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FROM: ALLEN McVEIGH

TALKS SECRETARIAT

29 July 1996

PS/Secretary of State (B&L) CC B PS/Sir John Wheeler (B,L&DFP) PS/Michael Ancram (B,L&DENI) PS/Malcolm Moss (L, DHSS&DOE) PS/Baroness Denton (L, DED&DANI) В PS/PUS (B&L) PS/Sir David Fell Mr Thomas (B&L) Mr Bell Mr Legge Mr Leach (B&L) Mr Steele Mr Watkins Mr Wood (B&L) Mr Beeton Mr Currie Deter Wair, to allow the DUF fur Mr Hill (B&L) Mr Lavery Mr Lindsay Mr Maccabe Mr Perry Mr Stephens Ms Checksfield Miss Harrison (B&L) Ms Mapstone Mr Whysall (B&L) - B Ms Collins, Cab Off (via IPL) Mr Dickinson, TAU Mr Lamont, RID В HMA, Dublin Mr Westmacott (via RID) В Mr Campbell-Bannerman B Mrs McNally (B&L) В

NOTE FOR THE RECORD

TALKS: THURSDAY 25 JULY 1996: AFTERNOON AND EVENING RECORD

Summary

The Secretary of State took over from Michael Ancram for the afternoon and evening sessions which saw 2 brief and 1 full informal conferral meetings and 3 Irish, 2 DUP, 1 UUP and 1 joint UUP/DUP bilateral meetings. The Secretary of State also had a brief one to one meeting with the SDLP's Seamus Mallon. There was no indication that the UUP, subsequently joined by the DUP, would waver from their

continue to do so! (Commun: this was typical of the Dip's good.

dila paper, which arose from the last that some had apparently seen

demand that decommissioning should have a higher priority attached to it, through the establishment of a working group tasked to make initial interim recommendations for debate at the resumed talks in September. With the Irish and SDLP also digging their heels in on this issue, there was some thinking that the process might need to be pulled back and stopped at the point where all that could be agreed had been reached prior to the recess.

Participants commitment to work omestructively

2.50 pm

- 2. The informal conferral session resumed only briefly and was adjourned by the chairman for 20 minutes at the request of the UUP's Peter Weir, to allow the UUP further time to table their agenda paper. At 3.15 pm the meeting resumed with apologies for its late delivery from Reg Empey. A short time later the chairman's staff distributed a tabular paper setting out the UDP, UUP, DUP and UKUP party views alongside the Government's earlier proposals (circulated by Mrs McNally on 26 July). The chairman pointed out that in the paper the agenda items lettered A-E were likely to quickly secure agreement (Comment: agreement secured see paragraph 3 of my summary note dated 26 July) and the remaining items numbered 1-8 were those where possible disagreement could exist which would require further discussion.
- There was a short circular discussion prior to receipt of this paper, which arose from the fact that some had apparently seen a draft beforehand and some had not: indeed Sean O'hUiginn was prompted to say that the DUP had an advantage over the Irish, to which Peter Robinson laughingly agreed and hoped that they would continue to do so! (Comment: this was typical of the DUP's good humoured remarks throughout the day). The chairman wisely held off further debate until the paper was then distributed.

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proceedings comining in the 12 Report. Robinson's view was that the

Decommissioning

- 4. The chairman invited a without prejudice discussion of the Government's agenda item 4, which read: Consideration of the IB's proposals on decommissioning:
 - (a) Discussion of proposals;
 - (b) Participants' commitment to work constructively to implement all aspects of the Report of the IB;
- (c) Consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three Strands.

An Alliance suggestion that items 5 and 6 (discussion and adoption of comprehensive Agenda for negotiations) should be taken before item 4 was set aside.

