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FROM: PETER SMYTH
Talks Secretariat
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ASSISTANT SECRETARY
SECURITY POLICY & OPERATIONS 1

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NORTHERN IRELAND OFFICE (B)

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

circ (A)

File Note

TALKS: THURSDAY 18 JULY 1996: MORNING

Summary

Two constructive meetings with the DUP and UUP which showed a reasonable degree of acceptance of the revised agenda. The DUP in particular apparently wished to demonstrate a positive attitude, and brought forward a paper setting out the detail of their position on agreeing the Rules of Procedure, to which HMG is to respond. (This, plus a de facto recognition of Mitchell as Chairman, and a tacit acceptance that the IGC might play a positive role in current circumstances!). The UUP also in positive mode, agreeing the revised

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agenda (ad referendum Trimble) and outlining a possible approach to the mechanics of decommissioning not incompatible with the agenda philosophy. Some discussion between British and Irish officials of the Chairman's proposed revision of Rule 27 on sufficient consensus.

Detail

2. At the morning Ministerial meeting, Michael Ancram provided a readout of the previous day's meeting between the Prime Minister and the SDLP. Given the rhetoric of recent days, this had been surprisingly positive; although there were signs subsequently of Hume and his colleagues wishing to appease their more extreme supporters by taking a harder line.

3. At 10.00 am the Independent Chairmen and Irish officials joined the meeting. Senator Mitchell explained his objective of reaching agreement on the Rules of Procedure and on the agenda in time for a Plenary session on Monday, and requested the two Governments to lend assistance in brokering a package with all the parties to enable this to take place.

4. Senator Mitchell then produced the text of a revision of Rule 27. In this amendment the participating parties resolved that any comprehensive agreement that was reached should be approved by parties which, taken together, had obtained the majority of the valid poll in the 30 May elections, which majority was also to be "sufficiently substantial" as to give political efficacy to the agreement. Discussion took place as to whether the participating parties should "resolve" or merely "envisage" such an outcome. It was also suggested that the results of the 30 May election were unique and were unlikely to be replicated in future polls, and their reliability as a long-term indicator of political opinion had to be questioned.

5. British officials suggested it might be preferable to come up with wording which put responsibility on the parties themselves to exercise judgement about the nature of the final package - ie to be satisfied that it was such as to be capable of meeting the test of

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political efficacy. The value of such wording was its vagueness, and the fact that it took the acceptability test away from the simplistic mathematics of 50% + 1. Irish officials said that, subject to the views of Ministers, some such wording as had been indicated would be acceptable to their side. The Chairman suggested that if the two Governments could reach agreement as to the wording, he was content for them to broker it with the parties.

6. Discussion then turned to the difficulties in having a Plenary session the following Monday to reach agreement on the Rules and agenda. Until the views of the UUP and SDLP were known, it was unclear whether the timetable was possible. At the same time, the Chairman had no wish for the DUP and the smaller parties to be bounced on Monday morning with a fait accompli. It was agreed that, at the forthcoming meeting with the DUP, the British Government side should give a flavour of the revised agenda only, but not the text.

7. The meeting with the DUP at 11.00 am began with a very constructive discussion on the need for some compromise to be reached in the forthcoming Apprentice Boys' parades in Londonderry. Both Paisley and Oliver Gibson thought a compromise was possible. Apart from a consistent undertow of comments about the necessity of Dublin Ministers refraining from commenting on marches in Londonderry, the mood was restrained and constructive.

8. This mood continued into the political discussion. Paisley brought forward a paper which listed Rules of Procedure which had yet to be agreed. These were further categorised into: (i) six where resolution was essential if the DUP were to be persuaded to adopt the Rules as a whole; (ii) four where blockages could be removed subject to the difficulties in category (i) being resolved; (iii) again subject to resolution in category (i) four Rules where the DUP would accept the outcome of a vote in Plenary; also subject to category (i), a further three which could be resolved by means of a resolution in Plenary rather than as Rules of Procedure; and finally two which could be resolved by minor textual amendment. The UK Unionists were still considering their position on the paper. The Independent Chairman would be given a copy at the meeting later that morning.

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9. Paisley emphasised that resolution of the six Rules identified in category (i) was crucial. When the Government side had analysed the paper, they would find evidence of considerable movement by the DUP. In return for this, it was essential that some movement was made on the part of the Government to help the DUP. Paisley tacitly admitted that he accepted Mitchell's position. Although if it came to a vote, the DUP would vote against Mitchell as Chairman, he recognised they would lose the vote, but would accept the decision. Dodds reinforced this. If agreement could be reached on those areas the DUP had identified as crucial, then agreement on the rest would follow relatively easily.

10. Quentin Thomas noted that the DUP analysis was based on the 3 July version of the Rules of Procedure, and did not take account of subsequent amendments which had been put forward by HMG. He thought, for example, that Government amendments UK 1 and UK1A might go some way towards meeting the DUP's difficulties in the area of clarifying the status of the Rules. Oliver Gibson was happy to accept that amendments UK1 and UK1A did represent movement on the part of the Government, and that while the language might still require tweaking, some basis for agreement probably existed. Paisley requested HMG to look closely at the paper and come back later with comments.

