Confidential

Summary Report (25 July)

1. The main achievement of the day was to agree the arrangements for the Plenary next Monday, where the rules of procedure are now very likely to be adopted.

2. On the debit side, there was a disturbing development which threatens to reopen the two Governments' painstakingly achieved consensus on how the decommissioning issue is to be handled at these talks. A discussion of the proposed agenda for the remainder of the opening Plenary was used by the UUP to demand the establishment of the envisaged sub-committee on decommissioning prior to the summer recess. The serious implications of any move in this direction in terms of achieving an inclusive process have had to be emphasized in various private contacts today with the British Government.

3. At this morning's round-table session, the Chairman secured agreement that the first item of business at next Monday's Plenary would be approval of the decision-making process in the draft rules (rules 30-36). A total of eleven Unionist amendments to the rules will then be considered (nine from the DUP and two from the UKUP). Specific time limitations have been agreed in respect of each. Following voting on these amendments, the Chairman will invite delegations to indicate support (probably by a show of hands, as suggested privately by the Attorney General) for the rules as they stand at that point. On this basis, they would be adopted either by consensus or, more likely, by sufficient consensus.

4. Early this morning, the two Governments tabled the joint paper proposing an agenda and sequence of work for the opening Plenary. We introduced it to delegations at the round-table meeting, underlining the need to register a decisive move forward in the limited time remaining before the recess and commending our proposal as a practical means of achieving this.

5. In two subsequent round-table sessions, delegations offered views on the paper. Written amendments were received in the early afternoon from several parties (the three Unionist parties and the UDP) and were incorporated by the Chairman into a document which presented in parallel the two Governments' proposals for the Plenary agenda and the various suggested alternatives.

6. It was clear from the outset that the main objective of the Unionist parties was to achieve agreement that the "mechanism" envisaged under Art. 4(c) of the two Governments' agenda would be brought into being in advance of the launch of the three-stranded negotiations. The amendment tabled by the UUP envisaged that a working group would be established by the Plenary next week to consider mechanisms during August and to report back to the Plenary in September.

7. The declared position of the two Governments, on the other hand, is that, while agreement on the nature of the mechanism should be aimed at in next week's Plenary discussion, its actual establishment would only take place in parallel with the launch of the three-stranded negotiations (as provided for in the Mitchell Report).

8. British susceptibility to the UUP pressure, however, was much in evidence in our bilateral contacts later in the day. There were initial suggestions that the views being expressed today by UUP representatives were at variance with a more constructive

approach on this matter by David Trimble at a meeting with Sir Patrick last weekend. Sir Patrick arranged to see Trimble in London tomorrow morning for clarification. Later on, however, Sir Patrick accepted as authoritative the presentation made by Empey and Taylor today and suggested that there must have been a misunderstanding. The British proceeded to look for ways of satisfying the UUP.

9. In the course of bilateral contact which the UUP had with both the British Government and ourselves, it gradually emerged that their interpretation of "mechanism" was sharply divergent from that of the two Governments and most other delegations. They complained that our "skeletal" concept of a sub-committee which would not meet until after the launch of the three strands would leave the UUP seriously exposed if there were to be an IRA ceasefire during August and Sinn Féin were suddenly admitted to the talks. They sought, accordingly, what the Secretary of State described as "some flesh for the skeleton".

10. At a meeting with the Government delegation this evening, the UUP suggested that a more substantial agenda for the envisaged sub-committee would be of assistance to them. The British Government saw some potential in developing a very brief agenda already proposed by the Governments some time ago. While indicating a willingness to look at suggestions in this regard, we cautioned strongly against doing anything which might imply that decommissioning had been given primacy over the three strands. We observed that the UUP move seemed designed to restore decommissioning as a precondition for political negotiations and to visit on a non-inclusive process a requirement which was deliverable only in an inclusive process. We situated these concerns against the background of the increasingly unreal nature of the decommissioning debate and the conclusions which paramilitaries in both communities would draw from the apparent resurrection in this form of the Secretary of State's Washington precondition.

11. It was noticeable that the DUP were distinctly more constructive than the UUP in their approach to the mechanism question and the handling of decommissioning in the opening Plenary generally.

12. It had originally been hoped that, pending agreement on substance, a drafting solution on this point could be found to enable the draft agenda for the opening Plenary to be agreed today for adoption next Monday. This did not finally prove possible. The Chairman proposed that, following the items indicated in para 3 above, there would be a two-hour adjournment around noon on Monday for bilateral contacts to facilitate agreement on this aspect and finalisation of the draft agenda. This was agreed.

13. The British suggested that, if it did not prove possible to reach agreement with the Unionists on how decommissioning would be handled, it might be necessary to revert to the less ambitious objective of concluding for the summer before reaching this agenda item (however unattractive this prospect in terms of the concerns voiced by Seamus Mallon last week).

David Donoghue

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25 July 1996