



Maub,

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FROM: S G BREARLEY
Political Development Team
17 September 1996

- 1. MR WHYSALL
- 2. PS/MR ANCRAM

1. *Mr Hill to see* 2. *Ps / Michael Angram (G).*
There could be some comeback over 24 July -
but I do not see anything here to cause more
than a brief embarrassment.

sgw
17/9.

LEAKED DOCUMENT

Following the disclosure yesterday that Cedric Wilson had obtained a copy of one of our internal records of meetings of an undisclosed date in July, the Minister asked if we could identify all those passages in the records that might prove embarrassing were they the one in the Unionist hands.

I now attach the relevant extracts from the records, comprising either editorial comment on the attitude/position of the Unionists, or conversations in bilaterals involving the British Government and either the Irish Government, the SDLP or the Chairmen. Of these the record of talks that took place on Tuesday 23 July would appear to be the most damaging in the wrong hands. You may also wish to note that a further 5 records contained no material that could be used against the Government.

- 1. *Mr Hill*
 - 2. *c Mr Brearley (Chimp page)*
- 17/9*
sgw

[Signature]
S G BREARLEY

If the UKUP had got
the report of 24 July
they'd have made much
more of it - so I
suspect what they've
got is relatively anodyne

What Mr Maub. I hope
that Mr O Hill is right
MA.

David Hill
18/9

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negotiation table. He pledged that he would not be sitting at a table where the Union was being negotiated. Attempts by HMG and others to remind Dr Paisley that the first item on the agenda in the 1991 Talks was "The Constitutional Position of Northern Ireland", and that "negotiating away the Union" was not the same as being prepared to talk about the issues involved, broke little ice with him.

6. The UUP picked up the DUP's concern about Irish involvement in agreeing an agenda which involved Strand One issues. Despite assurance from O hUigin that, while the Irish would expect to be at the plenary to adopt the overall agenda, they would not be at meetings which set the agenda for Strand One, Empey said further thought should be given to how this might work out in practice. Were people envisaging a two-tiered plenary.

7. Not surprisingly, the longest and least constructive intervention came from McCartney who argued once again that if Ground Rules were retained, they would have superior status and consequently the nature of the agenda would be beyond the reach of the participants. Referring to Cyril Ramapahosa and Roelf Meyer's address on Friday evening at the Europa, he said that they had maintained that the most important aspect of the South African negotiations had been that the parties themselves had control over the negotiations. With Ground Rules in place, that could not be said of these negotiations. He maintained that para 15 could only be debated in the context of the primary question - "what is the status of Ground Rules?".

8. Mallon, for the SDLP, said that he saw his delegation not as "participants" but as having responded to an invitation to negotiate. The diminution from "will negotiate" through "to be addressed" to "receiving a fair hearing" was, to put it mildly, disappointing. The SDLP would not accept anything other than the requirement to "negotiate". He would not accept semantic changes to allow his party's position to be diluted. Bronagh Hinds supported

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the word "exclusively" in the first sentence of UU1, fearing it might blow Ground Rules out of the water. Both Governments agreed further discussion would be possible when the revised rules were revisited).

13. The DUP lodged their long-standing objection to use of the term "plenary" as opposed to "opening plenary" in para 20A. Accepting that the first sentence of the para had no application to the two Governments, the meeting moved on to discussion of para 28A, which was agreed subject to "consensus" in the second sentence being replaced by "agreement". The two Governments' amendment A2 on para 30 was considered and redrafted as "The British Government, as Chairman of Strand One, will keep the Irish Government informed and will report on the status, as determined by the Strand One participants, of the Strand One negotiations." Parties resumed the right to return to this paragraph when the Rules were revisited.

14. Finally, given the assurances that both Governments had provided the parties that issues such as Articles 2 and 3 of the Irish Constitution could be raised in Strand Two as well as Strand Three, paras 32 and 33 were agreed subject to a suggestion from the Chairman that "In addition" at the beginning of para 33 should be deleted. The meeting adjourned at 19.05.

15. As agreed earlier in the day, the Chairmen met with both Governments over the plenary to discuss scheduling. Michael Ancram registered a concern that adoption of the Chairman's target would mean that discussion of decommissioning would take place in July with discussion of the comprehensive agenda being deferred to September. This would upset the balance and would probably come under criticism from the SDLP and presumably, the Irish Government, who agreed. As in the morning, no agreement was reached on scheduling targets with Minister Coveney arguing that setting a high and likely unattainable target would leave the process open to criticisms of lack of credibility. It was left that the Chairmen would not table a scheduling paper until they saw how events developed the next day.

2 July

hour debate on the status of the Ground Rules paper in relation to agreed rules of procedure enabled well-known positions to be restated at length, but revealed no evidence of any disposition to begin squaring circles. The Unionist bloc continued to provide the vast majority of the contributions, but the absence of Trimble and Robinson made the rhetoric even more turgid than usual. Some signs of further attempts (not unsuccessful) to re-establish more consensus among the Unionists. Mallon continued to plough a lonely furrow from the SDLP, his pronouncements sounding increasingly sepulchral as the day wore on.

2. It was a good day for irony. McCartney continued to refuse to recognise the de jure position of the Chairmen, but offered (de facto) to defend them against any unjustified public attacks. The DUP admitted that one of their amendments was probably unnecessary, but asked HMG to accept it as a gesture which would help build trust and confidence, and possibly off-set the effects of 20 years of HMG perfidy. The UUP admitted to being paranoid (specifically in regard to HMG), while the SDLP willingly endorsed the Government's position. Paisley complained of a bitter and hurtful attack on the DUP by Ms Hinds.

Detail

3. The first conferral session began at 10am with the consideration of the DUP amendment (DU21) which sought to limit the ability of the Chairmen to make any public comment other than with the approval of the participating delegations in the negotiations. Michael Ancram stated that Rule 8, together with proposed Government amendment 15A covered the situation in a more satisfactory manner. This view was supported by Mallon and Hutchinson. Paisley maintained that the experience of the 1991/92 Talks made DU21 necessary. McCartney put forward the view that the existing rules covered confidentiality within the negotiations: DU21 was intended to cover the situation where general observations of a political nature might be made outside. Paisley refined this position

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standing in the name of the UUP, and suggested that further debate be postponed on UU1 and UU2. He then turned to consideration of amendment GR17, dealing with the expulsion of parties from the negotiations if they dishonoured their commitment to the principles of democracy and non-violence. While not targeting the PUP or the UDP, he felt that some mechanism was necessary to deal with the situation whereby a party might initially sign up to the principles of non-violence, but subsequently violate the spirit if not the letter of that commitment. Michael Ancram agreed that GR17 failed to provide a mechanism for dealing with such a situation. He tabled an amendment from HMG which was intended to meet the point, and suggested an adjournment for 20 minutes in order to consider it. McCartney (floating a new conspiracy theory that the dates of the ceasefires of 1994 had been deliberately set by the terrorist organisations involved in order to accommodate the Dublin and London Governments) continued to voice his suspicions about the right of the Loyalist parties to remain in the negotiations if the security situation were to dramatically deteriorate. Not for the first time, he failed in his attempt to mix apparent sincerity with a palpable dislike of the Loyalist groups.

