

An Chartlann Náisiúnta
National Archives

Reference Code:	2022/45/582
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Intensive Negotiations, 28-30 June 1999

Contents

		Page
1.	Steering Note	1
2.	Governments' statement (incorporating three principles)	4
3.	Summary of meetings with parties, 25 June	5
4.	Possible elements of a de Chastelain Report (Irish draft)	11
5.	Decommissioning Section of Good Friday Agreement	13
6.	Guidelines given by Governments to de Chastelain	14
7.	Sinn Féin draft statement at Downing Street (6 May)	15
8.	Statement by Group of Seven (Sir George Quigley), 25 June	19
9.	Practical steps if agreement reached on 30 June	22

©DFA/2022/45/582

Intensive Negotiations, 28 -30 June 1999

Steering Note

1. Following Friday's statement, the real negotiations should now get under way. The core substantive issues remain the same, while the key question relating to process is how and when de Chastelain will play his part.

Substance

2. The two Governments see three essential elements as forming the final mix:

(i) clarity as to the **timing** envisaged for a decommissioning process (following the formation of the Executive);

(ii) **confidence** that the republican movement will deliver;

(iii) a **backstop or fail-safe mechanism** in the event that commitments are not fulfilled.

3. As we see it, (i) de Chastelain's report should set out the timing envisaged for the decommissioning process; (ii) a Sinn Féin statement (ideally supplemented by one from the IRA, but this seems unlikely) should offer confidence on delivery; and (iii) the two Governments would undertake to launch a Review should decommissioning not take place (if necessary, this to include suspension of the institutions)..

4. The "Possible Elements" draft of a de Chastelain approach (in brief) contains possible wordings for the above. In relation to timing, our current thinking would see modalities agreed by October, with some actual decommissioning by end-December.

©DFA/2022/45/582

Process

5. There must, however, be considerable doubt over whether this approach will be sufficient to win over the UUP, whose performance on Friday reflected their nervousness and internal divisions. At the same time, it is probably at the maximum end of what Sinn Féin could live with. The first step might be to see if the parties were prepared to consider a package of this kind. If they were, then there would be scope for genuine negotiation on the detail.

6. In relation to timing, the ideal scenario from our viewpoint would be one in which de Chastelain (in private consultation with the Governments) would more or less autonomously offer a judgement along the lines sketched out in the Possible Elements paper. However, it is clear that the UUP are vehemently opposed to handing over timing to the Commission. The British inclination also is to see timing being determined by political negotiation.

7. We continue to think it vital that de Chastelain should play a role in the determination of timing, giving the unlikeliness of complete agreement being reached among the parties. One possible option would be to leave the final call, in a formal sense, to de Chastelain, but to ensure that his report was fully informed by the on-going negotiations. Ideally it would reflect a consensus - more probably, he would suggest a last-minute compromise. Either way, his report should only be made towards the end of the negotiations (at present, it is envisaged by Tuesday evening).

8. In terms of the structure of the negotiations, this would suggest that they start with resumed bilaterals, with a formal meeting between the Governments and de Chastelain coming later (private official-level contact will, of course, continue). There is also the question of a five-sided meeting involving the Governments and the three main parties, as sought by the UUP. It would seem preferable (this is

©DFA/2022/45/582

also Séamus Mallon's view) to defer this until the bilaterals had revealed some forward movement. It would be important, if Trimble is to have any room for manoeuvre, that the UUP field a scaled-down team in their meetings with the Prime Ministers, with Trimble being accompanied by only one or two colleagues.

9. It will also be necessary to keep the smaller parties, and particularly the loyalists, in the loop. The Secretary of State has suggested that she, Paul Murphy and Minister of State O'Donnell should lead on this (in close liaison with the Prime Minister and Taoiseach).

Other Issues

10. It goes without saying that a satisfactory outcome on Drumcree would offer a major psychological boost, above all to Trimble.

11. It can also be expected that, should the negotiations on decommissioning be moving forward, Sinn Féin will press for a good demilitarisation package to be agreed.

