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FROM: C G MACCABE
POLITICAL AFFAIRS DIVISION
10 JUNE 1996

cc PS/Secretary of State(L+B) -B
PS/Sir John Wheeler(L,B+DFP) -B
PS/Michael Ancram(L,B+DENI) -B
PS/Malcolm Moss(L,DOE+DHSS) -B
PS/Baroness Denton(L,DED+DANI) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Thomas(L+B) -B
Mr Bell -B
Mr Legge -B
Mr Leach -B
Mr Steele -B
Mr Watkins -B
Mr Beeton -B
Mr Hill -B
Mr Lavery -B
Mr Perry -B
Mr Stephens -B
Ms Checksfield -B
Miss Harrison -B
Ms Mapstone -B
Mr Whysall -B
Mr Lamont, RID -B
HMA Dublin -B
Mrs McNally -B

PRE-PLenary MEETING: INT/1

I attach a copy of the internal record of today's pre-plenary meeting.

(Signed)

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EXT 27085

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Ref: INT/1

**RECORD OF THE FIRST PRE-PLenary SESSION HELD AT CASTLE BUILDINGS ON
10 JUNE 1996**

British Government Team

Prime Minister
Secretary of State
Michael Ancram
PUS

Irish Government Team

Taoiseach
Tanaiste
Mrs Owen
Mr de Rossa

Alliance Party

Dr Alderdice
Mr Close
Mr Neeson

Labour

Malachi Curren
Hugh Casey

NI Women's Coalition

Ms McWilliams
Ms Sagar

PUP

Mr Smyth
Mr Ervine

SDLP

Mr Hume
Mr Mallon
Mr McGrady

UDP

Mr McMichael
Mr White

UDUP

Dr Paisley
Mr Robinson
Rev McCrea

UK Unionist

Mr McCartney
Dr O'Brien
Mr Wilson

UUP

Mr Trimble
Mr Taylor
Mr Empey

The meeting began at 2.05pm.

1. As the Secretary of State was about to make his opening remarks, Mr Trimble raised a point of order. This concerned the Government's proposal to appoint Senator Mitchell, General de Chastelain and Mr Holkeri as Independent Chairmen. He said the

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proposal was unacceptable. The Secretary of State said he was prepared to make this the first item for discussion once the Prime Minister and the Taoiseach had addressed the body and Mr Trimble expressed his satisfaction with this arrangement. Dr Paisley complained that the invitation to the negotiations had come jointly from both Governments and Mr McCartney said that everyone needed to understand that any Chairmen would have to be selected by the delegates and the Governments' agenda would have to be considered by the body like anyone else's. We were about to enter a democratic process, not a "despotic imposition".

2. The Secretary of State said ultimately it was for all those involved to decide on matters like the Chairmen's functions and the agenda. At this stage we were dealing with proposals, not agreed positions.

3. At this point the Prime Minister and the Taoiseach joined the meeting, and the press left. After welcoming both Premiers the Secretary of State invited the Prime Minister to speak first. He did so when the terms of the address attached at Annex A*. He was followed by the Taoiseach whose speech is attached at Annex B*. In the latter case there was a certain amount of muttering and sniggering from the UDUP, UK Unionists and UUP as the Taoiseach spoke and Dr Paisley shouted out "What about Articles 2 and 3?" and "What about the criminal claims to Northern Ireland?"

4. The Prime Minister and the Taoiseach then left the Conference Room.

5. Dr Paisley continued with another point of order. It was in the form of a suggestion that a member from each of the two largest parties involved - the SDLP and UUP - should take the Chair in rotation until the questions of Chairmen and agenda had been resolved. This was vigorously opposed by Mr Mallon who said the

* to follow.

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SDLP had every confidence in the Secretary of State and the Tanaiste. Mr Trimble said that for the present he was prepared to continue under the Chairmanship of the Secretary of State, although it might be necessary to take up Dr Paisley's suggestion of rotating Chairmen. His preference, however, would be to remit the question of the appointment of Chairmen to a sub-Committee appointed for the purpose. This alternative proposition was supported by Dr Paisley and Mr McCartney.

6. Returning to Mr Mallon's idea, Mr McGrady tried to formalise the proposal that the initial proceedings should be conducted under the joint Chairmanship of the Secretary of State and the Tanaiste. Dr Alderdice said that the letter of 6 June from the Secretary of State and the Tanaiste had described how the negotiations "would" be conducted which suggested to him that joint Chairmanship by both Governments was appropriate until such time as it was replaced by something else. He was happy to start again but one way or another he needed to know the status of the Governments' letter. Was it mandatory or optional?