9. The session adjourned at 3.10pm for 20 minutes to consider the amendment tabled by Michael Ancram.

10. The session resumed at 3.30pm. Empey said that the first difficulty he had with the HMG proposal - that a participant would draw to the attention of the Chairmen the activities of any participating party which had demonstrably dishonoured its commitment to democracy and non-violence, whereupon the Chairman would refer this to the two Governments for consideration and appropriate action - was that it appeared to give a role to Dublin Government which was not warranted. Section 2(3) of the Act gave the power of excluding parties to the Secretary of State, so why should Dublin become involved? Michael Ancram explained that legal advice had been received to the effect that the power of exclusion in Section 2(3) applied only in the period dealing with entry to negotiations, but not during their subsequent conduct. Empey did

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like the Parade to be conducted in a manner and at a time that would take the heat out of the situation. When questioned by the Secretary of State Mr Campbell indicated that he thought a deal could be brokered through the Hollywood Trust. Dr Paisley advised the Secretary of State not to intervene and said that there would be problems if Sinn Fein got to hear of a possible deal. The Secretary of State asked to be kept informed of developments. The meeting concluded 12.52 pm.

20. After lunch the Secretary of State and Michael Ancram met a delegation from the UDP. Mr McMichael said that the situation was serious but the talks process was the only way forward. It was important to present to others that the work was continuing. They objected to a summer break and Michael Ancram indicated that it would be necessary to take another look at the arrangements for August.

21. Mr McMichael and his colleagues then returned to a familiar theme about the lack of recognition of reformed loyalist life prisoners. The case of Thomas Green was also raised. The Secretary of State concluded by saying that he was always willing to read a shopping list on prisons issues from the UDP - but without commitment.

22. At 1.45 pm a message was reported from Paddy Teahon via John Holmes that the SDLP would give Mr Trimble two or three days to sort out the procedural rules and then walk out of the talks if these were not settled. SDLP saw the rules of procedure as a way of testing UUP willingness to engage on substantive issues.

23. A UKUP delegation arrival at 2.45pm Mr McCartney favoured a cooling off period with Talks suspended until September. He felt Dr Paisley's idea of a purging session would turn the atmosphere sour. However, he would not be pressing hard for any particular approach and if talks were re-convened, he would be there.

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had said. Turning to the issue of an agenda for the remainder of the opening plenary, the Secretary of State recalled that at the end of June, at a meeting with Trimble, the UUP had argued that their bottom line on the agenda was the curtailment of the Chairman's subjective adjudicating powers and the reordering of items on the agenda in order to have decommissioning discussed earlier in the process. Having reflected on Trimble's comments, the Secretary of State said the Government had drawn up a revised agenda, which he handed over to Trimble (with the 20 June date obliterated!). It sought, he said, to meet the UUP's concerns. After reading it, Trimble's reaction was to say that he believed it to be helpful, but that he would need to consult his colleagues, particularly on the mechanisms in paras 5(C) and 8 and would then come back to Ministers. The Secretary of State said that it would be helpful to have his further thoughts as soon as possible. (In the event, it was not possible to get any further feedback from the UUP during the day as Trimble had to go to London and the remaining delegation felt unable to speak with authority).

5. Following this meeting the Secretary of State departed for London. At 1150 the Irish delegation, led by Minister Coveney, had a meeting with Michael Ancram and officials which began with an oral report from Michael Ancram on the previous meeting with Trimble. He believed that, if possible, the Rules of Procedure and agenda needed to be sorted out between the UUP and SDLP by the next day if meaningful progress was to be achieved before the talks broke for the summer. The Irish concurred. The Irish also agreed to try and broker the revised agenda with the SDLP, bearing in mind that the latter's main players were in London meeting the Prime Minister.

6. There then followed a joint examination of the "Key Paragraphs: SDLP and UUP" document (circulated separately) and the two Governments' views were subsequently given to the Chairman. (see para 7). Michael Ancram also registered the issue of timing and suggested that both Governments might advise the Chairman, if progress were made and Rules of Procedure pretty well sewn up, that he should consider calling a formal plenary on the afternoon of

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Meeting with Loyalists

7. A Loyalist group (Mr McMichael, Mr Spence, Mr White and Ms Purvis) called on the Secretary of State in advance of the meeting with the Prime Minister. Mr McMichael said that they hoped to be seen to have their concerns registered seriously, and some recognition given of loyalist restraint. The meeting itself would go some way. There were particular pressures over prisons. The LSRB was putting back cases of people who had been in prison for 12 or 13 years. They would not put to the PM the list of possible measures to improve prison morale which the Secretary of State had invited them to prepare; that might be with us on Tuesday.

Meeting with the Irish

8. The Irish called, led by Mrs Owen. On timetable, they said we had, in effect, five talking days to reach substantive business; they were reluctant to acknowledge that such a plan might be unrealistic, or to contemplate going beyond the end of next week, Mr O hUiginn believing that progress would be achieved in the last three days of discussion, whenever it came.

9. The Secretary of State reported his contacts with the UUP. The Irish, for their part, had found the SDLP in disarray, Mr Hume resting on medical advice, and Mr Mallon out of contact. But their position was clear. The talks lacked credibility for nationalists; there was a feeling Mr Trimble was leading them by the nose. The SDLP would be eaten alive by Sinn Féin if there were not substantial progress. By the summer break the car must (our side's metaphor) be parked with the key in the ignition, ready to go. How far, at minimum, had the opening plenary had to advance for SDLP purposes? Our impression was it might be enough to deal with item 5(c) (decommissioning mechanisms). The Irish stressed that it would have to be clear the issue could not be reopened under item 8; we said we believed the UUP understood this.

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FROM: PETER SMYTH
Talks Secretariat
25 July 1996

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cc: PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B,L&DFP) - B
PS/Michael Ancram (B, L&DENI) - B
PS/Malcolm Moss (B, DHSS&DOE) - B
PS/Baroness Denton (B, DOE&DANI) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas (B&L) - 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 Currie - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Lindsay - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Checksfield - B
Miss Harrison (B&L) - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr O'Mahony, 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: 24 JULY 1996

Summary

1. A very long day, in the course of which significant progress was made towards final resolution of the Rules of Procedure, and the need for consideration of the agenda for the opening plenary was also recognised.
2. UUP began with bad-tempered allegations of HMG duplicity over the wording of amendments to the Rules; but by the end of the day

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had reached a more accommodating position and stated their willingness to accept the Compromise Text of the Rules put forward by the Chairmen. On the down side, however, they displayed a rather worrying lack of clarity about how the decommissioning issue was to be progressed. The DUP were cheerfully pugnacious in their attitude to amending the Rules, but eventually put forward a proposal for the quick and effective resolution of outstanding issues in a plenary session to be held on Monday.

