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cc *Delaney**Dude*

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Date: 5 September, 1996

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

NOTE FOR THE RECORD

TALKS: MICHAEL ANCRAM'S MEETING WITH THE UUP, 4 SEPTEMBER

Summary

1. A fairly constructive, even-tempered meeting. The UUP spoke of a wish to see early progress. On handling of decommissioning in talks, a reluctance to see the address preceded by opening statements, though they would be happy with a short debate, followed by reference to a sub-group. On further decommissioning arrangements, much mistrust, especially of the Irish, and warnings that talks will not progress unless arrangements are 'cut and dried'. Concerns about the loyalist parties, especially the way the DUP are likely to exploit their position: a suggestion of postponing recommencement in plenary till Tuesday, to deny them a platform. Differences in approach between Mr Taylor and his leader.

Detail

2. Michael Ancram met ~~at~~ Mr Trimble, Mr Taylor, Mr Empey and Mr Donaldson yesterday to discuss resumption of the talks (they were accompanied by David Kerr and Stephen King). On our side were Mr Hill, Mr Maccabe, Mr Lavery, Mr Lemon and me.

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3. The Minister opened with a statement of Government determination to seek progress in the talks. We must address them positively, as the only process available. He invited Mr Trimble's views on the situation and way ahead.

4. Mr Trimble rationalised at some length Drumcree and his involvement. The original decision had been disastrous, as he had in advance warned the Government - including the Prime Minister - that it would be. Northern Ireland had been close to a very serious situation. Much ill-feeling remained, especially in country areas. He did not believe the 'fancy stories' that the Chief Constable alone had made the decision: others with 'an agenda' - the Irish, and the NIO - had influenced it. Michael Ancram, without seeking to prolong the discussion, set out once again that both the key decisions had been the Chief Constable's.

5. Apart from that Mr Trimble said the 'petulant' attitude of the SDLP, and their boycott of the forum, made matters difficult. A meeting is planned for today, in search of a more cooperative approach. Mr Taylor spoke dismissively of the party, questioning their seriousness about the talks, predicting their eclipse by Sinn Féin. Mr Empey more thoughtfully acknowledged there were similar doubts the other way, which needed to be addressed. Cooperation was hindered by the two parties' different styles, the SDLP being interested in atmospherics, the UUP in more concrete matters, like texts. But it was important they understood one another: the two parties, with the Governments, would be the critical players in obtaining an agreement. Michael Ancram emphasised the SDLP's need to be seen to be making progress in the talks, which had been undermined in July. Mr Taylor raised SDLP resignations from the forum. Michael Ancram explained that they were not being treated as withdrawal from the negotiations; on being told the nominating representative had not withdrawn anyone from a list, Mr Trimble concluded it was a 'con-job'.

6. On the loyalist parties, the UUP were clearly worried both about their expulsion (Mr Taylor excepted); but even more (paragraph 15) about what the DUP would make of the issue on 9 September. Michael Ancram emphasised that the due process laid down in rule 29 would have to be followed in respect of any representations made. Mr Trimble said the UUP public position would be the same; they had no desire to see the parties excluded, but it was difficult to see how that could be avoided. It might be that 'they would kiss and make up' [factions in the UVF, presumably]; otherwise 'bodies would start to appear'. Mr Taylor made clear the parties' exclusion would cause him no grief; the threats were as bad as bodies; if the parties were allowed to stay, the door was open to Sinn Féin. Mr Empey also had forebodings of sinister developments, from recent contacts; the divide ran deep and bitter, and mediation had been rejected; 'dirty linen' would come out about the organisations. He had no wish to see the parties out, but agreed about the danger of the precedent that might be set. Michael Ancram acknowledged that the precedent would

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be important; he stressed the need for assertions to be backed up, and those accused given the opportunity to defend themselves. The rule spoke of demonstrably dishonouring commitments, and the procedure must be seen to be fair. Mr Taylor raised the outstanding complaints of violations: we made clear they had not been forgotten.

7. Discussion moved to the order of the opening plenary, and Michael Ancram floated the suggestion of opening statements first. Mr Trimble was reassured that our statement would not 'wreck' matters by any reference to the Frameworks. In brief discussion on the comprehensive agenda, there seemed substantial agreement. Mr Empey was content with the agenda of broad headings proposed by Michael Ancram that would ensure everyone could be accommodated; and for the agenda to be considered in ~~the~~ a working group.

8. But the chief UUP worry was when decommissioning was to be considered. Mr Empey was unhappy at our reordering of the draft agenda that put the statements ahead of the address; that was inconsistent with the undertaking of 28 February that decommissioning would be addressed at the start of business. Mr Trimble took up this argument: if opening statements were taken first, that would be portrayed (he did not say by whom) as substantive negotiation beginning without decommissioning being addressed. The question was of symbolic importance. They were happy to be 'flexible' - for example for details to be remitted to a working group, opening statements being read while it deliberated; but there would need first to be a debate in plenary, perhaps time-limited (Mr Empey suggested four hours).