Anglo-Irish Division
27 June 1999

©DFA/2022/45/582

25 June 1999

JOINT PRESS STATEMENT
BY THE BRITISH AND IRISH GOVERNMENTS

The Prime Minister and the Taoiseach have completed a round of meetings with the Parties. These have been constructive and good natured. It is clear that the Party leaders are seized of the importance of the next few days in taking the peace process forward.

In particular, the Prime Minister and the Taoiseach welcome the fact that while there is acknowledged disagreement about timing and implementation, all parties to the Good Friday Agreement are committed to the following principles:

1. An inclusive Executive exercising devolved powers.

2. Decommissioning of all paramilitary arms by May 2000.

3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.

This is welcome progress. It means that discussion on how exactly these three principles can be translated into action can resume here in Belfast on Monday.

©DFA/2022/45/582

CONFIDENTIAL

Summary of meetings between Taoiseach/Prime Minister and parties

Castle Buildings, 25 June 1999

1. All the meetings opened with the Taoiseach and Prime Minister saying that they were endeavouring to get the parties to agree to Three basic principles (text in brief), even if they disagreed on how these were to be implemented. If they succeeded in their objective, the two Prime Ministers would return on Monday to try and secure agreement on how the principles were to be implemented.

SDLP

2. John Hume, who was accompanied by Séamus Mallon, agreed with this approach. Mallon said he welcomed the three principles. He suggested however, that a fourth principle might be needed - that the Governments and the other parties, in circumstances where the UUP had moved away from decommissioning as a precondition, would collectively offer the necessary guarantee if decommissioning were not delivered on. In other words, he was asking what the process for ending the institutions would be if de Chastelain concluded that decommissioning had not happened. Mallon added that this final step would in fact guarantee the first step. The Prime Minister agreed that the Mallon suggestion was the "key to sequencing".

3. Asked about the Independent Commission, the Prime Minister said that the only way to resolve sequencing and timing was to play de Chastelain in.

©DFA/2022/45/582

UUP

4. David Trimble arrived at the meeting with a delegation of ten (Jeffrey Donaldson, Reg Empey, Ken Maginnis, Jim Nicholson, Denis Rogan, Jim Wilson, Michael McGimpsey, Sam Foster, David Campbell and David Lavery) - a clear reflection of the lack of trust within the party and of Trimble's limited room for manoeuvre.

5. The UUP had no difficulty with the first two principles but honed in almost immediately on the third - "Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning". They argued, in particular, that there could be no question of the word manner in this principle meaning that de Chastelain could decide on the timing of decommissioning. Their concern was reflected in the contributions of several of the delegation. Donaldson, for instance, said that the use of "manner" was vague and imprecise, and he needed to be clear what exactly was meant by it. Perhaps a line should have been drawn after the second principle. Decommissioning was not just an act but it needed to be credible (which was for judgement by Unionists) and verifiable (which was a matter for de Chastelain). Trimble agreed, and argued that the third principle related to modalities and methodology and not timing. The Prime Minister suggested that the UUP were reading far too much into the issue.

6. Trimble said that, if the response from Sinn Féin to the principles was positive, the UUP would need to hear this directly for themselves. He suggested that the 5 principal parties (two Governments, UUP, SDLP, Sinn Féin) might meet on Monday morning for this purpose. He concluded by saying that, as of now, they could agree to the principles on the basis that an inclusive Executive

©DFA/2022/45/582

would be formed by people committed to peaceful means and democracy, and that the word manner related to methods and modalities.

Second meeting with the UUP

7. Following a very difficult discussion in the corridors between Trimble and British Officials (Sawers and Jeffrey), in which the Unionist Leader vehemently disagreed that the (then) wording of the preamble to the three principles - "Although there is acknowledged disagreement about their implication, all parties to the Good Friday Agreement are committed to the following principles" - safeguarded his concern about the timing issue, the Prime Minister invited Trimble and his delegation back into discussion. The tone and approach of Trimble at this session was extraordinarily rude.

