

CONFIDENTIAL

INT/23

FROM: MISS G HARRISON  
TALKS SECRETARIAT  
26 JULY 1996

(issued 29 July 1996)

cc: PS/Secretary of State (L&B) - B  
PS/Sir John Wheeler (L&B) - B  
PS/Michael Ancram (L&B) - B  
PS/Malcolm Moss (L&B) - B  
PS/Baroness Denton (L&B) - 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&L) - B  
Mr Steele - B  
Mr Watkins - B  
Mr Wood (B&L) - B  
Mr Beeton - B  
Mr Currie - B  
Mr Hill (B&L) - B  
Mr Lavery - B  
Mr Lindsay - B  
Mr Maccabe - B  
Mr Perry - B  
Mr Stephens - B  
Ms Checksfield - B  
Ms Mapstone - B  
Mr Whysall (B&L) - B  
Ms Collins, Cab Off (via IPL) - B  
Mr Dickinson, TAU - B  
Mr Lamont, RID FCO - B  
HMA Dublin - B  
Mr Westmacott (via RID) - B  
Mr Campbell-Bannerman - B  
Mrs McNally (B&L) - B

NOTE FOR THE RECORD

TALKS: THURSDAY 25 JULY 1996: MORNING

Summary

A day that began well, but by lunchtime had revealed a serious misunderstanding about the UUP position on the handling of decommissioning in relation to the launch of the three stranded discussions.

CONFIDENTIAL

- 1 -

CPL1/AJH/23167



CONFIDENTIAL

Detail

2. At 9.00 am the British and Irish Governments circulated to the other delegations, a Joint Paper on the Agenda for the Opening Plenary. This was circulated under cover of my note of 25 July. At an informal conferring session at 10.17 am at the invitation of the Chairman, Senator Mitchell, both Governments made statements in support of their paper. Michael Ancram, for HMG outlined the key differences between the current agenda proposals and those of 6 June - no specific role for the Independent Chairman in relation to delegates commitment to decommissioning and a change in the agenda position of the item on the address to decommissioning, to meet delegates concerns. He believed that the aim should be to address decommissioning and discuss and adopt the agenda for the negotiations before the summer break. He offered to see any delegation seeking further clarification.

3. Mr O hUiginn for the Irish Government endorsed Michael Ancram's comments and commended an ambitious programme of work before the summer recess to give both the delegates and the public a sense of progress. He saw the need for a clear practical understanding of a sequence of events and he hoped that the agenda would be seen as a practical tool and would not generate a protracted procedural debate. The Chairman then adjourned the session at 10.30 am, for one hour to enable delegations to consider the paper.

4. At 11.15 am Michael Ancram met Mr McMichael and Mr English from the UDP for about 15 minutes. Michael Ancram outlined the rationale behind the proposed agenda for the Resumed Opening Plenary, focussing on the address to decommissioning which he hoped would be concluded before the break, but making clear that this was an ideal. Mr McMichael preferred decommissioning to be dealt with after Opening Statements which would cover the parties' approach to decommissioning to some extent. While he could sympathise with the reasoning behind dealing with decommissioning before the summer, he was alarmed about the UUP desire for a Committee on decommissioning

CONFIDENTIAL

- 2 -

CPL1/AJH/23167



CONFIDENTIAL

to be set up immediately with a role over the summer, with a view to reporting to the Plenary in the autumn. That was totally unacceptable to the UDP. He was also concerned about the commitment which parties would be expected to make on decommissioning and the responsibility it placed on the parties. While the UDP had no problems working constructively they did not want to be put in the dock and treated differently from other parties. Mr English said, just because his party had a special relationship with the paramilitaries, they should not be penalised for it. They had been elected in the same way as the other parties and should be treated on the same basis.

5. Michael Ancram suggested that they talk to the UUP, who did not want to put the loyalists in an impossible position. He reminded them that from Monday, the sufficient consensus rule could be applied to any proposal. In response to a question from Mr McMichael, Michael Ancram drew a distinction between agreeing on mechanisms for decommissioning, in item 4(c) of the agenda, and implementing them, in item 8, which would take place at the same time as the launch of the three-stranded negotiations.

6. At the resumed conferral session at 11.45 am, the Chairman referred to a meeting he had had the previous evening with a member of the UKUP delegation to discuss their proposed amendments to the procedural rules. These were issued to delegates and were circulated under cover of Mrs McNally's note of 26 July. One amendment was in the form of a resolution (annexed to this note), to which, the Chairman understood there was no objection. He assumed that if this resolution was proposed at the resumed Opening Plenary, this would not be the subject of any debate.