In his view you couldn't move from item 4(c) to item 8 -

- 5. The UUP sought to establish that the discussion of proposals (4(a)) should relate only to the modalities of decommissioning, however Bronagh Hinds, Gary McMichael and Peter Robinson cast doubt on this approach. The latter indicating that it was not possible to be so restrictive. Sean O'hUiginn agreed that Peter Robinson's point that it was difficult to impose a straight jacket was a valid one. He also thought it was helpful to recall the 28 February Communiqué which did not confine decommissioning to modalities. Dr Paisley in turn agreed with what Mr O'hUiginn ('the southern representative') said, adding that there were things in the IB Report that had nothing to do with decommissioning and which could be raised legitimately elsewhere. The Secretary of State endorsed the relevance of the IB Report.
- On item 4(b) McMichael suggested the wording pre-determined proceedings outlined in the IB Report. Robinson's view was that the wording was flawed, since neither the parties' or the participants'

had the authority to do what was proposed. The DUP would prefer only a general affirmation on the decommissioning principle, which they were prepared to accept, after which you could get down to detail. He suggested a tidying up of the 4(b) wording was required. Paddy Roche indicated that the UKUP were not committed to all aspects of the IB Report.

- 7. On item 4(c) consideration of mechanisms, etc Paisley was critical of the Governments continually reading the other participants' homily's about getting on with progress in the absence of their producing draft legislation on decommissioning. He had, he said, heard nothing from either Government on this, and, in a joking aside, indicated he ignored and did not reply to Dick Spring's letters (though he must read them!), adding that a timetable also needed to be agreed. The people outside, from both sides he added, expected no less. Roche agreed that 4(c) did not provide for active decommissioning. Robinson thought that there was not much difficulty here, suspecting only an error on the Government's part. In his view you couldn't move from item 4(c) to item 8 establishment of agreed machinery to carry forward work on decommissioning, etc - without agreement. Again, he thought re-wording should resolve. The Secretary of State acknowledged Robinson's intervention and agreed to insert "and agreement" after "consideration" in 4(c). O'hUiginn made a late plenative plea that the three strands had to be looked at but this went unheeded as plenary moved on to look at item 5 - discussion of Comprehensive Agenda for negotiations.
- 8. Steve McBride again asserted the Alliance view that the Agenda should precede decommissioning but Empey disagreed strongly with Roche chipping in with support. Sean Neeson said the UUP's proposal linking in the establishment of a working group to report back in September was a fudge and held to the view that the matter could be resolved the following week if the commitment to do so existed. Paisley also turned back to decommissioning indicating that he did not often agree with the two Governments but on this

they had got the order right. Further it was a task that required urgent application, pointing out that it was the reason that brought the three chairmen to NI in the first place. He liked the UUP's practical suggestion of a working group, which he later said produced movement moreso than full scale meetings such as plenary, which would not go on holiday but carry work on over August. Robinson attempted to bring things back and wondered if this proposal did not create a difficulty that didn't exist; indicating that he too thought a comprehensive agenda would have been adopted before the recess, pointing out that in good faith they were asked to produce same on Monday.

- 9. Empey made a pitch that decommissioning alone was a major issue that could not possibly be wrapped up in the two day's allocated for the following week. An idea floated by Alliance of delegating outstanding matters to the business committee to resolve was discounted. David Blakely pressed (Paisley) for an answer on whether or not decommissioning took priority. Paisley indicated this initially was the view of both PM's but they had done a U-turn, he added though that it did not shut out other items. Robinson again (in a helpful manner) intervened. He agreed decommissioning would take a considerable length of time but all that was needed for now was to get the mechanism in place with general rather than specific agenda headings. He thought that Monday could see that there was not the degree of difficulty as had been suggested. The Secretary of State endorsed that view. Sean Farren, in what was the only contribution from the SDLP, agreed that the difficulties could just resolve themselves on Monday, and suggested a wait and see approach.
- 10. The chairman then moved the discussion onto item 7 opening statements and asked whether or not this should be time bounded. Paisley suggested a day each, to which the chairman suggested (to much laughter) that Dr Paisley's day should be Sunday!

