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Date: 5 September, 1996

#### Current outlook of Alliance

5. See Mr Maccabe's note of his meeting with Mr Alderdice (as he then was) of 26 August. He was then in a pessimistic mood, but progress before a general election; the Alliance was seen as a likely; foresaw the SDLP losing out to a government to seize the initiative in an unspecified way. He hoped to have meeting before talks resumed.

#### Objectives

6. On the conduct of the talks, the Alliance must be as much as for the DUP (my earlier brief). In particular:

a) listen;

b) make clear our determination to continue the talks over the next three months or so;

PS/MICHAEL ANCRAM (B&L)

cc PS/Secretary of State (B&L)  
PS/Sir John Wheeler (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 Perry  
Mr Hill (B&L)  
Mr Lavery  
Mr Maccabe  
Mr Stephens  
Mrs McNally  
Mr Clarke, Dublin  
Mr Lamont RID, FCO

#### TALKS: MEETINGS WITH THE DUP AND ALLIANCE

1. The Minister is to meet a delegations/ from
  - a) the DUP (Dr Paisley, Mr Robinson, Mr Dodds and Mr Paisley Jnr) today, at the end of a meeting on educational administration itself to begin at 5.30;
  - b) Alliance (Lord Alderdice, Mr Neeson, Mr McBride, Mr Close and Mrs Bell) at 8.30 tomorrow morning.
2. Mr Maccabe and I will attend both; Mr Lavery will also be at the DUP meeting (though unable to make the pre-brief); Mr Watkins at the Alliance meeting.

#### Current outlook of the DUP

3. See in particular Mr Maccabe's note of Mr Thomas's and his lunch with Mr Robinson. Mr Robinson came across in constructive mode. Dr Paisley was little heard of for most of the summer.

4. The DUP seem determined to make great play of the Loyalist issue (recent productions attached): presumably the reasons are a combination of ancient enmities and the realisation that the exclusion of the loyalists will give them a veto (there would

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indeed, for so long as the DUP and UKUP go on voting together, be very little point to the sufficient consensus rules in that context: decisions would all need the support of the three Unionist parties, as well as the SDLP; unless Alliance reclassified itself). Whether Mr McCrea's support for Mr Wright last night had party backing is not yet clear. [Later: I see that on the radio this morning he said it had].

#### Current outlook of Alliance

5. See Mr Maccabe's note of his meeting with Dr Alderdice (as he then was) of 20 August. He was then pessimistic of significant progress before a general election; thought a further IRA ceasefire likely; foresaw the SDLP losing out to Sinn Féin; wished the governments to seize the initiative in the talks, in some unspecified way. He hoped to have meetings with the UUP and SDLP before talks resumed.

#### Objectives

6. On the conduct of the talks, the objectives are much as for the UUP (my earlier brief). In particular to:

a) listen;

b) make clear our determination to make progress on the talks over the next three months or so;

c) so far as possible to co-opt the parties to this, in particular to seek agreement to:

i) the talks resuming with opening statements, the remainder of the agenda for the opening plenary being discussed in parallel in the Business Committee, preferably on the basis of the draft circulated on 30 July;

ii) the comprehensive agenda being settled quickly (Mr Hill's separate submission);

d) on decommissioning, to discourage the suggestion of debate under the guise of a discussion on the opening plenary, but move to the substantive address; and lower DUP expectations of what is possible.

7. On these points, and subject to any developments in thinking in the course of the day, the speaking notes attached to my brief for the UUP meeting are still generally appropriate. It will, clearly, be in our interest to keep the meeting so far as we can on these questions, sounding out the DUP on their attitude and on ways of making progress. But there may be limits to what can be achieved in this format: a meeting with Mr Robinson alone at an early opportunity may be more yielding.

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8. On the loyalists and their place in talks we are aware of the DUP's general attitude, and that some theatre is in prospect for Monday it is not clear exactly what. They will no doubt press the Minister hard on the Government's attitude to the loyalists, their response to any representations and the nature of the action that may be taken (raising again the old controversy, fudged in the rules of procedure, about responsibilities of different Governments). I attach an enhanced version of the earlier speaking note. (I understand the Secretary of State wrote yesterday to Mr Robinson in response to his letter on this).

(Signed)

A J Whysall

We should be aware that we are setting precedents in the way early representations are handled; precedents that might apply later were Sinn Féin in the talks; equally precedents for handling representations against other participants. A number of such representations are currently outstanding; we shall have to return to those when talks resume too.

We (HMG) have to discharge our role with absolute fairness, and be seen to do so. It is quite possible that if we do not, we shall be challenged in the courts. Wrong, therefore, for me to express any views on the loyalists' conduct before seeing any representations, hearing what the parties concerned may say in their defence, and hearing other participants' views. I made clear when we were discussing rule 29 that it would in no sense be a 'kangaroo court' procedure.

Representations are to be formal ones. That may mean, though it is for the Chairman, that they must be substantiated in writing. Clearly, if they are to carry conviction they must be accompanied by evidence; it has to be shown that commitment to the Mitchell principles are demonstrably dishonoured. An opportunity must be allowed for a response.

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Loyalists

We made clear that all such threats are unacceptable in a democratic society - Sir John Wheeler reiterated it after the threats last week. The only proper way of dealing with alleged wrongdoing is within the rule of law (as Mr McCrea was saying last night, indeed...).

It is not in the first instance for HMG to consider representations that a participant has demonstrably dishonoured his commitment to the Mitchell principles. They are to be made, under rule 29, to the Independent Chairmen. They will circulate them. Government action will, if appropriate, follow in the light of the participants' views.

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[What action will follow? We shall need, obviously, to reflect carefully on what is said by the participants. Wrong to speculate at all at present. We have here something approaching a quasi-judicial role.]

[Which Government will be involved? The roles of the two governments will depend to some degree what action is in contemplation. Wrong of me to speculate about those in the particular case, given our responsibilities to be, and be seen to be, fair).

Mr Boston - B  
Mr Stephens - B  
Mr Whysall - B

Mr Hill - B

#### NICHOLAS ANCREAN'S MEETING WITH THE ALLIANCE PARTY

This is to confirm that the following Alliance Party delegates will come to Stormont Castle on the morning of Friday 6 September to meet the Minister:-

Lord Alderdice  
Seamus Closs  
Sean Keenan  
Stephen McBride  
Wileen Bell.

I should be grateful if officials could arrive at 0815 for a short pre-brief before this meeting.

(SIGNED)

ANNE DILLAGHAN  
Private Secretary

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