

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
WEDNESDAY 12 FEBRUARY 1997 (10.11)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
Mr Holkeri	Irish Government	Labour
General de Chastelain		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 10.11 indicating that although Labour, the DUP and UKUP were absent at that stage, the ten minute allowance for the commencement of meetings had been exhausted. He stated that he had asked his staff to call those parties to the meeting. Shortly afterwards all three parties joined the session.
2. The Chairman said he wished to commence with a brief summary of events since the last plenary, but before doing this wished to seek approval of that draft record from Tuesday 4 February, which had been circulated to participants prior to the weekend. The Chairman asked whether all participants had had sufficient time to review the record. The UKUP said that it wished to have some more time. The Chairman, on hearing no objections, stated that the draft record of 4 February would be submitted for approval at the next plenary session.

3. The Chairman continued, saying that in accordance with the wishes of the participants the previous week, both he and his two colleagues had participated in meetings with most of the parties in an attempt to determine what measure of progress could be made on issues between now and the signalling of a general election campaign and to seek views on the continuance of the process itself up until the election date was announced. The Chairman said that in those discussions all participants, who had expressed an opinion, had said that they wished to continue with the talks right up until the election was called. The Chairman said that this was not an unanimous view since not all parties had met with the Chairmen, but he believed it did reflect the current sentiments of the participants as a whole. In relation to progress, the Chairman said that some participants had, during the previous week, provided suggestions about trying to move forward on item 2. This same issue had also been touched on during meetings with other participants yesterday. The Chairman said that he believed it was worthwhile to continue these efforts since the process of exploring these matters had only commenced last week. Given this it was the view of all three Chairmen that the plenary should adjourn until 10.00am on Wednesday 19 February to allow the exploratory process to continue, thus leaving the remainder of today and next Monday and Tuesday for a further series of meetings with all participants. The Chairman said he now wished to seek the views of the participants to this proposal and in doing so proposed that a varying of the normal routine (i.e. not beginning with the two Governments and Alliance etc.) should be undertaken. The Chairman then asked the PUP to commence the tour de table comment process.

6. The PUP said that everyone was already well aware of its views

4. The PUP said it agreed with the Chair's proposals. It was pleased to see that the Chairmen had accepted a more pro-active and focused role. As a result the PUP said that it believed more had

been done in the last week than in the previous several months. The party said it didn't propose to agree with the analysis of Fergus Finlay (that talks could not be worth a penny candle if Sinn Fein were not included). However it did believe that the talks' failure to move forward on substantive issues left the impression that rather than supporting a democratic process, it gave Sinn Fein the luxury of holding us back. The PUP said that Sinn Fein had chosen not to be present. It (Sinn Fein) had not realised the value of the primacy of politics over the use of paramilitary means in achieving political objectives. Sinn Fein quite rightly should be left behind. The talks process must be maintained in reasonable standing so that it could resume intact after the election. In concluding the PUP said it concurred with the Chair's proposals for further exploratory discussions. The party said it hoped these discussions could be broadened to include other parties since it would wish to explain its position with those which it had not yet met.

5. The SDLP said it also concurred with the Chair's proposals. It said it had been looking at areas where agreement could be reached during further discussions. Such agreement, it said, was necessary so that the process could demonstrate to the electorate that progress could be made and that there was something to return to after the election break. The SDLP said it hoped that the limited progress which it believed it had identified thus far could be achieved during the next series of meetings proposed by the Chair.

6. The UDP said that everyone was already well aware of its views about the process winding down. The party said while the previous week's exchanges had provided useful discussions it was wary about the amount of potential that remained for progress. The UDP said

it wished to see progress and agreement on the agenda issues to show to those on the outside that the democratic process did work and was a viable alternative to using other means. The party said that there had to be an impetus to reach agreement before the election recess occurred. In this sense the party was content to go along with the Chair's proposals but it worried about a superficial process without the potential for agreement. The UDP said that although it was in two minds about the present position, it was willing to explore with others the prospect for reaching agreement and hoped that all participants would genuinely work towards this objective.