3. The Irish Government continued to display an almost paranoid suspicion of the motives of both Unionist parties, and interpreted their proposals for amendments to the Rules as attempts to emasculate the role of Dublin in the talks. Attempts by HMG to explain how some flexibility in regard to the Unionist position, particularly in regard to the handling of decommissioning, might have positive benefits over the next few months were treated with almost equal suspicion, and generated queries about HMG's commitment to maintaining a genuine political process.

4. In a conferral session, the participants (with very few exceptions) seemed prepared to accept the Compromise Text, until the UKU Party - possibly through a misunderstanding of the procedural implications of the proposal - created uncertainty about the ability of the participants to agree a decision-making process, and were responsible for two hours of the most stultifying debate witnessed in recent weeks.

Detail

5. Following the customary planning meeting, an ill-tempered UUP delegation came to the Secretary of State's room at 10.00 am. Speaking to a paper just received from the Independent Chairmen, Trimble accused HMG of having shifted on amendment GR17 (Rule 29) from the position agreed with the UUP the preceding afternoon. The wording discussed then had just about been acceptable, but changes made since - evidently at the behest of the Irish - unequivocally spelled out that the expulsion of participants from negotiations was

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a matter for joint action by the two Governments, and was de facto an acknowledgement of joint authority. Donaldson, in more measured tones, argued that section 2 (3) of the 1996 Act made exclusion from the negotiations a matter for the Secretary of State alone: and, since expulsion of participants obviously fell into the same category, it was inappropriate for the Irish Government to have any role in that function.

6. Michael Ancram pointed out that the wording complained of was in fact a reversion to that which HMG had notified to the Chairmen in June, not a new formulation. The Secretary of State explained that he had always made it clear that expulsion of participants would not be a matter for HMG alone, and discussions with the UUP the previous afternoon had been predicated on their understanding of that position. That meeting had been an exploration of wording which, if it proved acceptable to the other parties, the Government could live with - but it was the Chairman, not HMG, who was responsible for brokering textual changes to the Rules. Trimble refused to accept this explanation. Nor was it acceptable to place responsibility for textual changes on the Chairmen. This was duplicitous.

7. Maintaining equilibrium, the Secretary of State explained that since negotiations were in the British jurisdiction, the initial seeking of nominations was the responsibility of HMG, but thereafter both Governments had a locus. Trimble reiterated that the language of the previous day had been on the margins of acceptability, fudging as it did the reality of both Governments considering expulsion cases: but the new wording displayed the fingerprints of the Anglo-Irish Agreement and was completely unacceptable.

8. Turning to the proposed agenda, Michael Ancram explained the intention to get agreement to revisions which would have the effect of advancing the consideration of decommissioning, and a deferral of opening statements until September. Assuming imminent agreement of the Rules and the agenda for the opening plenary, attention might

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focus on securing commitment to the International Body's proposals, following which consideration of decommissioning might be remitted to a sub-committee (with 6 June terms of reference) for discussion of the mechanisms for further progress, and provision for a report back to the opening plenary in September. Trimble concurred in this, stating that he envisaged consideration of the opening statements would last for at least two days, during which time work could proceed in sub-committees on decommissioning and on developing the agenda for negotiations.

9. This was followed at 10.45 by a meeting with the DUP. Speaking to a paper which turned out to be the Compromise Text drawn up by the Chairmen, Paisley said that the reference to Command Paper 3232 in amendment UK1 had been retained against the DUP's wishes. He saw this as a deliberate attempt to remind Unionists that the original Ground Rules had not been taken off the table. Robinson concurred: the reference was a political, not legal requirement. It was part of the Government policy of appeasing the SDLP, and would be interpreted as meaning that the Ground Rules still applied to the negotiations.

10. Michael Ancram explained that amendments UK1 and UK1A were a recognition of the fact that differences of opinion were always likely to exist on this point. This compromise text allowed both sides of the argument to be stated, while permitting Unionists to say that they had not signed up to the Ground Rules. Paisley commented that it was time HMG came down on the side of Unionists for a change, by removing UK1.

11. Turning to Rules 16 and 17, Paisley feared that the references to "seriously address" "all aspects" and "agreed agenda" was a formula that locked in the participating parties to negotiate each and every item that anyone wanted to bring forward. Michael Ancram pointed out the distinction which existed between participants raising issues, and the negotiating of those issues. HMG envisaged that the agreed agenda would consist of a number of very broad headings; the commitment to seriously address issues under those headings was not the same as a commitment to negotiate them. Robinson appeared to accept this distinction, but pointed out that

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the perception that the DUP were seriously addressing the Union, and all aspects of it, would be political suicide for the Party.

Paisley, in a sudden outburst, declared it would be intolerable if the SDLP were to be placed in the position where they could allege that Unionists were negotiating the Union. If this was not resolved satisfactorily, he threatened to bring a halt to the talks.

Robinson asked if the Government's minimalist interpretation of what was intended by the phrase "seriously address" applied with equal force when it came to consideration of decommissioning?

12. Brief reference was also made to Rule 29 (amendment GR 17).

Again asserting that this was a political, not a legal requirement, Paisley said that the Irish Government should have no authority to expel him from the negotiations. The meeting ended at 11.40.

13. At 12 noon the Irish delegation came in for an update.

Michael Ancram reported on the morning's meetings, emphasising that, with the Ulster Unionists in particular, the outlines of a way forward appeared to be emerging. It seemed possible that language could be devised for GR17 with which they could live, opening the way to their acceptance of the Rules as a whole; there appeared to be little between them and HMG on agreeing a comprehensive agenda; there were indications that they would accept delaying the opening statements until September; and that they would accept decommissioning being remitted to a sub-committee after an initial discussion. If these pieces could be fitted together, they would be in a position to begin engagement on 3-stranded discussions shortly after the end of the Summer recess.

