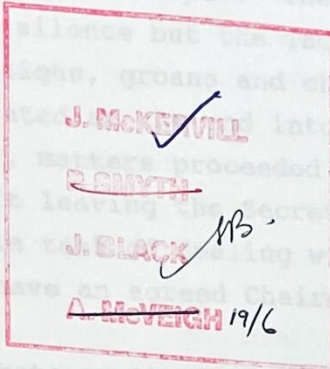


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From: PS/Secretary of State
13 June 1996

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POLITICAL AFFAIR
DIVISION
13 JUN 1996
DUBLIN, BELFAST

cc: PS/Secretary of State (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Legge - B
Mr Bell - B
Mr Watkins - B
Mr Leach - B
Mr Ray - B
Mr Wood (B&L) - B
Mr Maccabe - B
Mr Hill (B&L) - B
Mr Stephens - B
Mr Beeton - B
Mr Dickinson - B
Miss Harrison (B&L) - B
Mr Whysall (B&L) - B
Mr Lamont, RID - B
Mr Budd, Cabinet Office
Mr Holmes, No 10 Downing Street
HMA Dublin - B



Mr Thomas (B&L) - B

ALL PARTY NEGOTIATIONS: THE FIRST 36 HOURS: APPOINTING THE CHAIRMAN

At about 11.00 pm on Tuesday night, I finally gave up any hope of being able to produce sensible and timely notes of the various meetings taking place during that day, all which were in any case overtaken by the very late but successful launch of the Plenary Session under George Mitchell's Chairmanship in the early hours of yesterday morning. I thought, instead, I would give an overall account of some of the key moments and meetings during what was, by any standards, an extraordinary day and a half.

The Prime Minister, the Taoiseach and the Interim Chairman

The game kicked off at 2 pm on 10 June with, as a precursor of things to come, the Secretary of State as de facto Chairman of the meeting attempting to introduce the Prime Minister and the Taoiseach

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to make their introductory remarks. This was dominated by a series of points raised by the three Unionist parties centring on the appointment of the Chairman (again a portent of things to come) conducted while cameras were in place. But this was all fairly briskly dealt with with no loss of temper and no protracted speeches. The Prime Minister and the Taoiseach then spoke in line with their intended scripts. The Prime Minister's speech was heard in respectful silence but the Taoiseach's speech was marred by some ill-mannered sighs, groans and chattering from Unionist delegations which degenerated at the end into actual interruptions. Apart from that, however, matters proceeded smoothly enough. The Prime Ministers left leaving the Secretary of State and the Tanaiste with the unenviable task of dealing with a meeting that was not a plenary and did not have an agreed Chairman.

The great debate on the Chairmanship then began. Phase One which occupied something like an hour was to sort out who was actually chairing the meeting we were all in. The Unionist parties were not prepared to accept that the meeting was being chaired by the two Governments, whereas the SDLP were not prepared to accept that it was chaired by anyone else. A series of lengthy points of order followed at the end of which an uneasy compromise was reached whereby the Tanaiste waived his right as the Co-Chairman actually to conduct business, thus leaving the Secretary of State as de facto Chairman - though this was nearly ruined by the Tanaiste saying that the Secretary of State would be speaking "on behalf of both Governments"!

Appointing a Chairman: The First Evening

There then followed a series of bilateral meetings and meetings of the 'non-Plenary' under the de facto Chairmanship of the Secretary of State. The positions of the main parties became progressively clearer as the evening wore on. The SDLP were in grim mood and determined to press for George Mitchell for Chairman on the basis of an unchanged agenda and procedural guidelines. The DUP and UKUP were strongly opposed to Mitchell on two grounds. First, they did

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not agree with the role he would enjoy and the powers that went with it. Second, and much more crucial in their view, was the fact that he was fatally compromised in Unionist eyes because of his background and the way that his appointment had been acclaimed by the Irish Government and Sinn Fein. At this stage the mood of McCartney and Paisley was friendly, jolly and courteous, a condition which did not last. The UUP had objections to Mitchell which were similar, but in their case the powers and procedures that he would operate under were much more prevalent than their reservations about his background, which had, to a large extent, been assuaged by personal contact between Mitchell and Trimble. Their attitude and position was also complicated by all too obvious concerns about being outflanked by Paisley and stirrings within their own party. Pulling in another direction, however, was Trimble's evident huge enjoyment about being involved in negotiations which, I believe, contributed to a strong personal reluctance to walk away. The Alliance were in deepest gloom. They had been very depressed, though perhaps not surprised, by the procedural wrangling which had, so far, totally dominated events.