7. The Tanaiste tried to bring the discussion back onto an even keel by suggesting that it would be more profitable to take up Mr Trimble's earlier suggestion and discuss the question of the creation of permanent Chairmen. Mr O'Brien interjected that his Party was not prepared to sit under the joint Chairmanship of the Tanaiste. But as the Tanaiste, and the Taoiseach, were forever saying that they did not want to trample on Unionists' sensibilities, he was sure that the Tanaiste would gladly withdraw in the certain knowledge that his image would be greatly enhanced in Unionist eyes. Mr McCartney added - quoting from Section 2.2 of the Entry to Negotiations Act - that the power to convene the negotiations lay with the Secretary of State, and the Secretary of State alone. He had no wish to be rude to the Tanaiste, but the law was clear: the Tanaiste must stand down. Mr Curren, for Labour, disagreed. He said on the basis of the invitation he had received he assumed he was taking part in a joint endeavour. Therefore Labour would be happy to sit under the joint Chairmanship of the Secretary of State and the Tanaiste.

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8. Mr Mallon said Mr McCartney's attitude to the question of Chairmanships put the problems we were addressing in a nutshell. Parity of esteem was at the core of a solution, yet everything he was hearing was antipithetical to that concept. The negotiations had been set up in such a way as to recognise this centrality of the need for parity of esteem, but the attitude of Mr McCartney and his Unionist colleagues bode ill for this concept. The Rev McCrea exclaimed that in his opinion the UDUP were trying to grant full parity of esteem to nationalists by proposing alternating Chairmanships by the SDLP and the UUP.

9. Dr Paisley said that if there was any question of the delegates being present at the invitation of both Governments his Party would not stay at the table. He added, to the obvious displeasure of the Irish delegation, that he would not submit to the will of the Tanaiste who "who wants to take us over". He had been pleased to hear the Taoiseach say in his opening address that he was present as leader of the Irish delegation, nothing more, nothing less. Like the Secretary of State, the Tanaiste was not from Northern Ireland and did not understand its people. He (Paisley) did not much like the SDLP, but he was prepared to sit under their Chairmanship in preference to either the Secretary of State or the Tanaiste.

10. Mr Trimble made various references to the Entry to Negotiations Act and letters from the Secretary of State in an attempt to reinforce the argument that HMG and the Irish Government have no greater powers in the negotiations than any of the local parties. Nevertheless he continued to press for the Secretary of State as sole interim Chairman.

11. Reverting to Mr Mallon's point about parity of esteem, Mr McCartney said Mallon seemed to be saying that a minority should have precisely the same rights as a majority regarding the constitutional identity of their state. This was tantamount to saying that Northern Ireland should be run as a condominium: and if

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this was what Mr Mallon was saying he should come clean. An individual's right to equality of treatment in housing, social welfare and the like was irrefutable, and Mr McCartney would support it to the end, but group rights were something entirely different. At this point Mr Hume made his first intervention. He said his Party's understanding was that the purpose of the negotiations was to solve "our problem", and that the hunt for a solution would take place across three strands. The current session was a plenary session, which by definition straddled all three strands, so it was perfectly natural for both Governments to chair it. Mr Robinson responded that while it was correct that plenary sessions would usually cover all three strands, the fact that Strand One issues were included meant that joint Chairmanship was out of the question.

12. The Secretary of State said there was no doubt that the Communiqué of 25 February and Ground Rules made it clear that what we were entering were joint negotiations. It followed that the invitations had been issued on the basis that the negotiations were jointly convened. Dr Paisley was unhappy. He said he had no idea that this was how the negotiations would proceed, and had been assured by the Prime Minister that they were to be convened by HMG. It seemed to him that everyone had been told something different, which was no way to do business. The Secretary of State said he was satisfied that each Government could provide a Chairman for the current proceedings. The Tanaiste said that as the discussion was not about Strand One, but about Independent Chairmen, in the interests of making progress he was prepared to agree to the Secretary of State conducting business on behalf of both Governments. Dr Paisley retorted that the Secretary of State would not be chairing on behalf of the Irish Government, but on behalf of the people of Northern Ireland. The Secretary of State said as the Tanaiste had allowed him to take the Chair alone he was willing to do so and wished to move on to consider the question of the Independent Chairmen.

