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FROM: JOHN MCKERVILL
20 June 1996

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

File Note

TALKS: DISCUSSION WITH UUP ON 20 JUNE AT 10.45 AM

Summary

UUP agree to consider an approach in which they were not required to accept the Ground Rules, and the rules of procedure were developed into a comprehensive neutral basis for the negotiations. (HMG offered to produce an illustrative draft.) Ken Maginnis sought a complementary statement that the negotiations would not be constrained, by Ground Rules or the Frameworks or anything else. Muddled discussion on agenda.

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2. Michael Ancram held bi-lateral consultations with the UUP, represented by Ken Maginnis MP, Reg Empey and Jack Allen, on 20 June at 10.45 am.

3. The UUP reported on their meeting the previous evening with the Irish delegation. They said the Irish were standing full square behind the SDLP in not wishing to adjust from the Ground Rules which were sacrosanct. It was a big misunderstanding to suggest there was a legal rather than a political problem. Empey continued that the UUP, since 10 June, had done their level best to resolve problems. At this point in time, he did not see a way around impasse. It was clear that his party could not accept nor endorse all the language of the Ground Rules paper which had not been of the UUP's own making.

4. In response Michael Ancram reminded him that paragraph 7 of the Ground Rules allowed for the participants to decide the conduct of the negotiations. And the way the talks would operate was on the basis of consensus, again recognised within the Ground Rules. One possibility was to try to insert into the procedures those procedural elements of the Ground Rules but not in identical language. The UUP confirmed that the SDLP had been anxious that any "transfer" of the procedural aspects of Ground Rules into the rules of procedure should not be in identical language, because that would undermine the status of the rest of the Ground Rules. That was why the UUP had withdrawn their proposal of 1.10pm on 19 June.

5. Maginnis then turned to specific unacceptable aspects of the Ground Rules. He claimed para 1 pre-determined the establishment of institutions. The last sentence of para 4 would contain the negotiations within the parameter of the Framework Documents (HMG argued strongly that this was not the case). Empey then took up the argument, saying that the SDLP and Irish interpreted Ground Rules as the basis for everyone's presence at the negotiations. They were of course free to think what they liked, but why should the UUP have to accept someone else's thoughts and wording. There was no such

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necessity countered the Minister, returning to the terms of para 7 of the Ground Rules. The Minister then asked whether it would help if the Government team drew up a single self-standing document consistent with the Ground Rules but deploying different language. The UUP expressed worry at the linkage between that document and the Ground Rules. In reply the Minister said it would be up to each individual party to make their own interpretation. The UUP encouraged the Government team to pursue its suggestion of producing a document.

6. In an attempt to tackle directly what he saw as the key political problem posed by the existence of Ground Rules, Ken Maginnis asked if HMG could accept the following formulation of words or something similar:

"Notwithstanding any opinion or statement deriving from the Ground Rules paper (Cmnd 3232), or any other document or agreement, all matters agreed within this negotiation process will have precedence and will formulate the basis for a referendum in Northern Ireland".

7. The Minister suggested that technically it would be the 'outcome' of the negotiations which would form the basis of a referendum rather than 'all matters' agreed. He would however take the idea away and consider, as Maginnis also requested, where such a statement might be 'planted' - ie could it be included in the Rules of Procedure or elsewhere. The Government team suggested however that it would not exclude the possibility of an agreement by the participants to issue a statement along the lines Maginnis had suggested.

8. The Minister then turned discussion to the agenda with the UUP confirming they had a fundamental objection to allow the determination of clear intent with regard to decommissioning to reside in the subjective judgement of one individual. In response the Minister suggested a concept in which all parties, having signed

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up to the six Mitchell principles, now committed themselves to the implementation of the principles in a public and on the record statement. Any subsequent breach would be objective rather than subjective. In this way the matter would be taken out the hands of the Chairman and instead would reside in the judgement of others in the negotiations. Accepting that this would be a better approach, Empey nonetheless put down a marker that when it came to the bit, the Government should be clear that the UUP would not be entering negotiations on a Strand by Strand basis if there had been no movement on decommissioning from Sinn Fein, assuming in the future they enter the process. Personally speaking, Maginnis said that there would have to be a benchmark process in place and a pause time-tabled, beyond which the UUP could not negotiate if decommissioning had not started. In reply the Minister said that parallelism was important but, without the presence of Sinn Fein in the negotiations, parties were working in an unreal vacuum with regard to decommissioning. In practical terms were Sinn Fein to enter the process they would have to sign up to the six Mitchell principles and agree to make the compromise work. But even with Sinn Fein present there would have to be a process of negotiations going alongside decommissioning. That was the compromise.

9. Maginnis then gave a security assessment saying that he believed Sinn Fein would seek to explode a bomb in London or Northern Ireland or both. That would prepare the ground for a 'ceasefire' as Sinn Fein were anxious not to be left too far behind in the negotiations process. Last week he had told the Secretary of State that there was not going to be a split in the Republican movement. Now, he suggested, it looked as if there would be a split though not an acrimonious one - rather Sinn Fein would say that it was a political party in its own right with nothing to do with IRA and would seek to enter the negotiations in that way.

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10. In reply Michael Ancram said that the Secretary of State had repeated the previous evening in the House of Commons the Prime Minister's assertion that Sinn Fein and IRA were two sides of the same coin and, moreover, the 28 February communique was clear in demanding that the IRA, not Sinn Fein, call a ceasefire. Maginnis however suggested that the Irish and others would not stick to Sinn Fein and IRA being two sides of the same coin if it suited them to believe otherwise. Michael Ancram reasserted HMG's position.

11. Moving to the issue of opening statements Maginnis argued that in order to pre-empt complaints from other quarters (ie the DUP) of a requirement to be entering a process with nothing so far determined on decommissioning, the Government might consider the idea of all the parties making a short statement on decommissioning to be followed later by formal statements and then the practicalities and verification of disarmament. In reply the Minister suggested that opening statements should be designed to show the overall balance. If we were to have one item taken before the other then there would be no balance. In any event he envisaged that rows would emerge throughout the whole process on a regular basis but the process was strong enough to withstand these.

12. The meeting ended with the Minister confirming that the remuneration of delegates issue which Maginnis had earlier raised was in hand.

13. The meeting ended at 11.50 am.

signed.

J MCKERVILL

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