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From: John McKervill
Political Affairs Division
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cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Malcolm Moss (DHSS,DOE&L) - B
PS/Baroness Denton (DED,DANI&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Bell - B
Mr Legge - B
Mr Leach (B&L) - B
Mr Steele - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Priestly - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Maccabe /ACE - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, TAU - B
Mr Lamont, RID, FCO - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B

NOTE FOR THE RECORD

TALKS: 8 OCTOBER 1996

Summary

1. A plenary session which allowed all delegations to make statements on the implications of the bomb attack at HQNI. Encouraging that all parties, with the exception of the UKUP, considered it worthwhile for the talks to continue and to be seen to be making progress. Plenary adjourned to allow for further bilaterals in order to resolve outstanding difficulties over the agenda for the remainder of the opening plenary. A useful exploratory meeting between British and Irish officials. An

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encouraging meeting with the UUP who reported a further planned meeting with the SDLP. UUP urged Secretary of State to consider carefully the criteria to be applied when assessing Sinn Fein's eligibility to enter the talks. UUP undertook to consider the ideas of 'parking' decommissioning and setting deadlines for Sinn Fein's entry into the negotiations.

Detail

2. Following the customary morning briefing meeting and contact with the Independent Chairmen, the plenary session began at 1207 under the chairmanship of Prime Minister Holkeri. The first item of business - approval of the records of the previous week's plenary meetings - was disposed of rapidly, following which the Chairman said he wished to have a report on the bilaterals which had taken place on the subject of the agenda for the remainder of the opening plenary. First, however, he invited statements on the previous day's terrorist bomb attacks at HQNI.

3. In a tour de table all the delegations registered their condemnation of the attacks and offered sympathy to the victims and their families. Opening, the Secretary of State said that rather predictably he had that morning read reports that the previous day's events had destroyed the process all were engaged in at Castle Buildings. It was the British Government's view that the bombs had underlined the importance of the process. It represented the only way of making progress in accommodating community differences in Northern Ireland. There was no justification for violence - the attack on Thiepval did not dilute the purpose in which all were engaged.

4. Speaking for the Irish Government, Mr O'hUiginn concurred with the Secretary of State's remarks, following which he read into the record the statement issued by the Irish Government the previous evening. He said the attack emphasised the importance of asserting the primacy of politics. The most stinging rebuke to the perpetrators would be to show that the talks process represented the

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best way forward. On behalf of the Independent Chairmen, Mr Holkeri read into the record the statement issued in Pittsburgh by Senator Mitchell and said that he and General de Chastelain fully supported it.

5. Mr Empey, for the UUP, registered that on the original purpose of the meeting, the parties were not in a position to agree the agenda for the remainder of the opening plenary without further bilaterals. Turning to the bomb attacks, he claimed that they only brought into sharper focus the need to resolve outstanding issues, namely decommissioning. Moreover he noted that it was in the Secretary of State's gift to invite "others" to the talks. He encouraged the Government to review the circumstances in which an invitation would be issued, in the light of the HQNI bombing.

6. There then followed a characteristically destructive intervention from Mr McCartney for the UKUP, in which he said he was happy to play the role of the small boy in the story of "The Emperor's New Clothes"! He claimed the picture outlined by the two Governments was an unreal one, calculated to deceive. The truth was that the peace process had long been dead. It remained however a figment of the imagination of cynical Government minds. It was the agenda of the two Governments to seek a deal with Sinn Fein. There was no way however that Sinn Fein could ever be allowed into these talks: it was time to face up to reality. The negotiations were an entire fraud.

7. It was the fundamental issue of the primacy of politics for Governments to protect their citizens, he continued. Both Governments had failed to carry out that responsibility, either because they were incapable or unwilling. The peace process had offered nothing except set the two communities at each other's throats. He called on both Governments to declare that Sinn Fein could only enter the talks after they had declared a permanent ceasefire; a credible portion of weapons had been handed over; and legislation had been put in place to deal with the practical elements of decommissioning. Otherwise, those who would sit down

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with Sinn Fein betrayed the people of Northern Ireland. The issue of decommissioning had to be dealt with now by everyone.