7. The DUP said that all the talk of potential agreement had no basis whatsoever. It said the Chairman, at a meeting yesterday, had told the party that there was an impasse, no movement. The Chairman had also met with the trilateral group (Alliance/SDLP/UUP) yesterday and, even here, there was no agreement forthcoming. The DUP said it viewed the process of constant deferral, in which the talks now seemed to be in, as something which the Chairman and both Governments hoped would continue until the general election was called. The party then referred to an article in the 9 February edition of the Sunday Times in which representatives of the PUP had accused the DUP of engaging in organised terrorism. It recalled the PUP's earlier comments during the session about its (the PUP's) wish to meet other parties to explain its position and said it took great exception to the comments in the Sunday Times article which were totally untrue. Returning to the former issue, the party said that it was time for the process to become serious about its intentions. The talks were adjourning for bilaterals because agreement was not going to come on decommissioning. The party said that the IRA would not give up any of its arms, yet evidently the

plenary thought that Sinn Fein/IRA could get into the talks process without giving up arms.

8. The DUP said it did not believe that the elections would make a difference. In fact the local government elections would come even closer to the grass-roots. In the meantime more and more adjournments could be organised but when was the process actually going to face up to the issues which were on the table? The DUP said it was quite clear that there could be no consensus reached on decommissioning. The plenary should now move to the business on the table, the DUP proposals, and either accept or reject them. The party said it was against a further deferral as proposed by the Chairman. It was time that the plenary decided something. The DUP said it was not asked to these meetings and did not see any good in them. It was impossible to continue with adjournments and told those in the community that there were "chinks of light" one day and none the following. Nothing was happening here but adjournments. lawpoint and the UUP likewise on the pro-union side, with Alliance holding the middle ground, did this mean that the

9. The DUP then referred to earlier comments from the PUP regarding progress being made. The party asked the PUP what this progress was. The PUP responded, stating that it had referred to "getting through more work" and not progress. The DUP said what the PUP was really saying was that it had got through a lot of "unproductive" work. The DUP said there was no progress to make and the talks were simply backing away from the real issue - were illegal guns to be handed in or not and was the democratic process going to require this or leave it to the paramilitaries to make up their own minds? The DUP said it didn't believe that either Government had the political will to carry out decommissioning. The position would be the same after the elections although the UUP had referred to itself as being more flexible in terms of the the UUP's

decommissioning issue after the election. The DUP then asked for details of this UUP flexibility.

10. The UKUP said the Chairman was quite correct in his initial remarks when he had mentioned that not all the parties had met with him and his colleagues. The UKUP said there were reasons why this situation prevailed. The party said that during the course of Tuesday 11 February, it had been given a time for a meeting with the Chairmen. This time was then deferred to later when the party had no available representative to put forward to such a meeting. The UKUP said, however, that the reason for the deferral was to accommodate the Chairmen's meeting with the trilateral parties, each of which had already had a meeting earlier in the day on a one to one basis with the Chairmen. The UKUP said it didn't believe that the manner in which such scheduling of meetings had occurred promoted confidence in the Chair. The UKUP continued saying that it could be viewed that while the SDLP represented the main-nationalist viewpoint and the UUP likewise on the pro-union side, with Alliance holding the middle ground, did this mean that the Chairman's pro-active role extended to deciding to give these parties more time to the detriment of others whose views could be considered as secondary? The UKUP asked whether this was the proper way for the Chairman to conduct such exploratory discussions.

