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From: Independent Chairmen Notetakers
9 August 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES
AND AGENDA FOR PLENARY SESSION - THURSDAY 25 JULY (14.35)

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

1. The Chairman convened the meeting at 14.48 and stated that in accordance with the previous proceedings he now wanted to look at the proposals for the Agenda for the remainder of the Opening Plenary session. Mr Weir asked the Chairman whether it would be possible to have another twenty minutes to enable work to be completed on the UUP paper focusing on proposals for the Agenda. The Chairman indicated that he would accede to this request on the basis of decisions given over to previous adjournment requests. He therefore asked that the meeting be reconvened at 15.10.

2. At 15.17 the Chairman reconvened the discussion and advised participants that the UUP had just submitted their paper to his

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staff. The Chairman continued saying that this now had to be put in the tabular document being formatted and he expected it to be ready for all to view in about 15 minutes. In the interim the Chairman asked for any general comments on the proposals for the Agenda for the remainder of the Opening Plenary session. Mr Empey said that on behalf of his party he apologised for the lateness of the paper being submitted and he hoped this hadn't caused too much inconvenience. Mr Robinson intervened saying that he hadn't yet seen the composite paper on the Agenda proposals and he wondered in the interim whether there was any problem in talking generally about those items on the Government's agenda at least to the point of decommissioning. The Chairman said that he believed that insofar as the current proposals stood, all were agreed on the establishment of a Business Committee. The Chairman confirmed that this was the case with the participants saying that there was now no disagreement about the establishment of a Business Committee in principle, although this still allowed for any detail regarding the setting up mechanisms to be discussed at a later date.

3. The Chairman then asked the participants whether there was any disagreement that the establishment of the Business Committee as an agenda item could go on that agenda after the UKUP resolution. This was agreed by all participants. The Chairman said that if this was agreed, this brought the participants to the subject of decommissioning and he anticipated that there would be some difference of opinion here; therefore it was likely that a discussion would be required to resolve these points.

4. Mr O'hUiginn for the Irish Government said that there might well be some problem with the order of the Agenda in relation to the original items in 1 and 2 of the Governments' paper. The

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Chairman indicated this was correct in terms of trying to clarify what the actual format of the Agenda was likely to be. He said that the tabular document being produced would show what was agreed at this stage in letter form and what was not agreed in number form. Mr Robinson intervened saying that he wondered whether the discussion could reach agreement on item 4(a) on the proposed Government agenda for the resumed Opening Plenary - i.e., discussion of proposals. Mr Robinson referred to the proposed amendments by the DUP at this point. Attorney General Gleeson intervened saying that he didn't know what Mr Robinson was referring to at this point. Dr Paisley intervened saying that they were adopting a "Sinn Fein" attitude and were keeping everything to themselves! The Chairman said he realised the problems of attempting to hold a discussion without everyone having sight of each other's proposals. He therefore explained the earlier proposal again which Mr Robinson had referred to with regard to paragraph 4(a). The Chairman intimated to the participants that it seemed that everyone was in agreement with the formulation except the UUP who saw the discussion at this point only featuring and focusing on Section 6 of the International Body's Report. Mr McBride proposed that item 5 on that same agenda should be placed in front of item 4 as he believed that this was a much better and logical way of proceeding.

5. The Chairman indicated that the composite paper on the Agenda proposals had now arrived and was being distributed. He noted Mr McBride's suggestion but believed it was now possible to proceed to a discussion of item 4 without prejudicing the order of issues which Mr McBride had referred to. The Chairman therefore asked for comments on item 4(a). The Chairman, following a short intervention by Mr Empey, asked for agreement from the

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participants, without prejudice to the order of the items, that there should be a discussion of item 4(a). The Chairman asked whether there was anything in the UUP comments which referred to the wording of this item. He wondered whether the word "on decommissioning" should be added. Mr Taylor suggested that the item should be entitled "Discussion of proposals on the modalities on decommissioning." Ms Hinds said that she preferred the original proposal. The Chairman asked for any other views. Mr McMichael asked whether under this formulation the discussion, when it arrived on the Agenda, was going to be limited to certain sections of the Report or whether it was a discussion on the issue of decommissioning in its widest sense. The Chairman indicated that he believed it was concerned with the issue of decommissioning on an open rather than restrictive basis. Mr Robinson intervened asking whether the formulation might mean that parties themselves might be restricted in terms of the comments delivered on the decommissioning issue. Mr McMichael restated his earlier question.