- 11. On then to item 8 establishment of agreed machinery to carry forward work on decommissioning; launch of three-stranded negotiations. Paisley remarking he noticed the semi-colon after decommissioning thought the two Governments should explain what this item meant. The Secretary of State said that the Communiqué formulation had been in mind with developments from the earlier process (91/92 Talks); also that decommissioning and the three-Strands would be carried forward in parallel. O'hUiginn said that it would be presumptious of both Governments to proceed without the views of the parties. Paisley did not like what he heard. The Secretary of State subsequently pointed out that the DUP had tabled the same proposals. Robinson in turn pointed out the difference was that the Governments favoured a parallel approach unlike the DUP.
- 12. The chairman proceeded to bring discussion to a close.

 Before doing so, Bronagh Hinds made a plea that the smaller parties were left out of the bilaterals loop and restricting debate in plenary did not allow them to feed in substantive views. The chairman rejected the latter view, pointing out all could contribute to the debate and pointedly asked her if she had anything further to add: she remained quiet. Paisley sought guidance on timing for next week and was advised to prepare for lengthy meetings with further detail to be provided later. The meeting was then adjourned to 6 pm when a status report would be obtained on progress in bilaterals.

4.30 pm

Bilateral with the Irish

lear flaght to the US came up.

13. The Irish came in and were given details of the earlier meeting with the UUP. The message was that the UUP now seemed to want to put the cart before the horse. The Secretary of State also provided detail of his discussions with David Trimble last weekend and read out part of the record note of earlier HMG/UUP contacts,

- all of which indicated that it had been made crystal clear to the UUP that a skeleton only mechanism had been envisaged on decommissioning and they had not dissented.
- The Irish were in their usual pessimistic mode with O'hUiginn to the fore; he spoke of the UUP having resiled and a yawning chasm on decommissioning which was a pre-condition of the three Unionist parties. He also made a pointed comment that 'we had promised not to amend the sub-text on the wing and would be grateful for any other modifications you propose beforehand' (see paragraph 7) but this was strongly rebutted by Sir David Fell and Mr Hill leaving him to mutter that there was a need to 'avoid open dissent'. He conceded the DUP and Robinson in particular had been helpful, unlike Roche and the UKUP. At this point he proceeded deeper into the dark pit of his own making only to be told by Sir David Fell not to be so gloomy!
- The Irish were cajoled to get alongside the UUP, as the British side intended (the Secretary of State mentioned his meeting with Trimble on Friday morning) to establish that the UUP appreciated that for them to hold to their demand on decommissioning could effectively put a stop to the talks. It was also not wholly clear whether this had arisen due to a misunderstanding or a change of heart by the UUP but this needed to be determined. O'hUiginn resisted suggestions that re-wording of the agenda might do the trick for now, indicating that it was hard to work up an appetite for language and protracted discussion necessary over the summer break. No-body, he said, paused to take a reality check and them proceeded to do so: the ceasefire had broken down, SF were not in the talks etc. Decommissioning was an unattainable goal. Of course one could have discussions but unless the Unionists change ... He was also dismissive of Roche who, in his view, didn't understand his own tactics (unlike him!). The Attorney General also spoke about an untenable position and the danger of when the music stopped or the last flight to the US came up.

16. The British side who accepted that this represented a down-beat view, sought to focus the meeting back to immediate steps to ascertain the actual position and what next needed to be done, concentrating on Robinson's not unhelpful interventions in the plenary. O'hUiginn forced to concede that (his) personal views were neither here nor there, indicated the Irish didn't want to venture further on timeframes or writing new language which, he said, was already at the limit. This pointed to a referral back (to Dublin). In his view, the key meeting would be the Secretary of State with Trimble. It was agreed by both sides to look again at the possibility of producing some neutral language to be agreed with key players if possible by the close of play. O'hUiginn sought an undertaking to be notified of any change of wording. The Irish left at 5.15 pm, their body language suggesting that they had listened but not really heard the message.

