

CONFIDENTIAL

246 25 JUL 1996

From: John McKervill  
 Talks Secretariat  
 24 July 1996

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cc PS/Secretary of State (B&L) - B  
 PS/Sir John Wheeler (B,L&DFP) - B  
 PS/Michael Ancram (B, L&DENI) - B  
 PS/Malcolm Moss (B, DHSS&DOE) - B  
 PS/Baroness Denton (B, DOE&DANI) - B  
 PS/PUS (B&L) - B  
 PS/Sir David Fell - B  
 Mr Thomas (B&L) - 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  
 Miss Harrison (B&L) - B  
 Ms Mapstone - B  
 Mr Whysall (B&L) - B  
 Ms Collins, Cab Off (via IPL) - B  
 Mr O'Mahony, TAU - B  
 Mr Lamont, RID FCO - B  
 HMA Dublin - B  
 Mr Westmacott (via RID) - B  
 Mr Campbell-Bannerman - B  
 Mrs McNally (B&L) - B

## FILE NOTE

TALKS: TUESDAY 23 JULY 1996

A full summary was circulated earlier today.

2. Following the customary Ministerial morning meeting at 0830, at which the Secretary of State agreed a reply to Dr Paisley's letter of 22 July seeking the British Government's view on the Irish Government's claim that the Opening Scenario paper of 6 June had

CONFIDENTIAL

KM/19473



CONFIDENTIAL

effectively been taken off the table (the Secretary of State's reply confirmed this), the British Government's team, led by Michael Ancram, (the Secretary of State having returned to Stormont Castle for a meeting with the Apprentice Boys) met the Irish delegation, led by Nora Owen and Dermot Gleeson. At that meeting, Owen said that both Governments had to take things by the scruff of the neck, claiming that there was no hope of agreeing Rules of Procedure and Agenda the next day unless there was a clear and rapid timetable. Such a timetable was the minimum to keep the SDLP in the process. The Irish said that Mallon's - and also their own - instinct was to get all of the opening plenary out of the way before the Summer break, with perhaps the exception of opening statements which might be deferred until September.

3. Michael Ancram said that with two days next week, and with the possibility of three extra days, the ideal was to get to the end of the Agenda. But, short of that, we should avoid resuming in September with discussion of decommissioning. However, he cautioned Owen on not being over-optimistic at being able to curtail debate sufficiently on items such as decommissioning, in order to achieve completion of the Opening Plenary by the Summer break.

4. At this stage, the Independent Chairmen joined the meeting. Senator Mitchell reported that he had seen the DUP to discuss the Rules of Procedure and would be meeting the SDLP later. He hoped agreement would be reached and felt it was preferable to wait for further discussions with the three main parties before circulating a final set of Rules. On the revised agenda, Michael Ancram reported that only the UUP and SDLP had seen it. If it were to be discussed at the informal gathering the next day, it would have to be circulated very soon, perhaps deployed as a compromise. Owen repeated to the Chairman that an agenda, without a strict timetable, was of no use, and it would be dangerous to expect that, the next day, agreement would be reached on the Rules of Procedure without an incorporated timetable for an agenda for the remainder of the Opening Plenary. The SDLP, she said, would not agree to an agenda

CONFIDENTIAL



CONFIDENTIAL

without a strict timescale, otherwise the Unionists would control the pace. The SDLP would be putting their head in a procedural noose.

5. Summarising, Senator Mitchell said that the first step would be agreement of the Rules of Procedure by the informal session the next day, with agreement conditional upon simultaneous agreement of the agenda for the opening plenary. Then, on the basis of sufficient consensus, the Rules of Procedure and Agenda would go forward for adoption by a full Plenary meeting the following Monday. What had the two Governments agreed should follow thereafter? Both reported that agreement had not yet been reached between them with the Irish suggesting that it was necessary to crystalise ideas on targets. Questions such as how quickly we could move to establish the sub-Committee to consider mechanisms to make progress on decommissioning; and when the plenary should consider the decommissioning issue required further discussion. The British team questioned whether it was possible to have meaningful agreement to a timetable without knowing the outcome of the discussions on decommissioning and agreement of a comprehensive Agenda in advance. At the very least, agreement between the UUP and SDLP (to meet sufficient consensus) on a timetable to close the debate on decommissioning would be required, otherwise the debate could run on for days.

