

Confidential

Multi-Party Talks

Daily Report - 16 September 1996

1. In summary, there was a one-hour Plenary in which the Unionist parties criticised the two Governments' decision last week on the Loyalist parties. Responses from the UUP, DUP, UDP and PUP to the Alliance representations were circulated and a Plenary debate has been scheduled for Wednesday morning. Bilateral contact between both Governments and the UUP has been scheduled for tomorrow morning and a trilateral meeting is being arranged for Wednesday afternoon.
2. The Government delegation today consisted of the Attorney General and Minister Coveney. There was intensive bilateral contact with the British Government, with the Chairman (Harri Holkeri) and with the SDLP.
3. A Plenary session this morning gave participants an opportunity to comment on the two Governments' decision last week in relation to the DUP complaint against the Loyalist parties. In the event, this was a fairly desultory debate to which only the Unionist parties contributed and which petered out after only an hour (two hours had been provided for).
4. The UUP (Empey) pointed out that the CLMC threat had still not been withdrawn and urged those with influence in that direction to redouble their efforts to achieve this.
5. The DUP mounted a two-pronged attack. Claiming that there had been a clear breach of the Mitchell principles, Dodds described the decision as an act of political expediency which sought to separate the Loyalist parties from the paramilitary organisations to which they "supplied analysis" and to create, accordingly, a precedent which would permit Sinn Fein's admission to the talks. Robinson attacked the British Government for its failure to condemn the CLMC threat and alleged that a decision had been taken last week not to prosecute an individual who was arrested while en route to murder Alex Kerr at the CLMC's behest.
6. The UKUP (McCartney) contended that a breach of the Mitchell principles was tantamount to a breach of the ceasefire; that, on the strength of this precedent, Sinn Fein would be able to claim admission to the talks without a restoration of the IRA ceasefire; and that this had been the two Governments' intention all along.
7. Efforts to persuade Alliance to withdraw their separate complaint did not succeed. The four parties who were complained against (the UUP, DUP, PUP and UDP) supplied brief written responses in predictable terms and these were circulated.
8. The DUP response included a claim that representations against William McCrea were now sub judice (arising from the referral to his solicitor of remarks made by Billy Hutchinson on last week's Counterpoint). The two Governments, meeting to consider the responses, reacted with some scepticism to this claim but recognised that legal

advice would be needed to clarify it before the envisaged Plenary "trial" of the Alliance representations could take place. Privately, we also saw merit in a day's enforced delay which would ensure that the session in question would be chaired by Senator Mitchell (due back on Tuesday evening).

9. In the light of advice from the two Governments, the Chairman subsequently informed delegations of the sub judice problem and proposed that the Plenary session to debate the Alliance representations would be deferred until 10am on Wednesday. He also circulated a note from the two Governments conveying our view that, as the Alliance representation against the Loyalist parties did not differ in substance from one of the DUP representations which we had already considered and determined, it would be inappropriate for us to consider any further action in respect of it.
10. It was agreed with the British Government today that each Government would have a bilateral meeting with the UUP tomorrow morning and that there would be a trilateral meeting on Wednesday afternoon (timing is being finalised). At a meeting scheduled for 9.30am, the British Government will show its draft decommissioning legislation to the UUP on a confidential basis (copies will not be retained). Officials will be on hand to provide technical clarification. The UUP will be free to raise policy concerns at a subsequent session with Ministers. At 10.45am, they will be shown the draft Irish legislation on an identical basis. While they are studying it, Michael Ancram will brief the Tánaiste and the Minister for Justice on his meeting. There will then be a similar policy-oriented session with our Ministers (concluding around noon).
11. We emphasised the fundamental political need to establish in the forthcoming contacts whether the UUP's concerns on decommissioning are being used to block inclusive talks or whether they genuinely wish to achieve decommissioning. There was little so far to suggest that there was any recognition on the UUP's part that decommissioning could in practical terms happen only with the cooperation of the key protagonists.
12. Against this background, we discussed with the British the elements of an "exit strategy" from the opening Plenary which would involve (i) a joint statement on the handling of decommissioning, to be tabled in the Plenary debate on this subject; and (ii) a time-limited agenda for the remainder of the opening Plenary. Both would be discussed with the UUP in the trilateral format. Drafts provided by the British in both respects, and incorporating draft terms of reference and a draft work-plan for the envisaged sub-committee, are broadly acceptable but we are working to improve a number of formulations. We are also urging an acceleration of the rather leisurely pace which the British draft envisages between now and the beginning of three-stranded negotiations (we have suggested that the date of 21 October proposed for the latter could be advanced to the first week of October).
13. The SDLP briefed us on contact they had today with the UUP about the comprehensive agenda (where useful progress is being made).