

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 15 OCTOBER 1996 (15.13)

Those present:

Independent Chairmen	Government Teams	Parties
Mr Holkeri	British Government	Alliance Party
General de Chastelain	Irish Government	Labour
		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. The Chairman convened the meeting at 15.13 indicating that, prior to the adjournment, a discussion had taken place on a proposal from the Chairman of the Business Committee. He asked whether anyone had anything further to say following reflection over lunch. The UUP said that if anyone had changed their mind, then this was good news. If not, the party had some proposals to put to the meeting and would come back to these in due course as the debate on decommissioning developed.

2. Alliance said that it had thought about the original proposal again over lunch. The party, however, still stuck to its previous comments that involving the Business Committee in the manner proposed (i.e. time-tabling etc.) was not appropriate. Alliance said it was hoping to consider the Report of the International Body as well as proposals from other participants should these be submitted. Alliance had material to present during the debate; so might others. But it might, however, be useful, given the

significance of the International Body's input to the process, to have a presentation of the report as a starting point for everyone to focus on. Alliance believed it wasn't an unreasonable request to commence deliberations with such a presentation and there were members of the Body present to undertake this. This, said Alliance, might allow others the opportunity to produce proposals which could be circulated before deciding what the order of business beyond this should be.

3. The Chairman said he first wished to conclude the discussion on the Business Committee issue before moving on to the decommissioning topic at item 2. He then asked for any other comments on this. The UKUP indicated that it was content for the International Body's Report to act as the appropriate starting place for the debate. It did not, however, believe that any of the three Chairmen should take part in a presentation. No useful purpose would be gained by this and it only served to bring the Chairmen into the "arena" thereby compromising their independence. The UKUP said that if the Business Committee proposal was not adopted, then the debate should hear discussion on the International Body's Report to start with, even though other proposals might be forthcoming. Observations should be presented on the first matter to get the debate started, thus providing an opportunity for others to produce written submissions.

4. The SDLP said that perhaps a number of delegations had already produced papers which could be circulated in the normal manner. It was also possible that development papers could appear as well, as the debate and discussion went forward. The SDLP said that participants might also wish to speak to these documents or indeed ask questions of others. It therefore thought that consideration of a time for this activity needed to be given to

this aspect of the debate before the meeting concluded. As to the starting point, the SDLP considered that this was best indicated by getting written submissions onto the table and having these circulated.

5. The Chairman stated that he believed the debate was now moving on to item 2. He again proposed that the discussion on the Business Committee proposal be concluded first. The DUP stated that as regards that proposal, rules 13-15 made the role of the Business Committee crystal clear. Part of this role meant that the Business Committee was available to provide advice to the chair, therefore the party was content to leave the matter with the chair at this point. The DUP, in concluding its comments on this, said that delegates should search their consciences with regard to the blocking of the proposal to involve the Business Committee when the establishment of such a Committee, and its remit, had been unanimously agreed. The Chairman indicated that this was now the end of the discussion on the Business Committee proposal. He then asked for views on item 2 of the remaining agenda.

6. The DUP said that it went along with the proposal that the point of reference for discussion on item 2 was the Report of the International Body. It therefore viewed it as useful if this document formed the basis for early discussions. The DUP stated that it was quite content with the Alliance proposals outlined earlier but it was up to each individual party to decide when it submitted their documentation. As for the DUP, it wanted to tackle this in two stages. First of all, the party would produce a position paper and introduce this when the International Body's Report was being considered. Secondly it wished to produce a list

of proposals at a later stage after consideration had been given to other proposals.

7. The Chairman said that two proposals had been made. Alliance's proposal, however, regarding a presentation of the International Body's report being undertaken by one of its authors was not possible. The report spoke for itself. It had been produced for the British and Irish Governments who now owned the document. As to the second proposal from the UUP, the Chairman indicated that his office would indeed be happy to provide whatever facilities were required for participants to circulate papers and other documents around the delegations. However the actual mechanics of this still required resolution. The Chairman asked for any further comments.