8. Trimble said he wished to make it perfectly clear that the UUP was not going to be bound on timing by the Independent Commission. This was a "crude trap" and he had "no intention of walking into it". The word "manner" for him meant method and not timing.

9. The Prime Minister said he resented the accusation. He went on to say that we "can't have de Chastelain unilaterally deciding on timing" - the parties would have to agree to it - and that they could not yield up "timing and sequencing" to de Chastelain. The Independent Commission couldn't become an independent arbiter. The participants had to negotiate, but de Chastelain could "deal with timing if we agreed".

10. Trimble responded by saying that this was "not consistent with what's there in black and white", adding that "we've had crude tricks like this played on us before". When the Prime Minister responded "not by me", Trimble added "not

©DFA/2022/45/582

yet". The Prime Minister, in exasperation, said he wished parties would realise that he was only there to help.

11. The meeting ended with the Taoiseach and the Prime Minister accepting an amendment to the preamble, which would add the word "timing" to it ("disagreement about timing and implementation", etc.), on condition that this was acceptable to the other parties.

Sinn Féin

12. Adams and McGuinness asked that the meeting be held without officials. They told the Prime Ministers that they wished to be as helpful as possible, and they agreed to accept the three principles.

Alliance

13. Alliance readily agreed to the three principles. They also made some suggestions on process - the Prime Ministers should, unlike at Hillsborough, keep going until they got a result, and that this was more likely to be achieved through bringing the collective leaderships around the one table.

PUP

14. David Ervine and Billy Hutchinson said that the second principle (decommissioning by May 2000) was difficult for them. In this regard, the PUP "looked at the Provos" to see what progress they were making. In saying this, they accepted that Sinn Féin needed the tools provided by the implementation of the Agreement to deliver. And they had to remember that the May 2000 deadline did not take into account the delays in setting up the

©DFA/2022/45/582

institutions. Overall, they were worried about their ability to honour a commitment if they gave one on this (second) principle.

15. The Taoiseach and the Prime Minister agreed that the PUP couldn't deliver on decommissioning unless the IRA also did so. But they should agree now on the principles, and the why and the wherefore could be worked out later.

16. Hutchinson repeated that, due to the delays in setting up the Executive, they hadn't the opportunity up to now to use their best endeavours. In the circumstances, it could be argued that they should renegotiate the May 2000 deadline. He was not sure if they could deliver by then, but they would accept the three principles. Ervine, in support, said that they would certainly not preclude decommissioning happening by May 2000, but were frightened at not being able to deliver. Hugh Smith added that, if the Executive was working well, some slippage might be accepted and the May 2000 deadline extended.

17. Ervine emphasised that Hutchinson had been working closely with the Independent Commission. However, guns could only be removed when the reasons for their existence had gone. The last thing the PUP wanted was for criminals to get their hands on the guns, or that they be used for drug purposes. They were committed to removing them, but didn't know how long it would take.

18. Asked how to break the impasse, Ervine suggested that something should be put on the table that people couldn't walk away from. Relations would never be the same if the Good Friday Agreement went down. He argued also that the focus should not be on decommissioning, but on the ending of the war. They had seen Sinn Féin putting the "green book on its head", they now wanted to hear the IRA do the same. He agreed to the Prime Minister's request that he

©DFA/2022/45/582

would put down on a piece of paper by Monday what he thought the Unionists might be able to accept. Hugh Smith added that an IRA statement would do the trick.

Womens Coalition

19. They accepted the three principles, but said it would be very difficult for Sinn Féin to deliver on decommissioning. They were particularly concerned about the use of the word "all" (i.e. "all paramilitary arms") in the second principle.

UDP

20. Gary McMichael said that the UDP accepted the obligation to work towards decommissioning by May 2000. The question was whether the Provos accepted it. The Loyalist paramilitaries were very much watching what the IRA would do. As a result, they were not able to say that the UDA would decommission until they knew the IRA position.

