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cc PS/Secretary of State (B&L)
PS/Sir John Wheeler (B,L& DFP)
PS/Michael Ancram (B,L&DENI)
PS/Baroness Denton (DOE,DANI&L)
PS/Mr Moss (B&L)
PS/PUS (B&L)
PS/Sir David Fell
Mr Legge
Mr Thomas (B&L)
Mr Bell
Mr Leach (B&L)
Mr Steele
Mr Watkins
Mr Wood (B&L)
Mr Beeton
Mr Currie
Mr Hill (B&L)
Mr Lavery
Mr Maccabe
Mr Perry
Mr Stephens
Ms Checksfield
Ms Harrison (B&L)
Ms Mapstone
Mr O'Mahony, TAU
Mrs McNally (B&L)
Mrs Collins, Cab Off
HMA Dublin
Mr Lamont RID, FCO
Mr Westmacott, Wton (via RID)
Mr Campbell Bannerman

NOTE FOR THE RECORD

TALKS, 22 JULY

Summary

1. A day that finished better than it started. Mr Trimble appeared content with the agenda, with little way to go on rules of procedure. Pessimistic Irish reports about the state of mind of the SDLP, and pressure for full completion of the opening plenary by next Tuesday as the price of satisfying them; but as the day went on, Mr Mallon appeared a little more accommodating.

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2. In the 'conferring' session, the Secretary of State emphasised that progress was now critical. Mrs Owens' lengthy chiding of the delegates for lack of progress was very badly received. The Chairmen proposed bilaterals for Tuesday, with resumed 'conferring' session on Wednesday, to discuss their assessment of the most-nearly agreed way of proceeding. The Irish are considering the text of a proposition by the Governments on progress. No plenary likely before Monday, however, Mr McCartney being away (he returns then for two days).

3. The 'venting' session the Chairmen felt obliged to accord the DUP went better than feared: constructive approaches from Robinson, Durkan and Donaldson, with SDLP/Unionist contacts envisaged for today.

Secretary of State's weekend discussions

4. The Secretary of State reported on several weekend discussions.

a) Mr Trimble was now content with the agenda proposed by the Government. On rules of procedure, the chief concerns related to rules 15 to 17. He believed the DUP would eventually agree the rules. He thought that our plans for progress before the break were 'tight but possible'; he recognised the dangers in not progressing, and was content that the SDLP were told so. He would not be present in August, but would have representatives with 'almost' plenipotentiary authority.

b) Senator Mitchell recognised the critical phase we had reached, in particular Mr Mallon's position; was ready to put forward a composite rules paper, and see it agreed by sufficient consensus; but was unwilling

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to do this before Monday, having promised Mr McCartney there would be no plenary in his absence on Tuesday and Wednesday.

Meeting with DUP

5. At about 9am there was an even-tempered meeting between the Secretary of State and Michael Ancram, and the DUP (Dr Paisley and Mr Robinson, Mr Dodds later). Dr Paisley opened with a complaint about the meetings between the Prime Minister and loyalist parties. He would have liked to see the Prime Minister before them, and referred to what had been said in the House of Commons last Thursday. He did not object to the Prime Minister seeing the parties; but did believe that fulsome praise for their restraint was badly received, in view of the damage recently done by people under paramilitary influence - as in Ballymena, or the Castlereagh Road. The Secretary of State undertook to pass Dr Paisley's views to the Prime Minister, including a renewed request for the DUP to see him.

6. Discussion turned to rules of procedure. The Secretary of State thanked Dr Paisley for the DUP analysis. He reiterated the points he had made to Dr Paisley on Saturday about the critical phase of the process; in particular the danger of the SDLP departing if there were not rapid progress. Dr Paisley had not been able to talk to Mr Hume, who was (to his colleagues as well as outsiders) hard to contact at present. He was to talk at 9.30 to the UUP. There followed a recitation of various well-known DUP grievances about the rules, and particularly concerns about those Ground Rules covering areas not reflected in rules of procedure, which might thus have a life of their own (Mr Robinson give as a complete list of these 2, 4, 5, 7, 12, 13, 15 and 26). The DUP were uncertain over 1 and 1A, not having compared notes.

Meeting with Loyalists

7. A Loyalist group (Mr McMichael, Mr Spence, Mr White and Ms Purvis) called on the Secretary of State in advance of the meeting with the Prime Minister. Mr McMichael said that they hoped to be seen to have their concerns registered seriously, and some recognition given of loyalist restraint. The meeting itself would go some way. There were particular pressures over prisons. The LSRB was putting back cases of people who had been in prison for 12 or 13 years. They would not put to the PM the list of possible measures to improve prison morale which the Secretary of State had invited them to prepare; that might be with us on Tuesday.

