviting people to a new process) might be telescoped into Annex C (the joint statement launching the actual new process) to form one joint document. Cooney wondered whether we wouldn't still need two statements.

Gallagher said the question arose as to whether we should opt for a soft or hard version of Plan B. The soft version, while launching talks on the 15th, would keep open the prospect for a

week or two of returning to the old process. The hard option, on the other hand, would go fully into a new process from day one. Gallagher said his instinctive political preference was to go for the soft option. It could be too jolting for the parties to be told on the 15th that the present process with all its attractions and safeguards, was immediately being set aside. This was a risky approach. On the other hand, a week or two's grace could be used to sound Trimble out on whether he really wanted to reject the present process, with its sufficient consensus safeguard, in favour of a new boycott proof process.

Stephens commented that instead of the usual scenario of an Irish side pushing for immediate action and the British urging caution, the situation was now reversed. He wondered why the approach was so different on this occasion. Mansergh said that an abrupt abandonment of the process might be seen by Sinn Féin as the Unionist veto again! Sinn Féin, unlike other parties, won't be accustomed to the language or the procedural complexities and may need time to acclimatise.

Thomas explained that their emphasis on the hard option Plan B was to show their determination that we push on with the talks. Gallagher said there were safeguards for parties in the current talks structure. If we present Plan B without consultation, or after too brief a period after 15 September, the process could go all wrong. It was agreed we would come back to this issue.



Dermot Brangan

Anglo-Irish Division

11 September 1997

SUGGESTED WORDING

Square brackets represent deletions suggested by the British side; words underlined represent additions suggested by the British side.

The two Governments believe that it may be helpful to clarify their views on two crucial issues, consent and decommissioning, in the run-up to the resumption of all-party talks.

The two Governments remain fully committed to the consent principle as set out in the Downing Street Declaration, [[under which any change in the status of Northern Ireland [would] should only come about with the consent of a majority of its people,]] and this will be a guiding principle for them in the negotiations, from which no outcome is of course excluded or predetermined.

Both Governments reaffirm that the aim of the negotiations is to achieve a new and lasting agreement, addressing the totality of relationships, which commands the consent of both unionists and nationalists. They recall that a guiding principle for the process of negotiations launched on 10 June 1996, enshrined in the agreed rules of procedure and therefore binding on all participants, is that any agreement in these negotiations must command sufficient consensus among the participants.

The two Governments see the resolution of the decommissioning issue as an indispensable part of the process of negotiation, alongside other confidence building measures for all sides. That is why they have passed the appropriate legislation in their respective jurisdictions and agreed to establish an Independent Commission simultaneously with the launch of substantive negotiations. Security experts in both jurisdictions have made preparations to brief the Commission, so that options for draft schemes for decommissioning, in conformity with the Mitchell Report and the Independent Commission's terms of reference, are available for their

consideration and their discussion with all the participants from 15 September.

The two Governments remain totally committed to the implementation of the Mitchell Report in all its aspects. Successful decommissioning will depend on the co-operation of the paramilitary organisations themselves and cannot in practice be imposed on them as a precondition for successful negotiation or as an absolute obligation. But both Governments would like to see the decommissioning of some paramilitary arms during the negotiations, as progress is made in the political talks, and believe this could be a major contribution to confidence-building and momentum towards agreement. They look to all parties to negotiate in good faith on this compromise, as set out in the Mitchell Report.

9 September 1997

REVISED DRAFT PROCEDURAL MOTION

Plenary hereby

(i) reaffirms its commitment to the decision-making procedures for these negotiations set out in rules 30 to 36 of the rules of procedure agreed on 29 July 1996; and notes the reaffirmation by the two Governments that any agreed outcome will be submitted for public approval by referendums, North and South, before being put to their respective Parliaments for ratification and the earliest possible implementation;

(ii) notes the intention of the two Governments actively to implement their proposals on decommissioning as set out in their joint paper tabled on 25 June and amplified by the clarifications given to plenary by Mr Murphy on behalf of both Governments on 16 July;

[(iii) notes the two Governments' decision to appoint General de Chastelain as Chairman of the Independent Commission and agrees that either Senator Mitchell or Prime Minister Holkeri should be able to take his place as Chairman of strand two when necessary or appropriate;] [Irish reserve]

(iv) agrees that each participant is hereby committed

- to work to achieve the earliest possible decommissioning of all paramilitary weapons;
- to work constructively and in good faith with the Governments in their efforts to secure the implementation of all aspects of the report of the International Body, including the compromise

approach to decommissioning envisaged in paragraphs 34 and 35;

- to work constructively and in good faith with the Independent Commission, to enable it to carry out its role in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on the issues of concern to all participants

and invites the Independent Commission to draw the attention of the plenary to any case where the Commission consider that a participant has failed to engage with the Commission in accordance with this last commitment;

- (v) agrees that item 3 of the agenda for the opening plenary session should be resolved on the basis of the proposals tabled by the Ulster Unionist Party, the SDLP and the Alliance Party;
- (vi) hereby launches the three-stranded negotiations and invites the relevant Chairmen to convene meetings in accordance with rule 11; [and agrees that the Business Committee should meet as soon as practicable following this meeting to make proposals regarding the necessary practical arrangements];
- (vii) notes that the two Governments will complete the formal establishment of the Independent Commission on the adoption of this motion and agrees to establish a Committee of the Plenary and two sub-Committees with the terms of reference set out in the annex to the two Governments' joint paper of 25 June;

(viii) invites the Chairman, following the adoption of this motion, to make his concluding remarks, thereby completing the agenda for the opening plenary session of these negotiations;

(ix) invites the Chairman to convene further plenary meetings at intervals of 2 months or such longer period as may be agreed, in order to review and consider developments across the negotiations as a whole.