9. Michael Ancram suggested that opening statements should not be seen as the substantive start of business; they were likely to be general statements of aspiration; the object in having them first was to get the session off constructively, on a high note. Mr Trimble said he had never heard the suggestion that opening statements might be of that nature; Mr Empey recalled that in 1991 that had contained 'meat' and been followed by questions. Mr Trimble did not see why a short consideration of decommissioning should get the session off to a negative start, if the Irish and SDLP were committed to Mitchell; he made clear his suspicions of Irish and SDLP sincerity about decommissioning. No conclusion was reached about when decommissioning should be addressed.

10. Discussion moved to legal arrangements for decommissioning. The UUP have a paper in preparation on mechanics. Much mistrust was again expressed: Mr Empey said that they were constantly told legislation was in preparation; it never appeared. The issue was constantly pushed away. Mr Trimble said a clear sign was needed that the Government took it seriously. Matters must be seen to be 'cut and dried'; until there was good faith, shown through the two Parliaments, the talks would not proceed. (Challenged whether they were saying the talks must stop until legislation was passed, Mr Taylor said that would be his position; the others refrained from agreeing). Mr Trimble and Mr Empey pointed out completely false position that would arise if the paramilitaries attended the talks:

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they could negotiate; but even if they were willing and able to do so could not decommission, in the absence of a mechanism. Mr Empey floated as a first step a 'Michael Howard style' amnesty, without legislation: he acknowledged it might achieve little, but it would be a sign.

11. There were particular doubts about Irish good faith: Mr Trimble several times mentioned assurances apparently given him by the Taoiseach on 11 March of Irish legislation before the 30 May election; Mr Empey referred to the comments of Mrs Owen on the subject; Mr Taylor doubted the Irish parliament would ever agree such legislation. Michael Ancram explained that much work had been done by the Irish; they needed, however, to incorporate much more detail in their Bill than we did.

12. There was some discussion of the measures on decommissioning the UUP would wish to see implemented in advance. Mr Trimble laid emphasis on 'nuts and bolts' being in place. They would welcome early sight of the legislation. He responded to Michael Ancram's point that a decommissioning scheme would need to cater for the wishes of those who were to decommission, which could not be done until they were represented, by suggesting that the Bill could set out alternative approaches. But there seemed general agreement when it was suggested that they did not need to have enacted in advance the secondary legislation embodying detailed arrangements. Mr Trimble agreed with Michael Ancram that the Commission would not need to be set up; but it would need to be clear who would head it. [We did not hand over the draft workplan].

13. Mr Trimble raised briefly the forum rules. Was it true that flying the Union Flag was to be banned? Michael Ancram said that the Secretary of State had concluded the rule concerned was not a rule of procedure. Mr Trimble thought this a most foolish position, which would cause a serious row. Mr Taylor looked forward, with apparent glee, to the headlines.

14. On the handling of the reopening of the talks, Mr Trimble issued a general warning against what he foresaw to be the Irish line, that the Governments must 'take a lead': this was the mistake made in June; progress depended on discussion and consent. The UUP wanted a positive restart, with rapid progress. If on the other hand others did not wish to move rapidly, it might be preferable to manage the process, so as to avoid giving the impression of the talks floundering.

15. Mr Trimble thought the issue of the loyalists likely to be raised early on Monday by the DUP and UKUP, who might walk out or refuse to attend with those parties present. Mr Taylor, and then Mr Trimble, said this needed to be taken account of in planning the first day, if the talks were to get off to a positive start. To avoid a 'crash', it might be preferable to agree with the Chairman and parties that there would be no plenary on Monday; rather

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bilaterals. Mr Taylor developed this thought with Michael Ancram afterwards: the bilaterals might agree an agenda (and perhaps timetable) for the rest of the opening plenary. If there were a plenary, Dr Paisley and then Mr McCartney would probably deliver a quarter of an hour's diatribe each, then walk out; if there were bilaterals, their protest would be defused.

Date: 4 September, 1994

(Signed)

A J Whysall

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Mr Lavery
Mr Maccabe
Mr Stephen
Mrs McNally
Mr Clarke, Dublin
Mr Lamont AID, PCO

NOTE FOR THE RECORD

TALKS: MEETING WITH THE SDLP, 4 SEPTEMBER

SUMMARY

1. A constructive, unfocused, meeting. SDLP less pessimistic than before the summer, anxious to press on with talks, but anxious they should deliver quickly, for fear of the drift of nationalist opinion to Sinn Féin.

Detail

2. Michael Ancram met Mr Hume and Mr Mallon yesterday evening to discuss resumption of the talks. On our side were Mr Watkins, Mr Hill, Mr Maccabe and me. Mr Mallon looked better, and took a more positive approach, than in July; Mr Hume positive too, but seemed at times spaced slightly distracted.

3. Michael Ancram began with a reaffirmation of our commitment to the talks process; its collapse would leave a dangerous void. Mr Hume and Mr Mallon said they had made the same point strongly to the Irish: the alternative was street politics. But, Mr Hume said, it was important to move to the real issues quickly (those he characterized as 'agreeing institutions for Northern Ireland', and 'relationships with the South: CONFIDENTIAL al references that struck us as a rather more sinister-friendly formulations than usual).

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