21. Davy Adams said that, while there was no lack of commitment on the UDP's part, they had no control over those with weapons. As a result, a commitment on their part did not equal a commitment by those with guns. But if the IRA showed commitment, it would have a "positive impact" on the UDP's ability to influence the UDA. McMichael added that it had to be understood that Loyalist violence was a reaction against those using force, and was not carried out in pursuit of a political objective. That was why they were watching the IRA position so carefully.

Dermot Gallagher
27 June 1999

©DFA/2022/45/582

POSSIBLE ELEMENTS

De Chastelain's Report:

1. Reiterates that the objective set out in the Good Friday Agreement is to achieve decommissioning (a) "within two years" and (b) "in the context of the implementation of the overall settlement".

2. Notes that while there has been progress in implementing a number of aspects of the Agreement, he understands that the immediate establishment of the Executive and the other institutions, coupled thereafter with the effective operation of those institutions and implementation of other aspects of the Agreement, would represent for the parties a major advance in the implementation of the overall settlement.

3. Expects, on the basis of his consultations and in the context of the continuing implementation of the overall settlement, that the decommissioning provisions of the Agreement will actually be achieved by May 2000.

4. Considers, on the basis of his consultations, that progress in the implementation of the Agreement as a whole will not be possible, unless parties can be confident that the decommissioning provisions will be implemented.

5. Indicates that he will be reporting to the Governments again in October, at end year and before end May 2000, and that he cannot see how it will be possible for him to issue reports likely to sustain confidence in the decommissioning commitment unless

   (a) in the case of the October Report the modalities for decommissioning are determined by that time, and

   (b) in the case of the December Report some decommissioning has taken place by that time.

Two Governments

- confirm that they regard decommissioning as a commitment under the Agreement;

- recall that, under the Agreement, the two Governments have undertaken

©DFA/2022/45/582

to "take all necessary steps to facilitate the decommissioning process";

- welcome de Chastelain's report as an independent assessment of the way to implement the decommissioning commitment in the Agreement;

- undertake that if the decommissioning commitment has not been fulfilled by May 2000, as set out in the Agreement, they will convene a formal Review as provided for in the Agreement. The Governments will take whatever remedial action is deemed necessary, including, if required, the suspension of the institutions of the Agreement. This will also apply should General de Chastelain convey to them at an earlier point that, on the basis of his consultations, he was unable to report with confidence that the decommissioning process set down in the Independent Commission's Report will actually be implemented.

British Government

- trigger d'Hondt and devolution on 30 June.

IRA

- is at least silent;

- ideally (but unlikely) say that for them the war is over.

SF

- Words of 6 May, together with reference to the de Chastelain report (latter to be in as positive terms as possible);

PUP/UVF and UDP/UDA

- Statement as for SF and IRA.

Other parties, in particular SDLP

- state their support for this approach to implementing Agreement;

UUP

- confirm that this is basis for devolution by 30 June.

©DFA/2022/45/582

Good Friday Agreement

DECOMMISSIONING

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.

2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

©DFA/2022/45/582

Guidance from two Governments

The Commission should now begin a procedure of intensive discussions with all parties and report before 30 June on progress.

The Governments expect this report to focus on progress achieved to date, and on the prospects for future progress in the implementation of the decommissioning section of the Agreement, including:

- whether the parties agree that there should be decommissioning of paramilitary arms, in accordance with the terms of the Agreement, by May 2000 in the context of the implementation of the overall settlement;

- whether there is agreement at this point, or a realistic expectation of agreement soon, on the practical modalities for decommissioning;

- what further progress in the implementation of the overall settlement would create the context in which decommissioning would occur;

- whether in that context there are firm grounds to expect that there will be decommissioning of arms by each of the main paramilitary groups within the Agreement timescale.

©DFA/2022/45/582

LAST SENTENCE IS KEY

Annex A

[Sinn Féin draft - 6 May 1999 5.55pm]

Core Elements of a Possible Statement by Sinn Fein President

Sinn Fein are totally committed to the implementation of the Good Friday Agreement in all its aspects. As I said in my statement on 2 September 1998, we believe that the whole-hearted implementation of the Agreement has the capacity to transform the existing situation through constructive and dynamic political development. It is a matter of the deepest regret and frustration to Sinn Fein, and indeed to all who voted for the Agreement on 22 May last, that the process of implementation has been repeatedly stalled.