8. The UUP referred to the earlier DUP comments that it might have more than one document to offer. The UUP said it didn't want to restrict any participants at any stage of the debate in producing whatever document they so wished, but some parties had a number of documents ready now. The UUP suggested that these documents should be submitted to the Chairman's office and circulated by the close of that day. Then these could be viewed the following day while the debate addressed the International Body's Report. The Chairman followed this proposal up by suggesting that documents be submitted to his office by 17.30. These would be circulated, by morning, to all participants.

9. The UKUP sought clarification as to the submission of papers by participants and what was now expected to occur in the debate i.e. were opening statements now anticipated? The Chairman said this was correct but no one appeared willing to begin the process. The NIWC said it supported the views of the International Body's

Report but in particular it wished to refer to paragraph 35 of the report which referred to the process of decommissioning being used to build confidence in the talks process. Decommissioning had to build confidence but it must be voluntary decommissioning if such confidence were to develop. The NIWC stated that it was the responsibility of both Governments to develop the actual mechanisms for decommissioning. The talks process needed to be kept informed by the two Governments regarding progress in the development of these mechanisms. Above all the NIWC said it hoped that decommissioning would not be used to score political points or hinder political progress.

10. The UUP said it had some preliminary remarks at this stage but also wished to make further opening remarks at a later point. The party referred to the general comments of people who believed decommissioning to be irrelevant; some said it could not happen; some said that the terrorists could buy new weapons; some regarded weapons as offensive and some defensive and there were those who raised the question as to whether, through decommissioning, it was possible to know whether all the guns had been handed in. It was clear that a wide variety of views existed in decommissioning and what was meant by it. But there was another purpose served by the concept of decommissioning. The UUP said it accepted that weapons could be replaced and that it had no knowledge of the volume at the terrorists' disposal. The party also accepted that the conflict and violence could start again even though the guns were handed in. But the important thing was that the guns stayed silent and were removed from politics altogether. The use of weapons to extract political gains was not a unique position to Ireland, but was an issue which went world-wide. However in Ireland there was a much more subtle question to be answered when decommissioning was being considered.

Did decommissioning involve a complete change in attitude by those who held the weapons?

11. The UUP commented that in recent times there was clear evidence of people turning away from violence and entering into the political process. The loyalist parties were prime examples of this and they had been at the forefront of helping to maintain a loyalist cease-fire. Sinn Fein/IRA had produced a cease-fire and then called it off, but what needed to happen was that the position had to be reached where those involved exclusively in the political process became sufficiently convinced that the mechanisms of decommissioning allowed everyone to go forward on a level playing field. The UUP said it was very evident that the threat of force carried just as much effect as actual violence. Decommissioning had to be a signal which demonstrated a commitment by those involved in violence to progress the political issues through exclusively peaceful means. The party said it was the act of handing guns over which achieved confidence building for it could therefore be viewed as turning over a new leaf.

12. The UUP referred to the contents of paragraph 10 of the Joint Declaration and said that it had regretted that the then Taoiseach, Albert Reynolds, had walked away from the terms of this paragraph when he took action to reward the Provisionals for their cease-fire, a short time after it had been announced. There was, however, no clear evidence available to him at that time on which to base such rewards. The UUP said that if the Taoiseach fell at the first fence on this, what faith could anyone else have regarding the guarantees contained in paragraph 10 being implemented?

13. The UUP said it was simply not possible to have an on/off switch to the use of violence to gain concessions from the political process. The whole purpose of decommissioning was to demonstrate clearly a clear cut decision in which others could believe in. As far as the circumstances of Canary Wharf were concerned, such an incident simply produced an immense credibility gap from the UUP's viewpoint. The party continued by asking what evidence was there for them to believe that the IRA were considering restoring a cease-fire, when the previous one was clearly only a tactical exercise aimed at getting into talks while continuing to plan for violence. This was the key issue for the UUP. The party wanted the British Government to tell what would be proposed by it (the British Government) if confronted by a new IRA cease-fire. The UUP did look forward to a new cease-fire; there was no doubt about this. But what it was being asked to do was to take a group of people on trust who were trying their best to get unionists and their followers out of the island of Ireland.