Wash-up

- 17. The Secretary of State indicated that at least the meeting had preserved good faith with the Irish. Much of the wash-up focussed on whether or not the UUP could be persuaded to set out in order exactly what steps they envisaged needed to be taken on decommissioning, and also determined the approach to be adopted with them at the next meeting. Also, another detailed sift through earlier meetings records indicated the UUP had sought to tie this down tightly right up until last Thursday's meeting when the skeleton approach had been mooted and apparently agreed (though this seemed now to have been a misunderstanding).
- 18. Senator Mitchell dropped in at 5.45 pm to take stock. In his view a further plenary was unlikely that night. He was advised that an attempt to broker wording with the UUP was contemplated causing him to remark that we had gone down that road before. He agreed to hold off until 7 pm before taking final stock and would indicated

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Parks of testelles being introduced but felt that as things stood

meantime that bilaterals were continuing. The Senator also revealed that the DUP - who, he said, were now his best buddies - wanted a meeting shortly with him.

19. A further discussion after the Senator left concentrated mainly on the British stance - set out as far back as the 6 June paper - that a sub-committee should be established at item 8 as opposed to the UUP view that this had to come earlier in the open plenary at item 4(c). A brief discussion also centred on whether sufficient consensus could be achieved if, for example, Alliance was defined as a Unionist party. Sir David Fell confirmed he had already asked and got confirmation that Alliance could live with the description. It was agreed to explore (i) whether or not the UUP had a TOR (Terms of Reference) in mind and (ii) if there was any basis to get an agreed agenda which didn't preclude the UUP from putting forward their views.

6.20 pm

20. Taylor, Empey and Donaldson came in next. Taylor bluntly said, 'you wanted to see us?' The Secretary of State indicated that misunderstanding of each other's respective position survived: Empey agreed although again indicated that he personally had got it more right than wrong. Donaldson suggested that it was one area which had fallen down the gap. The mechanism to consider decommissioning had to be more than a skeleton in his view. He went on to suggest that it had to be like lauching a ship - not just the hull, but all the ship was floated. There had to be some idea of what the sub-committee would do; TOR, etc etc. Warming to the charge, Empey indicated that this was a raw political matter and what was presently on offer was inadequate. Just establishing a sub-committee didn't do anything. Why, he said, even Paisley talked about the vacuum the absence of decommissioning legislation created. There wasn't even the authority to pay a sub-committee. He accepted that there would be no physical decommissioning this side of legislation being introduced but felt that as things stood

the DUP would strive to keep out SF forever and drive out the UDP/PUP for good measure. They discarded likely (negative) nationalist reaction when raised by the Secretary of State, who then asked them for an idea of their TOR. Empey hedged only saying 'your TOR is jolly good'. 'Why is the talks time-limited and not decommissioning? Waiting for everything to come in the last day was not good enough, that was the sort of thing' he said.

- Further prodding revealed that the UUP wanted a body a working group - established to report to opening plenary before negotiations commenced. Again they chose to ignore Sir David Fell's remark that this could eat up a large chunk of the time meant to be devoted to the political talks. It emerged that their stance was predicated on SF entering the talks sooner rather than later, and that they wished to avoid being tied into negotiations with them -SF being past masters on procrastination - without any credible steps taken on decommissioning. Counter arguments, for example, that SF's commitment to Mitchell on entry should count for something ('just like their commitment to get them into district councils was worthless' said Taylor) made by the British side were discarded. Empey indicated that 'unless we get progress on decommissioning we are not minded to move into political negotiations', and that is what they adhered to throughout the remaining discussion. Better to slow the process down now than face a major block later on was another Empey remark.
- 22. There was a slight chink of light that perhaps some dressing of item 8 to match progress in both decommissioning and the three strands might provide a momentum, but while Empey agreed that did represent movement, no commitment could be given (an indication of consultation necessary both by them and HMG with Trimble?). Could getting back to first base and re-wording the Agenda be agreed before the close, asked David Hill, though tempered by Sir David Fell who suggested this represented a mountain to climb. Empey expressed (not for the first time) a desire to avoid a major disagreement in ending next week, without giving a visible sign that

decembrationing hadn't even started; 'we would be laughed out of our

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he appreciated the UUP proposal would produce such an effect. There was also a complaint that they did not have the resources, unlike HMG to meet restrictive deadlines. The meeting grew to a close with the realisation on both sides that any existing hope to reach agreement had all but gone (Mr Hill went off at that point to produce revised agenda wording).

