

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 28 JANUARY 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 and stated that as agreed in the previous plenary session, the discussion would now return to the issue of how to move forward on item 2 of the agenda for the Opening Plenary Session. The Chairman said he wished to commence by eliciting the views of each participant and asked the British Government to begin the round table process.

2. The British Government apologised for the absence of some of its representatives the previous day. It said it wished to endorse the remarks made at the previous days plenary when a period of further extensive bilaterals had been proposed in an attempt to obtain some measure of agreement on decommissioning which the British Government believed was still possible. The British Government said that it had some ideas of its own in terms of moving the process forward. It did, however, not wish to see an open ended period for bilaterals but proposed a resumption of the plenary on Tuesday 4 February. The Irish Government stated its

belief that the best prospect for achieving consensus was by means of bilaterals. It therefore supported the British Government's proposal.

3. Alliance said that the British Government's proposal for bilaterals provided the opportunity for all to give their best efforts in overcoming the current impasse. Bilaterals were more productive than the plenary mode but they also needed a specific focus if greater success was to be achieved in comparison to the previous series. Alliance said it noted that the British Government had hinted that it might produce some of its own proposals. If these were available on paper, Alliance suggested that it might be useful to see the material at an early stage. The party said that, having been involved in previous bilaterals etc which had then ended without much success, the situation now required a new steer from either the Governments or the chair. The party would welcome such involvement. As for the other participants, Alliance said that there had to be a demonstrable will on everyone's part to break the current impasse if success was going to be achieved in the next round of discussions. For its part, Alliance stated its support of the British Government's proposal for further bilaterals but reinforced its view that these required a greater focus if there was going to be a successful outcome to them.

4. Labour said it endorsed Alliance's remarks. The party said it didn't feel that progress could be made in plenary mode; yet it was vitally important that the bilateral process being proposed was productive. There was simply no point in holding meetings unless something productive could be achieved. The party said it was important for all around the table to demonstrate a will to succeed. The way was already in place but there also had to be

some thought given to getting the smaller delegations more involved in the bilateral process as it might be possible to achieve greater consensus with those delegations so involved. Labour said it was happy to go along with the British Government's proposal for further bilaterals. However everyone had to be sincere in their involvement and the new bilateral process had to be productive.

5. The NIWC said it was agreeable to more bilaterals taking place. It also agreed with Labour's view that the next series of meetings had to be productive in some form. The party said it welcomed the British Government's view that the bilateral process should not be open ended. It also considered that the chair should be involved in the next round of discussions, perhaps acting as a focus as well as being in a position to update other parties as to the general position of discussions. The party also believed that all delegations should be involved in meeting each other more regularly when not in formal bilateral mode. The PUP said it had no objection to the British Government's proposal. It concurred with previous comments in relation to the bilateral phase requiring a greater focus. The party said it believed the NIWC had made an important suggestion regarding the involvement of the chair in the next phase. It said that this would be useful when it came down to the handling of the actual decision making elements required in advance of reaching a final conclusion on the decommissioning issue.

6. The SDLP said it wished to comment on the bilateral proposal and also to refer back to some serious allegations levelled at the party during the previous day's plenary with regard to its stand on decommissioning and its whole approach to the talks. The party said that the allegations in question were those made mostly by UUP representatives. The allegations had been aired very stridently

and not just within the confines of the conference room but in public over the last number of weeks. The SDLP said it wished to make a point, frequently made by it in the past as well as by others, that progress, while not exclusively a responsibility of either it or the UUP, was nonetheless dependent to a not insignificant degree on both parties reaching agreement or at least some form of an accommodation which might be more widely endorsed. However the persistent accusations of bad faith and a lack of integrity levelled at the party made no contribution to the kind of trust and understanding which was necessary, if such an accommodation and agreement were to be reached.