14. The Irish refused to derive much comfort from these assurances. No amendment to GR17 was acceptable if it meant that the role of the Irish Government was diminished at the behest of Trimble. The failure to engage substantively on decommissioning was also a concern. The scenario outlined by HMG effectively allowed Trimble to avoid any decision on negotiations until September - from Mallon's (and Dublin's) point of view the worst possible scenario. Nora Owen felt that the HMG handling plan which had been proposed would lead the Governments into the trap of allowing decommissioning

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once more to act as a blockage to political progress. A 2-day debate next week to initiate discussion of decommissioning would serve no useful purpose. Real decisions had to be made before the recess. O'hUiginn felt that the scenario was acceptable only if the UUP could be compelled to sign up to a decommissioning sub-committee which was capable of making such progress that, when the opening plenary was reconvened in September, there was no longer an obstacle to engagement on substantive issues. Otherwise the suggested programme was "a disaster".

15. Michael Ancram suggested that the prospect of the participants remaining stuck in an endless debate on Rules was a worse prospect. He did not think it was helpful to back the Unionists into a corner over decommissioning by trying to predetermine the outcome of a debate. Decommissioning was a very serious issue for the Unionists, and they have to be allowed some scope for manoeuvre. The handling plan put forward by HMG represented our best guess of what might be achievable, and he felt that, even with the uncertainties, it still seemed better than not starting the debate on decommissioning at all.

16. This analysis was rejected. O'hUiginn complained that the Governments had lost the opening scenario, they had seen Ground Rules undermined, and were now being asked to accept that serious engagement on decommissioning could not take place until after the Summer recess. They were being asked to accept a process of pro-Unionist drift, which would allow Trimble off the hook until the calling of a General Election. If HMG was not fully behind the political process, it was all a waste of time. Nora Owen concurred that the two Governments must trust each other in their endeavours to reach a common goal. It was disastrous for the Unionist agenda to be allowed to dictate the pace of progress. O'hUiginn returned to the idea of flushing out the Unionist position by tabling proposals for agreement at the end of the second day of debate on decommissioning. Both Stephen Leach and Quentin Thomas queried the wisdom of this, and wondered what the next move was if the proposals were rejected. The Irish side saw little possibility of this happening - the positions of everyone on decommissioning were so well-known that the speeches could be written in advance. Given the

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complexities of the issues, it had taken the two Governments a considerable time to come up with what they regarded as workable proposals: it was inconceivable that the Unionists in the course of two days could come up with anything radically different.

17. Nora Owen asked if it was a common position between the two Governments that before the recess they wished for completion of the agenda down to the item on agreed mechanisms for decommissioning? Michael Ancram said that it was obviously desirable, provided time was available to achieve it. Mrs Owen was disposed to think that given the amount of debate which had already taken place on these issues, very little more time was needed. O'hUigin opined that the real test was whether the process was going anywhere - a "pretend process" was no good. The public credibility of the talks process was slipping and the scenario suggested by HMG was a disaster. Michael Ancram pointed out that at the previous week's IGC it had been suggested that an even bigger disaster would be for the SDLP to return to talks in September with decommissioning at the head of the agenda. At the very least, the outline suggested by HMG had the possibility of avoiding that. With little sign of the sun breaking through the clouds, the meeting adjourned at 1.15 pm.

18. At 1.40 pm the meeting with the Irish reconvened, this time with the addition of the Independent Chairmen. Senator Mitchell reported on the outcome of his discussions with the parties. For the UUP the wording of Rule 29 was the remaining sticking point - if an accommodation could be reached there, they would not oppose the adoption of the Rules as a whole. The DUP had more numerous concerns. Initially, Mallon had seemed disposed to show some flexibility in meeting them, but the DUP had pushed too far and Mallon had gone back into his bunker.

19. Michael Ancram said he believed there was room to accommodate the UUP on Rule 29. Following this morning's meeting, he was of the view that the Party could live with the reality of the two Governments running the talks process, provided they were not obliged to sign up to language which made this explicit. It should be possible, therefore, to devise language which allowed everyone to

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give their own interpretation of the role of the two Governments. The Irish side found this totally unacceptable. The role of the Irish Government as joint sponsors of the talks process was not going to be emasculated by the Unionists. The wording of Rule 29 must be such that Trimble was left with no scope for giving a public interpretation which undermined the status of the Irish Government. Silence in Rule 29 on the role of the two Governments was preferable to any ambiguity. Indeed there might be an argument for saying the Rule itself ought to be deleted.

20. There followed a protracted and informal drafting session in which various propositions were considered. The HMG suggestion of "appropriate Governmental action" was rejected on the grounds that it might be interpreted as action by the appropriate Government - something which would allow Unionists to emphasise the primacy of HMG. Other alternatives were suggested, involving statements by either the Chairman or the two Governments as to what was meant by the wording of the Rule, but none of these were found to be acceptable either. Senator Mitchell said he was prepared to broker with the UUP any wording the two Governments could agree in advance. The meeting ended at 2.50 pm with Nora Owen speculating that the rationale for the Unionists' insistence on compromise wording, even if unknown, must be sinister.

21. Over the following few hours, a series of short meetings were held - an Alliance delegation discussed Forum issues (minuted separately); the Chairmen recorded the UUP's acceptance of the revised wording on Rule 29 agreed between the two Governments; and at 5.00 pm Empey called in briefly to provide a personal update on the UUP's position. His basic point was that the UUP did not intend to table amendments to the Compromise Text of the Rules tabled by the Chairmen, provided the SDLP did not do so either. The Party would support certain of the amendments which would be tabled by the DUP and UKUP, but would not go to the wall if there proved to be insufficient consensus for these to be carried. Overall, there was every reason to believe that the Rules could be approved during the conferral session scheduled for later in the evening. With regard

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to the agenda for the resumed opening plenary he was content for opening statements to be deferred until September, and for decommissioning to be addressed in a sub-committee in the interim.

22. Following his departure, however, some concern was expressed that Empey may not have fully understood the import of HMG's suggestions for the initial consideration of decommissioning, and at 5.30 pm Empey returned, accompanied by Donaldson. The Secretary of State explained that item 5(c) on the proposed agenda - "consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in 3 strands" - might result in a sub-committee being tasked with considering mechanisms during the recess. Item 8 on the agenda - "establishment of agreed machinery to carry forward work on decommissioning" - might lead to a further sub-committee being established, and the putting in place of the agreed mechanisms, together with arrangements whereby reports would be made to plenary sessions in parallel with negotiations proceeding on the 3-stranded agenda. This gave Empey cause for concern. He had understood the arrangements would provide considerably more clarity on the possible outcome of the decommissioning process before 3-stranded discussion was initiated.

23. Donaldson, on the other hand, was clear that the proposals as outlined by HMG had been fully understood and had been accepted by Trimble and Maginnis. The mechanisms proposed would place so many obstacles in the way of Sinn Fein joining the process that he was satisfied there was no prospect of them being given a free ride, irrespective of when they chose to join the negotiations. The substance of this had been discussed at a meeting between HMG and Maginnis last week, and he was clear that the latter was satisfied with the arrangements proposed. Empey remained unconvinced, and wished to clarify the situation with Trimble.

