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From: Independent Chairmen Notetakers
18 June 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND
AGENDA FOR PLENARY SESSION - TUESDAY 18 JUNE 1996 (10.06)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour Party
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

PROPOSALS REGARDING AGENDA

1. The Chairman opened the meeting by saying as decided yesterday, staff were preparing a discussion paper on procedural guidelines which would be ready about 12.00 midday or early afternoon. As regards the format for the day, he proposed to discuss the agenda now for about two hours, then break and distribute the discussion paper on procedural guidelines. He would then resume the meeting to discuss that paper. The staff will prepare a similar discussion paper on the agenda and there will be a need for delegates to stay for as long as appropriate today. There were no objections to this procedure.

2. As regards the agenda, the Chairman proposed to proceed as yesterday and take a tour d'table for views on the agenda

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proposals. Spokespersons were requested by the Chairman to limit their contribution to about 5 minutes. There were no objections to this approach.

GENERAL COMMENTS

3. Mr Close said it was important to recognise that the purpose of the meeting was to establish the ordering of agenda. It was futile to get into discussion on individual items. Agenda items should lead to an orderly flow of business. By and large he was happy with the Governments' ideas. It was important to establish areas of agreement first. Opening statements should be the first item on the new agenda. Mr Curran said the Government agenda is acceptable. The NIWC agreed with the Alliance Party on the Government proposals. However they also had a sympathy with the inclusion of the proposals by the UDP in relation to the establishment of a subcommittee on release and reintegration of prisoners as well as the establishment of a subcommittee on social and economic deprivation and economic regeneration. Mr Ervine said the initial agenda put forward by the Governments is adequate: it covers most issues.

4. Mr Mallon said he agreed with the Governments' agenda. He had read the other parties agendas (not just the ones that were published in the Newsletter today!). The whole question of decommissioning is the key element. The process can stand or fall on this. We are in the unique situation now whereby political parties are devising how to rid society of weapons. The group have a remarkable advantage in the decommissioning body's report which contains the basis of proposals and modalities. We are not starting from scratch. The potential to go wrong is huge and the agenda could be the start. Moving the decommissioning issue up the

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agenda means that the problem could be exacerbated and not solved. The meeting should stick to the opening agenda; adherence to the sequence is critically important. The decommissioning report in section 4 outlines the way decommissioning is to be done. The UUP proposals can best be discussed under the substance of agenda discussions. With regard to the special entry provisions, they need to be looked at and they are defined in Command paper 3232 and that procedure should be followed.

5. Mr Adams said that his party didn't want substantive discussion at this time. Some parties have decommissioning high up and rightly so, but it should be dealt with at a later stage. They considered the issues of prisoners and subcommittee on social need etc, already referred to, to be important. With goodwill and effort the meeting should be able to deal with these issues. They are happy with the Governments' agenda with the possible addition of the two issues mentioned.

6. Mr Robinson said that the first items on the list are procedural matters which have now been dealt with. We should be able to agree on the items first and then consider the order and then the terms. We are not dealing with the substance of the matter so there's no need to be quarrelsome. Decommissioning is important and the two Governments say it has to be dealt with as a priority, but they haven't actually explained what "addressing the issue" means. He was concerned that the order of business is such that we may have opening statements for another 2-3 months.

7. Mr Trimble referred to the UDP proposals on the two matters of the prisoners and social economic deprivation and said that his reaction is that they are more appropriate to the Forum. With regard to their own proposals, Mr Mallon had concluded that there

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was a need to adhere to the agenda which was carefully thought out as was expressed in the February communiqué. It had a clear order. At the beginning there would be the commitment to the principles of democracy and non-violence as set out in the report of the International Body. Then there was the reference that parties would also need to address at that stage the Body's proposals on decommissioning. The communiqué also said that confidence-building measures would also be covered. That is the order that should be followed. The separation of decommissioning is part of a hidden agenda. Para 11 and 12 of the scenario paper refers to the report in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues. Para 12 sets up a subcommittee on decommissioning. But the parties have no voice in deciding on good intent and they won't delegate such an important decision to anyone else. There is an attempt here to bury the decommissioning body's report and the matter should be dealt with as in the February communiqué. He supports the DUP's proposals as being in line with his own party's. He also considered that taking binding decisions was important as well as seeking the establishment of the verification commission. He felt that opening statements should come before the agenda and there was a real need to deal with decommissioning which was the litmus test of adherence to the principles of democracy and non-violence.