7. The SDLP said that up until now it had been guarded in its response to the constant stream of criticism from the UUP. This criticism had questioned the party's integrity, its commitment to a just and viable settlement as well as the integrity of the party leader. Such criticism had, by implication, also questioned whether those in the party involved in negotiations with the UUP had any authority, not to say real concern, to reach an agreement with the UUP. While political cut and thrust presented little difficulty in terms of its handling, the party said it now believed it was witnessing and experiencing, in society at large, an atmosphere of such barely suppressed aggression that it had not felt in Northern Ireland for a very long time. To that aggression could be added the overt aggression which ranged from the harassment and verbal abuse which for twenty weeks had been greeting worshippers attending Saturday evening mass at Harryville, to attacks on churches of all denominations, schools and on Orange halls, to the most brutal of punishment beatings and to IRA and loyalist outrages. Given this atmosphere and such incidents the party said it would have expected a much more circumspect approach from political leaders anxious to defuse that atmosphere and also

anxious to inject a degree of hope, not to say confidence, into the political process. Continuing, the SDLP said it thought that rather than the kind of sniping which had been heard, a party willingness, a desire and concern to find a way forward would have better characterised the remarks of UUP representatives.

8. The SDLP said that ever since the talks commenced it had witnessed one indulgence after another of the concerns of the UUP. The very format of the talks was conceived to a considerable degree at the UUP's behest. Yet the views of the SDLP were, at best, only marginally taken into account, if one recalled the case for and against the holding of an election and the creation of the Forum, and the rejection of proposals for a referendum. When the talks convened, there was then the lengthy debate over the rules of procedure so that the UUP, among others, could be accommodated. Likewise the debate on the agenda for the opening plenary itself and that for the comprehensive agenda were resolved to take account almost exclusively of the concerns of the UUP. The party said that its willingness to accommodate the UUP was evident in the decisions on each of these points and was an expression of its deep desire to ensure as rapid as possible a movement into substantial talks on all aspects of the relationships which lay at the heart of the agenda. The willingness of the SDLP to listen to and attempt to take account of UUP concerns during the debate on decommissioning was also demonstrated in several key respects, a fact acknowledged by many of the other participants with whom consultations had taken place, including Alliance, who were involved in the key trilaterals before Christmas.

9. The SDLP stated that, without compromise of essential principles, it was willing to continue to try to reach an accommodation with as many of the participants as were anxious to

engage with it. The party could only do so however if there existed that degree of trust and willingness to accept its integrity, as it accepted the integrity of others. The party continued saying that in terms of its delegation, this had been both consistent and persistent. The representatives had been invested with the necessary authority to engage with others. As evidence of this it had hardly varied the membership of its negotiating team nor had it not been unavailable for discussion with others as some had. In fact the SDLP stated that as the UUP team changed it had found the line changing with it. Continuing on the SDLP said it had not called for the talks to be suspended because it knew, like all other participants, that the very same problems would appear again on the other side of a suspension as those which faced everyone now. The party said that its leader had maintained the same level of commitment and determination to achieve an end to violence which was apparent in the period leading up to the August cease-fire of 1994. Surely those who rejoiced in September 1994, would not also rejoice if a new and truly unequivocal cease-fire was achieved. Would those who vilified and derided the party leader's efforts prior to August 1994 continue to vilify and deride his efforts if that unequivocal cease-fire was achieved?

10. The SDLP stated that its leaders efforts might not succeed but should the role of the peacemaker ever be eschewed, especially when the person in question was convinced that he could still exert influence which could lead to a cease-fire? Those who claimed that the SDLP's leader's efforts were more likely to fail than to succeed should have no qualms about proceeding through to the political agenda set for these talks. If, as some participants argued, these best efforts were not leading to another IRA cease-fire, why did these same participants continue to insist on

rewriting the terms of entry for Sinn Fein? The SDLP said that surely the best answer to such a prospect would be to push ahead with the political agenda and to test all participants on their commitment to a political accommodation. Why also did some participants wish to insist on adding to the terms for decommissioning laid down in the Mitchell Report if they were convinced that Sinn Fein was not going to present themselves to be tested by them? Moving on, the SDLP said that the question had been posed as to whether bilaterals should be re-established in order to deal with the present impasse. The party said that in the light of recent experience it would come as no surprise if it had some reluctance in this regard. The party had expended a considerable amount of time in that mode, pursuing an agreed mechanism whereby decommissioning might be advanced. It thought it had made progress in the immediate pre-Christmas period only to have that hope dashed.