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24. With regard to consideration of the agenda for negotiations Donaldson thought the idea of a sub-committee meeting during the recess would be helpful to the Loyalist parties, enabling them to point out that decommissioning was not the sole focus of political activity.

25. At 6.00 pm the British side visited the Irish delegation room. There was a brief discussion on the "Proposition" from the two Governments setting out their thoughts on the progress it was hoped could be made before the summer recess, and tabling a proposed agenda for when the opening Plenary session resumed in September. It was agreed that, while it was desirable for this "Proposition" to be tabled that night, to enable the parties to discuss it the following day, it was desirable to play it in such a way that it did not impede progress on the consideration and possible adoption of the Rules.

26. At 6.15 pm the meeting was joined by the Independent Chairmen. Senator Mitchell reported that Peter Robinson had approached him with a proposal for the handling of business over the course of the next few days, and he was inclined to accept. The basis of Robinson's proposal was that no decisions should be taken on the Rules at that evening's conferral session. At the resumed Plenary session on Monday, the first item of business should be the adoption by unanimity of Rules 30-35. This would establish the only procedure by which decisions could be made. The rest of the Plenary would then be taken up with the consideration and adoption of the other Rules. The DUP had a number of amendments to put forward, and would table them by the following morning. They would accept time-limited debate on each of these, and fully realised there was no realistic prospect of them being accepted by all the other participants. These proposals had the agreement of the UUP and the UKUP. The Chairman explained that the practical consequences of this were that, while no decision would be taken on the Rules at that evening's session, he hoped to collect at least statements of support from all participants. That would free up the session

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planned for Thursday to discuss the agenda. The risk of delaying final agreement on the Rules until the following Monday seemed to him to be acceptable if it avoided a protracted debate on amendments. Overall, he was inclined to trust the DUP on this.

27. The Irish reaction was predictable. Delaying the ratification of the Rules until the following Monday was evidence of further slippage. The intention always had been for the Rules to be agreed in formal session, with a rubber-stamping of decisions in Plenary. The other delegations would be intensely frustrated at further delay, and would assume - as did the Irish - that the Unionists were merely procrastinating for some devious purpose of their own.

28. While less sceptical, the British side was also cautious. While Robinson might well be in earnest about signing off the Rules a short, controlled session in Monday's Plenary, could he deliver his own colleagues, never mind the other participants? There was also the fact that the UUP felt that completion of consideration of the Rules was possible in that evening's conferral session - should that opportunity be gambled away? Mr Holkeri acknowledged that the DUP proposal could be a trick, but he did not see that it made sense to regard it in that way. Senator Mitchell repeated that he preferred to see it in a positive rather than a negative light. Given the imminence of the conferral session, the meeting terminated at 6.32 pm with O'hUiginn predicting that Mallon would be outraged at the idea of the DUP being facilitated at the expense of the other parties.

29. The conferral session began at 6.40 pm. The Chairman introduced the Compromise Text, with apologies for the delay in their distribution. He invited comments.

30. The Secretary of State said that, while it was appropriate for complex issues to receive adequate discussion, it was now time for decision. He welcomed the Compromise Text, and had no hesitation in offering HMG's full support. Roche (UKUP) felt adequate time had not been given for the consideration of the Text and announced his intention of asking for a 20 minute adjournment. Robinson suggested

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that those parties able to comment on the Rules should do so in this session, while others could wait until the following day. Mallon drew attention to the "pious aspiration" embodied in the statements made on 12 June about progress on the Rules. Empey felt that since no final decision was possible until the Plenary session the following Monday it was appropriate for a general discussion to take place at present. Paisley concurred. Roche withdrew his application for an adjournment on the grounds that time would be available for debate the following day. Empey outlined the strategy whereby the Plenary on Monday could as its first item of business adopt Rules 30-35 as the basis of the decision-making process.

31. Mrs Owen, on behalf of the Irish Government, gave a general endorsement to the Compromise Text. McBride did the same for the Alliance Party and was followed by Labour, Women's Coalition and PUP. Mallon gave his Party's support for the Rules as tabled, and announced the intention to oppose any amendments. He wished to see the Rules approved immediately in the conferral session. McMichael accepted the Rules on behalf of the UDP, and supported the DUP/UUP proposals for decision-making in the Plenary session.

32. Robinson then stated that the DUP found 35 of the Rules to be acceptable, but had difficulty with the remaining 9. He denied any attempt to block progress on agreement of the Rules - he was perfectly content to accept strict time limits on the discussion of the amendments his Party would be bringing forward. He suggested that a resumed conferral session the following day could look at final amendments to the Rules, for resolution at Monday's Plenary, with the rest of the time devoted to discussion of the Agenda, again with a view to ratification at the Monday Plenary.

33. The Chairman said this threw a spotlight onto Rules 30-35. He asked if there was likely to be any impediment to their adoption in the Plenary on Monday? Roche indicated that the UKUP would be tabling an amendment to Rule 33, plus 9 others. The Chairman explained that if Robinson's interpretation was right - ie, that the conferral session had no powers of decision-making, and that only by the Plenary unanimously adopting Rules 30-35 could any decisions

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ever be reached - then it effectively meant that any single party could block progress by refusing to endorse the decision-making process. He invited the participants to consider the implications of that position. Roche indicated that he would be content to see Rules 30-35 adopted as the first action of the Plenary, but since amendment 27A, which bit on Rule 33, had not yet been discussed he wished to reserve his position. The Chairman pointed out that amendment 27A had been extensively discussed at earlier sessions, and agreement had been reached that it was more appropriate for it to be adopted as a Resolution rather than made part of the Rules of Procedure.

34. At 7.55 pm the session adjourned to allow the UKUP to consider further its position.

35. At 8.15 pm the UKUP/DUP delegation met British officials in the Secretary of State's room. In the course of a very confused exchange, Roche at first seemed prepared to accept - under some pressure from Paisley - that he should sign up to the adoption of Rules 30-35 on Monday, and then, after the Rules had been approved, put forward a Resolution embodying amendment 27A for consideration by the Plenary session. He then changed position, and wondered whether the Resolution, if put forward in advance of the adoption of Rules 30-35, stood a chance of being accepted by unanimous decision. Failing that, he queried if a guarantee could be given that, if the UKUP agreed to support the adoption of Rules 30-35, they could be given an assurance that their Resolution would subsequently be adopted under the new decision-making procedures.