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13. After the Womens' Coalition, PUP and UDP had signified their approval to his sole Chairmanship the Secretary of State said he wished to move on to the discussion of the Independent Chairmen. As far as HMG was concerned all three men (Senator Mitchell, General de Chastelain and Mr Holkeri) were most acceptable and had the necessary background knowledge and experience to make them formidable Chairmen. But he wanted to hear what others had to say.

14. Once again Mr McCartney tried to block the proceedings. He said it was the NI public's expectation that the first thing that would happen was for all the parties to sign up to the Mitchell principles. Instead we were about to consider who should be Chairmen. The Secretary of State said that this was an important point, but one that should be addressed at the beginning of the plenary proper. On this occasion, which was a pre-plenary session, the two most important items for consideration were Chairmanships and agenda. He invited comments from the other parties. Dr Alderdice said he was prepared to proceed on the basis of the papers he had received; Mr Curren and Ms McWilliams expressed similar sentiments. For the PUP, Mr Smyth said the three men were not a problem, but the powers the two Governments proposed to give them most certainly were. Whatever powers they were invested with should flow from the negotiating body, not the Governments.

15. Mr Hume said the SDLP had come on the basis of the Government's invitations and were happy to agree to the role proposed for the three Chairmen. The UDP were also happy with the men, but, like the PUP, thought their role, authority and functions would have to be determined by the negotiating body.

16. Dr Paisley said both the concept of a panel of Independent Chairmen, and the powers proposed for them, were utterly unacceptable. For example, as regards decommissioning, Senator Mitchell (if he were to Chair all the plenary sessions) would "look into our souls, to decide whether his principles had been satisfied". This kind of subjective approach was ridiculous and no self-respecting body would allow it to be foisted upon it. When he

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had met Senator Mitchell and his colleagues earlier in the day he had asked them what they thought they were being asked to do when they received their invitations. He claimed they had said "to chair a Commission like the former Commission". When then asked if they thought the two Governments had consulted the other parties before issuing the invitation they said that they did. He continued by stating that in the eyes of the Unionist population, Senator Mitchell and his colleagues were seen as anything but impartial, because their purported appointment had been welcomed by Sinn Fein and "others with republican sympathies" (later he alleged these included the Irish Government). He then read from a paper which he said had been prepared by his Party, the UK Unionists and the UUP recommending that a sub-Committee should be established to decide who the Chairman should be and proposed that this sub-Committee should be appointed right away.

17. Dr O'Brien made a counter-proposal that before moving to the appointment of a sub-Committee, all those present should subscribe to the Mitchell principles. He said that if, as seemed very likely, nothing was agreed before the end of the day, the public would be very disappointed. But if the parties signified the universal acceptance of Mitchell they would have a good story to tell. Mr McCartney said a point that seemed to have been lost on many of the parties was that they were just as much at liberty as the Governments to put forward proposals and suggestions. He hoped that during the next few days ideas would come forward from, for example, the SDLP, the UUP, the Women's Coalition and anyone else that had something to say. For now, however, what was needed was the establishment of a sub-Committee to consider the nature and extent of the Independent Chairmen's powers, and then who those Independent Chairmen should be.

18. Mr Trimble said it might help to bring things down to earth

18. Mr Trimble took up the cudgels. He said that things were very different from 1992 when it was very clear that the remit of the Independent Chairman (Sir Ninian Stephen) did not stretch beyond Strand Two issues. Then, unlike now, there was no question of the

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"very worrying" concept of a 'Talks supremo'. He continued by quoting extensively from the various documents sent out by HMG during the last week, citing several quotations as examples of where the Independent Chairmen's remit was much too wide. Of primary concern was the need for any Chairman to be seen as neutral: in the case of Senator Mitchell for a variety of reasons this neutrality was very difficult to imagine. Taken as a whole his report on decommissioning had been good but there was a lot of difference between the job he had to do then and the job suggested for him now. Certainly there was still a significant role for him - and his two colleagues - to play as regards decommissioning but the idea of a 'supremo' was a very different matter. And a further complication was the way the three had been presented, not like individuals, but as an international group brought in to solve Northern Ireland's problems.

