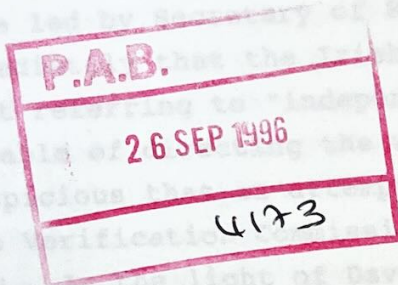


CONFIDENTIAL

INT 33

B/S

FROM: J MAPSTONE
IPL
25 SEPTEMBER 1996



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 - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - 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: TUESDAY 24 SEPTEMBER 1996

Summary

One dominating issue - the text of the joint paper forming the exit strategy on decommissioning, which resulted in three bilaterals during the course of the day with the Irish side. Irish irritation concerned the reference to experts put in by the two Governments to the committee who would then have a directing role in the Commission. This was aimed at satisfying the UUP demand for continuity between the Committee and the Commission.

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JC/HK/TALKS/2477

A plenary session considered a paper from the Chairmen's Office on confidentiality

Details

At 10.40 there was a meeting with the Irish led by Mr Coveney, our side led by Secretary of State and Michael Ancram. It was evident immediately that the Irish were exercised about one sentence in the text referring to "independent experts of international standing capable of directing the work of the Commission". They were clearly suspicious that an attempt was being made to 'fix' the membership of the Verification Commission in advance to the satisfaction of the UUP. In the light of David Trimble's comments in the Newsletter that morning Mr Coveney wondered whether too much effort was not being made to satisfy the UUP, an objective anyway he felt unlikely to be achieved. Sean O'hUiginn then launched into a lengthy and meandering attack on the Government's motives, implying a private understanding with the UUP about the make-up of the Commission.

The Secretary of State gave a categorical assurance that there was no such understanding and repeated that the Government, as was usually the case, knew no more about what the UUP wanted than did the Irish. Showing signs of wishing to backtrack somewhat, Sean O'hUiginn focussed instead on what he said was a lack of clarity in that sentence, in particular in what lay behind it in terms of what, or rather who, the UUP wanted to provide continuity between Committee and Commission. His view was there was no need to go so far in setting up these mechanisms when decommissioning was patently still so far away.

The Secretary of State agreed that if the UUP were not genuine in wanting to find a way out of the decommissioning impasse then the talks process will fall apart. But he believed that they were. The present process was designed to assist them, and should represent our best and last shot. The Government understood their need for continuity and the experts on the Committee might include a person

who could end up becoming Chairman of the Commission, but no one was designated as such. The character or people providing continuity was identified in the text, not who they would be.

Mr O'hUiginn referred to Mr Maginnis's championing of General de Chastelain. If this was what was envisaged, he wished to be able to alert his Ministers to the fact. They were not against General de Chastelain, but wanted to know what was intended. Mr O'hUiginn preferred the offending phrase removed but it was to remain, asked for a more specific reference to the role of the experts. Michael Ancram pointed out that, at the request of the Irish in Friday, a reference to a Chairmen designate had been removed, rendering the text less specific. The text now dealt with positions not individuals, and it would be up to the two Governments to determine who would be appointed to them.

At 11/35 the Chairmen joined the meeting. Senator Mitchell wanted to know how the two Governments wished to proceed during the next two days. The main activity would clearly be taking place in bilaterals and trilaterals and this had implications for the plenary, which tended to become dominated by Messrs McCartney and Robinson when there was no specific point to debate. He suggested that the Chairmen should meet with each party over the next two days to assess their concerns, and assure them that the time was being used productively by the two Governments, a particularly important assurance for the smaller parties not involved in bilaterals. This was welcomed by both Governments.

The Chairman proposed that the day's plenary should begin by seeking parties' views on whether the conclusions of the two Governments in the case of the Alliance allegations should be published, as the documents in the previous case had been. The plenary could then discuss the Chairman's paper on confidentiality which would issue shortly. The Secretary of State suggested that an opportunity might be offered for discussion of the determination, and the rest of the agenda for the opening plenary might also be a suitable subject for

debate. Michael Ancram said it would be useful to know how many parties thought opening statements were still necessary, as it would save time to be able to dispense with them.