Meeting with the Irish

8. The Irish called, led by Mrs Owen. On timetable, they said we had, in effect, five talking days to reach substantive business; they were reluctant to acknowledge that such a plan might be unrealistic, or to contemplate going beyond the end of next week, Mr O hUiginn believing that progress would be achieved in the last three days of discussion, whenever it came.

9. The Secretary of State reported his contacts with the UUP. The Irish, for their part, had found the SDLP in disarray, Mr Hume resting on medical advice, and Mr Mallon out of contact. But their position was clear. The talks lacked credibility for nationalists; there was a feeling Mr Trimble was leading them by the nose. The SDLP would be eaten alive by Sinn Féin if there were not substantial progress. By the summer break the car must (our side's metaphor) be parked with the key in the ignition, ready to go. How far, at minimum, had the opening plenary had to advance for SDLP purposes? Our impression was it might be enough to deal with item 5(c) (decommissioning mechanisms). The Irish stressed that it would have to be clear the issue could not be reopened under item 8; we said we believed the UUP understood this.

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10. On handling of 5(c), one way forward was an ad hoc sub-committee to consider mechanisms, reporting back before the break. The Secretary of State floated the possibility of General de Chastelain as chairman. Mrs Owen was anxious to 'have the cake baked' before we went in. Michael Ancram reported that Mr Maginnis had in discussion at least not demurred at the suggestion of a standing sub-committee with technical experts.

11. Discussion turned to how to organise consideration of agendas, Michael Ancram suggesting a plenary, a sub-committee or the Business Committee. Senator Mitchell might handle that; while in parallel the sub-committee looked at decommissioning. Mr O hUiginn suggested separate sub-committees on Strands One and Two, chaired by the Secretary of State and General de Chastelain; and that all suggested items might be adopted, unless 'prejudicial to someone else'. We suggested the Chairmen might invite suggestions for the agenda in advance of discussion.

12. As to opening statements, our side floated the possibility of them being time-limited, and possibly accompanied by written presentations. The Irish took away the draft text of a proposition (as now circulated with Mr Hill's note of today) to consider it, as a joint initiative, in case of need.

of bilaterals a document setting out their best judgment on what was possible in respect of rules of

Discussion with Chairmen on Wednesday to take decisions if

possible. There would also be discussions and a document on the

13. Senator Mitchell said they had not been able to bring the SDLP and UUP nearer to agreement on rules. A summary of key provisions in disagreement had been prepared [Mrs McNally's minute of yesterday]. The Secretary of State and Mrs Owens each set out their views of the sensitivity and urgency of the situation. Senator Mitchell offered to prepare a paper setting out the Chairmen's best judgment of how to proceed, and press it by sufficient consensus when the Governments thought best; but, if the UUP and SDLP could not be brought to agree, the risks of that course to the talks should be understood. He was also content to circulate further

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composite rules of procedure (on which Mr Hill and Mr Cooney had been working with his staff). He did not, however, believe there could be a formal plenary on Wednesday; he had told Mr McCartney, who would be absent, that there would not be, and other delegates were in the US. He was pressed by both Governments on this.

14. After discussion, Senator Mitchell agreed that the day's session should be followed by a round of meetings on rules. If there was no agreement, the Chairmen would set out in writing their best judgment on how to proceed. The Governments might meanwhile seek progress on agenda in bilaterals. There would be a full session on Wednesday to agree rules; and the possibility of a plenary if practical. He was ready to meet every day this week, and next.

Conferring session: future progress

15. The session met at 2.30. Most main players were present, except Mr Trimble (meeting Mr Blair in London). Senator Mitchell introduced the paper on rules of procedure in dispute; he hoped that after the session, there could be bilaterals on this. He believed it essential that there should now be decisions; or an acknowledgment, reported to the Governments, that they were not possible. The Chairmen would prepare in the light of bilaterals a document setting out their best judgment on what was possible in respect of rules of procedure, with a meeting on Wednesday to take decisions if possible. There would also be discussions and a document on the agenda.

16. The Secretary of State said there had been a thorough examination of the rules of procedure - he would not say too thorough: but, in the present situation, the public outside would despair if there was no substantial progress now. Mrs Owens was much less restrained, speaking of 'painfully slow, extremely disappointing' progress, tainting the credibility of the process; unless there was now determination to reach decisions in short order to a clear timetable, participants were wasting their time. This

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produced predictably hostile and lengthy reactions from Mr McCartney (who thought the timetable suggestion 'laughable'), Mr Taylor, Mr Robinson and Dr Paisley - the last hinting at attempts by the US Government to influence Senator Mitchell, provoking him to emphasise that he had received no commission, suggestion, or hint from the US Government. Mr Bleakley urged participants to consider events outside; time was not on the talks' side; disputes there were not publicly understood.

