

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION - MONDAY 9
SEPTEMBER (12.08)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour
Mr Holkeri		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. Following the earlier adjournment, the Chairman reconvened the meeting at 12.08 and indicated to the participants that during the break he had met with representatives of the PUP and UDP. The Chairman indicated that both groups had been provided with copies of the DUP document. He had also proposed during the discussions that both parties should prepare a written reply to be submitted to him no later than 10.00am the following day and this too had been agreed. The UDP and PUP had also given their consent to the DUP document being circulated to other participants at the end of this session. The Chairman indicated that the PUP/UDP reply would be circulated to all participants as soon as it was available with a view to taking matters forward towards a resolution during a reconvened Plenary session beginning at 10.00 the following day.

2. The Chairman then proposed a series of procedural mechanisms for that Plenary session which he believed probably required built in time limits to allow a full expression of views from both

parties and other participants to be delivered without the dialogue developing into an open-ended discussion. Further consultation would need to be embarked upon with the principal participants on this issue and everyone else to firm these ideas up. The Chairman then asked for initial comments on his proposals. He also stated that he wished to encourage participants to hold bilaterals, when appropriate in the intervening period, in order that progress might be made on issues such as the Agenda as this was scheduled to occur in any event during the day.

3. The DUP raised a logistical point regarding their response to the PUP/UDP paper if this arrived at 10.00am on Tuesday. The Chairman acknowledged the difficulty and stated that the Plenary might have to be delayed to allow the DUP sufficient time. It was, however, better to wait and assess the actual circumstances at the time for he was hopeful that the PUP/UDP paper would be available earlier than 10.00am.

4. The UKUP endorsed the proposals on timing proposed by the Chairman but asked whether time limitation would be placed on the British Government in reaching a resolution of the issue. While the UKUP acknowledged the position that such a decision was of a quasi-judicial nature and hence open to judicial review under the Act, it still required to know the likely total length of time the Government would need in order to arrive at a decision and hence determine the timing of any re-commenced Plenary session. The UKUP stressed the need for the Plenary session to move to a discussion of decommissioning yet such a discussion could not include representatives of parties whose democratic credentials, under the Mitchell Principles, were open to question. The UKUP

believed it was vital in this context for the Government to arrive at a final determination quickly.

5. The Irish Government stated that it might be somewhat unjudicial to think in advance of time limiting actual judgements when the exact contents of documents were not yet available and the judgement itself could be reviewed. The UKUP acknowledged the Irish Government's comments but re-affirmed its position that Plenary sessions couldn't be held until a final determination was reached. The Irish Government believed the UKUP position to be unsustainable on this point as the activity required to determine whether the PUP/UDP should remain in the talks should not prejudice other business continuing. The UKUP restated its earlier sentiments on this in relation to the decommissioning issue.

6. Alliance acknowledged the need for speed in resolving the issues but also recognised the requirement for total thoroughness of the procedures undertaken in advance of a decision. The party also stated that everyone in the process had to accept that the conduct of the negotiations shouldn't be obstructed by allegations (genuine or not) as this only provided a mechanism to bring the whole process to a halt. The Chairman, at this point, indicated that while he did not wish to encourage more, if other participants were holding similar allegations, made before the rules of procedure were agreed, these should now be submitted to him on paper and be treated in the same manner to those of the DUP. Alliance reiterated its view that nothing contained in the agreed rules meant that the overall process had to be delayed as a result of issues such as those now under discussion.

7. The PUP stated that it had a contribution to make and would continue to make it, despite the allegations raised. It was, however, unreasonable for it to be treated as guilty rather than innocent at this stage. The UDP referred to the comments from Alliance and in support of these stated that it had no intention of delaying the overall process. The allegations had to be cleared up and the UDP hoped this could be done as expeditiously as possible. Alternative formats, however, existed to carry forward other outstanding substantive issues such as the Agenda, and these could be used if required.

8. The Chairman proposed that the meeting focus on likely events rather than hypothetical ones. There were other issues which required attention and he was confident that the present difficulty could be overcome in due course without dislodging the dialogue on substantive issues such as the Agenda.

9. The British Government acknowledged the UKUP's comments regarding the amount of time taken by it to reach a final decision on the PUP/UDP issue and also the valid points made in response by the Irish Government. The British Government reaffirmed the view that all due haste needed to be applied to the issue, but that there was nothing in the rules which required the overall process to stop. The key point was that due regard had to be given to other participants views and a balance needed to be maintained in ensuring that the various elements of the procedure were discharged on a fair and equitable basis.

10. The SDLP expressed the view that other participants must be able to proceed with their deliberations on the Agenda and other business, irrespective of the current issue under debate. The UKUP in reply, believed there to be no connection between the SDLP

comments and the process of determining the future position of the PUP/UDP. In the case of the latter there were clear allegations and specific threats, which if established, demonstrated a breach of the Mitchell Principles and hence went to the very heart of the negotiations. These allegations were not in the same category as those made previously by other parties towards the unionist side of the table. The UKUP stated that it did not accept the Alliance and the British Government's view that the PUP/UDP issue could be dealt with as the process continued. The party's electoral basis derived from the clear position that it would not remain at the talks process, as democrats in negotiations, with those who did not exclusively support the principles of democracy.

11. The NI Labour Party sought an assurance that the DUP document contained specific allegations which could be addressed in a short timespan rather than the issue running on for some time. The Chairman indicated that the DUP document would be circulated to all participants following the conclusion of the meeting.

12. Following further comments from the PUP, the Chairman stated that he believed the debate was moving into ground to be covered the following day. The UKUP, in referring to earlier comments from the SDLP, said that it was tired of unionists being lectured about wasting time and not having the desire to deal with the substantive issues. These comments had come from a party which itself was boycotting a democratic forum and hence choosing its own time and place to make a contribution. All of this seemed somewhat hypocritical and the UKUP urged other participants not to have anything to do with a party which continued a policy of boycott.

13. The Chairman then asked participants to proceed as previously outlined whilst hoping that bilaterals could continue on other issues to enable discussions to move forward quickly on these when the time came. In acknowledging the logistical point raised initially by the DUP, the Chairman adjourned the session at 12.46 until 10.00 am the following day.

Independent Chairmen Notetakers
9 September 1996

OIC/PS5