11. The SDLP said that should there be any indication that progress would be made it would only be too willing to re-engage. However, it needed convincing that real progress could be made. It would not engage in chasing "Will O' the Wisps" nor would it attempt to rewrite entry conditions to talks. Responsibility for determining who might participate in the talks, together with the conditions by which participants might enter, were not matters on which the party could usefully provide input. While the SDLP wished to see the talks become as inclusive as possible and would continue towards that goal for as long as it seemed worthwhile, it said it wished that the talks would above all become as realistic and as meaningful as possible. The SDLP wanted the process to pave the way to establishing such new institutions as would effectively express the key relationships affecting the people that it represented. The SDLP said this was now a defining period in

history, one in which as wide a representation of the people and governments of Ireland and Britain as it has ever been possible to assemble were together to address the problems. The party stated that the troubles at everyone's door should be a spur to the most reluctant participants to do what everyone had been mandated to do and reach a settlement which the communities needed so desperately. If the process failed, history would judge everyone very harshly indeed.

12. The UDP said it had listened carefully to the British Government's comments earlier when the latter had referred to its belief that agreement could yet be achieved on decommissioning. The party said it failed to see the evidence to substantiate such a statement. The party said it and others needed to be brought to an equally advanced stage of briefing arising out of the trilateral meetings held before Christmas. Such information was required in advance of judging which approach to adopt during the next phase of discussions. The party said unless this information became available, there was little point in going into bilaterals straight away. In more recent weeks, it had appeared that little or no effort had been made in bringing the SDLP and UUP together again. Given this position and the lack of information, the UDP said it might be better exploring the options in plenary mode first.

13. The DUP said it was also sorry that some of the British Government representatives had been unavailable the previous day. Had the situation been otherwise, the party said it would have had a few things to say following a media interview given by the Secretary of State. The DUP said it viewed the British Government's comments during that interview as a gutless attack on the Alliance party and the exchange had clearly shown a disappointed Secretary of State who had not succeeded in his

objective of having a further indictment raised by one of the participants against the loyalist parties, thereby sending the process spinning off in circles for another few weeks. On the issue of further bilaterals the DUP said that there had to be some evidence that bilaterals could actually succeed. There had already been an extensive series of meetings pre-Christmas and the party questioned whether this mechanism was likely to move the process on any further. An alternative procedure had already been outlined by the UDP. Another mechanism which was set down in the rules, involved the chair producing a proposal or a working group being established, experts being called in or the issue being referred to the Forum. The DUP said that the opportunities were there and that in drawing up the rules of procedure, participants had foreseen the likely difficulties so why not use one of those mechanisms in an attempt to break the logjam?

14. The DUP then asked the British Government for an explanation as to why it had referred to "chinks of light" appearing during its address the previous day. Could the British Government tell the participants which bilaterals had been "useful" and what progress was being made on this front? Was there progress between the UUP and SDLP, although after the earlier SDLP comments, this didn't look to be the case? The DUP, in referring further to the SDLP address, said it seemed that the party (the SDLP) was preparing the ground to extricate itself from the process. The DUP said that the SDLP comments were time and time again based on the perception that if the process couldn't find agreement on an issue, the blame lay with all those involved excluding the SDLP. If no agreement was reached it was everyone's fault and the sooner the SDLP realised this then the more chance there might be of moving forward. The DUP said that the SDLP always believed themselves to be in the right because recent experience had shown a British Government

always giving in to their (the SDLP's) wishes at some point so the party knew that it would get what it wanted eventually.

15. The DUP said it was glad that the SDLP had stopped short of canonising its leader during the address. The unionist community viewed the SDLP leader in a different light and the SDLP had to recognise this. Unionists viewed it as increasingly difficult to continue in a process when the SDLP leader continued to give succour to the IRA, irrespective of what atrocities were perpetrated in its name. The DUP, then returning to the proposal for further bilaterals, suggested that if a new round of these was to commence, reports from the parties involved should be required at regular intervals so that everyone else knew what was going on.