8. Dr Paisley sought reassurance that the paper on the agenda by

7. The Chairman proposed the following schedule for the resumed Opening Plenary:

(1) Approval by the participants of the decision-making paragraphs of the rules of procedure (30-36), without any debate or discussion.

CONFIDENTIAL

- 3 -



CONFIDENTIAL

(2) Laying the rules of procedure, as discussed on Wednesday.

(3) Considering 9 amendments for the rules of procedure submitted by the DUP. There would be a 5 minute time limit for debate on each amendment, and a vote would be taken on each. (After a good humoured interchange with Dr Paisley, it was agreed to allow the proposer 3 minutes and any opposer 2 minutes).

(4) (i) Consideration of 6 UKUP amendments, which would be taken as one amendment, with a 5 minute time limit for debate;

(ii) Consideration of the second UKUP amendment, allowing a 30 minute time-limit for debate, because it had not been discussed before.

(5) The Rules of Procedure as a whole as amended under (4) would then be put to the participants to vote, without any further debate or discussion.

(6) Adopt the agenda for the Opening Plenary (assuming that would be agreed today).

(7) The final item on the agenda would be ratification of the UKUP resolution.

There were no objections to this proposal.

8. Dr Paisley sought reassurance that the paper on the agenda by the two Governments was only a set of suggestions because he believed every party should be able to put their own proposals. He also expressed concern that the Strand One agenda appeared in a document from both Governments. Michael Ancram reassured him on the latter point.

CONFIDENTIAL

- 4 -

CPL1/AJH/23167



CONFIDENTIAL

9. Dr Paisley, turning to the agenda for the Opening Plenary, queried why item 8, establishment of machinery on decommissioning did not become item 4(d). He also took the exception to item 4(b) saying while the DUP agreed with the principles underlying the Report of the International Body, he did not agree with "all aspects" of it. Dr Paisley subsequently raised the question of mechanisms for consulting the parties over Strand Three.

10. Mr Donaldson, for the UUP, supported items 2 and 3 on the agenda for the resumed opening plenary but in respect of item 4 it was important to agree on the mechanisms for decommissioning as soon as possible; this was necessary before the launch of the three-stranded discussions. He also proposed that item 4(b), should focus on section 6 of the Report of the International Body, otherwise the debate would last for days. He signalled that the UUP would have their own proposals on items 1, 2 and 3, and suggested that the Strand One agenda should be considered in the form of a Sub-Committee involving the relevant participants.

11. Mr O hUiginn made it clear that the Irish Government had never sought to be involved in Strand one, but provided that they were not down-graded to second class participants, his Government would be open to any practical arrangements for dealing with Strand One - assuming that the agenda would not be a secret.

12. The Chairman took the lack of further comment that the delegates would like to go to lunch. It was agreed that DUP, UUP and UKUP proposals on the agenda for the Opening Plenary would be submitted to the Chairmen by 1.45 pm with a view to resuming discussion at 2.15 pm. The meeting adjourned at 12.15 pm. The two Governments' paper had proposed that amendments to the agenda for the three strands should be forwarded to the Chairmen by 6 pm on Monday 29 July. During the lunch break Michael Ancram held bilateral discussions with the DUP, Alliance Party and the UUP.

CONFIDENTIAL

- 5 -



CONFIDENTIAL

13. Dr Paisley and Peter Robinson arrived at 12.40 pm and repeated their concerns aired earlier in the conferral session, about item 4(b) of the Agenda for Resumed Opening Plenary. The DUP could not accept all aspects of the Report of the International Body and the Prime Minister's speech on receipt of the Report was mentioned. They took the view that SF/IRA would refuse to decommission until all the confidence-building measures were implemented. Sir David Fell made it clear that HMG accepted the whole report and Michael Ancram said it would not be possible to look at decommissioning without the other confidence-building measures mentioned in the Report. Mr Robinson referred to paragraph 57 of the Report (economic development) and 55 (changes to the police force) which was not a matter for their party. Sir David Fell pointed out that these areas was for the Government and Mr Leach referred to the ongoing review of emergency legislation.

14. Michael Ancram pointed out that the agenda for the opening plenary was now much more in line with the DUP proposals of 14 June. Dr Paisley also asked if the "establishment of agreed machinery" in item 8 referred to the introduction of legislation, but was told by Michael Ancram that the proposal was to set up a sub-committee in parallel with negotiations; the Mitchell report proposed a Committee of experts. Dr Paisley also dismissed a suggestion by Ken McGuinness for bench-marking.