36. This dilemma had not been resolved when the conferral session resumed at 8.35 pm. Roche stated that the "present intention" of the UKUP was not to vote against Rules 30-35, but since he had not yet seen a text of the Resolution, the Party wished to bring forward, he wanted to reserve his position. Neeson pointed out it was important that those who sat at the table should be empowered to represent their Party's position, and suggested Roche was not so placed. Paisley suggested that since amendment 27A had been accepted earlier as suitable for a Resolution, the Chairmen might be

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able to bring forward wording to which the UKUP could sign up. Mallon pointed out that since the proposed Resolution was not intended to be a Rule of Procedure, it should not be discussed in the present session. He suggested that the Chairman, now being fully informed as to the views of the parties as to the acceptability of the Rules, should move ahead and get agreement on them immediately. Paisley objected that he would not be pressurised into giving voting rights to the conferral sessions, and threatened to withdraw and seek legal advice on this if pressed. Various speakers then alluded to the fact that Roche's statement about no "present intention" to vote against Rules 30-35 had very serious implications. Ervine said in terms that the Talks were being held to ransom.

37. The Chairman then suggested that if the participants had any further amendments to make to the Rules, they should be notified by 11.00 am the following day, and that none would be accepted thereafter. This was agreed to. He canvassed views on the acceptability of a 5-minute limitation on discussion of these amendments. Empey had no difficulty on behalf of the UUP; but Roche once again reserved his position on this issue.

38. At 10.00 pm, the Chairman announced that he had drafted a form of words for the proposed Resolution which he hoped would meet the approval of the UKUP. He asked Roche for permission to circulate this among the other participants. Once again, Roche reserved his position, and said he was unwilling to see a text circulated before he had discussed it with the Chairman. Protests were raised from other participants, who pointed out that the Resolution, however worded, was still subject to amendment when it was brought before the Plenary.

39. After agreeing that the conferral session should reconvene the following morning at 10.00 am for discussion both of amendments to Rules and issues connected with the agenda, the meeting was adjourned at 10.20 pm.

Signed.

P SMYTH

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11. On then to item 8 - establishment of agreed machinery to carry forward work on decommissioning; launch of three-stranded negotiations. Paisley remarking he noticed the semi-colon after decommissioning thought the two Governments should explain what this item meant. The Secretary of State said that the Communiqué formulation had been in mind with developments from the earlier process (91/92 Talks); also that decommissioning and the three-Strands would be carried forward in parallel. O'hUiginn said that it would be presumptuous of both Governments to proceed without the views of the parties. Paisley did not like what he heard. The Secretary of State subsequently pointed out that the DUP had tabled the same proposals. Robinson in turn pointed out the difference was that the Governments favoured a parallel approach unlike the DUP.

12. The chairman proceeded to bring discussion to a close. Before doing so, Bronagh Hinds made a plea that the smaller parties were left out of the bilaterals loop and restricting debate in plenary did not allow them to feed in substantive views. The chairman rejected the latter view, pointing out all could contribute to the debate and pointedly asked her if she had anything further to add: she remained quiet. Paisley sought guidance on timing for next week and was advised to prepare for lengthy meetings with further detail to be provided later. The meeting was then adjourned to 6 pm when a status report would be obtained on progress in bilaterals.

4.30 pm

Bilateral with the Irish

13. The Irish came in and were given details of the earlier meeting with the UUP. The message was that the UUP now seemed to want to put the cart before the horse. The Secretary of State also provided detail of his discussions with David Trimble last weekend, and read out part of the record note of earlier HMG/UUP contacts,

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all of which indicated that it had been made crystal clear to the UUP that a skeleton only mechanism had been envisaged on decommissioning and they had not dissented.

14. The Irish were in their usual pessimistic mode with O'hUiginn to the fore; he spoke of the UUP having resiled and a yawning chasm on decommissioning which was a pre-condition of the three Unionist parties. He also made a pointed comment that 'we had promised not to amend the sub-text on the wing and would be grateful for any other modifications you propose beforehand' (see paragraph 7) but this was strongly rebutted by Sir David Fell and Mr Hill leaving him to mutter that there was a need to 'avoid open dissent'. He conceded the DUP and Robinson in particular had been helpful, unlike Roche and the UKUP. At this point he proceeded deeper into the dark pit of his own making only to be told by Sir David Fell not to be so gloomy!

15. The Irish were cajoled to get alongside the UUP, as the British side intended (the Secretary of State mentioned his meeting with Trimble on Friday morning) to establish that the UUP appreciated that for them to hold to their demand on decommissioning could effectively put a stop to the talks. It was also not wholly clear whether this had arisen due to a misunderstanding or a change of heart by the UUP but this needed to be determined. O'hUiginn resisted suggestions that re-wording of the agenda might do the trick for now, indicating that it was hard to work up an appetite for language and protracted discussion necessary over the summer break. No-body, he said, paused to take a reality check and then proceeded to do so: the ceasefire had broken down, SF were not in the talks etc. Decommissioning was an unattainable goal. Of course one could have discussions but unless the Unionists change ... He was also dismissive of Roche who, in his view, didn't understand his own tactics (unlike him!). The Attorney General also spoke about an untenable position and the danger of when the music stopped or the last flight to the US came up.

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to lie elsewhere. A procedural wrangle over a vote in favour of adjournment had achieved sufficient consensus caused a temporary adjournment; but the Unionists feeling their point had been carried, it was eventually agreed by virtual unanimity that proceedings should be adjourned until 9 September.

Detail

A meeting with the Irish Government team at 9.35 am reviewed the prospects for securing progress on decommissioning and the agenda for the resumed plenary before adjourning for a recess during August. The Secretary of State reported on the meeting with Trimble the previous Friday, when the latter's analysis of the progress required on decommissioning before Unionists would engage in substantive political negotiations appeared to be significantly greater than anything the non-Unionist participants in the negotiations might be expected to accept. This, together with unhelpful public statements from Trimble over the week-end, and the known position of the SDLP, made it improbable that decommissioning would be resolved satisfactorily over the following few days. It was agreed that the two Governments should look again at the proposed agenda for the immediate business of the resumed plenary with a view to terminating the day's session on a positive note - with agreement on Rules of Procedure and the establishment of the Business Committee - rather than a messy and unsatisfactory engagement on decommissioning with no prospect of reaching a successful conclusion.

The opening plenary resumed at 10.05 am, with the unanimous acceptance of Rules 30-36, specifying the process by which decisions would henceforth be reached. In a calm and business-like atmosphere, Robinson introduced the DUP's amendments, speaking briefly to each one (acknowledging that the issues had already been

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At 2.30 pm the Secretary of State and Tanaiste met briefly. Having got Mallon signed up to the agenda as agreed between the two Governments, the Irish were reluctant to begin brokering a new approach. Their inclination was to draw a line under the proceedings and end them without further ado.