estiler bilaterals with the INP and DUF. He told then that he did

7.15 pm becretary of State days the Irish a state of the state of the

- 23. A DUP delegation of Paisley, Robinson and Paisley Jnr came into the Secretary of State's office. Robinson, in response to questioning by the Secretary of State, indicated that at 4(c) the DUP envisaged something like Mitchell, where a body would go off and bring back proposals on how decommissioning should be handled; the modalities, etc would be covered in agenda item 8. Dr Paisley chipped in that the body would spend the last two weeks in August in order to bring back proposals on 10 September (UUP influence?). Further he suggested all the parties (with additional members from the larger ones) should be represented on the body and get on with it. General De Chastelain should have the expertise for this (to chair?), he said, adding it could go for a date to hand in arms or there could be other (unspecified) ways.
- Robinson, in his first hardened comment of the day, confirmed that the DUP couldn't go into other areas when at the same time decommissioning hadn't even started; 'we would be laughed out of our constituencies', he said. Other constituencies, when he was asked, didn't count. Too bad, in effect said Dr Paisley when reminded that the SDLP and SF were now competing for the same vote. Leverage on SF should come by telling them that they had their chance to be in talks and by not doing so also missed the chance to be represented on the body looking at decommissioning.
- 25. Robinson wondered out loud if the UUP and DUP could wear a sub-committee making interim proposals only while negotiations got underway? This solicited a comment from Dr Paisley that the DUP

would be prepared to go on with the talks to show that it was not over at that point. They agreed to go off to further discuss and broker with the UUP and to come back with the outcome. The British side went off to brief the Irish.

7.45 pm

- 26. The Secretary of State gave the Irish a further update of earlier bilaterals with the UUP and DUP. He told them that he did not consider that it was an attempt to end the talks but it was a thousand pities that it had not been raised earlier by Trimble, so that the genuine misunderstanding had not occurred. The Attorney General asked if it was any clearer what Unionists wanted to see put on the skeleton and were advised that the establishment of our working group, which could go on for some time, was important to them. The Unionist position was maximalist and the Government's minimalist and the trick was to establish if middle ground could be reached; this could be giving a role to a working group to report back to plenary in September: adoption of which would launch the three strands.
- 27. O'hUiginn put up the barriers: that is if the working group is accepted in the first place, leaving aside the about turn of decommissioning not being a pre-condition, a surreal twilight zone were nothing will ever happen in that twilight, and so on. The Attorney General wondered if sticking plaster would carry the process forward over the next few days. On a different tack, they queried at length where this left the Loyalists, who surely wouldn't want to take part in isolation. The Irish continued in further melancholy vein. At one point the Irish had to be reminded that the initial skeleton proposal was not just a British one but that it had also been shaped by them.

- 28. Senator Mitchell came in at around 8.00 pm to advise that he intended to call a final conferral at 8.15 pm and would seek to end on a good note for the day, by indicating that bilaterals were continuing and plenary would recommence at 10.00 am on Monday.
- 29. The remaining time with the Irish was spent convincing them that they needed to engage with the Unionists from which it had emerged that the UKUP and DUP refused to meet them under any circumstances and that it had been a month since they last met the UUP. The Attorney General indicated that their door was open.

8.15 pm

30. The chairman called the final conferral session of the day to order at 8.20 pm. He reported that some progress had been made but there was no prospect of agreement that evening although bilaterals would continue. A resumption of plenary would commence at 10.00 am on Monday when items A - E (agreed) on the paper tabled by the chairman's office would be adopted or discussed prior to lunch, following which bilaterals would continue. He suggested participants should reflect over the weekend and then prepare for a lengthy and, he hoped, productive day. The Irish and UUP then went off together for a meeting for which the British side could justifiably claim credit, in bringing about.