15. Dr Paisley returned to an earlier theme, that decommissioning was for the two Governments but Michael Ancram observed that there were very different opinions on this and next week's discussion would give everyone a chance to put their view forward. Mr Robinson, with a touch of sarcasm, suggested that HMG might give the loyalist paramilitaries some guns so they could give them back! Mr Robinson asked if the PUP were allowed to go out and shoot people referring to a Daily Telegraph article in connection with the Mr McGoldrick killing. Michael Ancram made the point that the Mitchell Report suggested a compromise approach to decommissioning

CONFIDENTIAL

- 6 -



CONFIDENTIAL

and agenda item 4(b) was our way of seeking a commitment to that compromise. Mr Leach commented that the Mitchell report had seen decommissioning taking place in the context of the growth of mutual confidence and Sir David Fell pointed out that if it was left open to the parties to accept some aspects of the Report but not others as suggested by Geoffrey Donaldson, this would leave it open to Sinn Fein to do the same; it was necessary to pin them down. The meeting concluded at 12.40 pm.

16. There followed a brief internal discussion about the DUP point on "all aspects" of the Mitchell reports. Michael Ancram recalled that the use of this phrase had been considered very carefully, and was intended to give confidence, and perhaps what was wanted was not a change in the language but a re-definition of what it meant. Everyone was content that the Government had taken action in respect of all the confidence-building measures mentioned in the Mitchell report, for which it was responsible; the most recent being the review of the use of plastic baton rounds. Mr Leach subsequently prepared a speaking note for use by the Secretary of State on this point.

17. A delegation from the Alliance Party then arrived, comprising Sean Neeson, Steve McBride, Eileen Bell and Kieran McCarthy. Their main concern was that 2 days would not be sufficient to deal with such a big issue as decommissioning, which could be used as a stalling exercise. Their preference would be to have the discussion and adoption of a comprehensive agenda before decommissioning.

18. Michael Ancram explained that other parties had said that they wanted the agenda to include only subject headings so people could bring up various issues of concern. Comments had been requested in writing so he did not believe that this agenda would take up much time. The position of decommissioning on the agenda had been made in response to SDLP concerns to avoid beginning talks in September with decommissioning of the main item. He went on to explain the

CONFIDENTIAL

- 7 -

CPL1/AJH/23167



CONFIDENTIAL

distinction between item 4(c), agreeing mechanisms implementing them (item 8). The two Governments envisaged setting up a Sub-Committee with terms of reference set out in the 6 June paper circulated to participants.

19. Mr McBride was concerned about breaking for the summer with lots of questions unanswered. Michael Ancram reminded him that after Monday's resumed Opening Plenary, the sufficient consensus rule could be applied, for example to Sub-Committees of Plenary. But the Government was setting a target and it would be open to others to conclude who was seeking to delay the process. The meeting concluded at 1.10 pm.

20. At 1.20 pm Michael Ancram met a UUP delegation, of John D Taylor, Reg Empey and Jeffrey Donaldson. Reg Empey began by referring to his previous day's chat with the Minister on decommissioning saying that the UUP understanding might be wrong. On 17 July the Secretary of State had given the UUP a draft agenda for the Opening Plenary, but the one tabled today had a different order. Michael Ancram pointed out that the only change was moving the Opening Statements down the order, and the moving up of decommissioning.

21. Mr Empey said the UUP envisaged that the mechanisms for dealing with decommissioning would involve the establishment of a working group to consider the idea of a body of three wise men to carry out the technical aspects, and establishing its terms of reference, bench-marking and a timetable - the implication being that this would continue over the Summer; otherwise we were into Dick Spring's fourth strand and not the implementation of decommissioning in parallel with negotiations. What the Government seemed to be proposing was a discussion on decommissioning in parallel with the three-stranded negotiations.

by observing that the difference between the UUP and the Government lay in the interpretation of 'agreeing decommissioning issues'. In the UUP view the parties were going to have to discuss verification, timing and frequency (bench-marking).

CONFIDENTIAL

- 8 -

CPL1/AJH/23167



CONFIDENTIAL

22. Michael Ancram explained that HMG saw a distinction between agreement of the mechanisms and their subsequent implementation at the beginning of the process of parallelism. To avoid drift the original timetable proposed that the working group would report back to the Plenary in September. But what we wished to avoid was trading arms for politics which is what could result from bench-marking. But later in the conversation Mr Empey was adamant that "bench-marking" had been agreed earlier in discussions with Mr Trimble.

23. Mr Empey responded by saying that the UUP did not want to be in a position where the three-stranded process began without decommissioning commencing. The UUP accepted the concept of parallelism and if Sinn Fein did not join the talks, they were prepared to offer the loyalist paramilitaries protection with the concept of mutuality. He did not see how it would be possible to complete the two Government's shopping list over 2 or 3 days. He also expressed concern over the position of the loyalist parties over this timetable.