6. Through this entire discussion the Irish side failed to recognise adequately the need to bring the UUP along if sufficient consensus was to be achieved. They urged the British Government not to under-estimate the consensus of all the parties with the exception of the three Unionist parties, to move forward, and even suggested that now was the time to test people on whether or not they really wanted to get into substantive negotiations. The British repeated continually that agreement between the UUP and SDLP was essential for movement. There was no point meeting the SDLP's demands if, in the process, we lost the UUP. The meeting concluded

CONFIDENTIAL

KM/19473



with an agreement that the two Governments would report to the Chairman on the outcome of further discussions which they agreed to convene at 1500.

7. Following that meeting, at 1245 the British team held a bi-lateral meeting with the SDLP, led by a morose Seamus Mallon. The latter reported on a very disappointing meeting he had held with the UUP earlier that morning, at which the UUP had shown little or no movement on any of the contentious Rules of Procedure. He portrayed the SDLP as having been magnanimous in offering generous amendments with no give in return whatsoever on the UUP's part. Rule 15, he confirmed, was a major stumbling block with the Unionists refusing to negotiate certain items and, he confirmed, while the SDLP had not liked the "fair hearing" formula in the two Governments amendment, his party could live with it. Michael Ancram suggested that an agenda was not a list of separate items but headings under which issues could be raised and he offered to explore Rule 15 further with the UUP. He increasingly felt that there was a general misunderstanding as to the meaning of an "Agenda".

8. The Minister then asked what were the SDLP's requirements for agreeing an Agenda for the Opening Plenary. Refusing to respond directly, Mallon said that he would be circulating to all the delegations proposals which would bring forward the talks to a point where outstanding matters could be dealt with before the Summer break, returning in September to get straight into the substantive agenda. He declined the Ministers suggestion of showing it to the two Governments before circulation to all the delegates on the basis that he did not want the UUP to believe that the SDLP could only operate through the two Governments. He was, however, pessimistic, on the basis of his meeting with the UUP, that an agreement on Rules of Procedure could be reached by the following afternoon.

9. Immediately after lunch, the UUP came up to a meeting with the Secretary of State and Michael Ancram. Trimble reported that



CONFIDENTIAL

Paisley had just been out to the press waving in his hand the letter which he had received from the Secretary of State that morning, and claiming that the Union had been saved and the Chairman's powers had been stripped away. Trimble had felt obliged to tell the press that this victory of Paisley was not so great, given that the Irish had taken the opening scenario paper off the table as far back as 12 June.

10. Turning to his meeting with the SDLP, Trimble said that no progress had been made, but with the fault lying squarely with the SDLP. While most of the Rules could be resolved with half a will, Trimble said that Rule 15 remained a real problem. As a possible way out, the UUP had invited the Chairman to have a go at drafting a formula, a strategy which the Secretary of State welcomed. The core problem was a question of conflict between an "agreed" Agenda and an "open" Agenda. Trimble believed that at best, Mallon was seeking to rub UUP noses in it; less optimistically, Mallon could be looking for a way to leave the talks. Trimble also reported that they had also put to the Chairman an amendment to Groundrule 17 to the effect that any report of a breach of the Mitchell principles should be referred to the Secretary of State in the first instance and for appropriate action thereafter by the two Governments. The Government took note of the suggestion without commitment. (The wording was later strongly opposed by the Irish at the wind-up meeting with the Chairmen on the basis that the two Governments were equal in their relationship to the Chairman). Any representation must be referred to both Governments.

11. Finally, on the way ahead, the maximum the UUP believed was achievable by the following Tuesday was the adoption of the Rules of Procedure and the Agenda and the completion of opening statements. The Secretary of State agreed that this assessment was probably right.

CONFIDENTIAL



CONFIDENTIAL

12. At 1540 the British and Irish Government had a further meeting, at which the Irish tabled an informal paper outlining a timescale and targets for the completion of matters in the opening plenary. They hoped it could issue as a joint paper from the two Governments in order to put some dynamic into the process. After discussion of the order in which the items of the opening plenary might be taken and also much repetition by the Irish of the SDLP's need for a tight timescale, the British Government agreed to reflect further upon the paper. However the British, to Irish annoyance, maintained that it was not prepared to move on the paper before seeing the promised SDLP proposals. The meeting ended at 1610.