14. The UUP stated that, in its opinion, the IRA struggle might well on the face of it appear to be a "Brits Out" campaign but in effect it was more about getting the unionists out. The UUP therefore needed a considerable amount of convincing that Sinn Fein/IRA would indeed be genuine in their use of the democratic process. In view of recent events, the UUP said it couldn't be blamed for being extremely cautious about not being used as political pawns. The party was asking for decommissioning not simply because it was morally right but because it provided a practical demonstration of will. The handing over of guns didn't necessarily provide a genuine demonstration of will, for there were problems with this which had already been highlighted, but the UUP could not think of any better demonstration of intent to

build proper confidence in the community and those in the political process.

15. The UUP said that the mechanisms for such decommissioning needed to be put in place through the Governments. Again, while no guarantees were available that anything would ever happen, even with mechanisms, the two Governments had to ensure that they had done everything to make them happen. Decommissioning could not be used as some sort of blackmailing tactic. It was clear that things had to genuinely change if credibility and acceptance were going to be attained. The UUP said that as the debate proceeded it would table its paper later in the day. It would then develop arguments while listening to other participants. The whole issue, however, had to be taken seriously and would be by the UUP because its supporters had absolutely no confidence in the Sinn Fein/IRA position at present. The party said there were hawks and doves within Sinn Fein/IRA, but as far as it was concerned, the organisation operated as a core unit with certain branches.

16. The UUP stated that Sinn Fein/IRA were not the only group with weapons. The loyalists had them but a cease-fire had been maintained over the last two years and this was to be welcomed. There were also certain differences between the loyalists cease-fire and that which the IRA announced and then stopped. The loyalists had shown an element of remorse and had indicated that they would not strike first again. This position had been well maintained in the face of tremendous provocation, especially in recent weeks, and the UUP had on many recent occasions urged restraint for a whole host of reasons. The UUP said that if Sinn Fein/IRA were serious about getting others to believe in them, then the element of the passage of time should be considered also. The loyalists had gained credibility - for their stand over the

last two years. Sinn Fein had no credibility. This therefore made it much more difficult for the UUP to be convinced about its intentions. Naturally, like others, the UUP was grateful for the temporary IRA cease-fire but it clearly had to deliver more than just playing a cynical game! The UUP said that it wished to pursue its paper in great detail, tease out the detail of others and then eventually reach conclusions on decommissioning. It was the party's belief that decommissioning was the essential building block for future peace.

17. The UKUP said that it was constantly amazed at the ease with which democratic politicians assimilated the circumstances of terrorism and violence. The party heard the labour spokesperson on Northern Ireland, Ms Mowlam, describe in the media earlier in the day her discussions with two loyalist prisoners in the Maze Prison, viz Mr Stone and Mr Adair. The Prime Minister had entertained people convicted of serious crimes in his office in Downing Street. It was necessary to look at the way terrorism has infiltrated itself into democracy, probably as a result of a prolonged exposure to violence. The British Government found itself in that position in 1992 when it was involved in negotiations with Sinn Fein/IRA. The process was designed to set up the system known erroneously as the peace process. It involved British and Irish politicians assessing the lowest price in political terms which was acceptable to the terrorists for the cessation of violence. The UKUP admitted that that process saved lives but, in terms of the ultimate destruction of democratic practices, it had to be viewed with alarm.