11. Michael Ancram then introduced the subject of the revised agenda. The Government's thinking was to avoid giving the impression that the important issues had been pre-cooked, and to promote instead a more open agenda, taking account of the views which had already been put forward by the various parties. Without discussing matters of textual detail, the aim would be to restructure the items for debate more into line with that shown in the Joint Communique; and to remove some of the more important decisions from the subjective judgement of the Chairman. It was extremely important to agree the agenda so that momentum in the peace process could be maintained.

12. All of this seemed quite acceptable to the DUP. Paisley reiterated that the party would need help from the Government - he himself had come under pressure to pull out of the talks, but had

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resisted so far. But the SDLP and Dublin must be told quite clearly that haste was not always helpful. Today's Inter-Governmental Conference was an insult. It would make the political process unworkable if Conferences were to be called on every occasion when the talks encountered a crisis. The real agenda, of course, was that Hume wanted control of the political process to revert to the two Governments. To general nods of agreement, Michael Ancram pointed out that the IGC was extremely helpful in current circumstances for discussing issues of cross-border security which could not be raised in any other forum. HMG (and the Chief Constable) would certainly use the opportunity to put the record straight with regard to some of the wilder allegations which had been levelled in the course of preceding days. With the DUP logging a request that they would be seeking another meeting with the Prime Minister as soon as possible, the meeting ended at 11.30 am.

13. At 12 noon it had been hoped to set up a video conference with David Trimble in London. In the event, Trimble proved unavailable, and the meeting took place in Stormont Castle with Ken Maginnis, Geoffrey Donaldson, Peter King, and Peter Weir.

14. Passing across a copy of the revised agenda, Michael Ancram explained, in terms similar to those used with the DUP, the thinking behind the changes. Essentially, it would allow the securing of the clear and unequivocal commitment of all the participants to the Mitchell principles (and would remove the assessment of whether that had been achieved from the subjective judgement of the Chairman); and would facilitate the establishment of a mechanism for carrying through the delivery of that commitment. Although the detail remained to be filled in, HMG was clear that mechanisms had to be devised which proved capable of taking forward decommissioning; and where progress could be regularly reported back and factored into the political negotiations.

15. To the occasional irritation of his colleagues, Maginnis then went into a protracted narrative of how he saw decommissioning being delivered. He foresaw a team of technical officers (4-6) being established under the chairmanship of General de Chastelain to

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determine the parameters of the exercise. To do this successfully, it would be necessary for the intelligence services of both Governments to provide the team with the most precise information possible about the sources, type and quantity of armaments held by the terrorist organisations. The intelligence services would also have a role to play in identifying the key players - as opposed to the public figureheads - that the technical team would need to talk to. In the light of this expert knowledge, the technical team might be given a role in the formulation of the legislation which would be necessary to make decommissioning possible. Participants in the negotiations might then establish a sub-committee (possibly chaired by de Chastelain) to liaise with the technical team. It would be the function of this sub-committee to ensure that progress in regard to decommissioning was synchronised with progress in the political dimension.

16. Michael Ancram intervened to say that the Government could not condone the creation of a situation whereby illegally held arms were traded off against specified political gains. He felt it would be more useful if participants in the negotiations could be broadly satisfied that progress was being made on decommissioning, and he envisaged that the sub-committee would report to the talks participants on a regular basis.

17. Maginnis then raised the issue of when Sinn Fein would be allowed to join the negotiations and the freedom they would have to revisit everything which had been agreed by the other participants. Quentin Thomas speculated that after Sinn Fein had fulfilled the various tests necessary to get to the table, no-one would be willing to allow them to begin unpacking everything which had been negotiated to that point. But on decommissioning, it had to be recognised that the co-operation of Sinn Fein might well be needed in regard to securing the acceptability of the practical details. Michael Ancram pointed out that, while the precise mechanisms remained to be identified and agreed, some allowance would have to be made for practicality - there was nothing to be gained from making recommendations which were simply undeliverable.

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18. Agreeing that there was nothing in the proposed agenda which precluded the UUP approach, Maginnis then reverted to the idea of benchmarking, and repeated that, however it was disguised by the language, there must be provision for trade-offs between progress on decommissioning and what was taking place in the negotiations. He implied, however, that this could be in fairly broad terms - discussion of cross-border bodies for instance, might depend on the response of the Dublin Government to the practicalities of decommissioning. Michael Ancram pointed out that the provisions of the proposed agenda allowed for such comparisons to be made.

19. In a brief aside, Maginnis speculated that the Loyalist politicians would have to accept the recommendations of the technical body on decommissioning. He accepted, however, the principle of mutuality - provided the Loyalist politicians signed up in principle to the various steps being proposed, he did not envisage the Loyalist terrorists being required to hand over any arms until the IRA had done so.

20. Concluding the meeting, Michael Ancram emphasised that if the delegation could talk to David Trimble as soon as possible and come back with a definitive statement of agreement to the proposed agenda it would be extremely helpful in enabling HMG to put pressure on the SDLP. He felt there would be considerable presentational benefits for Trimble in signing up to an agenda which removed the crucial obstacles identified on 10 June. The delegation agreed to brief Trimble as fully as possible and to come back with a definitive response. The meeting ended at 1.10 pm.

(pp Signed John McKervill)

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