8. The Minister of State made a technical point. The second part of item 9 has been moved now in view of the earlier discussions. By way of background information he said that the concept of the Plenary arose out of para 12 of the February communiqué which set out the various requirements. The Governments have made it clear in the Scenario document their commitment to all aspects of the report including the compromise approach in paras 34 and 35 of the document. Mr O'hUiginn said that the Minister of

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State had put the necessary points. The agenda is a means to an end, not an end in itself. Every viewpoint must be heard fairly and without prejudice. There was a danger of exaggerating the order of agenda in discussions. The Governments' proposal meets the requirement of para 12 of the communique and accommodated different interpretations of that text. He agreed with Mr Mallon that the matters would be dealt with subsequently in their own right, not obliquely. There was no suggestion of expunging items from the agenda so we should defer substantive decisions rather than dealing with them by proxy in a procedural debate. The agenda has to accommodate all viewpoints and this is probably the most reasonable way to manage the Plenary discussions. The Governments will listen to alternative suggestions.

GENERAL DISCUSSION

9. On a point made by Mr Trimble, the Minister of State said the adoption of a comprehensive agenda tied in with the adoption of procedural rules. This means the sequence has been overtaken by events. The Chairman suggested that the group proceed to examine the compilation document box by box. He felt that no-one had objected to the group reaching agreement on the procedural guidelines and that this would be the first item taken tomorrow. Mr Robinson said it may be necessary to add the agenda to that also if we reach that stage. Mr Mallon said that if items are agreed in this group then the issue should not be opened up tomorrow by the parties who are present (or absent) through long, tedious debate. The Chairman said that there seemed to be general agreement that effort is under way to obtain agreement on the procedural guidelines which would be dealt with tomorrow and similarly for the agenda today. The Chairman said that this will change the Governments' agenda: he would have the adoption of the rules of

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procedure as the first item and then possibly proceed to the question of the appointment of the Business Committee. Mr Trimble said that the appointment of the Business Committee was not needed at the opening stage above other matters.

10. Mr Robinson saw the Business Committee as being so automatic as really not being on the agenda at all. The rules of procedure will define it and its purpose. Mr Weir said you don't need to go into the formal procedure to appoint the Business Committee. Decommissioning should be dealt with at this stage. Mr Smyth said the appointment of the Business Committee should be brought into the Plenary session now and get rid of it. Form the committee now; it has already been agreed. Mr Durkan said the rules of procedure eventually would provide for a Business Committee so it could go ahead now almost automatically. Why do the DUP put it so low down on the agenda? Their attitude in this matter contrasts with proposals on the appointment of the Independent Chairmen under rules of procedure. Mr Robinson wondered how he would go about appointing the Business Committee if its members are not being formally appointed to it.

11. Mr Leach intervened to say that he hoped that this was a formality - so proceed to set up the Business Committee as in the rules of procedure. The Chairman wondered if a simple statement by him that the Business Committee is in existence by virtue of the rules of procedure was permissible with one or two people named on the Committee. Mr Leach said it might be just necessary to move that the provision be made operational as in the rules of procedure. Mr Empey said that when rules of procedure were being adopted the group can provide for a Business Committee to come into effect. Mr Durkan said at that point the names of the delegates on the Business Committee could be established.

OPENING STATEMENTS BY PARTICIPANTS

12. Mr Weir said that the opening statements should relate to the three strands and decommissioning. The Minister of State said that the opening statements by the delegations should set out the approach of the parties to the negotiations as a whole. Mr Durkan said the opening statements should be near the beginning. They reflected the chance to allow all parties to say how they see the talks going. It would be helpful to have overall statements, particularly in view of the fact that there were new parties in the process. This matter should come before the quicksand of decommissioning.

13. Mr Close said that the opening statements must come as close to the opening as possible. It would be silly to delay opening statements. The parties would be opening their stall, so to speak, and the sooner they do that the better. Mr Casey said the opening statement is the parties' blueprint and it should come as early in the process as possible. The Chairman posed a question for in relation to whether there should be time limits on the opening statements.

14. Mr Robinson said that he was concerned at the decommissioning issue going down the steps of the ladder. What he is concerned with is having open-ended issues before dealing with decommissioning. He had no problem with the establishment of the Business Committee and statements, if timed, won't be difficult. If decommissioning comes immediately afterwards, the Governments can't have any difficulty with that because the ground rules follow sequential order. See para 10. Mr Empey said that there was a logical order in the UUP's suggestion. They saw merit in putting

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the decommissioning issue on the agenda after the Governments' item 4.

15. Mr Mallon said he also had in mind confidence-building measures such as the emergency legislation, coroners courts and the constitutional position of Northern Ireland - not necessarily what the UUP meant by confidence-building measures. Their proposals are matters of substantive content. Again he asked that the meeting bear in mind that we were in a sensitive position. He does not want parties with connections with parties outside with arms put in difficulty early on in the process. We could create an imbalance which would retard decommissioning. As to the comprehensive agenda for negotiation, debate could go on for weeks, for example, issues like consent. But he requested the DUP/UUP to reconsider their position so that they can take away the potential for blockage of the process.