At 4.30 pm a joint UUP/DUP/UKUP paper setting out their views on the agenda for a resumed plenary in September was received. This showed little awareness of the sensitivities of the other parties - it suggested establishing decommissioning machinery considerably in advance of launching the 3-strand negotiations; it deferred opening statements until decommissioning and a comprehensive agenda had been largely agreed; and it meant resuming in September with decommissioning back as the first item on the agenda. The HMG team speculated that it was deliberately intended to provoke an SDLP walk-out, and that it did nothing to reduce the attractions of tabling the exit strategy agreed between the two Governments, even if that was incapable (by virtue of Unionist opposition) of achieving sufficient consensus.

Subsequently, HMG sought agreement with the Irish about playing in this exit strategy, based on an interleaving of work by a decommissioning sub-committee and an addressing by the Business Committee of the comprehensive agenda, both bodies being required to make proposals to the reconvened plenary no later than 16 September. In the light of Irish fears that such a strategy might well complicate the position still further, the British side agreed to revert to the position of curtailing proceedings in that day's plenary as quickly and as gracefully as possible. This decision was subsequently communicated to the Chairmen's office.

At 6.50 pm the plenary resumed under the chairmanship of Prime Minister Holkeri, who suggested that while significant progress had been made, the possibility of reaching a successful conclusion on decommissioning and agenda issues was remote; and in the circumstances, he suggested an adjournment of the plenary until Monday 9 September.

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From: John McKervill
Talks Secretariat
24 July 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B,L&DFP) - B
PS/Michael Ancram (B, L&DENI) - B
PS/Malcolm Moss (B, DHSS&DOE) - B
PS/Baroness Denton (B, DOE&DANI) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas (B&L) - 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 Currie - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Lindsay - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Checksfield - B
Miss Harrison (B&L) - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr O'Mahony, TAU - B
Mr Lamont, RID FCO - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B

FILE NOTE

TALKS: TUESDAY 23 JULY 1996

A full summary was circulated earlier today.

2. Following the customary Ministerial morning meeting at 0830, at which the Secretary of State agreed a reply to Dr Paisley's letter of 22 July seeking the British Government's view on the Irish Government's claim that the Opening Scenario paper of 6 June had

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effectively been taken off the table (the Secretary of State's reply confirmed this), the British Government's team, led by Michael Ancram, (the Secretary of State having returned to Stormont Castle for a meeting with the Apprentice Boys) met the Irish delegation, led by Nora Owen and Dermot Gleeson. At that meeting, Owen said that both Governments had to take things by the scruff of the neck, claiming that there was no hope of agreeing Rules of Procedure and Agenda the next day unless there was a clear and rapid timetable. Such a timetable was the minimum to keep the SDLP in the process. The Irish said that Mallon's - and also their own - instinct was to get all of the opening plenary out of the way before the Summer break, with perhaps the exception of opening statements which might be deferred until September.

3. Michael Ancram said that with two days next week, and with the possibility of three extra days, the ideal was to get to the end of the Agenda. But, short of that, we should avoid resuming in September with discussion of decommissioning. However, he cautioned Owen on not being over-optimistic at being able to curtail debate sufficiently on items such as decommissioning, in order to achieve completion of the Opening Plenary by the Summer break.

4. At this stage, the Independent Chairmen joined the meeting. Senator Mitchell reported that he had seen the DUP to discuss the Rules of Procedure and would be meeting the SDLP later. He hoped agreement would be reached and felt it was preferable to wait for further discussions with the three main parties before circulating a final set of Rules. On the revised agenda, Michael Ancram reported that only the UUP and SDLP had seen it. If it were to be discussed at the informal gathering the next day, it would have to be circulated very soon, perhaps deployed as a compromise. Owen repeated to the Chairman that an agenda, without a strict timetable, was of no use, and it would be dangerous to expect that, the next day, agreement would be reached on the Rules of Procedure without an incorporated timetable for an agenda for the remainder of the Opening Plenary. The SDLP, she said, would not agree to an agenda

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without a strict timescale, otherwise the Unionists would control the pace. The SDLP would be putting their head in a procedural noose.

5. Summarising, Senator Mitchell said that the first step would be agreement of the Rules of Procedure by the informal session the next day, with agreement conditional upon simultaneous agreement of the agenda for the opening plenary. Then, on the basis of sufficient consensus, the Rules of Procedure and Agenda would go forward for adoption by a full Plenary meeting the following Monday. What had the two Governments agreed should follow thereafter? Both reported that agreement had not yet been reached between them with the Irish suggesting that it was necessary to crystalise ideas on targets. Questions such as how quickly we could move to establish the sub-Committee to consider mechanisms to make progress on decommissioning; and when the plenary should consider the decommissioning issue required further discussion. The British team questioned whether it was possible to have meaningful agreement to a timetable without knowing the outcome of the discussions on decommissioning and agreement of a comprehensive Agenda in advance. At the very least, agreement between the UUP and SDLP (to meet sufficient consensus) on a timetable to close the debate on decommissioning would be required, otherwise the debate could run on for days.

6. Through this entire discussion the Irish side failed to recognise adequately the need to bring the UUP along if sufficient consensus was to be achieved. They urged the British Government not to under-estimate the consensus of all the parties with the exception of the three Unionist parties, to move forward, and even suggested that now was the time to test people on whether or not they really wanted to get into substantive negotiations. The British repeated continually that agreement between the UUP and SDLP was essential for movement. There was no point meeting the SDLP's demands if, in the process, we lost the UUP. The meeting concluded

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with an agreement that the two Governments would report to the Chairman on the outcome of further discussions which they agreed to convene at 1500.

7. Following that meeting, at 1245 the British team held a bi-lateral meeting with the SDLP, led by a morose Seamus Mallon. The latter reported on a very disappointing meeting he had held with the UUP earlier that morning, at which the UUP had shown little or no movement on any of the contentious Rules of Procedure. He portrayed the SDLP as having been magnanimous in offering generous amendments with no give in return whatsoever on the UUP's part. Rule 15, he confirmed, was a major stumbling block with the Unionists refusing to negotiate certain items and, he confirmed, while the SDLP had not liked the "fair hearing" formula in the two Governments amendment, his party could live with it. Michael Ancram suggested that an agenda was not a list of separate items but headings under which issues could be raised and he offered to explore Rule 15 further with the UUP. He increasingly felt that there was a general misunderstanding as to the meaning of an "Agenda".

8. The Minister then asked what were the SDLP's requirements for agreeing an Agenda for the Opening Plenary. Refusing to respond directly, Mallon said that he would be circulating to all the delegations proposals which would bring forward the talks to a point where outstanding matters could be dealt with before the Summer break, returning in September to get straight into the substantive agenda. He declined the Ministers suggestion of showing it to the two Governments before circulation to all the delegates on the basis that he did not want the UUP to believe that the SDLP could only operate through the two Governments. He was, however, pessimistic, on the basis of his meeting with the UUP, that an agreement on Rules of Procedure could be reached by the following afternoon.