Conferring session: 'venting'

17. The 'venting' session - an opportunity to comment on recent events - lasted some five hours. There were hostile and negative contributions; but sometimes a more constructive spirit, with acknowledgment of a need for a new approach to parades and cross community relations. Dr Paisley was in characteristic form: Drumcree marked the coming to a head of HMG's appeasement of the pan-nationalist front - who had said there would be no Protestant backlash; attempts to oust Northern Ireland from the Union; rigged elections. An Irish civil servant was seen to smile here; Dr Paisley predicted that the smile would be wiped from his face by the reaping of the whirlwind. Mr Mallon saw this as a threat, provoking Dr Paisley to denunciation of Mr Durkan. He spoke of 'naked fascism on the streets', apparently in reference to the damage caused throughout Northern Ireland, he alleged, by the loyalist paramilitaries.

18. Mr Mallon spoke in great gloom and sadness. He had hoped there might be expressions in the debate of regret for the loss and abuse nationalists had suffered. There were now displays of sectarian bigotry on both sides in Northern Ireland, more frightening than ever; boycotts had returned; communities were being ripped apart. Decent people who had lived together for years committed acts of violence against each other.

19. Mr McCartney spoke at the usual length, on usual themes. Polarisation of the communities had followed from the imposition of the Anglo-Irish Agreement. Recent violence was caused by paramilitaries on both sides (he admitted to Mr Mallon that there might have been violent acts by others). The whole talks were a charade, to set the scene for a deal with Sinn Féin and loyalist paramilitaries. Senator Mitchell was an 'outstanding public servant': but President Clinton had described him as his envoy, charged with getting all relevant parties to the table, including Sinn Féin (Senator Mitchell asked for the newspaper article from which Mr McCartney was apparently quoting). The SDLP could not hope to gain a deal by conspiring with the two Governments, with the expert assistance of Mr O hUiginn, to bring plodding Unionists along.

20. Mr Donaldson also spoke for long, with several exchanges with Mr Mallon, but moderately and cogently. Drumcree had been about respect for culture and parity of esteem: some nationalists had never acknowledged the right of the Unionist tradition to exist. How were Unionists to feel when someone of the background of the Garvaghy Road Residents' leader told them where they might walk? What should they expect in a United Ireland, if even now denied a right to march for 15 minutes? The Orange Order had been a force for reason for 25 years, keeping its people under control - even when republicans sought conflict. The SDLP failed to provide similar leadership (an allegation he also made about the Ormeau Road, when challenged by Dr Hendron). He regretted violence, and the hurt caused on both sides. Parades were an issue that could usefully be discussed by the forum; further reason for the SDLP to return.

21. Ms Hinds' (NIWC) manner was vehement, apparently sparked by exchanges in the forum. She was heckled from the Unionist side, until Senator Mitchell intervened. Her party, she said, had Protestants in its membership, contrary to DUP claims of partisanship. But recent violence owed much to the Orange Order and unionist political leadership (whilst the PUP and UDP were working to keep things under control). She favoured an inquiry on Drumcree,

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and a commission on parades. She went on to complain of the unacceptable political culture in the talks and forum, citing offensive references to Catholic doctrine, and unacceptable behaviour towards her own party.

22. Mr Curran (Labour) spoke of deep depression, having visited Protestant friends in his area (Killough) whose homes had been damaged; and of the crisis of confidence in the RUC. The talks were the only hope of advance; they must not fail; they must move to a substantive agenda. He believed Sinn Féin's mandate should be recognised; and the IRA ceasefire must resume (unclear which order he envisaged). He was that day to meet their leadership.

23. Mr McBride (Alliance) said briefly that it would have been better to seek to make progress toward negotiation than have this debate. He too was gloomy about the developing mood in Northern Ireland society, seeing distrust becoming more widespread. Mr English (UDP) was also brief, defending John White against criticism from Mr McCartney: he had persuaded many paramilitaries of the futility of violence. Mr Roche (UKUP) delivered an incoherent and negative address, asserting among other things that the Dublin forum report had never been published, because it had been known that he and colleagues would have taken it apart; also that Mr Hume had spoken of 'lancing the Protestant boil'; Mr Mallon challenged him on both.