6. Mr O'hUiginn for the Irish Government said he believed that the formulation was an enabling one rather than a restrictive one and that it had appeared ostensibly from the February communique. He restated the fact that this had been based squarely on the commitment of both Governments to take the issue of decommissioning at this point in the proceedings. He said he also took Mr Robinson's point that no one wanted to confine the remarks of any delegations on this issue at this stage. Dr Paisley intervened referring to the February communique which stated that "the process would address all aspects of the proposals on decommissioning". Dr Paisley said that there were matters in the report which in his view had nothing to do with decommissioning and therefore shouldn't be in this discussion. The Chairman asked

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for any other comments. The Secretary of State said that he endorsed the language of the Report of the International Body which he believed supported the language now being offered on the Agenda proposals at 4(a).

7. The Chairman asked participants to move on to 4(b). Mr McMichael commented that the wording of this agenda item appeared to predetermine that the recommendations of the Report of the International Body would be acceptable by not allowing the parties to produce their own views in how decommissioning might be operated constructively. Mr Robinson said that he believed the language was flawed in this Agenda item. He stated that the participants appeared not to have the power to do what they were being asked to do and he therefore felt that one needed to be careful about the Governments' language at this point which appeared to require change. From his party's point of view he believed that the commitment referred to was commitment towards the general principle of decommissioning but then at some point further down the road one actually got into the mechanisms to take it forward. Mr Roche suggested that the Government language seemed to pre-empt the parties commitment to all aspects of the Report which from the UKUP's position they were not prepared to do. He also believed that the progress on the decommissioning issue should be decoupled from the progress on the negotiations which he believed the point at 4(c) seemed to be suggesting.

8. The Chairman asked for any other views. None were forthcoming. He then asked the participants to move on to 4(c). Dr Paisley referred to his earlier point from the morning discussion with regard to the different language used in 4(c) and in paragraph 2(c) in the covering Government paper distributed that morning. Paragraph 4(c) made no mention of the word

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"agreement" yet in his view this was vital because at the end of the day something actually had to be tackled on decommissioning. Dr Paisley continued saying that there must be agreement and there must be a timetable and an indication of when the process would actually start. In his view the Governments had done nothing to date. There had been no reference to legislation on the issue, not even a draft of legislation, yet the summer recess in Westminster was virtually upon everybody and only a short session of Parliament was available before the new session opened in November. There was therefore little likelihood of any space being available this side of the new year to take legislation forward on the issue. Dr Paisley said that it was interesting that the Governments had not produced anything but they themselves wanted the participants around the table to discuss it urgently. He wondered if this position was really prudent. He concluded his remarks by referring to the need for a timetable on this, a sight of the proposed legislation and a sequence of steps to enable the process of decommissioning to be actively taken forward.

9. Mr Roche said that there was a requirement for "agreement" on the mechanisms of decommissioning. He also believed there was a crucial ambiguity in these mechanisms in terms of dealing with the issue itself, as opposed to attempting to deal with the procedures for decommissioning. Mr Robinson wondered if consideration of the word "agreement" was required, whether there was a great deal of difference in what each party was saying here. The Secretary of State acknowledged that an omission in drafting appeared to have occurred between paragraph 2(c) and item 4(c). It was therefore agreed that the word "agreement" should be included in item 4(c). Mr O'hUiginn said that perhaps everyone agreed that there was a distinction between agreeing to do something and having the mechanism to do it. Mr Robinson intervened wondering whether this

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was a response to his earlier point and reaffirmed his view that there was a distinction between the consideration of a mechanism and the establishment of a mechanism. The Chairman asked for any other comments. Dr Paisley asked whether anyone was going to discuss or debate the UUP proposal on this issue. The Chairman said that any comments were welcome but he had heard none to date on this topic. Mr Empey said that he understood the Chairman was running through the issues at this point to enable preliminary views to be set out and to get a feel for the content of a more general debate or meetings to follow. He asked whether this perception was right. The Chairman indicated that it was correct except where he was specifically asking for the participants' agreement to an item or a form of words. Mr Taylor acknowledged the point and confirmation from the Chairman that the participants were currently engaged in a speedy run round the tabular document. He believed it was much better to move into a bilateral process where matters could be discussed in greater detail. The Chairman then asked participants to move on to item 5 on the Agenda.