The Irish Government acquiesced in the subordinate role they played in the 'non-Plenary' meetings, though they evidently did not like it. They felt strongly that the two Governments should stick to what had been proposed in the documents circulated to the parties on 6 June. The three Independent Chairmen showed enormous patience and forbearance in the face of considerable frustration, rudeness and outright hostility from some quarters. The two Governments made a point of keeping them informed of what was going on and seeking their views as to how best to resolve the procedural impasse that was rapidly developing.

Towards the end of the day, it became clear that if we were to keep the UUP in the process it would be necessary to address their concern about the procedural rules. It was accepted that a deal which brought in the UUP would probably not be enough to retain the DUP and UKUP but the judgement of both Governments and the

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Independent Chairmen was that in such circumstances the Talks would remain viable. At about 10.00 pm the British Side put the finishing touches to a proposal which would acknowledge the primacy of the negotiators in setting procedures and consequently a willingness on the part of the two Governments and the Chairmen to contemplate changes to those that had been proposed on 6 June, but which would formally put George Mitchell in as Chairman of Plenary. The proposal was shown to Mitchell that evening who gave it his blessing and it was agreed that it would be put to the Irish Government first thing in the morning and tabled with the parties for their consideration at 9.00 am.

Appointing the Chairman: The Second Day

Troops gathered at 8.00 am on Tuesday and after a brief discussion with the Irish Government, during which some amendments were made to the British proposal, the Secretary of State reconvened the delegates and informed them that a proposal was being tabled on behalf of both Governments for consideration of the delegates and for subsequent discussion collectively. A copy of the paper tabled is at Annex A. In words which were to become prophetic, the Secretary of State said that the meeting would take place not before 10.30 am (this rapidly became not before 11.00 am, 12 noon, 2.30 pm, 4.00 pm and 5.00 pm, after which we gave up trying to predict a time).

Events then moved on into an intensive round of bilateral discussions between the parties, the Governments and the Chairmen. The themes of the discussion very much mirrored those of the previous day, but now informed by Annex A. After a huge row with the Irish Government, the SDLP very reluctantly accepted that this was the best on offer. The DUP and the UKUP effectively rejected it and confirmed to the Secretary of State that if he were to appoint Mitchell as Chairman of the Plenary on that basis, neither of their parties would participate. In the end and as expected, it came down to trying to do a deal with the UUP. Their initial reaction to the paper was that it had some good elements in it but the order needed

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to be changed. In other words, a Committee needed to be established first to finalise rules before a Chairman of the Plenary was appointed. At the second of two meetings held that morning, the Secretary of State said that he could see no way of attaining greater convergence than that contained in Annex A and that accordingly, he intended that afternoon to reconvene the meeting, to state that the Governments intended to proceed on the basis of their proposal, to adjourn the meeting and then reconvene in plenary format with Senator Mitchell in the chair. Trimble at that stage said that this was unacceptable. The Secretary of State said that in those circumstances Senator Mitchell would proceed to collect the various declarations of support for the six principles but would then be obliged to report to the Governments in the light of the absence of the three main Unionist parties. In those circumstances, the Secretary of State would have little option but to conclude that the Talks were not viable and suspend them. A consequence of that, of course, would be that there would be no Forum. This evinced some horrified looks, particularly from Geoffrey Donaldson and a physical/mental gulp from Trimble who, nevertheless, said "So be it".

Following further discussions with the SDLP the Irish Government and the Chairman the Secretary of State had by 2.00 pm concluded that we would have to proceed in the manner he had described this to Trimble and that would be the end of the process. We reported to the Prime Minister suggesting that the only card remaining was a direct call from him to Trimble.

A Deal Struck

Events then took an extraordinary turn. Very shortly after his meeting with the Secretary of State, Trimble asked to see Senator Mitchell and at 2.30 presented a compromise proposal to the Secretary of State, saying that he would be prepared to accept Mitchell as Chairman, provided that the interim rules under which he operated were not those of 6 June, but those which applied during the 1991/2 Talks. The Secretary of State believed that this was a major concession and the next few hours were spent trying desperately to sell it to the Irish Government and the SDLP. For a

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while this showed signs of being fruitless with Hume effectively saying that he and his party had already moved enough in the direction of Unionist concerns and would move no further; and the Irish showing an overwhelming and inexplicable solitude for the dignity of the three Independent Chairman, effectively suggesting that it would be best for everyone if we were to cut our losses and move out of the process. (It is possible, even probable, that an element of this owed something to the Fergus Finlay school of thought, as reported on TV, that Talks without Sinn Fein were not worth a penny candle.)

Having made no progress by early evening spirits were very low again, reflecting the latest in a series of violent rain squalls which had swept across the Stormont Estate all that day. Then news filtered up about another almost unprecedented event in the shape of direct negotiations between Irish Ministers (without Sean O'hUiginn) and David Trimble. (It later transpired that Trimble had tried for nearly three hours to see the Irish and only succeeded after a direct appeal to the Taoiseach's office).

