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FROM: D J R HILL
CPL DIVISION
10 OCTOBER 1996

cc: PS/Secretary of State (L&B) - B
PS/Michael Ancram (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Steele - B
Mr Bell - B
Mr Watkins - B
Mr Wood (L&B) - B
Mr Stephens - B
Mr Maccabe - B
Mr Perry - B
Mr Lavery - B
Mr Priestly - B
Mr Whyall - B
Ms Mapstone - B
Ms Bharucha - B
Mr Lamont, RID - B
HMA Dublin - B
Mr Clarke (Dublin) - B
Ms Collins (Cabinet Office) - B

Ms MN

FILE NOTE

TALKS: MEETING WITH REG EMPEY, 9 OCTOBER

Reg Empey came to see me around lunchtime to report on the UUP/SDLP discussions (at that point inconclusive) on the agenda for the remainder of the opening plenary.

2. He took the opportunity to explore some of the suggestions which the Secretary of State had thrown out at the previous evening's bilateral with the UUP and the idea of excluding Sinn Fein from the talks process, at least on a time limited basis, thus making it possible to proceed without having to resolve the decommissioning issue at this stage.

3. He began by reiterating the point that the Lisburn bomb had changed the whole context and perhaps made it possible to introduce a degree of "flexibility" into the situation. He went on to develop his familiar theme that the Government needed to spell out the

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criteria by which they would judge whether any ceasefire declaration was truly "unequivocal" and drew out the point that the higher the barrier to Sinn Fein entry the easier it would be to handle the decommissioning issue. In that context, he said, he had been very interested in some of the ideas floated by the Secretary of State the night before.

4. I reminded him that the Secretary of State had made clear he was speaking "off the cuff" but noted that Peter Robinson in his intervention during the previous day's plenary had also clearly signalled a readiness to make rapid progress on the substantive issues in the context of an exclusive process.

5. Mr Empey, showing he had thought the issues through, said that Mr Robinson was looking for "a return to 1992" - a talks process from which Sinn Fein was completely excluded. He said he had made the point to Mr Robinson that this was likely to be unsaleable to the SDLP and Irish Government, given the political baggage accumulated over the past three years. For his part he accepted that the door needed to be left open for Sinn Fein to rejoin the process at some stage; but he wondered (without any prompting from me) whether it would be possible to create a "Sinn Fein free zone" for at least a few months ahead, during which the remaining parties could reasonably expect to make significant progress on the substantive issues.

6. I took note and restricted myself to saying that we were exploring a number of possible options for getting round the impasse we were otherwise likely to run into on decommissioning. I also sought to manage his expectations a little by suggesting that any exit strategy would probably take a week or two to put together which suggested that the "address" to decommissioning, likely to begin next week, would have to kick off with restatements of each participant's position. He acknowledged this, agreeing that such an exchange ought sensibly to be followed by a pause for reflection.

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7. We went on to have a brief discussion of the positions already tabled by, respectively, the two Governments and the UUP. I stressed that we believed it would be possible for the Committee we proposed and any expert/technical support available to it to make considerable progress before the decommissioning legislation was enacted, and that the interval before it was practicable to commence decommissioning was therefore not necessarily so long as the UUP appeared to believe. Mr Thomas (who had by then joined the discussion) also made quite clear that we regarded the UUP paper's call for prior agreement to a schedule of decommissioning, including at least one instalment before Sinn Fein could join substantive negotiations, as undeliverable.

Comment

8. A typical encounter with Reg Empey. He is, as usual, thinking ahead constructively and perceptively. It is reassuring that he would apparently be ready to accept something on the lines we have in mind. But he is probably, again as usual, well ahead of the Unionist pack which will probably be aiming for Sinn Fein's permanent exclusion from the talks process as the price for relaxing their position on decommissioning.

(signed)

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