11. Moving on, the UKUP turned to item 2 on the agenda, stating that it had been previously agreed that taking this item would involve not only consideration of the issue but a determination of it. The party said that the UUP had submitted its proposals on decommissioning on 12 November 1996 and these had been similar in nature to its own views which had been produced in advance of seeking a determination on the issue. The UKUP said that the UUP's

proposals were totally at odds with anything which would be accepted by the SDLP. This was the fundamental issue which had to be addressed. But instead the process had messed about with a series of bilaterals which had gone on for months and achieved nothing. There had been written submissions, verbal submissions, bilaterals before Christmas and since. Yet it remained quite evident that there was no agreement between the two communities on the decommissioning issue. The terms of entry to the talks determined which of the parties present could proceed to the 3 Strands. The UKUP said it would not sit with terrorists. The party said it was not interested in the assertion of mutuality, which was a convenient cover for those who already covered for the paramilitaries; it had no interest whether terrorists were "green" or "orange". The party was already on record on numerous occasions saying that a democratic political process could not exist alongside those who indulged in acts of terrorism to further their political objectives. If the latter continued to exist, then democracy became subsumed or corrupted by terrorism. The UKUP said it was time for the process to stop avoiding the real issues on the basis of cobbled up political expediency. This body could not continue to do no justice, to pay no tribute to principles. It would go down as wordsmiths, political joiners, cutting cloth to expediency, and enjoy no posterity. The UKUP said it was time to come to the real job of democracy, to go forward either as democrats or as semi-corrupted associates of terrorism.

12. The UUP said that one week previous, the participants had collectively asked the Chairmen to begin an exploratory process. The reason for going down this route was in recognition of the fact that agreement was presently not possible between the participants on decommissioning. Continuing the UUP said that Sinn Fein had been given a privileged position by both Governments despite the

British and Irish Prime Ministers' recent comments. Some people were clinging to the hope these people could be engaged, but for the UUP, Sinn Fein was irredeemable. The UUP said that, far from avoiding the issues, as some other participants had stated earlier, the key issue was being addressed. The party said that all of the participants had proposals and these had been aired but what was the point of restating these now? It had to be recognised that until such times as persuasion and compromise could reach out across the respective positions, then disagreement would continue. The party said in view of the fact that the request to the Chairmen had only been made a relatively short time ago, there was no point in blocking the Chair on its approach. The search for agreement was urgently required and it was the UUP's view that the Chairmen should continue as proposed earlier.

13. The British Government said it had listened carefully to the Chairman's opening remarks and welcomed the findings outlined. The British Government said it agreed with the UUP's comments that very little time had elapsed since the remit had been taken up by the Chairmen. The exploratory process needed more time because the talks process itself needed to be re-invigorated and hopefully this could be achieved through the series of exchanges and meetings proposed. The British Government said it would play whatever supporting role it could in attempting to achieve some measure of agreement. The British Government, in referring to the UKUP's comments regarding the Chairman's scheduling of meetings the previous day, said that these remarks were rather unjust and depressing. It said that it was entirely up to the Chairmen whom they decided to meet with and when, though it had to be recognised that they (the Chairmen) were faced with the contrast of those participants who were meeting together in a positive way and those who had not made any secret of their views that the talks process

was a sham and a fraud. The UKUP intervened at this point to clarify that, in earlier comments, it had not been suggesting that it was not within the Chairmen's powers to see whom they wished. The meeting scheduled for 16.15 the previous day, however, was at the Chairmen's initiation and the party's complaint was that the Chairmen couldn't see the UKUP at that time because they were seeing other parties for a second time.

14. The British Government continued saying it was very disappointed to hear the UKUP's views of the Chairmen's efforts. It stated that it did not regard as criticism the party's view that the Chairmen were trying to be "joiners". The British Government said that in a situation where there was plenty of division it seemed appropriate to regard those who join as a modern equivalent of the beatitudes. Those who chose their words with care and craftsmanship should be encouraged, not condemned. Such activity could be found to bring people through disagreement. The British Government said that the consequences of the other approach were there for all to see. The Chairman, in reaction to persistent murmuring, intervened at this point to remind participants that everyone was entitled to be heard in a fair and respectful manner.

15. The British Government said that it welcomed the efforts which had been made by the Chairman and which had led to the results he had earlier reported. Of course it was a long shot, the British Government said, against the background that all the parties had been in the process for a long time. It was the British Government's belief that the community at large would not wish the parties to give up on the process too readily.