In this context, much attention has been paid to the arms issue. Sinn Fein wish to restate our position on the matter. Our objective is to achieve total disarmament and the complete removal of all weapons from politics in Ireland. Decommissioning will come about when all sides have created the conditions for it to be undertaken. The issue of arms must be finally and satisfactorily settled.

The issue is addressed directly in the Good Friday Agreement. All parties to the Agreement are required to work constructively and in good faith with the de Chastelain Commission and to use any influence we may have to achieve the decommissioning of all paramilitary arms within the timeframe set down in the Agreement in the context of the implementation of the overall settlement. Sinn Fein are committed to discharging our responsibilities under the Agreement in this regard. As an earnest of that commitment, Sinn Fein appointed Martin McGuiness as our

©DFA/2022/45/582

representative to meet with the de Chastelain Commission and he has done so constructively on behalf of our party.

In addressing the arms issue, it is critical to bear in mind the context required for its resolution. The Good Friday Agreement makes clear that this context is the implementation of the overall settlement, using the mechanism of the de Chastelain Commission as set out in the Agreement. Any objective analysis of the twelve months since the signing of the Agreement reveals that its operation has not been proceeding in the manner or timescale set out in its terms. This is a subversion of the democratic mandates of the parties involved. It is a denial to the electorate of their entitlements and it totally undermines the massive vote north and south in favour of the Agreement. The breach of the Agreement created by the refusal to establish the institutions goes to the heart of one of the problems arising from partition, that is, the disenfranchising, the exclusion of citizens and the denial of their democratic rights.

We acknowledge that there are real concerns and fears surrounding the issue of arms and, in the interest of stability, these must be addressed in resolving the issue. There are valid and strongly-held reasons why many on both sides view the decommissioning issue with deep suspicion and why for them this notion is surrounded by such profound difficulty.

The arms issue is, of course, also a symptom of the wider conflict. Despite the difficulties that have been encountered, there is no doubt that we are entering into the final stages of the resolution of that conflict. There is an onus on all political leaderships, especially the British Government, to bring this to a democratic settlement. We welcome the IRA statement of 31 March. Taken with the cease-fire which has now been in place for an aggregate period of over three years, this statement

©DFA/2022/45/582

represents another important and positive contribution by the IRA to the resolution of the conflict.

The challenge for all of us is to break the cycle of mistrust and replace it with real, mutual trust, so that everybody can go forward in confidence, on the basis of equality and partnership. That is the essence of the Good Friday Agreement and that is why its full implementation is the best guarantee that guns will never again have a role in the politics of this island. Token decommissioning would not provide the same guarantee.

The two governments, in particular the British government, have a major responsibility in securing a satisfactory outcome to the issue of arms. Historically, the British government have been a hugely negative factor in the development of the conditions of conflict in Ireland and they must now play a central role in the creation of a future on this island in which the gun has no place.

We look forward to full participation in the new institutions, based on our mandate. In addition to the new all-Ireland institutions, Sinn Fein Ministers will play a constructive part in the new Northern Executive. The two Sinn Fein Ministers in the Executive will make and will honour the pledge of office including the commitment to non-violence and exclusively peaceful and democratic means.

There is no justification for any further delay in proceeding with the establishment of the new institutions. Sinn Fein are convinced that it is only through the full implementation of the Agreement, including the operation of its institutions and discharging our collective responsibilities in regards to its terms, under the aegis of the de Chastelain Commission as set out in the Agreement, that the issue of arms will be finally and satisfactorily settled. In the context of the full implementation and the operation of the overall Agreement, I believe that all of us, as participants,

©DFA/2022/45/582

acting in good faith could successfully persuade those with guns that decommissioning should take place within the timeframe set out in the Agreement.

©DFA/2022/45/582