After another few hours during which the British delegation was left in the unaccustomed position of having to twiddle its thumbs while the Irish and the UUP tried to come to terms, the Tanaiste appeared, with his team, clutching a piece of paper, a copy of which is at Annex B, representing an agreement between the Irish, the UUP and the SDLP. The time was now approximately 11.45 pm and the other delegates were getting particularly restless, most obviously the DUP and the UKUP who camped en masse in my Private Office while the Secretary of State, the Tanaiste and the three Chairmen tried to close on the Irish text.

Dr Paisley and his colleagues became increasingly loud and belligerent, at one time threatening to burst into the Secretary of State's office while the meeting continued. Once the Irish left, they were invited in for a short meeting with the Secretary of State at which they were informed that in 15 minutes a meeting would be convened with the purpose of confirming the way ahead set out in the

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paper at Annex B and commencing the Plenary session with George Mitchell in the Chair. Loud shouts of protests and Paisley, McCartney and their teams stormed out. As a precaution against attempts to occupy the Chairman's places, CPL and Private Office staff had filled them thus foiling an attempt by Cedric Wilson to pull a stunt. Having been foiled he contented himself with calling all and sundry by various derogatory epithets.

The Secretary of State duly convened a meeting of the delegates at 12.15 am, immediately to be greeted by a diatribe from Dr Paisley, after which Dr Alderdice asked if the meeting had begun, to which the Secretary of State replied in the negative. The Secretary of State then read out a short, prepared statement saying that the meeting would be adjourned and after 5 minutes the Plenary would convene with George Mitchell in the Chair. After saying this he immediately got up and left with multiple points of order from the DUP and UKUP delegations ringing in his ears.

Senator Mitchell took the chair five minutes later, to be greeted by a further blast from Dr Paisley after which he and his team walked out. The Senator made brief opening remarks and then completed the round of formal declarations of total and absolute commitment to the six principles set out in paragraph 20 of the Report of the International Body. He then, as agreed, adjourned the meeting until 19 June, pending consideration by the Chairman, the two Governments and the parties of procedural rules for the remaining part of the Plenary session. Formal proceedings ceased at approximately 1.15 am.

Comment

In 20 months as a Private Secretary I have been privileged to be part of, or witness to, a number of extraordinary events, but I think the last two days has topped them all. More than once, the whole enterprise was on the point of failure and, in accordance with normal practice in Northern Irish political affairs, was only saved in the small hours of the morning. To have secured UUP acquiescence in Mitchell as Chairman and split them away from the DUP and the

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UKUP was a major political achievement as was the smooth collection of the declarations on the Mitchell principles, including from the two Loyalist parties (and subsequently later the same day from the DUP and the UKUP who felt obliged actually to appear before the Chairman and make their declarations). Most extraordinary of all, was the fact that the final deal was done between the Irish Government and David Trimble. This ought to have been an educational process for both parties.

Finally, the other great success has been leaving Sinn Fein literally, and metaphorically, out in the cold. Their attempt to gain entry into the Talks on Monday failed to gain them the public confrontation which they had sought and their demonstrations on Tuesday and Wednesday attracted minimal media coverage. It is not difficult to see how different the situation would have looked from their point of view if, as it seemed almost certain at lunchtime on 11 June, the process had come to an end.

SIGNED

MARTIN HOWARD

PS/Secretary of State (L)

13 June 1996

3. This proposal is put forward in order to underline that the procedural and other arrangements for the opening plenary must be to the satisfaction of the participants. The proposed Independent Chairmen have also authorised the Governments to make clear that they recognise that ultimately agreement in these and all other matters in these negotiations is a matter for the participants.

4. It is therefore proposed that the 11 June meeting should consider the following proposal for the day's business:

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11 JUNE 1996

A POSSIBLE APPROACH TO RESOLVING PROCEDURAL DIFFICULTIES

1. While a number of parties indicated at the 10 June session that they were content with the proposals for the management of business set out in the 6 June papers "Scenario for the opening plenary session", "Procedural Guidelines" and "Draft Agenda", others expressed reservations. These concerns focussed (in particular) on the "Guidelines" paper setting out the procedures which would be operated by the chair during the negotiations, but also covered the appointment of chairmen and the agenda for the opening plenary session.

2. It is believed that, for the orderly transaction of business, it would be beneficial to appoint Independent Chairmen as soon as possible. These appointments having been made, points of concern about the procedural guidelines would then be fully explored in an appropriate forum, and the agenda for the opening plenary session would also be fully considered, and pending resolution of these issues the opening plenary would not move beyond item 6 on the proposed agenda tabled on 6 June (Opening Statements).

