

Confidential

Multi-Party Talks

Daily Report - 9 September 1996

1. The multi-party talks resumed at Castle Buildings today after the August recess. There were two Plenary sessions in the morning and the remainder of the day was devoted to bilaterals. The Government were represented by the Tanaiste, the Attorney General and Minister Coveney.
2. In summary, reassuring signals were received from the UUP which open up the possibility that a compromise may be reached on the handling of decommissioning and that the way could be cleared for the early launch of substantive three-stranded negotiations. On the question of alleged violations of the Mitchell principles arising from the recent CLMC threat, the Plenary has been adjourned until tomorrow morning to enable the Loyalist parties to prepare their response to a DUP document which was circulated today.
3. The day began with a breakfast consultation between the two Governments and the Independent Chairmen. When the Plenary opened at 10am, the Chairman (Senator Mitchell) said that he had just received from the DUP a document, entitled "Notice of Indictment", which alleged that certain participants had breached the Mitchell principles. Noting that rule 29 of the agreed rules of procedure covered this situation, he proposed to proceed by copying the document to the parties concerned and giving them an opportunity to furnish a written response. Both texts would be circulated to all participants and the Plenary would be convened thereafter to permit a general discussion of the matter. It would then be for the two Governments to discharge their role under rule 29.
4. The two Governments and most of the parties supported this proposal. However, while accepting it in principle, the DUP made clear that, if the Governments did not resolve the matter, they could not continue to take part in the Plenary. They also demanded that the earlier set of representations about non-compliance with the principles (from mid-July) should receive the same treatment.
5. The UKUP warned that they could not take part in the Plenary until the matter was resolved and shared the DUP view that this would require the expulsion of the two parties. McCartney contended that the evidence of violation of the principles was incontrovertible and that the two Governments had no option but to uphold the complaints and to act accordingly irrespective of the views of participants. He hinted at a possibility of seeking judicial review. The Tánaiste cautioned him against the use of language which appeared to prejudice a fair hearing of the matter.

6. The Chairman passed the DUP document to the Loyalist parties during a brief adjournment. On resumption, he proposed to adjourn the Plenary till tomorrow morning to enable the PUP and the UDP to prepare a written response. This was agreed.
7. The DUP document, which was subsequently circulated to all delegations, was an unimpressive production which reproduced the CLMC statement threatening Wright and Kerr but beyond that consisted merely of comment and recycled newspaper editorials. The response of the Loyalist parties is not yet to hand but may reportedly include retaliatory criticism of the DUP over its record of association with Loyalist paramilitaries (in particular the McCrea/Wright relationship).
8. On the assumption that this response is available for circulation early tomorrow, the Plenary discussion of the matter is envisaged for the late morning. The two Governments discussed the tactics and substance of this discussion over lunch today and will continue this preparation tomorrow morning.
9. The afternoon saw a series of bilaterals between the UUP, the SDLP and the British and Irish Governments respectively. The main development was a signal by the UUP of their readiness to engage with the two Governments in a trilateral format with a view to obtaining the reassurances they need in relation to the decommissioning legislation envisaged in both jurisdictions. While their preference would have been to set up a sub-committee of the Plenary to deal with this, they are open to a trilateral or quadrilateral alternative. As the SDLP are not keen on direct involvement, the trilateral variant is being pursued.
10. At these meetings with the two Governments, the UUP emphasised their need for an indication of serious intent on decommissioning, including through assurances on the Governments' draft legislation and, in particular, an assurance that the International Verification Commission will be established on a satisfactory basis. For this, they will need sight of the respective pieces of draft legislation and a sense that a reasonable timescale is envisaged for implementation in each instance. A particular interest is in establishing that the amnesty provisions would be limited to decommissioning matters and would not be of more general application.
11. They also envisage a general debate on decommissioning lasting three days (in addition to a couple of days for opening statements). They saw no difficulties in reaching agreement on the comprehensive agenda.
12. Our bilateral meeting with Trimble and his colleagues was positive and constructive in tone and there was evidence of a more pragmatic disposition on their part towards the handling of decommissioning (see separate report). **Comment:** Whether the request for sight of the draft legislation should be met in the interests of breaking the protracted logjam on this issue, and facilitating an early transition out of the opening Plenary and into substantive negotiations, is a matter for political judgment by the Government, in consultation with the British Government. There are of course, a number of risks, including the possibility that the UUP (who may expect more detail in the draft legislation than is contemplated) may declare themselves unhappy with the

drafts and press for changes or that they may prove susceptible to DUP/UKUP pressure in this area. However, the signals which we received were sufficiently reassuring to warrant sympathetic exploration of the approach floated by the UUP.

13. A further bilateral with the UUP to take this discussion further has been provisionally arranged for the late afternoon tomorrow following the Tanaiste's return from Brussels.

David Donoghue
9 September 1996