16. The UKUP said it too had listened very carefully to the remarks made thus far, especially those from the SDLP. These had been informative. The party said it wished to look at some of the SDLP's conclusions. For example the SDLP appeared to believe that any agreement reached between it and the UUP was all that really mattered. The UKUP said, however, that one only had to look back at the records of the last three plenary sessions pre-Christmas where the party had made the point that the DUP and UKUP were, in terms of total electoral support, only marginally smaller than the UUP. It therefore followed that any agreement or deal between the SDLP and the UUP had to have the support of those other unionist parties otherwise it would fail. Furthermore, an election was imminent and parties would have to make their position crystal clear on a number of issues. Decommissioning would be one of these issues and it was likely that the UUP would need broader support on this issue as that party was seen as more malleable than the other unionist groupings and this was where any deal was likely to be made.

17. The second informative point to take from the SDLP remarks were those describing the current community tensions in the province. The UKUP said that if the talks process was to be regarded as a "peace process" it was strange that it had now set neighbour against neighbour, given rise to boycotts of businesses and led to increased violence. It was also interesting to note that loyalist beatings had risen by 400% since this "peace process" commenced. So much for a so-called peace process - yet it was a process that all participants were committed to. The UKUP said that the SDLP was right to say that everyone needed to take care against what should be progressed against this current background. The key point, in the UKUP's view, was that any democracy can't tolerate or handle political violence. Either the democracy became corrupted by it or was destroyed by it. The UKUP said that the events of the previous day were an example of such corruption when the British Government took the decision not to indict the loyalist parties. This was an example of the British Government trying to create impossible results, much like attempting to get the unionist parties to tell their electorate after the general election about some of the policies which the British Government was trying to get them to adopt now. her the talks process, in its current format, afforded any opportunity for a successful outcome in the terms just

18. Returning to the bilateral proposal, the UKUP said that the last series had produced nothing simply because the key issues were not being addressed. The UKUP said that the whole talks process was concerned with the unification of Ireland. This objective was being driven by a quite logical British Government agenda such as stopping bombs which caused economic problems on the mainland. The UKUP said that the British Government was quite happy to ignore the unionist community. Drumcree was not a condition of the current

problems but rather a symptom of a British Government which wanted to compromise on principles, traditions and so on.

19. The UKUP asked why no one in Government had queried why so many people had turned up at the City Hall to protest against the Anglo Irish Agreement. These were ordinary people in the main and not extremists from the unionist community who were protesting against a compromise deal. The party said that if the British Government continued to ignore such ordinary people and their views then there would be fire and blood in Northern Ireland. The UKUP continued saying it wasn't interested in majoritarianism. It wanted equal rights for all but the party believed, as Professor Murphy had outlined in his weekend newspaper article, that the basis of the talks was directed towards the achievement of political objectives, thereby ignoring the wishes of the communities. The UKUP said it was peace that was needed between the communities and the appropriate structures put in place to serve the people in those communities. It was not a question of meeting the Governments' political objectives.

20. The UKUP said it was time to stop all the messing around. The key issue was whether the talks process, in its current format, afforded any opportunity for a successful outcome in the terms just described - or was it fundamentally flawed? The UKUP said that as far as it was concerned it had no problem with bilaterals continuing, even though, in its view, this was simply going down a cul de sac. More importantly, serious consideration had to be given to whether the process provided the opportunity for a successful outcome. For its part the UKUP said it believed such an outcome was unlikely.

21. The UUP also referred to the fact that the debate had ranged far and wide and it seemed that some people had vented their frustrations. However, it would refrain from doing the same. With regard to the present impasse on the decommissioning issue, the party wanted to address its remarks in particular to the Irish Government delegation. The UUP had received a copy of the Dail record of questions to the Taoiseach, John Bruton by the leader of the opposition, Bertie Ahern on 22 January, 1997. The answers illustrated precisely, the party said, why the process was facing the present difficulty. The UUP was at a loss to understand how the Taoiseach answered as he did given that Minister Coveney and his colleagues were present at the talks. The specific question related to the reason why the Irish Government did not back up the leader of the SDLP in his pre-Christmas talks with Gerry Adams. The relevant part of the text of the Taoiseach's reply was quoted by the UUP as follows:

"On the other hand, it is clear under the ground rules that if the IRA had called a cease-fire, Sinn Fein would have got into the talks quite soon anyway. There was no question that Sinn Fein could not have got into the talks. Admittedly, there was the difficulty that it had not been told exactly how many days the discussion about whether it had complied with the ground rules would take. However, there is no doubt that if it had complied with the ground rules and had called a cease-fire, Sinn Fein would have been in the talks by now. There is no doubt in my mind that is so".