13. While the British delegation were considering and re-drafting the Irish paper, news came through that the SDLP proposals had been circulated but had also been issued as a press release. The British team immediately sought a meeting with the Irish, which began at 1725, at which the Secretary of State made it plain that he could not consider putting forward a joint paper along the lines discussed without Unionists claiming a conspiracy between the two Governments and the SDLP. He urged the Irish to agree to ask the Chairman to call an immediate informal gathering of the parties to get reactions to the SDLP paper.

14. Concerned that such a gathering might be turned into a lynching party and conscious that others had put things in the public arena - although they acknowledged that the SDLP press release was an advance on anything before - the Irish declined to agree. The Secretary of State said he was less concerned about the manner of publication of the proposals than their substance, arguing that a round table gathering was the best way of salvaging the situation. Otherwise, he feared things might fester overnight and the process could come to a halt. At the very least, he would need to hear the reactions of the other parties before tabling a joint paper with the Irish. The meeting ended with the Irish promising to speak to the SDLP and revert.

CONFIDENTIAL



15. At 1825, a very constructive DUP team, led by Dr Paisley had a good humoured meeting with Michael Ancram. (We concluded early on that they had not by that time, seen the SDLP paper!). The meeting focussed entirely on Rules of Procedure and the DUP's proposed amendments, particularly to Rules 15 and GR17 which they would be giving shortly thereafter to the Chairman. A discussion took place on whether or not there was a need for a Rule governing the entry of parties (particularly Sinn Fein) into the talks, as well as the exit of parties which had breached the Mitchell principles. After considerable explanation, the DUP seemed to accept the British Government's view that such a rule was not required because entry into negotiations was governed by the legislation. On para 15 the DUP maintained that they would not negotiate the Union. The situation was not the same as 1991/92 when there had not been a requirement to "negotiate in good faith". Looking ahead to the comprehensive agenda, they believed the heading on the agenda should be "Constitutional Issues" rather than "The Constitution".

16. At 1930 the Irish Government, having spoken to Mallon returned for a further meeting with the British delegation. They argued that all the other delegations, apart from the three Unionist parties, would be likely to welcome the SDLP proposals, if not the format in which they were presented, and urged the British team to convince the Chairman of the need to press on with a timetabled opening plenary agenda. Reminding the Irish yet again that UUP support was required to move things forward the British side maintained that they would not table a joint paper, at least until they had gauged the reactions of the parties. It might be that a paper could be jointly tabled, along with the revised agenda, before the next day's gathering, but it was too soon to judge.

17. Finally, the two Governments met the Chairman at 2105, at which Senator Mitchell reported on his discussions on Rules of Procedure with the SDLP, UUP and DUP, noting the various amendments each had offered. The single greatest achievement he believed, was in getting close to agreement on Rules 15. He now proposed to consider



CONFIDENTIAL

all the amendments and produce a revised composite document to discuss separately with the UUP, DUP and SDLP, in that order the following morning. (The SDLP refused a suggestion from the Chairman that the parties should meet the Chairman together). Following those consultations, he proposed to circulate a final Rules of Procedure document and call a full informal gathering in the early afternoon to obtain agreement on them.

18. The Chairman reported that part of the motivation behind Mallon's publishing of the SDLP document was anger at the British Government's refusal to give him a copy of the Secretary of State's letter that morning to Dr Paisley. The Chairman was quickly disabused of this notion by Michael Ancram who said no such request had been made by the SDLP. Mallon, the Chairman reported, was also concerned that little action had taken place on the agenda and was worried that he might be required to sign up to the Rules of Procedure without anything on the Agenda.

19. The British side said that it proposed to gauge reactions to the SDLP paper the next day. Depending on those, it might be possible for the two Governments to table the revised agenda or, if it appeared to gain support amongst the parties, it might issue from the Chairman himself. The Chairman suggested that there would be all of the following day to deal with that issue as, he believed, the likely result of the SDLP's action urging no delay would be to achieve the exact opposite. Inevitably, at the next day's gathering, there would be debate on the SDLP paper as well as amendments to the rules etc proposed by, among others, the DUP and UKUP who, the Chairman was in no doubt, would also be certain to raise again the status of Ground Rules debate. Accordingly, he hoped both Governments would be available to field teams at talks on the Thursday. The meeting ended at 2150 with the Chairman aiming to call a meeting of all the parties at 1430 the next day.

(Signed)

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KM/19473