8. Mr Robinson for the DUP referred to the inexplicable lapse in security at the base and asked the Government to take away the desire of the people of Northern Ireland that it and the security forces should not relax in the fight against terrorism. On the peace process, he hoped that, if it referred to the process of bringing Sinn Fein into the talks, then it was at an end: PIRA was beyond the pale. There should no longer be any sense of treading water waiting for Sinn Fein. Rather, he believed the negotiations should continue based on a proper agenda and firmly recognised principles. Referring to Mr O'hUiginn's words, he said the most stinging rebuke to the terrorist would be a clear message from the Irish Government that PIRA was beyond the pale.

9. For Alliance, Seamus Close (a Lisburn Councillor) said there was a feeling of fear, despair and despondency in his constituency. He personally had some sympathy with the view that the time had passed for pandering to those who supported violence for political ends. He believed that attempting to encourage them into the talks had been a worthwhile goal. But if that had proven to be a failure, it was now time to redirect our focus to meaningful dialogue. Everyone should redouble their efforts to ensure a political vacuum was filled. On the issue of decommissioning, he questioned whether delegates should continue to go through hoops if they all resolve that "others" should remain outside. There was no point in tying ourselves in knots on an issue that could be irrelevant.

10. Seamus Mallon ventured to suggest that the most overriding point of the attack was the damage to the psychology of the minds of the people in Northern Ireland. The bombs were designed to increase tension. The real question however, was whether or not the political process could solve the problem. The thesis of those who supported violence, was that it could not. He rejected that thesis. He feared that the underlying implication of what Unionist delegates had said was that if the IRA did not exist, then there

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would be no problem in making progress. The negotiations had five months to show progress. Unfortunately the obsession with Sinn Fein on the part of Unionist delegates had eaten at the heart of political progress. There had been no sign to the people outside Castle Buildings of a readiness to deal with the problems. He hoped the thesis that politicians could solve this problem would be put to the test.

11. At this stage Cedric Wilson intervened, to the despair of the other delegations, to say that the responsibility for the HQNI bombing lay squarely at the feet of the two Governments. The British Government had encouraged the IRA by making concession after concession while the Irish Government had aided and abetted the IRA through the illegal claim to Northern Ireland in the Republic's Constitution. Decommissioning was the lock that would keep the door closed to Sinn Fein.

12. This intervention prompted Malachi Curran of Labour to say how he admired the patience of the two Government delegations in having to listen to such "tripe" as had just been spoken. He announced that he was fed up with what was going on in this conference room and encouraged other delegations to get down to debating decommissioning so that it could be got out of the way and the talks could then move on to dealing with substantive issues. And in an appeal to the loyalist parties, he asked that they do everything in their power to prevent a loyalist paramilitary retaliation to the previous day's attack. Otherwise Northern Ireland would go over the abyss.

13. Following a failed attempt by Mr Wilson to have the Chairman rule the use of the word "tripe" as unacceptable, and objecting to an aside from the Secretary of State that he "can't take it", the Secretary of State suggested that he personally would rather be accused of talking "tripe" than be accused of following a policy "calculated to deceive". Accusations of being cynical were equally objectionable. Lest silence implied acceptance of such allegations,

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he said he felt obligated to refute them. The Secretary of State's intervention received audible support from the delegations as did comments from Mr O'hUiginn when he suggested that silence was a form of charity and that there were deserving charity cases present!

14. Hugh Smyth, for the PUP agreed with Mr Empey that further bilaterals were needed to crack the nut of the agenda for the remainder of the opening plenary. On the HQNI bombing, he believed it should make the delegations more determined to reach a settlement. He shared Mr Mallon's view that little progress had been achieved in the last five months. Why could they not all find a political way forward? On the possible loyalist reaction to the bombing, he undertook to do all in his power to ensure the CLMC ceasefire held.

15. Ms McWilliams agreed too with Mr Empey that further bilaterals were necessary to resolve outstanding difficulties over the opening agenda. She also agreed with Mr Robinson that PIRA were beyond the pale, although she would like to see them brought back from the pale. There was much healing to be done. She hoped that the negotiations could continue in good faith. John White for the UDP ventured that it was clear that Sinn Fein/IRA had no intention of joining the talks process. But he believed progress in the talks was possible and encouraged delegations to bring that progress about.

16. There then followed an attempt by Mr McCartney to justify the slow progress of the talks over the last five months by the need to seize back ownership of the talks from the two Governments and put it in the hands of all the participants. This earned the well deserved response from Seamus Mallon that McCartney was "playing games". Mallon noted that the UKUP leader had described the talks as a fraud and suggested that he was an even bigger fraud for staying in the negotiations.

