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Multi-Party Negotiations

Summary Report, 18 July 1996

Today's proceedings at the negotiations took place in the shadow of the meeting of the Intergovernmental Conference in London. The Chairman continued his efforts to broker a deal between the UUP and the SDLP on the rules of procedure, while the two Governments met with mixed results in their efforts to sell the proposed revised draft agenda for the Opening Plenary to the UUP and the SDLP. The British claimed some success with the unionists, but we received a very negative reaction from the SDLP.

By mid-afternoon, the Chairman decided that it would not be possible to reach agreement by Monday evening as had been hoped. As a result, and despite the coolness of the Governments towards the idea and attempts by the SDLP and the Women's Coalition to persuade him otherwise, the Chairman decided that he would accede to requests from the unionist parties for a general discussion in round-table format on Monday. The parties were informed that this was likely to take place after lunch, following further bilateral contacts.

The day ended on a somewhat pessimistic note, with the SDLP and the Women's Coalition expressing private criticism of the Chairman's apparent unwillingness to force the pace in the face of perceived unionist obstructionism.

In addition, as he was leaving the building, the Chairman privately expressed some degree of scepticism on the likelihood of the two Governments' realising their reported intention (understood to have been conveyed to him by the Tánaiste and Michael Ancram) of completing the entire agenda of the opening plenary before the summer break. "I wish them luck", he commented somewhat dryly.

The day started with a joint meeting between ourselves, the British Government and the Joint Chairmen at which we reviewed the state of play. The British reported some progress in their efforts to sell the agenda to the UUP, which they hoped to take further during the course of the day. We said that, while we had received no reaction as of yet, the difficulties which promoting decommissioning up the agenda would pose for the SDLP in the light of recent events could not be underestimated.

The Chairmen gave the Governments the text of a draft declaration (already circulated) which they hoped would take care of McCartney's point that any final agreement in the negotiations would have to receive the support of enough parties to ensure its "political efficacy". While neither Government expressed any difficulty with the basic intention of the Chairmen, the British queried the need for a reference to the outcome of the 30 May elections, while we wondered how nationalists might interpret the reference to "political efficacy" in light of the recent influence of mob violence on political developments. At the invitation of the Chairmen, the two Governments agreed to devise a text which they would seek to sell to the main parties. We privately suggested to Senator Mitchell that he might take the initiative of informing the SDLP of the Chairmen's desire to see the adoption of a resolution before we sought to broker any text with them. The British subsequently handed us a revised text for our consideration (already circulated).

Following our meeting with the Chairmen, we had a brief discussion with Seamus Mallon during which he set out his objections to the draft agenda. He demanded that the Governments stick to the order set out in the 6 June text, with consideration of the comprehensive agenda coming before discussion on decommissioning, and that the provision in the 6 June text, whereby it was specified in advance that decommissioning would be substantively dealt with in a sub-committee of the plenary, be retained. He argued that it was not viable for the SDLP, particularly in present circumstances, to accept an agenda which would have the negotiations resuming after the summer with an open-ended discussion on decommissioning.

These views were conveyed to the British, who about to enter a meeting with the DUP. The SDLP's position was subsequently confirmed by Mallon when he met the Attorney General to brief him on the outcome of his meeting with the Chairman. Mallon also handed over a copy of a revised version of the "without prejudice" sentence in paragraph 15 of the Rules of Procedure which they had just submitted to the Chairmen (already circulated).

The Attorney General sought a meeting with Ancram to brief him on the latest developments, but following his extended meeting with the DUP, Ancram had been obliged to depart for Stormont Castle to keep a tele-conference link up with the UUP leadership (who were in London) scheduled for noon. The British subsequently informed us that the discussions with both the UUP and the DUP had gone well, with both sides seeming to indicate grudging acceptance of the revised agenda. However, later in the afternoon, under questioning from the Attorney General, British officials admitted that they had not informed the unionists of the fact that the SDLP had expressed serious difficulties with this agenda.

The British also professed to be cheered by what they felt were indications of the DUP's willingness to engage on the rules of procedure, even though a paper passed to them by the DUP lists a substantial number of points which the DUP wish to see further addressed. The DUP subsequently met Senator Mitchell who appeared to have come away similarly impressed by a more flexible DUP approach.

Ancram contacted the Attorney-General by phone before his departure for London. In response to the Attorney's account of SDLP difficulties with the agenda, Ancram raised the possibility of pushing through the entire agenda of the opening plenary before the summer break, thereby avoiding the need to leave the decommissioning debate hanging over the summer.

When the Attorney put this idea to Senator Mitchell later in the afternoon, it was deemed by the Senator to be unrealistic. Furthermore, the Chairman indicated that following his latest meeting with the UUP (Weir) he had concluded that it would not now be possible to move to the adoption of the rules of procedure until the week after next. The UUP had told him that they wanted more time to see if the other unionist parties could be brought on board.

Senator Mitchell, expressed his disappointment at the unwillingness of both the SDLP and the UUP to compromise on the rules. He appeared to feel that there was a particular onus on the SDLP to be flexible, since they are the party which is most anxious to see progress. He also expressed concern that the SDLP could be blamed for the collapse of the talks, despite having played a constructive role up until now. He posed, for the first time, the possibility that the negotiations might fail, suggesting that if the rules of procedure and the agenda for

the opening plenary were not adopted by the end of the month, the Chairmen were of the mind, following consultation with the two Governments, to formally convey to the Governments their view that the negotiations were going nowhere.

The rest of the day was dominated by news of developments coming from London. We met the SDLP again and Mallon sought firm commitments from us on our position on what we identified were the four outstanding points between the SDLP and the UUP in relation to the Rules of Procedure. Subject to confirmation at Government level, we indicated our support for the reference to the Command Paper 3232 in paragraph 1, to the SDLP's position on paragraph 15, and to the provision that any complaint about the dishonouring of the Mitchell principles had to be referred to both Governments. We also expressed our support for the SDLP's preference for "procedures" or "conduct" over "procedures" in paragraphs 1A and 17A, although we pointed to the difficulties of sustaining a public argument in favour of breaking on the distinction between "procedures" and "proceedings" if, at the end of the day, this proved to be the only obstacle to agreement.

Mallon also made clear that, as part of any agreement on the rules of procedure and the agenda for the opening plenary, he also wants a reaffirmation of the continuing status of the Ground Rules.

Later in the evening, the undersigned spoke to Senator Mitchell as he was preparing to leave the building. Judging from what was said, it appears that, with a view to splitting the difference between the SDLP and the UUP on the four outstanding points on the rules, the Senator had invited the UUP to identify which two points were of greatest importance to them. It seems that, in response, the UUP had indicated that they would drop their other demands in return for satisfaction on paragraph 15 and the on references to the two Governments. The Senator wondered would the SDLP not be prepared to deal on this basis. I suggested that this was unlikely, and indicated that the Irish Government was as firm as the SDLP on the points in question. I could have added that, given that the SDLP had agreed to give way on many of the points raised by the UUP, it seemed a somewhat unfair suggestion that they should now be asked to split the difference on the four which they could not accept.

In relation to paragraph 15, the Senator pointed out that paragraph 17A would give all parties the right to raise any issue. I accepted that this was so, but pointed out that what was of importance to both the SDLP and ourselves was that such issues, once raised, should be seriously addressed. I also pointed to the protection offered to unionists in the latest SDLP proposal, whereby agreement to address all issues would be without prejudice to the position of any party on the issue in question or, other than by agreement, to the outcome of the negotiations.



David Cooney
19 July 1996