24. Mr Durkan spoke in moderate tones, but with some anger and gloom. He sought to explain his remarks about 'taking it out on the RUC': many journalists had been present when they were made; none regarded his words as incitement; the DUP had accepted this in the City Council; the Derry Journal, which had carried the report, accepted it too. As for Mr Donaldson's suggestions that the SDLP was not showing leadership, they were in fact working hard, trying to mount dialogue, as last year over the Apprentice Boys; but often there was no-one to engage with; or their trust was abused, as it had been by the RUC last year. The situation in Derry was now very

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serious. The residents of the Bogside accepted the use of three quarters of the walls, and were not saying 'never' to the other quarter. But Sinn Féin were now cheered for the message 'not on the West Bank'; many saw August 10 as a 'rematch' for Drumcree; outsiders were becoming involved, so that it was difficult for people on either side to step back. He was angry at the Northern Ireland Office; 'the threat to paralyse the state' the Chief Constable had spoken of could not be just an operational policing issue; the Secretary of State's comments about 'cheering up' were ill received; those about weight of numbers unhelpful (the Secretary of State intervened: he had been asked if he could guarantee that large numbers would not overwhelm the police; there was only one honest answer). The Secretary of State and Prime Minister had criticised nationalist politicians; not unionists. He accepted all that the Chief Constable said about the Secretary of State not being involved; but it sat ill with what Michael Ancram had earlier said to him about the Secretary of State's determination that there should be local agreement; and with the reported involvement of NIO officials in setting deadlines for agreement in advance of the march.

25. Mr Empey spoke. He had not favoured the public order legislation. But did those who criticised wish to return to the situation before the Hunt reforms - or in the Republic - where politicians controlled such decisions? The principle was not invalid because something had gone wrong with its application.

26. Mr Robinson began with venom, attacking the Women's Coalition for its approach and partiality, but became more reflective. Parades were not the problem; rather it was divisions in Northern Ireland society. The lesson should be learned that neither community could be faced down; nothing would stick without the approval of both. The criticisms against Mr Durkan were similar to those against Unionist leaders, and as little credible. On the general issue, the public order legislation was misjudged: it rested

on the principle that if you could cause trouble, the law supported you. The Government must be involved in such issues: it was a dereliction of duty not to be, and very odd since - as he read the Anglo-Irish Agreement - the Irish Government could have a view.

27. Mr Spence delivered (from a script) a short statement. Help was needed from both sides to encourage their associates to maintain restraint. Northern Ireland was not at present a wholesome society; a wholly new one was needed.

28. The Secretary of State said he had been proved wrong in his doubts about the wisdom of the debate: there had been a real engagement, and constructive contributions (he instanced Mr Robinson and Mr Mallon). On parades, he set the record straight; there had been no NIO deadline, the police had fixed one; he had not criticised nationalist politicians; but had taken issue with the Taoiseach, who had implied he disbelieved the Prime Minister, Chief Constable and him; he had trenchantly criticised violence in support of the Orange Order. As to the adequacy of the public order legislation, a review to be announced shortly would be able to examine it. He commended the view that had been expressed that the talks were the only way to make progress, and that participants should take account of the pressures from outside.

29. Senator Mitchell looked forward to progress in bilaterals. Mr Empey drew attention to press briefing to the effect that great pressure was being put on participants. Everyone wanted as much done as possible in advance of September; but raising expectations that would be disappointed would be unhelpful. Senator Mitchell, observing that the proposed rule on confidentiality was not in force, urged participants to be positive in briefing. Mr Mallon drew attention to interviews in which Mr Taylor had alleged that the SDLP had been unavailable for meeting: this was wrong: he invited UUP members for 'coffee' that evening (they met briefly, fixing a longer meeting next day). Dr Paisley had the last word: he had pressed for the debate: having such a sinner as the Secretary of State for a convert, he went home a happy man.

Meeting with Women's Coalition

30. Ms Hinds and Mrs Blood of the NIWC called at their request on the Secretary of State, in support of their proposal that he should not agree to the set of forum rules being submitted to him. The Secretary of State and Michael Ancram sounded them out on their reasoning, but gave no commitment. Mr Lavery's subsequent advice sets out the main points made.

Call by Senator Mitchell

31. Senator Mitchell called on the Secretary of State at about 9.30pm. Mr Trimble was depressed, believing the SDLP to have moved back. But everyone understood there would be a decision on rules of procedure on Wednesday. He did not believe there could be a plenary then: it would have to be on Monday. Mr McCartney had undertaken to return from Bordeaux on Monday and Tuesday; he had pressed for undertakings that proceedings would then break, which Senator Mitchell had declined to give. If the rules of procedure had to be adopted with the DUP and UKUP objecting, Senator Mitchell believed the public would understand: 9 parties would be in favour, two opposed.

(signed)

A J Whysall