24. Michael Ancram responded saying the UDP were concerned not to have decommissioning alone being dealt with over the Summer when nothing else was happening. Mr Empey accepted this, and the need to give them confidence and referred to the need to establish a Business Committee and a Committee to look at the detailed agenda; thus decommissioning would not be examined on its own. Michael Ancram also mentioned that the Secretary of State had earlier put the proposed agenda to Mr Trimble, who had said it was difficult but not impossible. Michael Ancram said that the aim was to open in the autumn on a positive note, on Opening Statements, but this was not taken up by the UUP.

25. Mr Donaldson summarised by observing that the difference between the UUP and the Government lay in the interpretation of "agreeing decommissioning issues". In the UUP view the parties were going to have to discuss verification, timing and frequency (bench-marking),

CONFIDENTIAL

- 9 -

CPL1/AJH/23167



CONFIDENTIAL

before beginning the three-stranded negotiations. This could not be achieved by Tuesday of next week, although the UUP did not object in principle to working an extra day.

26. On a different aspect Mr Taylor raised the same point as the DUP on agenda item 4(b) "all aspects" of the Mitchell Report saying it could keep the discussion going for weeks. Michael Ancram mentioned sections 3, 4, 5 and 6 of the report as containing relevant aspects, although Dr Paisley had told him he did not accept the whole report. Jeffrey Donaldson repeated the point he made in the earlier conferral session, that item 4(b) should focus on section 6 alone which covered the principles of parallel decommissioning, and mutuality. In response to a question from Sir David Fell, Mr Donaldson said that the UUP had not talked to the SDLP on this issue. Mr Empey thought a debate covering "all aspects" of the Mitchell report would open up arguments about internationalisation of the issue, and was a recipe for Mr McCartney to talk for 2 or 3 hours, thus going into the same dark tunnel, as on ground rules. The UUP wanted to see real progress. Michael Ancram observed that certain parts of the Mitchell report were for the Government but Mr Empey repeated the need to narrow the focus of discussion. As it stood, the agenda item committed everyone to do everything, whether it was their responsibility or not. He added, as an afterthought that his understanding of his conversation yesterday with the Minister was closer to accurate than inaccurate.

27. Mr Empey asked the Minister what he saw as being achievable in the next 2 days. Michael Ancram felt the major part of item 4 was 4(c) but thought that there might not be a big debate. Mr Empey felt that realistically decommissioning was too complicated. When the three-stranded discussion began the three wise men might have been established but with no legislative framework. It was just not capable of being dealt with before Christmas. There had been tardiness on the question of legislation particularly the Irish. This was rejected by the Minister. Mr Hill pointed out that in preparing the legislation, there were areas in square brackets which could not be completed until there had been a substantial address to the different issues in Section 6 of the Mitchell Report.

CONFIDENTIAL



CONFIDENTIAL

28. Jeffrey Donaldson repeated that the Government and the UUP were at variance on timing. The UUP saw that before the end of the Opening Plenary, a Sub-Committee must bring forward specific ideas for decommissioning. Sir David Fell pointed out that the UUP proposal would take weeks and weeks. But Mr Empey emphasised that without this, in practice they would be in negotiation with Sinn Fein without decommissioning taking place.

29. In response to a question from Michael Ancram, Mr Empey said that they did not expect to have legislation for decommissioning passed before going into negotiations, but that they needed agreement at the very least on how it was going to be done, how it was going to be implemented, the terms of reference and a timetable; otherwise the issue was being put on the back-burner, which was not acceptable to the UUP. The meeting concluded shortly after 2.00 pm.

30. In the following wash-up session, it was concluded that this discussion revealed a serious misunderstanding of the UUP position on decommissioning. While the general handling of the situation was being considered, it was agreed to approach the afternoon's conferral session by resting on our assertion that all the work proposed would be completed during the next week and to focus the discussion on procedural matters, rather than issues of substance.

(signed)

G HARRISON (MISS)  
Talks Secretariat

CONFIDENTIAL

- 11 -

CPL1/AJH/23167



24 July 1996

11.30 pm

## UKUP RESOLUTION

The participants recognise the need to obtain widespread support for any comprehensive agreement that may result from the negotiations.

Therefore the participants accept that before they finalise any such outcome they will seek to reach consensus on whether it is capable of securing sufficiently widespread support as will give political efficacy to such agreement.

10.15 am

2. The meeting was held in a room at the end of the day. The participants were given a brief overview of what was to be discussed. The meeting was held in a room at the end of the day. The participants were given a brief overview of what was to be discussed. The meeting was held in a room at the end of the day. The participants were given a brief overview of what was to be discussed.

CONFIDENTIAL

- 12 -

CPL1/AJH/23167