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17. The meeting ended at 1350 with the Chairman adjourning plenary until "not later than noon on Monday" in order to allow for further bilaterals to resolve difficulties over the agenda for the remainder of the opening plenary.

18. Later in the afternoon British officials, led by Mr Thomas, held a constructive meeting lasting a couple of hours with Irish officials from the Department of Foreign Affairs, Department of Justice and the Taoiseach's Department to explore matters in the light of the HQNI bomb attacks and, in particular, how the talks might best get over the hurdle of decommissioning. They concluded jointly that everyone's best efforts should be directed towards continuing the current process. They considered, although reached no conclusion, ideas such as parking decommissioning if that could be made acceptable to the other delegations.

19. At 1745, at their request, the UUP, led by Reg Empey, had a meeting with the Secretary of State. Mr Empey reported that they had had a long meeting with the SDLP lasting 2 hours that afternoon. It had been a relatively good humoured exchange of views. While difficulty still remained on the wording of Item 2 (Decommissioning) in the agenda for the remainder of the opening plenary, both parties had agreed to meet again the following morning. Mr Thomas said that if the UUP were able to reach a conclusion with the SDLP on the opening agenda, the British Government would support it. If, however, those discussions with the SDLP ran into the sand, it might be possible to deploy the British Government's revised text of the agenda, particularly if it proved acceptable to the UUP. In response, Mr Weir said that the British Government's text needed a little "tweaking" but that it was not a million miles away from what the UUP could accept. The UUP undertook to make contact with the British Government at lunchtime the next day to report on progress.

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20. Turning to the two Governments' paper on dealing with decommissioning, the UUP had encountered fundamental difficulties with the SDLP. Each party was coming at the issue from a different stand-point. With the HQNI bombing, the pressure on the UUP was very much greater: obviously he said, much mental agility and lateral thinking was required in order to resolve the issue. Mr Empey suggested, however, that the ultimate question was whether subjective judgement would be applied in determining what "an unequivocal restoration of the ceasefire" under the law meant. This issue was important. For example, if an IRA Army Convention declared that "the war was over", then the UUP would look for evidence to back it up. If, however, there was simply a restoration of the ceasefire, then the UUP could not say it was a credible ceasefire. Loyalists, over a two year period, had built up credibility: that was missing on the Republican side. He encouraged the Secretary of State to give some thought to what criteria would apply in any assessment of a claimed ceasefire. He believed the parties needed a steer as to what could be expected if Sinn Fein did try to pull a stroke. He believed also that a point must come, when, pursuit of the objective of getting Sinn Fein involved in the talks risked a danger of throwing the baby out with the bathwater.

21. The Secretary of State surmised that, if Sinn Fein were at some point in the future to be included in the talks and then walked away, Republicans would be deprived of every grievance. He was, however, 'bearish' about Sinn Fein coming to accept compromise, but he did want to get them into the talks to test their democratic bona fides. He conceded however that it may be impossible to reach a state of affairs or agreement from others to let them in. If that was the case, however, he assured the UUP that Sinn Fein's absence would not stop the talks process.

22. Mr Empey then registered a concern that once in, it would be difficult to throw Sinn Fein out, even after the resumption of PIRA attacks. Any ousting of Sinn Fein from the Talks could be challengable in the Courts. The Secretary of State was less

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concerned about the prospect of judicial proceedings. Rules were in place to throw people out of the talks and, de facto, the legislation had accepted the principle that Sinn Fein and PIRA were one and the same in stating Sinn Fein's entry into the talks required a ceasefire from the IRA.

23. Turning back to the decommissioning stumbling block, the Secretary of State invited the UUP to mull over the possibility of "parking" decommissioning until/if Sinn Fein were invited into the talks, when the issue would have to be revisited. An alternative might be to make it clear to Sinn Fein that they faced a deadline (eg one month) to come forward with words and actions which persuaded all that their democratic intentions were for real. If they did not provide the necessary words and assurances by that timetable, then all the other participants would move into the three stranded process, it having been made clear that Sinn Fein could not join the process for a further period (eg 6 months). This would make it clear that Sinn Fein could come into the process but, if they did not, then they would know that the process would go on without them. The UUP agreed to consider.

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(Signed)

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