10. Mr Robinson said that he believed all the participants were agreed on the first element, i.e., a discussion on the comprehensive agenda. Mr Robinson highlighted the UUP suggestion at this point contained in the tabular paper which alluded to a mechanism to be used if agreement in that discussion couldn't be met. Mr Robinson confirmed that the DUP had no objections to this suggestion if this happened to be the case. Mr McBride said that he had already indicated the Alliance position on this regarding where this item should come in the final proposed Agenda. He said he also didn't believe the discussion referred to by Mr Robinson could be put on the long finger and he believed that the reordering of subjects here for the agenda was a pertinent point. Mr Empey said that he didn't go for Mr McBride's suggestion simply

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because he thought that the decommissioning issue was to be addressed at the very beginning of the process yet the Alliance proposal would have the issue demoted on the Agenda. Mr Roche said that the logic of the Alliance proposition escaped him as well. He said that participants must get on with the decommissioning issue at the start of the proceedings. Mr Neeson in reply said that he believed the UUP proposal for a working party on this issue to be a fudge. He continued saying that surely if a commitment was there to agree a comprehensive agenda then it should be possible to complete this at the Plenary next week because they were only dealing with headings rather than the detail of the issue.

11. Dr Paisley said that in his view decommissioning was a very important issue and perhaps more important than sorting out the comprehensive agenda. This was after all a major plank of Government policy and they had suggested the timing of a discussion on it. Commitment had been given to the public at large and it therefore required urgent application to deal with it now. He therefore agreed with the Governments in their analysis of the positioning of this issue. It was also why the three Chairmen were present and he re-emphasised that there was a need to actually do something about decommissioning. He believed that the UUP suggestion for a working party to carry this activity forward was a practical approach during the summer break.

Mr Robinson wondered whether there were problems now being created which didn't exist in the first place. He wondered whether it was simply not just about considering and agreeing mechanisms but also about agreeing a comprehensive agenda which in themselves addressed the decommissioning issue. Mr McBride asked whether the UUP proposal did not in effect establish a working party to look at a comprehensive agenda over the summer. Mr Empey wondered

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whether anyone was seriously suggesting that a considerable amount of work could be got through within a couple of days next week. There were already the rules of procedure, the Business Committee, a discussion on the decommissioning proposals to get through, never mind reaching agreement on the Agenda itself. He therefore believed that what was being put forward by his party was a practical proposition. On the other hand of course, perhaps there were few difficulties in all these other areas and it therefore was possible to arrive at an agreed comprehensive agenda within two days. Perhaps, he said, he was being too pessimistic but he referred again to the UUP proposal which he believed was a correct one unless the process and participants were going to have a casual discussion of decommissioning on the Agenda itself.

12. Mr Neeson said that he agreed with much of Mr Robinson's comments. He believed there was an inherent danger of sub-committees and working parties being established, though he wondered if there was no agreement on the comprehensive agenda could the Business Committee not take this forward. On the other hand of course there was also the possibility of some more extra days of discussion being available the following week.

Mr Donaldson, in reference to the suggestion on the Business Committee, said that under the rules of procedure shortly to be adopted, the Business Committee could not deal with the substance of the negotiations nor could it deal with the issue of decommissioning. That was why the UUP were proposing the setting up of two working groups to tackle these issues. Mr McMichael said that there was a commitment from his party to ensure that the comprehensive agenda was agreed at an early stage. He believed that, instead of a working group being established to try and give effect to this, a more prudent approach would be to extend the amount of discussion time available next week. Dr Paisley said

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that he didn't think anyone would get far if they were going to deal with this sort of issue in a large group. He believed it was a sound recommendation for people to work on this while the summer break was in place. Related to this issue, he said, it would be very useful to get some idea of what a "mechanism" really was and what did this mean. He believed that if it was going to be discussed next week then answers like these would be very helpful.

13. Mr Bleakley sought clarification as to whether there was a pecking order to the issues being discussed or whether the agenda sought to have the decommissioning issue discussed in totality before moving on to other broader substantive subjects. He wondered therefore whether there was a special issue to be dealt with first. Dr Paisley reaffirmed the fact that the Prime Ministers said that it was an important issue which had to be dealt with at the start of the proceedings. He again restated the fact that this had been sold to the electorate on this basis. Decommissioning was important and Dr Paisley said that his party accepted what the Governments had to say on this. However, he said, both Governments had now done a U-turn on the issue but what about their responsibility to the electorate given the previous commitment? Dr Paisley said that they had already tackled the principles in the International Body's Report so there was no reason why they shouldn't now move on to the second stage. This he believed did not shut everything else out from discussion because these issues would be on the comprehensive agenda in any case. Mr Bleakley said that he assumed that decommissioning was an issue that would be difficult to sort out. It had a timescale all its own and one which did not correspond to other issues and their timescales. He wondered and questioned again whether the process was going to deal with decommissioning first in its entirety or, alternatively, let it have its own timescale which

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would run in parallel with discussions in other matters.

Mr Robinson said it probably would take its own course but the Plenary was only looking at the initial discussion, then agreement on mechanisms and then how these would be developed and taken forward.