16. Mr Mallon also said that two weeks ago Sinn Fein were on the crest of a wave but the pendulum has put them in the position of pariahs of Irish politics. Dealing with matters in this way will allow the group the space to prepare properly for any political developments which may occur. The position is constantly changing. He often encounters the view outside that in the absence of Sinn Fein you can't negotiate anything; this is a "why bother" approach. You won't deal with attitudes like that by erecting road blocks on the route to decommissioning. The way forward is to give parties like the PUP and the UDP space - don't close them in so soon in the process.

17. Mr Empey said that the two Governments wrote the February communique. Para 12 therein contains a logical sequence of events which his party are attempting to follow. Running away from the

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issue won't help. They want the issue of decommissioning discussed. Parties have accepted the Mitchell Principles and the UUP doesn't want to drive people out but at the same time they don't want people to come in to the negotiations with smoking guns. Everybody should be in the negotiations to pursue progress by exclusively peaceful methods. If the issue is being put further down the agenda what message does that send? It could mean that the negotiators have departed from the provisions of the February communique for a particular purpose, for example, to smooth the path of the parties who are not here at present. The issue has to be addressed and it can't be swept to one side. What is involved is the discussion of the decommissioning proposals. It must be taken out in the open and debated. This could clear the path for the deliberations of the group in the months ahead.

18. Mr Durkan referred also to the February communique. He said it was disingenuous to suggest that the UUP's confidence-building measures tie in with those in the communique in para 12 and the ground rules paper. The UUP have been creative and have included extraneous matters. An example of a significant confidence-building measure which is mentioned in the communique is the reference to the meaningful and inclusive process of negotiations being offered to address the legitimate concerns of traditions and need for new political arrangements "with which all can identify" is not listed by the UUP. They don't conform with what the two Governments mean by confidence-building measures.

19. Mr Robinson wondered what Mr Mallon meant by the comprehensive agenda and a possible delay. The DUP have already gone down two rungs of the ladder to facilitate the parties. Mr Mallon said that decommissioning applies to all parties who are associated with those who have weapons. Two of them were present

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and one was not. Is it being suggested that the position of those here is conditional on what is done for those who aren't? Or is it conditional on other factors? Sooner or later we were going to have to come to confront this issue. The SDLP don't want to make it easier for people outside to come in. There are no hidden agendas or ulterior motives here. Mr Mallon doesn't know if decommissioning is even possible and he also knows that the IRA phraseology "a final settlement" can mean anything. Unlike the UUP he is not hung up on the Government sequence. He could go back to the twin-track papers for example but there is no help in that approach. He cautioned against perceptions outside affecting the position at the meeting.

20. The Minister of State intervened to say that the negotiations and decommissioning must take place alongside each other. Mr O'hUiginn again said we are now discussing substantive issues by proxy. On the subject of decommissioning the position of the Irish Government is that it understood fully the importance of decommissioning; it also understood that decommissioning has a high symbolic importance. However, its real importance is that it should not be made hostage to symbolic importance. There is a great and sober realisation of the difficulties that are facing us on this issue. It would be a grotesque result if parties who had observed the commitment to the ceasefire were treated the same way as those who didn't. With regard to the agenda and the 28 February communique he said that in drafting it the sequence was not predominantly in mind. Confidence-building is by definition a reciprocal thing. The logic is that it is a two-way street, so a rigid sequence was not in mind. Confidence should be built on both sides.

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21. Mr Empey said that it was not his party's objective to put the parties who had adhered to the ceasefire out of the process. There are issues to be discussed. Not to discuss them for hours/days makes no difference. But if the Governments didn't intend a sequence - remember the decommissioning report itself also has a sequence - the Governments have turned the items around for a purpose. Five minutes after the declaration of a ceasefire, people could appear at the door with the dust of Manchester on them. How could they talk to them on the same basis as they are talking to the UDP and the PUP? We cannot set precedents to appear and demand rights if terms and conditions for entry are flawed. By holding a discussion on the decommissioning issue they can draw the teeth of the issue which won't put the UDP/PUP on the same basis as Sinn Fein/IRA. The issue was difficult but it can't be swept under the carpet or sidelined. That weakens the process.

22. Mr Close said that there was a need to remind the body that the agenda for the Plenary was under discussion and the subject is decommissioning and the International Body's report. No-one is running away from the debate. The discussion is at Plenary level. He said the group can discuss it seriously or people can go in for grandstanding on the issue. If you proceed to discuss it seriously then it puts pressure on everyone whereas grandstanding could be totally counterproductive. To deal with it seriously it must be debated within an arrangement to give it equal status with the three strands.