At 2.00pm the plenary commenced. The Chairmen began by asking about making public the governments' conclusions on the Alliance party allegations. Dr Paisley said they had already been made public by Dr Alderdice (absent at the Liberal Democratic party conference) who had attacked them in that day's press. He had sought guidance on whether these were confidential documents and had not been given an answer by the office of the Chairman. Mr McCartney argued that confidentiality only applied to discussions about a settlement and the Mitchell allegations were not directed at securing a settlement. This brought the discussion into the confidentiality issue and the Chairman, concluding that the documents related to the Alliance allegation could be published, opened the discussion of the paper on confidentiality. He reminded participants that the second sentence of Rule 16 of the Rules of Procedure was the only one which touched on confidentiality. If the office of the Chairmen was to give guidance on such questions as that raised by Dr Paisley, it would be necessary for the participants to determine a standard against which a ruling could be made.

Part 4 of the paper on the confidentiality of documents caused some discussion. Mr Trimble said that some documents for example statements of parties' positions, would need to be made public. This was endorsed by Michael Ancram who said it was in the public interest for participants to be able to declare their public policy position, and confidentiality regulations should recognise this point.

Mr McCartney returned to a previous theme not strictly related to the issue under discussion. He again asked for a verbatim transcript of the plenary debate of 10 September, in particular of the Secretary of State's questions to the Loyalist parties following the DUP allegation of a breach of the Mitchell principles. He

referred again to the possibility that he may seek to have the exact text brought into the public domain, and criticised the official transcripts available from the Chairmen's note-takers for their narrative style, which did not provide sufficient detail. Dr Paisley commented that the transcripts are censored documents, and a full record should be available of the allegation debates. The Chairman repeated that the model followed by the official note-takers was that from the 91/92 talks. If a different style was required, the participants must decide what they wanted. It was too late to request a verbatim record after the event.

In discussing how to provide information on the talks to the press a number of suggestions were made. Mr Empey suggested that in order to assist informed debate, a system of unattributable briefings on lobby terms for selected journalists. These could be conducted by representatives of each party. A number of parties - NIWC, SDLP, Alliance - favoured the Chairmen's office giving briefings, but others - UKUP, DUP - thought it could damage their impartiality. Peter Robinson suggested it should be a responsibility of the Business Committee to prepare reports for the press, and Michael Ancram supported this suggestion. Views were expressed however that there should not be too many rules, or there would be problems of dealing with allegations of breaches of confidentiality; the system had to be based on trust.

At 3.30pm the session was adjourned at the call of the chair.

At 4.25 the second bilateral of the day was held with the Irish, again led by Mr Coveney. Michael Ancram led the Government side. This time the focus of Irish discontent was clearly their assumption that General de Chastlain was intended for the Chair of the Verification Commission. That he should also chair Strand 2 was unacceptable, and they requested an undertaking written in to the paper that whatever scenario was agreed to would not result in the same person chairing Strand 2 and the Commission. It may mean someone else being found to chair Strand 2.

Michael Ancram again stressed that the structure was the key to winning round the UUP, not the personalities which in any case would be decided by the two governments. It was not possible to unpick General de Chastelain for Strand 2 because the distribution of Chairmen's roles was decided by the two Prime Ministers.

Mr Coveney stated that they had no difficulties with the principle but wanted to see the proposal through to its conclusions. Michael Ancram asked how they would ensure continuity in that case. He stressed the need for speed in utilising the brief window of opportunity. Mr O'hUiginn stressed their respect for General de Chastelain personally but they refused to see him chairing both the Commission and Strand 2.

A suggested rewording of the text to avoid the reference to the experts on the Committee being in a position subsequently to "direct" the Commission was suggested, and officials agreed to try a different version.

After a number of textual changes, and telephone consultations with the Irish side, a final brief bilateral succeeded in the Irish agreeing to put the paper to their Ministers overnight. The change now referred to "independent experts of international standing whom they would envisage playing an appropriate part in the work of the Commission when it is established".

The meeting closed at 7pm.

(SIGNED)

J MAPSTONE