14. Mr Robinson said that he hoped it wouldn't be as difficult as some people seemed to be making out. The Secretary of State said that he endorsed Mr Robinson's comments on this. Mr Farren said that whenever the process did set up proposals for the comprehensive agenda it should then be reasonably easy to categorise items under general headings; therefore he did not see the sense in going forward with the suggestion made by the UUP. Mr Farren said that it might be better to wait until some view of how the items themselves would shape up on Monday, following the parties' submission. Mr Robinson said that it might be better to discuss on Monday or Tuesday the exact mechanism which might be required to sort out any potential difficulties in completing work on the comprehensive agenda. There were obviously two ways forward, one was either extra time for discussion next week or the UUP suggestion of a working party. However next week and the early part of it should be a sufficient point to sort out which of these mechanisms was best adopted. The Chairman suggested that the participants move on and said that item 6 was linked with item 5. He then asked about item 7.

15. The Chairman asked about the need for time limitations on the opening statements. This point was noted and the Chairman suggested that the discussion move on to item 8 and asked for any comments on this.

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16. Dr Paisley asked what the two Governments meant by this language. Did it mean that the Strands would not be launched until the machinery was itself in place? He therefore wondered whether the legislation was necessary before launching the negotiations. He said it was the Governments' document and therefore they should know what they were talking about. The Secretary of State said that this formulation had derived from the February communique and in particular the aspect of confidence-building measures. He continued saying that he needed to see how matters were likely to develop in the early part of the Agenda. If the discussions could reach agreement on mechanisms, then there was a requirement and a need to establish those mechanisms in parallel with the launch of the negotiations. Mr O'hUiginn for the Irish Government said that it might be too presumptuous to consider what that mechanism would be in advance of the opening statements by the participants. He said that the issue was extremely complicated and therefore one couldn't prejudge the answer to this point. Dr Paisley said that both comments from the Governments were totally unsatisfactory in his view. He wanted to know why item 8 was worded like this. Again he looked at the wording and believed that the meaning of the words clearly indicated that the launch of the negotiations could only take place when the agreed machinery had been established.

17. The Secretary of State referred to the DUP language in the tabular paper at this point. He said he believed that the DUP was right to look at it in this way. Mr Robinson intervened saying that the DUP saw these two aspects proceeding in parallel whereas the Governments did. Attorney General Gleeson said that he agreed with the Secretary of State's earlier remarks. Mr Empey said that he believed the correct discussion was now beginning to pre-empt the general discussion planned on the Agenda. Again he stated

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that he believed the decommissioning issue to be complex as Mr O'hUiginn had indicated a little earlier. It was going to be difficult to grasp all these issues in a coherent form and manner and have them successfully implemented within a few days. He said that in terms of the decommissioning machinery, etc, it might also involved appointing people and sorting out budgets, accommodation and a number of other related aspects, yet how could all this happen in the vacuum of having no legislation? He didn't believe that the two Governments had fully thought out this aspect of agreed machinery for decommissioning. Mr Roche said that he believed decommissioning itself could be either viewed as a confidence-building issue or a democratic requirement. Returning to his earlier point, he said he did not believe that the issue should be coupled with the progress on talks.

18. The Chairman asked participants to move to item 9 and asked for any comments. Hearing none, the Chairman referred back to Mr Taylor's thoughts on conducting bilateral meetings and asked for any objections to these now taking place. Ms Hinds said that she presumed that the purpose of the discussion was to get to a stage where one could arrive at agreement on the Agenda for the remaining Opening Plenary. She therefore wondered how Mr Taylor's proposals to move into bilaterals fitted in with this objective. She also believed that the bilateral process in terms of the minor parties was detrimental because they were not aware of what was always going on yet they had substantive and important points to make, hence they must be included in such bilateral mechanisms.

19. Mr Smyth asked whether the Chairman intended to reconvene a round table discussions before the end of the day following adoption of Mr Taylor's adjournment proposals. The Chairman said it was difficult to tell at what point this might occur but he

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hoped that it would be possible. He proposed that in terms of keeping everyone informed it would be useful for parties engaged in bilaterals to inform his staff at around 18.00 as to the status of progress so that this information could be provided to all participants at around this time. Dr Paisley asked for some guidance regarding timings of business the following week. The Chairman said that the process had already agreed a number of items for the Agenda of the Opening Plenary. He said that he hoped to begin at a reasonably early time on Monday morning but would canvass participants on the actual timing and provide a report on this at 18.00. He believed it was prudent for participants to plan for substantial and lengthy days the following week as those around the table had already indicated a certain workload which needed to be tackled. The Chairman on hearing no further comments adjourned the meeting subject to the call of the Chair and the status report already mentioned at 18.00. The meeting adjourned at 16.30.

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