22. The UUP said that that answer distilled the difficulties it had with the whole question. The statement came from the Irish Prime Minister after the British Prime Minister had set out a series of tests for Sinn Fein entry into the talks. To believe

that Sinn Fein would have gained entry to the negotiations before Christmas, following the announcement of a cease-fire was totally unrealistic. To talk of their entry in terms of days illustrated exactly the difficulties which were involved, the UUP said. The party did not agree, that no matter what tests were applied, Sinn Fein could gain entry to the talks process within days of declaring a tactical cease-fire.

23. The UUP maintained that a year ago some people might have thought that Sinn Fein/IRA were serious about peace. But the fact was that the breaking of the cease-fire within days of the publication of the Mitchell Report, and the attempts to kill people continuously since then, led the UUP to believe that the organisation was irredeemable. Yet the Irish Prime Minister believed that on the back of a tactical cease-fire and within days they could be injected into the talks process. The parties in the process themselves would be culpable if that happened because it would mean that they had allowed Sinn Fein/IRA to bomb themselves into the negotiations. The UUP said that if that happened the unionist parties would not be present. They could not countenance the prospect of unionists being used to provide the the legitimacy which Sinn Fein lacks as a full player in the political process. The UUP appreciated that decommissioning of itself was not a guarantee of anything, but it was a sign of sincerity and it was also a confidence building measure. The party said it saw no prospect of discussions with Sinn Fein before, during or after the British general election, because the test of sincerity would be very considerable. Sinn Fein/IRA had thumbed their noses at President Clinton by bombing Thiepval Barracks just before his election; they had humiliated and embarrassed the Irish Government and they had cleaned their feet on the leader of the SDLP and had used and abused him. The UUP view was that it was best to proceed

with the process which was underway. It was preferable to work towards obtaining 85% of something rather than aim for 100% of nothing. The absence of Sinn Fein did not mean that politics in Northern Ireland had to come to an end. It was still possible to work together and build confidence to benefit the people represented by the parties who were present. However, the entry of Sinn Fein into the process hung over all participants like the sword of Damocles, and the position of the UUP was that it would ensure that the mechanisms were in place to ensure that that could not happen.

24. With regard to the remarks made by the SDLP, the UUP said that the present position in the process bore no resemblance to what it wanted to see happening. It was still possible, nevertheless, to achieve a general understanding under agenda item 2(a) as to how the various parties saw the proceedings progressing in the reality that Sinn Fein would not be coming into the process. If that was not possible, it would still be necessary to see how else progress could be made. As to the holding of bilaterals, the UUP said it had no particular difficulties with the idea, but it understood the frustration of those parties who might not be engaged in them. Perhaps the Chairman could produce a paper for discussion or mediate. He could also take on an informative role to keep people abreast of any developments. The UUP wondered whether the proposals mentioned by the British Government would be put forward generally. The British Government said that it had referred to a few chinks of light in an otherwise gloomy scenario. It was going to explore the situation and that might or might not lead to the tabling of proposals.

25. The UKUP referred to the statement by the UUP earlier that a tentative basis for agreement had been arrived at before Christmas

between Alliance, SDLP and UUP. It wondered if the draft paper could be shared with the other parties and whether the SDLP could also make its papers available. The UKUP also raised the question of the involvement of the Business Committee to devise a structure for the discussions in present circumstances.

26. The British Government said it wished to deal with the suggestion which had been made that Sinn Fein could somehow enter the negotiations on the back of a tactical cease-fire. It wanted to make it clear that Sinn Fein could not gain entry on such a basis. It should be clear beyond doubt that a tactical cease-fire was not acceptable. The UUP reminded the British Government that it had previously made a working assumption that a cease-fire was genuine. The party also said that it was clear that there was a chasm of misunderstanding between the two Governments on the question of timing. Time was needed to put a cease-fire to the test. How could the Irish Government think it meant a matter of days?