9. Immediately after lunch, the UUP came up to a meeting with the Secretary of State and Michael Ancram. Trimble reported that

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Paisley had just been out to the press waving in his hand the letter which he had received from the Secretary of State that morning, and claiming that the Union had been saved and the Chairman's powers had been stripped away. Trimble had felt obliged to tell the press that this victory of Paisley was not so great, given that the Irish had taken the opening scenario paper off the table as far back as 12 June.

10. Turning to his meeting with the SDLP, Trimble said that no progress had been made, but with the fault lying squarely with the SDLP. While most of the Rules could be resolved with half a will, Trimble said that Rule 15 remained a real problem. As a possible way out, the UUP had invited the Chairman to have a go at drafting a formula, a strategy which the Secretary of State welcomed. The core problem was a question of conflict between an "agreed" Agenda and an "open" Agenda. Trimble believed that at best, Mallon was seeking to rub UUP noses in it; less optimistically, Mallon could be looking for a way to leave the talks. Trimble also reported that they had also put to the Chairman an amendment to Groundrule 17 to the effect that any report of a breach of the Mitchell principles should be referred to the Secretary of State in the first instance and for appropriate action thereafter by the two Governments. The Government took note of the suggestion without commitment. (The wording was later strongly opposed by the Irish at the wind-up meeting with the Chairmen on the basis that the two Governments were equal in their relationship to the Chairman). Any representation must be referred to both Governments.

11. Finally, on the way ahead, the maximum the UUP believed was achievable by the following Tuesday was the adoption of the Rules of Procedure and the Agenda and the completion of opening statements. The Secretary of State agreed that this assessment was probably right.

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12. At 1540 the British and Irish Government had a further meeting, at which the Irish tabled an informal paper outlining a timescale and targets for the completion of matters in the opening plenary. They hoped it could issue as a joint paper from the two Governments in order to put some dynamic into the process. After discussion of the order in which the items of the opening plenary might be taken and also much repetition by the Irish of the SDLP's need for a tight timescale, the British Government agreed to reflect further upon the paper. However the British, to Irish annoyance, maintained that it was not prepared to move on the paper before seeing the promised SDLP proposals. The meeting ended at 1610.

13. While the British delegation were considering and re-drafting the Irish paper, news came through that the SDLP proposals had been circulated but had also been issued as a press release. The British team immediately sought a meeting with the Irish, which began at 1725, at which the Secretary of State made it plain that he could not consider putting forward a joint paper along the lines discussed without Unionists claiming a conspiracy between the two Governments and the SDLP. He urged the Irish to agree to ask the Chairman to call an immediate informal gathering of the parties to get reactions to the SDLP paper.

14. Concerned that such a gathering might be turned into a lynching party and conscious that others had put things in the public arena - although they acknowledged that the SDLP press release was an advance on anything before - the Irish declined to agree. The Secretary of State said he was less concerned about the manner of publication of the proposals than their substance, arguing that a round table gathering was the best way of salvaging the situation. Otherwise, he feared things might fester overnight and the process could come to a halt. At the very least, he would need to hear the reactions of the other parties before tabling a joint paper with the Irish. The meeting ended with the Irish promising to speak to the SDLP and revert.

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15. At 1825, a very constructive DUP team, led by Dr Paisley had a good humoured meeting with Michael Ancram. (We concluded early on that they had not by that time, seen the SDLP paper!). The meeting focussed entirely on Rules of Procedure and the DUP's proposed amendments, particularly to Rules 15 and GR17 which they would be giving shortly thereafter to the Chairman. A discussion took place on whether or not there was a need for a Rule governing the entry of parties (particularly Sinn Fein) into the talks, as well as the exit of parties which had breached the Mitchell principles. After considerable explanation, the DUP seemed to accept the British Government's view that such a rule was not required because entry into negotiations was governed by the legislation. On para 15 the DUP maintained that they would not negotiate the Union. The situation was not the same as 1991/92 when there had not been a requirement to "negotiate in good faith". Looking ahead to the comprehensive agenda, they believed the heading on the agenda should be "Constitutional Issues" rather than "The Constitution".

16. At 1930 the Irish Government, having spoken to Mallon returned for a further meeting with the British delegation. They argued that all the other delegations, apart from the three Unionist parties, would be likely to welcome the SDLP proposals, if not the format in which they were presented, and urged the British team to convince the Chairman of the need to press on with a timetabled opening plenary agenda. Reminding the Irish yet again that UUP support was required to move things forward the British side maintained that they would not table a joint paper, at least until they had gauged the reactions of the parties. It might be that a paper could be jointly tabled, along with the revised agenda, before the next day's gathering, but it was too soon to judge.

17. Finally, the two Governments met the Chairman at 2105, at which Senator Mitchell reported on his discussions on Rules of Procedure with the SDLP, UUP and DUP, noting the various amendments each had offered. The single greatest achievement he believed, was in getting close to agreement on Rules 15. He now proposed to consider

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all the amendments and produce a revised composite document to discuss separately with the UUP, DUP and SDLP, in that order the following morning. (The SDLP refused a suggestion from the Chairman that the parties should meet the Chairman together). Following those consultations, he proposed to circulate a final Rules of Procedure document and call a full informal gathering in the early afternoon to obtain agreement on them.

18. The Chairman reported that part of the motivation behind Mallon's publishing of the SDLP document was anger at the British Government's refusal to give him a copy of the Secretary of State's letter that morning to Dr Paisley. The Chairman was quickly disabused of this notion by Michael Ancram who said no such request had been made by the SDLP. Mallon, the Chairman reported, was also concerned that little action had taken place on the agenda and was worried that he might be required to sign up to the Rules of Procedure without anything on the Agenda.

19. The British side said that it proposed to gauge reactions to the SDLP paper the next day. Depending on those, it might be possible for the two Governments to table the revised agenda or, if it appeared to gain support amongst the parties, it might issue from the Chairman himself. The Chairman suggested that there would be all of the following day to deal with that issue as, he believed, the likely result of the SDLP's action urging no delay would be to achieve the exact opposite. Inevitably, at the next day's gathering, there would be debate on the SDLP paper as well as amendments to the rules etc proposed by, among others, the DUP and UKUP who, the Chairman was in no doubt, would also be certain to raise again the status of Ground Rules debate. Accordingly, he hoped both Governments would be available to field teams at talks on the Thursday. The meeting ended at 2150 with the Chairman aiming to call a meeting of all the parties at 1430 the next day.

(Signed)

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