16. The Irish Government said that the decommissioning issue had presented a fairly intractable stumbling block to progress. That,

perhaps, was not surprising, as it was a fundamental issue and no party could get its own way in the matter. The search was on to find compromise agreements to try to build sufficient consensus, and accordingly the Chairmen had been requested to bring their efforts to bear in that regard. The process would take more time and there was always the possibility that it might not succeed. However, it was the best, if not the only way to move forward and the Irish Government supported the Chairman's proposal.

17. Alliance referred to the fact that over the past months there had been long presentations on decommissioning. It had reached the stage where no new material was coming forward and no agreement was in sight. Then the parties went into bilaterals which resulted in a tentative measure of agreement by some of the parties. It was true to say also that there were still various propositions around on the matter, but it was clear they would not command agreement. The party felt that to return to endless discussion on those propositions might well give a platform to some parties but it would not result in an agreement. Just before Christmas more progress had been made by some of the parties but it did not develop into an agreement, so it was decided to call in the Chairmen for their assistance. This assistance had taken the form of sitting in on meetings and taking an active role in the search for agreement. In a sense, Alliance felt that the parties were testing the process itself to destruction. It also valued the proactive role of the Chairmen, respected the commitment which had been shown by them and encouraged them to continue with their efforts. The matter was so important that the search for an agreement had to continue, so Alliance concurred with the Chairman's recommendation.

UUP/Alliance/SDLP.

18. Labour, in welcoming the Chairman back to Northern Ireland, apologised for its late arrival. In relation to the question of whether to adjourn the talks or not, the party said as far as it was concerned it should be business as usual. Labour also referred to the comments by the Taoiseach, John Bruton, that Sinn Fein would have no veto on the talks process and said that this was a most sensible pronouncement and that the Irish Minister present should convey the party's gratitude to Mr Bruton. As to the question of whether any progress in the talks was possible, Labour said it was delighted at the proactive role of the Chairmen. In this context, the party suggested that a committee might be formed with the involvement of the Chairmen to look at the question of decommissioning and come back to the plenary group with a possible suggested approach. Labour felt that there was a responsibility on the participants in the talks to send a signal of hope to the people of Northern Ireland before the elections. The IRA should not be allowed to dictate the process, the party said.

19. The view of the NIWC was that, insofar as posterity was concerned, the record would show that the Chairmen had shown patience and endurance in their handling of the negotiations. The NIWC also said that it had valued the participation of the loyalist parties. The party had had useful exploratory meetings with various parties and it wished to offer the opportunity to other parties to meet with them. The NIWC was of the opinion that the talks should continue at this stage and it advised against a premature closure of the process. They had so advised the British Prime Minister, John Major, during their recent meeting with him. The party thought it would be useful now to have exploratory meetings with the DUP and the UKUP as well as the UUP/Alliance/SDLP. The NIWC would deny any right of amendment. It was wrong for the

20. The UKUP said that some parties seemed to see the issue of decommissioning as a stumbling block in the process with Labour, in particular, wanting to find a way around it. However, it had to be remembered, the UKUP said, that decommissioning was supposed to be a building block, a confidence building arrangement to allow people to enter the negotiations on a level basis. So the position was that either this route should be followed or else the entire process be redrawn ruling out those parties which had links to paramilitary groups. The party appealed to others to pick up the challenge and approach the discussion on that basis. A failure to deal with decommissioning at this stage would bring about the legal collapse of the process.

21. The DUP said it took a dismal view of the British Government's attitude to and its attack on the UKUP. The DUP too had a meeting scheduled with the Chairmen for late the previous day and, having patiently waited, were informed that the meeting was to be rescheduled. However, the party insisted on having the meeting at the appointed time. If there had been any difficulties in that regard, the DUP said that it would have been raising the matter today, as the UKUP had done. The DUP said that the UKUP had been correct in insisting that agreed meeting arrangements should be adhered to and if there were problems they should be capable of being aired without fear of a personal attack. The DUP went on to say that with regard to the continuation of the talks, it wanted them to continue up to the election. However, the party insisted that it was also necessary to come to a decision in relation to the matters at hand. Insofar as the NIWC initiative on producing a draft Order in Council on the parades subject was concerned, the DUP said it was angered at the development. This was a sensitive issue and a matter of great importance and the instrument chosen by the NIWC would deny any right of amendment. It was wrong for the

NIWC, a party with no electoral support, to propose to cut out discussion in the matter.

