

**Confidential**

**Multi-Party Talks**

**Daily Report - 10 September 1996**

1. In summary, a three-hour Plenary session today considered the allegations against the two Loyalist parties on the basis of yesterday's DUP document, a response from the two parties and oral presentations from all delegations. The two Governments are considering the terms of a written determination on the subject which will be presented in Plenary tomorrow morning. A further bilateral with the UUP this afternoon cast some doubt over the positive signals emitted at yesterday's meeting.
2. The day began with the circulation of a succinct PUP/UDP response to the DUP document which, in broad terms, reaffirmed the two parties' commitment to the Mitchell principles and sought to distance them somewhat from the CLMC. Having convened the Plenary at 10am, the Chairman allowed a brief adjournment to facilitate DUP study of this document. The Plenary met again at 11.15am for a three-hour debate, which took the form of statements from Peter Robinson (in Paisley's absence in Canada), Gary McMichael and David Ervine, followed by questions to the latter two and a general discussion.
3. Opening this fairly acrimonious session, Robinson made clear that the DUP were not seeking the exclusion of the two parties. Their objective was to secure a withdrawal of the CLMC threat (a position echoed later by the UKUP). Robinson questioned the detachment from the CLMC which the two parties professed. Contrasting this with British Government claims about the inseparability of Sinn Féin and the IRA, he suggested that the judgement reached by the two Governments on the DUP complaint would support the Loyalists' claim in order not to prejudice the future admission of Sinn Féin.
4. McMichael and Ervine defended themselves robustly. They suggested that their parties had effectively disowned the CLMC threat, that a failure to condemn was in any event not required by the Mitchell principles and that there was ample evidence of their opposition to the use or threat of violence (notably in their input to the Loyalist ceasefire). Ervine also revealed that the PUP was undertaking a mediation role in the dispute concerned and this had been accepted by both parties.
5. The general debate featured strident and sustained attacks by Robert McCartney on the two Loyalist parties. Part of his invective was reserved for the Secretary of State, whom he accused of asking leading questions as if he were serving the "defendants" in a defence counsel capacity. (Sir Patrick had made little effort to disguise his intention, when questioning Ervine and McMichael on their presentations, to elicit statements which would assist a positive judgement on their case).
6. This marathon session came to an end with the Plenary being adjourned subject to recall by the Chairman. The two Governments met on several occasions during the afternoon to prepare the terms of a written statement, for delivery at a resumed Plenary

tomorrow (likely in the late morning), which would set out their determination of this matter. Drafting of this statement, in which the Attorney General has been closely involved, is continuing this evening.

- 7. The Government delegation, which consisted of the Tánaiste (from lunch-time), Minister Coveney and the Attorney General, had bilateral meetings today with the SDLP, Alliance and the UUP as well as a series of contacts with the British Government and the Independent Chairmen.
- 8. The meeting with Alliance this morning focussed on John Alderdice's efforts to table counter-charges of non-compliance against the UUP and the DUP in the wake of Drumcree. Both Governments consider this initiative to be unhelpful at a time of possible progress in terms of the UUP's posture at the talks. It is also in conflict with Alliance's professed interest in encouraging a SDLP/UUP entente (as it will almost certainly prompt a retaliatory UUP move against the SDLP). However, despite our appeals to him not to proceed with this, Alderdice (who is under some internal party pressure in this regard) appears determined to lodge the representations in question with the Chairman, probably tomorrow. He has undertaken to reflect on a suggestion that he might ask the Chairman not to take any action on the paper for the time being.
- 9. A disappointing development was a bilateral with the UUP in the late afternoon which represented some disimprovement in terms of the positive signals received yesterday. The coherence of the UUP's message on this occasion was not aided by the failure of Trimble to attend (due to an unexplained delay in Glengall St) and the presence in his place of relatively junior representatives (John Hunter and Peter Weir). While matters improved slightly with the subsequent appearance of Reg Empey and Jeffrey Donaldson, a distinct impression was conveyed of higher expectations and requirements on the UUP's part in terms of the draft legislation (compared with yesterday). They also seem intent on having detailed substantive exchanges on decommissioning in advance of establishing the separate stream envisaged by the two Governments. Their commitment to a time-limited general debate on decommissioning seemed less firm today.
- 10. The Tánaiste emphasised to the UUP the privileged nature of the access to our draft legislation which, if the Government agreed, we would intend affording to them. We would expect this to be reciprocated by a very clear UUP commitment to move the talks rapidly into substantive three-stranded negotiations on a realistic basis.
- 11. The UUP also met the SDLP today on the comprehensive agenda and more work will be done tomorrow. Trimble and Hume are to have a meeting tomorrow afternoon which may help to clarify UUP intentions generally.

*David Donoghue*

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