27. The DUP asked the British Government whether what was envisaged was a resumption of the former cease-fire or a totally new one. It added that the UUP and the leader of the SDLP had also been deceived about the previous IRA cease-fire. The British Government replied that the position was as stated on 28 February, 1996 that an unequivocal restoration of the 1994 cease-fire was involved as further qualified in the British Prime Minister's statement of 28 November, 1996.

28. The SDLP, referring to the request of the UKUP said it was willing to consult with the UUP and Alliance as to the material it could make available to the other parties on the earlier discussions. It was also willing to make itself available to

discuss the matters involved. The UKUP said that was helpful. The UKUP also returned to the statement by the British Government regarding the nature of any new IRA cease-fire. The party said that Minister Owen had made it clear that what was involved was not the restoration of an unequivocal cease-fire but the unequivocal restoration of the cease-fire that had been in existence. That was a definitive statement. The ground rules document of 16 April, 1996 based as it was on command paper 3232 also required the unequivocal restoration of the cease-fire of 31 August, 1994. But subsequent events had shown, the party said, that that cease-fire was a temporary and tactical one to effect the very thing the Tanaiste had said on 16 December, 1993 would not happen. However all of that was history and provable. Now it appeared that the British Government had qualified the definition of a cease-fire in some way. The UUP said it thought the basic documents in that regard were sacrosanct, but it seemed that the British Government could decide otherwise. It was wriggling, playing with words and indulging in obfuscation. That was obscene.

29. The Irish Government said there was no chasm between the two Governments. It was not interested in a tactical cease-fire. It was talking about an unequivocal cease-fire. A period of time was necessary to satisfy the two Governments and that was obviously a matter of judgement. The position of the Irish Government was that if the cease-fire was real and unequivocal, not tactical, it would encourage the introduction of Sinn Fein into the negotiations in accordance with the provisions of the ground rules. The British Government have a somewhat different view on aspects of the matter, but no chasm between the Governments exists.

30. The DUP said it failed to understand how the two Governments could make a working assumption. The evidence clearly showed that

the IRA could return to the armed struggle. It was not possible to accept that a return to the previous cease-fire would be of any benefit. There had to be a total cease-fire accompanied by the handing over of weapons, the party said. suggestions had been made

31. The UDP wondered whether the proceedings had gone off track at this stage. The proposal was to move back into bilateral format or perhaps mediation under the auspices of the Chairmen. Some dynamic was needed to ensure that the bilaterals made progress. The Chairmen could provide material by way of particular talking points, for example, the party said. The DUP said it had spoken to one of the deputy Chairmen earlier who said that they had no proposals. Had the position changed in that regard? The Chairman quoted the text of Rule 30 and said they had considered the matter and it was still under discussion, but the Chairmen had no firm proposals to make on the issue at the present time.

32. The UUP said it would like to know what the position was in relation to the Irish Bill on decommissioning. Had it completed its passage? The Irish Government said that the second stage of the Bill was due for completion on 5 February, 1997. The Committee Stage would follow on quickly after that. There was no final date for enactment of the Bill but its progress was likely to be completed by the end of February. The UUP said that the British Government would be interested in that information. However, the party would take the matter of implementation with a grain of salt. It was supposed to have been completed by Christmas. The record of promises from the Irish Government was not conducive to a feeling of assurance. The Irish Government said that it was afraid that the Decommissioning Bill would be ready before it was needed. The DUP offered the opinion that both sets of legislation were worthless anyway. The English legislation did not even recognise

Northern Ireland as being an integral part of the United Kingdom and the Irish Government bore the responsibility for this.

33. The Chairman noted that a number of suggestions had been made by certain delegations. They would be considered and hopefully some would be capable of being acted upon. Accordingly, the plenary meeting was adjourned to 12.00 noon on Tuesday, 4 February, 1997 at 11.36 to allow bilaterals to take place.

Independent Chairmen Notetakers
OIC/PS59

30 January 1997