22. The DUP said that the NIWC should have provided for something better which would have preserved the right of other parties to move amendments. With regard to the remarks of Alliance, the DUP said that that party believed it knew what the decision would be if certain proposals on the table were discussed. Why not have it so? the DUP asked. The forthcoming election would demonstrate what the view of the people was on the inclusion of the IRA in the talks. There were two views on the decommissioning issue: either illegal weapons were handed in, or the matter was left to the terrorists to decide when they would voluntarily decommission. There was no common ground in between, the DUP said.

23. The Irish Government said it wished to respond to the comments by the UKUP in relation to the view of some participants that decommissioning was a stumbling block to progress. The position of the Irish Government was that it wanted to confront the issue, and it fully supported the proposals contained in the Report of the International Body in that regard. Therefore, it viewed the comments by the UKUP as untrue.

24. The UKUP returned to the earlier remarks by the British Government and said that, from the beginning of the talks process, it (the UKUP) had treated the Chairmen with the utmost courtesy. The party had contributed to debates openly, without rancour and with no personal animosity. Accordingly, it was ill-conceived and malicious for the British Government to stoke up animosity between the UKUP and the Chairmen, because the UKUP had never suggested that the Chairmen should not meet certain people. The UKUP said that its comments in that regard were made in the context of the

cancelling of an appointment by the Chairmen in favour of a meeting with other parties who had already been seen individually.

25. As to the remarks of the Irish Government in relation to the stumbling block matter, the UKUP referred to the article in the previous day's Belfast Telegraph by the Taoiseach, John Bruton, wherein was set out the Irish Government's achievements in easing the objections to the participation of the IRA in the talks process. One such achievement was stated to be the removal of the Washington 3 test. This had to be compared with a statement issued by the NIO on behalf of the British Government on 27 August, 1995 which stated that there had to be a handing over of weapons and that anything else was inconsistent with democracy. Yet the Taoiseach stated that the removal of the Washington 3 test was a positive achievement by his Government, the UKUP said.

26. The UKUP also said it was correct to look at the fundamental issues raised by the talks process itself. The question was whether the talks were between true democratic parties or whether they were just an exercise in political expediency for those posing as democrats. The party had described the talks as a sham and fraudulent because they were providing a veneer or veil of decency for combatants e.g. the British Government and the forces of armed terrorism.

27. The Irish Government said that all the participants in the process were democrats who, nevertheless, had fundamental disagreements on certain matters. The positions taken by the UKUP did not make it more of a democrat than other participants. It had to be remembered also, the Irish Government said, that the International Body was brought in to find a way through the difficult issue of decommissioning and that it (the Irish Government) supported its recommendations.

28. The PUP said that it was not a front for terrorism and it did not retain weapons. Those who contended otherwise were calling the PUP liars. The party had been indicted and provided explanations of certain matters. The party eschewed violence and stressed the primacy of politics over terrorism. It asked all the participants to accept its statements in that regard.

29. The DUP said that the PUP had accused it of stirring-up terrorism in a recent article in the 'Sunday Times' and had also made other vile remarks. The PUP stated it did not make the remarks cited by the DUP. At that point the Chairman said he and his co-Chairmen took their task seriously, they would discharge their responsibilities as best as possible and would try to accommodate all parties and take into account what had been said about the schedule of meetings. The Chairman then adjourned the plenary to 10.00am on Wednesday, 19 February, 1997 at 11.25. The DUP said it wished to have its objection to the adjournment recorded.

Independent Chairmen Notetakers
14 February 1997

OIC/PS62