18. The present discussions were born out of the political effects of acts of violence. The 1985 Anglo-Irish Agreement arose out of the Brighton bomb. The Joint Declaration was the product

of the London and mainland bombs. The bombs in central London cost the equivalent amount to compensation paid in Northern Ireland in the period 1969 to 1994. The UKUP said that the UUP had earlier referred in particular to paragraph 10 of the Declaration and the UKUP quoted the text of the paragraph for reference. It described the process which was now under way. However, there was supposed to be a permanent end to paramilitary violence. The UKUP recalled that Mr Adams of Sinn Fein repeatedly sought clarification with regard to the terms of the Declaration and on 31 August 1994 a cease-fire was declared by the IRA. Both Governments insisted that it needed to be permanent. The SDLP savaged a TV interviewer who suggested complete did not mean that that it was permanent. The Irish Government suggested that it was permanent. The British Government operated eventually on the working assumption that it was permanent. The type of cease-fire envisaged in paragraph 10 of the Declaration had to be permanent and the International Body operated on the basis that it was permanent, having plumbed the minds of the terrorists.

19. The Chairmen of the International Body must have felt cruelly deceived, therefore, when bombs were placed in Manchester, Canary Wharf, Hammersmith, Osnabruck, London and Lisburn. It had to be remembered that the Canary Wharf bomb was planned at the time that assurances were being given to the International Body.

20. The UKUP had no doubt but that violence produces results. The Lisburn bomb led to an acceleration in the talks process to produce an agreed agenda. It had the effect of crystallising minds. Inducements had to be given to ensure the maintenance of a cease-fire; when there is no cease-fire inducements have to be offered in order to restore it. The UKUP accepted that the PUP did not consciously pick up the message in the Belfast Telegraph

which was to the effect that unless concessions were made to the terrorists, they might be persuaded to return to violence. The energy expended in persuading the loyalists to keep their cease-fire is the same as that expended to get the IRA to restore its cease-fire. The Governments condemn each outrage in ritual and well tried expressions of horror and disgust. But once the public is sated, the politicians then go back into discussions with the terrorists. The Governments should protect the rule of law to protect the lives of citizens and their property. That was the essence of the contract between the governor and the governed.

21. The UKUP said that the Mitchell Report was commissioned in circumstances where the unionists said they would talk to the men of violence on the basis that they were democrats. This was the essence of paragraph 10 of the Downing Street Declaration. On the day following the Declaration the Irish Government had said that peace had to be permanent and it would not accept an interim or tactical cease-fire for the purposes of assessing what the process could deliver in political terms. Mr John Bruton, the then leader of the opposition had subscribed in a submission to the Forum on Peace and Reconciliation in Dublin which said that weapons had to be handed over at that time, meaning without delay and not at the end of a process. However, the position adopted by Sinn Fein/IRA was that it would not decommission a single weapon until its aims of getting the British out of Northern Ireland and a United Ireland were achieved.

22. The UKUP maintained that everything the Governments did in the negotiations revolved about the price to be paid to Sinn Fein. Only the length of time involved was uncertain, not the price itself. Sinn Fein/IRA had to be informed that the British Government would guarantee a system where its aims would be

realised - even more quickly if it gave up violence. That was why Mr Finlay said what he said about Sinn Fein's participation. He knew that the central theme was to get Sinn Fein into the talks. That was still the case in spite of the bomb in Lisburn. If Sinn Fein declared any sort of a cease-fire, they would have no difficulty in signing up to the Mitchell Principles and they would then enter into the talks process. The words complete, credible, dependable, unequivocal have been used in connection with the cease-fire but none actually define its duration. The Prime Minister said that the IRA won't deliver a permanent cease-fire so any kind of a cease-fire would do. The result would be like the philosopher's stone which would turn the lead of an impermanent cease-fire into a golden permanent one by inference. Once Sinn Fein were in the talks as a political party with a mandate of 16%, they will say that we are not the IRA; we have no weapons so we have nothing to decommission. They will maintain that they can only mediate to persuade the paramilitaries to mend their ways. They will say that they are not even in a position to condemn the activities of the IRA because they will contend that they will lose influence or be prejudiced in their dealings with them. The affinity between the IRA/Sinn Fein long accepted by the British Government will be said to have ended. Both parties will split up and go their separate ways to great effect.

