

Confidential

PST; PSS; Ministers Owen,
de Rossa & Taylor; Attorney
General; Minister of State
Coveney; Messrs Teahon,
Donlon & Dalton; Ambs.
London and Washington; Joint
Secretary; Counsellors A-I.

Multi-Party Talks**Daily Report - 23 September 1996**1. **In summary:**

- a Plenary session this afternoon considered the question of confidentiality, on which the Chairman is to prepare a set of guidelines for approval by participants at a resumed Plenary tomorrow;
 - the two Governments' decision on the Alliance complaint against the UUP and the DUP was circulated and is likely to be the subject of comment at tomorrow's Plenary;
 - the two Governments met bilaterally this afternoon and subsequently in trilateral format with the UUP, a meeting which did not dispel doubts about the UUP's commitment to the political side of the equation;
 - a paper summarising the two Governments' view of the position is being finalised for presentation to the UUP.
2. The Government were represented today by the Minister for Justice and the Attorney General.
3. The afternoon began with a Plenary session, convened by Senator Mitchell for the purpose of reconfirming the confidentiality rule and its application to the agreed Talks minutes. The latter aspect arose from Robert McCartney's recent indication that he intended to use these minutes in judicial proceedings which he might institute arising from the two Governments' decision on the complaint against the Loyalist parties.
4. This debate was delayed for an hour or so as the three Unionist parties, with varying degrees of vehemence, declined to engage in it until the two Governments' judgment on the Alliance complaint had been issued. Much unseemly wrangling took place, with the UKUP and the SDLP trading accusations of time-wasting and general complaints being fired across the floor about breaches of confidentiality.
5. Matters moved on after a brief recess, during which the two Governments' judgment was finalised. The Chairman circulated the document to all delegations (attached as Annex 1). While he did his best to discourage further debate on the matter, it is likely that some of the Unionist parties will seek an opportunity to comment on the judgment in Plenary tomorrow.
6. The debate on confidentiality, when it got underway, was a more amicable affair

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which reflected general agreement on the need to observe strict confidentiality in relation to the Talks minutes and to documents prepared by the Chairmen or delegations. However, the Chairman made a number of exceptions to this rule, including in respect of the use of such documents in judicial proceedings or if requested by the police. He is to prepare overnight, for discussion and endorsement tomorrow, a set of guidelines incorporating the various points agreed in this debate and some further points for consideration. The Plenary was adjourned subject to the Chairman's call tomorrow.

7. The two Governments had an hour-long bilateral this afternoon. The Minister for Justice underlined our need for a very clear signal of readiness on the UUP's part to engage with the two Governments and to fulfil its side of the bargain. Having shown them our legislation as requested, we were now being faced with a spiralling list of demands, with no indication that there was any reciprocal commitment to an "exit strategy" into the three-stranded negotiations. The British response was generally to agree with our concerns but to suggest (with no cogent evidence) that the gap between the two Governments and the UUP was narrowing.
8. An hour-long trilateral with the UUP followed. A detailed note on this meeting is in preparation. While the atmosphere was more relaxed than at the previous trilateral, the UUP's presentation inspired no greater confidence and reflected a very limited appreciation of the context in which decommissioning will realistically be achieved. Despite repeated efforts by both Governments to elicit a firm commitment to an early transition into three-stranded talks, Trimble offered only the vaguest acknowledgment that "the way forward would be clear" if he were to obtain a satisfactory outcome on four points which he highlighted. First, the methodology or modalities of decommissioning (though the UUP's main concern was that "it should happen"). Second, the structure and operation of the International Commission - in particular, continuity in its personnel (the Chairman should be designated now, along with some advisers, and added to the envisaged committee) and clear time-scales. Third, agreement on the procedures and sequence of events if and when Sinn Féin entered the talks. And fourth, agreement on the comprehensive agenda (which Trimble acknowledged to be close).
9. It was agreed that the two Governments would provide the UUP with a joint paper summarising our view of where matters stood and that this would be the basis for discussion at a further trilateral. Officials are working tonight to finalise a draft. The Minister for Justice told the British Government that, while she would be willing to highlight the availability of technical advice to the committee, she could not agree to a proposal to designate the Chairman of the Commission at this stage. It was also agreed that the joint paper, to be handed over in the next day or two, would not be open to re-negotiation with the Unionists.

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23 September 1996