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8.30 pm

The Secretary of State had a one to one meeting with Seamus Mallon and reported back afterwards that Mallon would block, and tell Trimble so, UUP attempts to force decommissioning up the agenda. In a telephone call from No 10, John Holmes indicated that Trimble had made contact to put a marker down for a meeting with the PM next week. The Secretary of State also spoke to Michael Ancram on the telephone and briefed him on the state of play. Discussion then centred on the handling of the Secretary of State's meeting with Trimble at 8.30 am on Friday morning in London.

9.10 pm

- 32. The Irish came in and confirmed their meeting with the UUP had been consistent with what the British side had earlier told them. Their remarks indicated they had been left in no doubt about the strength of the UUP's view that decommissioning could not be left forgotten in some fourth Strand. O'hUiginn said the UUP had indicated they had been encouraged by other contacts 'was it yourselves?' This received an emphatic 'no' from the Secretary of State who suggested that it was probably the DUP. O'hUiginn mentioned that Taylor was claiming the credit for the DUP being so amenable. The UUP had been unable to provide the Irish with any assurance about the Loyalists: 'they were not convincing and did not convince us', said the Attorney General.
- O'hUiginn indicated that they had put their position to the UUP: that if the public learned the Irish had countenanced the setting of structures on decommissioning as a precondition, with a corollary that the participants would set the pace (he said no more but the look on his face said it all), however, the UUP countered by saying their constituencies wouldn't wear anything less than their proposal.
- 14. In his view, a halfway house would not be acceptable as the natural tactics of the Unionists would be to harden as time went on. O'hUiginn was reminded that others in the process would counter this but he snorted that this was code for David Trimble's agreement (the context was not clear). Again he was reminded that Seamus Mallon's agreement had also been sought, and indeed agreement from the DUP would also be required since the UUP alone couldn't deliver. He concluded by indicating that time to take stock was required and next week would be the test: the Secretary of State did not disagree with that.

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- 35. Another lengthy discussion ensued about whether or not flesh and muscle could be added to the skeleton and on the practicalities of getting the UUP proposed working group underway, with the awareness that it could play into the hands of the IRA's recruiting sergeants. At the same time being aware that decommissioning coming to the top of the Agenda in September was just what Seamus Mallon didn't want.
- 36. The latter part of the meeting considered whether or not to stop at the point just before agreement ended on the agenda, ie at the business committee, with this beginning to take root in both sides thinking to ensure that an irretrievable breakdown did not occur next week, though with the realisation that the issue could not be indefinitely avoided. Both sides agreed to break at 9.45 pm.

10.00 pm.

- Taylor, Empey, Paisley and Robinson came in for the final meeting of the day. The (UUP) meeting with the Irish, said Empey, produced little inkling from them of their stance. 'Not a runner in advance of the three strands' said the Secretary of State, not forgetting Seamus Mallon either. 'Never seen him so bitter' said Dr Paisley, 'maybe it was his health?' Empey again confirmed that what was presently on offer was not acceptable to them. Robinson agreed that there had to be simultaneous action on decommissioning as the three strands got underway. An interim report from a decommissioning working group was possibly a half-way house.
- The UUP, led by Empey, continued to insist that pressure had to be applied on the Irish to bring decommissioning up to the same level as the three strands. 'A violation of their undertaking', said Paisley. 'We went the second mile in earlier talks and they never kept faith', he added. It boiled down to a lack of trust and a genuine lack of understanding on the part of both sides admitted Empey.

- 39. Discussion came round to whether or not, if agreement was not reached in this issue, it would not be better to stop at an earlier point than hitherto anticipated. Paisley seized on this and agreed wholeheartedly.
- 40. The British side indicated that while the onus was on the UUP (and DUP) to bring forward a proposal on this for next week, that they would continue to work, over the weekend if need be, to try to secure the agreement sought before the recess. The meeting concluded at 10.10 pm to enable the Secretary of State to dash for a flight to get back to London to meet Trimble the next day.

(Signed)

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