23. Mr Curran said that two aspects were involved, political and technical. He was impressed by representatives of both the UDP/PUP and he now believes that there is hope for Northern Ireland. The Manchester bomb sickened people from both traditions. How will Sinn Fein walk into these talks in those circumstances, yet we all

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wish that they will and subscribe to the Mitchell Principles and that the IRA will call a ceasefire. If we are going to get into decommissioning early on in the agenda it will mean that Sinn Fein are dictating the agenda. We should start off with the opening statements and leave decommissioning until later.

24. Mr Robinson said there is no reluctance on the part of delegations to discuss decommissioning. His party are not settling the issue but just seeing whether it should be on the agenda and where it should be on the agenda. The discussion is on the latter point. The issue won't go away. The Governments have publicly signalled that it is a priority issue to be addressed - whatever that means. The public expects it to be dealt with. He can clearly distinguish between Sinn Fein/IRA and those who aren't carrying out atrocities, those who broke the ceasefire and those who didn't. Unionists will question if Governments are demoting the issue despite what the communique and the ground rules say. As soon as opening statements are out of the way decommissioning was to be dealt with. Dealing with a comprehensive agenda could delay matters. The Opening Plenary has a limited life. The Governments have to stand over their commitment and the expectation that the community has that decommissioning will be dealt with as early as possible. Already it has been overturned by two items.

25. The Minister of State said that the Government recognised decommissioning as a priority. The Plenary was a part of the communique. The Governments did not regard the issue as being in any particular pecking order. It was important to the Governments for the issue to be dealt with in Plenary and then to move out in substantive strands with the decommissioning issue taking place in parallel. We shouldn't proceed on the basis that there was a strict order.

26. Mr Robinson said that when two Governments prepare documents they don't do it carelessly or casually. He does not believe that when Governments say "at that stage" they don't mean precisely that in relation to decommissioning. If Governments have changed their minds now, they can't argue that that was the original intention all along. The Minister of State referred to para 13 of the ground rules and referred to the three items dealing with the principles of democracy and non-violence, the issue of decommissioning and confidence-building and said that the agenda would reflect those items. Mr Adams replied to Mr Empey and said he failed to see how the Governments were sweeping decommissioning under the carpet. Confidence-building measures worked both ways. The DUP/UUP proposals don't give them much confidence. They believe that their proposals are far too substantive for the opening session.

27. Mr Close intervened to say that we were supposed to be operating from a blank sheet of paper so it wasn't correct to be referring back to previous papers. Mr Empey said that was a reasonable point but that protracted discussion would have taken place on the matters ahead of decommissioning. All the UUP are saying is that they accept that you can't go into the intricacies during the Plenary session but rather at the appropriate stage. But as soon as possible after the acceptance of the Mitchell Principles you must have a discussion on decommissioning. There is an overwhelming logical connection and interlinking between these two items. Mr Durkan said it was important to stress the need for a sensible sequence. Before going into discussion on a specific and important area, it is worthwhile to discuss a comprehensive agenda. The next item is a discussion on the International Body's report on decommissioning. Under the Governments' proposal the

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agenda will only be adopted after that process. This is not relegation of the issue, this gives it a significance and standing.

28. Mr Empey said within the meaning of a comprehensive agenda this could mean a discussion on local administration for example. That is not equal to the decommissioning issue. Mr Durkan referred back to the importance for unionists of decommissioning. He wants to see a discussion of a comprehensive agenda as set out in para 14 of the ground rules document which will include the decommissioning issue and then go on to the proposals on decommissioning.

Mr Neeson said that when Mr F W de Klerk addressed the Forum he said that he regretted that greater efforts weren't made on decommissioning in South Africa. The issue has the potential for debate for 12 months. The opening statements of the participants could be delayed accordingly.

29. Mr Robinson said that he understood the position to be that first we would have the formality of the rules of procedure and the agenda; secondly we would have the formality of establishing a Business Committee and thirdly we would have opening statements. The DUP were prepared to be flexible in relation to the Business Committee and the opening statements. The decommissioning has to be dealt with and it merits placement after the opening statements and the public expect it at that point. Mr Leach intervened to say that he would be sympathetic with Mr Robinson's point about recycling the discussion at this stage and we were teetering on the brink of discussing the substantive issue. He felt that we were close to the point where the meeting could reflect on the discussion so far and could respond later.

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30. The Chairman suggested that the parties stay close by for further discussions on the preparation of the compilation paper on the agenda item. The meeting adjourned at 12.19 pm.

[Signed]

Independent Chairmen Notetakers
19 June 1996

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