23. The UKUP said that the Mitchell Report provided a political and legal accommodation to terrorism. The report itself was informed by a core perspective that an agreed political settlement could come about if the gun was removed from politics. Paragraph 23 of the Report was relevant in this respect. This meant that the focus of the negotiations must be to satisfy terrorist demands. This accorded with the view of the Prime Minister when

he said that the only people who could give peace were the men of violence.

24. The party maintained that the Mitchell Report did not require terrorists to decommission weapons before, during or after negotiations. The UKUP quoted paragraph 34 in the report in support of this argument which stated that terrorists had only to consider decommissioning, not that decommissioning should actually occur. This was intended to facilitate loyalist and republican terrorists and it was focused on their requirements. The orientation of the report was that the constitutional position of Northern Ireland had to be the central issue in the negotiations. But that was a paradox because the PUP said after the Downing Street Declaration that the union was safe while the IRA was saying directly the opposite. The report pushed the parties in the direction in which they were least likely to succeed.

25. Paragraph 34 in the report means trading guns/semtex for political negotiations. The Governments want to sideline decommissioning into a fourth strand which meant that the IRA would be required to decommission only when they decide on the progress being made in the talks on movement towards a united Ireland. This cannot be progress to induce the loyalist parties to decommission. That is the contradiction. Paragraph 39 in the report underscores this. The report envisages a process of negotiation to appease. The UKUP said that terrorist organisations were not tolerated in France, Spain or Italy, which countries have dealt with them successfully. At this point both the PUP and the DUP objected to being accused by inference that they as the loyalist parties had weapons to decommission. The UKUP then said that the loyalist parties who were acquainted with the loyalist paramilitaries should be congratulated on their

reactive and no first strike strategies and for holding back since the Lisburn bomb. The UKUP then said that the function of the Governments was not to say as the Prime Minister had said that the only way to obtain peace was to pay the terrorist price in political terms. In relation to Lisburn, the British Government was aware that a breach in the loyalist cease-fire would bring disaster. It was important to move the talks process forward. It was also in the PUP's interest to preserve the cease-fire to stay in the talks. The PUP deserved congratulations for holding the cease-fire but they should realise that they have created a precedent for Sinn Fein to enter the process.

26. Both Governments should unite on security matters to deal with private armies. But terrorism cannot be divorced from politics because the Irish Government has its territorial claim on Northern Ireland under Articles 2/3 of its Constitution. No other EU member state has such a claim on the territory of another and that legitimises the terrorists.

27. The UKUP contended that the SDLP have benefited from terrorist activity because it raised their political standing. The Irish Government, the SDLP, and Sinn Fein/IRA all have one thing in common and that was the aim of a united Ireland. Only the methodology is different. That was how unionists saw the position.

28. The party contended that politics and decommissioning were essentially linked in order to settle the question of decommissioning. It was accepted that Sinn Fein/IRA won't hand in a single weapon. There is an ideological problem going back to 1918 on the issue. The International Body were faced with that problem and they created a fudge to deal with it - the setting up

of a fourth committee to consider some decommissioning to get Sinn Fein into the talks. The PUP and the IRA would consider the modalities involved for as long as possible and as long as they were not actually called upon to do it. The UKUP, accordingly, was not impressed by suggestions that people will consider the modalities of decommissioning.

29. At that point the SDLP wished to know if the UKUP contribution was going to continue into the following day's session. It was approaching the agreed time to adjourn and there was a need to settle the next day's timetable. The UKUP confirmed that its contribution would so continue but it was amenable to allow time to settle the question of further business. The PUP intervened to say that the only concessions it had obtained as a result of the Loyalist cease-fire was the removal of two traffic bollards which had now been re-erected since the Lisburn bomb.

30. The Chairman reminded participants to submit their proposals in relation to decommissioning to the Chairman's office by 17.30 that evening. The meeting then adjourned until 10.00 am on Wednesday 16 October, 1996 for a session that would not go beyond 17.00 that day.

Independent Chairmens Notetakers
17 October 1996

OIC/PS24