19. Mr Trimble continued that the draft agenda circulated by the Secretary of State on 6 June was unacceptable to the UUP. What was of particular concern was how decommissioning had been down-graded in a clear breach of faith by moving it to item 8 on the agenda, when it should have come after item 4. The agenda was also defective in not providing explicitly for discussion of procedural rules for the negotiations. And there also needed to be discussion and amendment of Ground Rules (which, with the possible exceptions of paragraphs 8 and 9, had no statutory force). It was essential that these agenda issues were dealt with before the question of who the Chairmen should be was addressed. Dr Alderdice raised a point of order. He asked for a ruling on how long the proceedings would go on that evening, and if and when they would be continued the next day. Dr Paisley said he was in no hurry; he could go on for hours.

20. Mr Trimble said it might help to bring things down to earth if a sub-Committee was appointed as he had suggested. The Secretary of State replied that it was very early in the day to take such a decision and asked for views on how things might be carried forward. Mr Mallon said that everyone knew what was really going on

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and that the sort of bickering we had all witnessed would continue until a Chairman was appointed. Unless this happened soon the whole process would be derailed. He asked the Secretary of State for a ruling that having taken the necessary soundings the body should proceed to appoint a Chairman. Mr McMichael said this was premature, although he did not like the idea of a sub-Committee. The Tanaiste said he supported Dr O'Brien's idea of addressing the Mitchell principles, and that this could happen as soon as the Chairmanship questions had been decided, which he hoped would be soon.

21. Mr Empey said that the documents sent out by the Secretary of State on 6 June were too prescriptive, and too restrictive. Everyone had to face up to the fact that we were in for a long haul. Very difficult issues had to be addressed. From the UUP's point of view the two Governments seemed to be involved in a tactical stitch-up and, naturally, this caused them real difficulties. So it was no use for the SDLP to criticise them for being intransigent. It was a hard road and they were intent on reaching the end of it.

22. After a further series of complaints by Dr Paisley about, inter alia, lack of consultation in the run-up to the negotiations, the perfidity of Frameworks, and "the naivety of people new to the political scene", the Secretary of State proposed a 40 minutes adjournment. A further plea by Dr O'Brien to move straight to an endorsement of the Mitchell report was rejected and the adjournment was agreed.

23. The session reconvened briefly at 6.10pm when a further 20 minute extension of the adjournment was requested by the Secretary of State to allow further consultations to take place. This was agreed.

24. At 6.40pm the session reconvened again when the Secretary of State said it should come as no surprise that the birth of the process was proving difficult. But on the other hand it was not too

painful. He thought it would be valuable to have further informal consultations with those parties to whom he had not yet had an opportunity to speak and therefore proposed:

- (a) that the session should be adjourned for the rest of the evening to allow further consultations to take place;
- (b) that it should reconvene again at 9am on Tuesday 11 June so that he could report back on the outcome of these consultations;
- (c) that, following an adjournment, further discussion could then take place; and
- (d) this session would reconvene again at around 11 am.

25. Dr Paisley asked about plans for the rest of Tuesday. The Secretary of State said that he recognised that some people had other commitments during the afternoon, but thought that the public would want to see the proceedings continuing. It was, however, up to the parties to decide. Dr Paisley suggested a further one hour adjournment to allow the outstanding consultations to take place that evening. He asked for further consultations between the Secretary of State and the DUP but the Secretary of State refused this.

26. Mr Mallon said that although not opposing the Secretary of State's proposal he thought the public perception of the process was such that it would be essential to make progress on two issues - the appointment of a Chairman and the move into the formal plenary session. He stated that the SDLP would expect decisions to be taken on these matters at 11am the next day and on this basis his Party would reluctantly agree to an adjournment. He also mentioned the need to decide how the issue of confidentiality of the discussions would be handled.

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27. The Secretary of State then proposed the adjournment of the proceedings on the above basis and this was generally agreed at 6.50pm.

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- buffet lunch for Senator Mitchell and staff in their own offices
- Prime Minister arrives about 12.50; buffet lunch with Government Team
- Taoiseach arrives about 1.10 pm, greeted by Prime Minister and brought to Secretary of State's office
- Prime Minister and Taoiseach greets Senator Mitchell and colleagues in Secretary of State's Office
- 2pm: negotiations begin
- statements by Prime Minister and Taoiseach, launching the Talks; leave (with Ministers of State) for press conference
- Secretary of State to introduce brief discussion of the chairmanship arrangements; undertaking to consider agenda at the appropriate point.

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