3. This proposal is put forward in order to underline that the procedural and other arrangements for the opening plenary must be to the satisfaction of the participants. The proposed Independent Chairmen have also authorised the Governments to make clear that they recognise that ultimately agreement in these and all other matters in these negotiations is a matter for the participants.

4. It is therefore proposed that the 11 June meeting should consider the following proposal for the day's business: agenda for the opening plenary session, and any other outstanding points.

5. Following the outcome of the work of the committee of the plenary, the procedural rules circulated on 6 June would operate.

1. Appointment to chairmanships of Senator Mitchell (Plenary), General de Chastelain (Strand 2 and Business Committee) and Mr Holkeri (Alternate Chairman).

2. Introductory remarks by Chairman.

3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.

4. Public statement on behalf of all participants recording total and absolute commitment to principles.

5. Appointment of committee of plenary.

At this point the proposed Procedural Guidelines would be remitted for consideration in the committee of plenary formed for the purpose and chaired by the group of independent chairmen, which may also address aspects of the agenda for the opening plenary set out in the "Scenario" paper. (That agenda in any case envisaged items on the agenda and procedural rules.) While the "Scenario" paper itself sets out the approach the two Governments propose, it is acknowledged that each of the participants will wish to argue their own point of view and that on this, as on other issues, the negotiations will need to proceed by agreement.

6. It is proposed that, while the committee of plenary is deliberating, the plenary itself would move on to the opening statements by participants (item 6 on the proposed agenda). When that is concluded, the next item of business would be a report from the committee of plenary (to be submitted by lunchtime on Wednesday 19 June), which the plenary would consider with a view to reaching agreement on the procedural guidelines, the rest of the agenda for the opening plenary session, and any other outstanding points.

7. Pending the outcome of the work of the committee of the plenary, the procedural rules circulated on 6 June would operate.

12 JUNE 1996

(00.01PM)

A POSSIBLE APPROACH TO RESOLVING PROCEDURAL DIFFICULTIES

1. While a number of parties indicated at the 10 June session that they were content with the proposals for the management of business set out in the 6 June papers "Scenario for the opening plenary session", "Procedural Guidelines" and "Draft Agenda", others expressed reservations. These concerns focussed (in particular) on the "Guidelines" paper setting out the procedures which would be operated by the chair during the negotiations, but also covered the appointment of chairmen and the agenda for the opening plenary session.
2. It is believed that, for the orderly transaction of business, it would be beneficial to appoint Independent Chairmen as soon as possible. These appointments having been made, points of concern about the procedural guidelines would then be fully explored, as set out in paragraph 5, and the agenda for the opening plenary session would also be fully considered, and pending resolution of these issues the opening plenary would not move beyond item 4 on the proposed agenda tabled on 6 June.
3. This proposal is put forward in order to underline that the procedural and other arrangements for the opening plenary must be to the satisfaction of the participants. The proposed Independent Chairmen have also authorised the Governments to make clear that they recognise that ultimately agreement in these and all other matters in these negotiations is a matter for the participants.
4. It is therefore proposed that the 12 June meeting should consider the following proposal for the day's business:

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1. Appointment to chairmanships of Senator Mitchell (Plenary), General de Chastelain (Strand 2 and Business Committee) and Mr Holkeri (Alternate Chairman) and the handover of the Plenary to the Chairman.
 2. Introductory remarks by Chairman.
 3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.
 4. Public statement on behalf of all participants recording total and absolute commitment to principles.

5. At this point the Chairmen, the two Governments and the parties will confer on the points of concern referred to in paragraph 2 on the proposed Procedural Guidelines and on the agenda for the opening plenary set out in the "Scenario" paper. (That agenda in any case envisaged items on the agenda and procedural rules.) It is acknowledged that each of the participants will wish to argue their own point of view and that on this, as on other issues, the negotiations will need to proceed by agreement.

6. The Chairmen will report back to the Plenary on the outcome of the consultations by lunchtime on Wednesday 19 June and the Plenary will then agree on the procedural guidelines, the rest of the agenda for the opening Plenary session, and any other outstanding points.

endored the Chairman's proposal that, to give effect to the 12 June "Possible Approach" paper which broke the deadlock in the early hours of Wednesday, parties should submit by 5.00 pm tomorrow (Friday) their proposals (if any) for procedural guidelines for the negotiations. A group involving the Chairmen and two representatives of each of the other participants (Governments and parties) will then meet at 10.00 am on Monday 17 June to begin "conferring" on the papers received. (Each participant will be represented at these meetings by two out of a panel of three nominated to the Chairman. UN's panel consists of Michael Stares, Mr Hill and myself.)

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