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FROM: TED HALLETT
Political Development Team
30 October 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Malcolm Moss (DHSS, DOE & L) - B
PS/Baroness Denton (DED, DANI & L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Steele - B
Mr Bell - B
Mr Leach - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Priestly - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, 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: 29 OCTOBER 1996

Summary

The day's business consisted of a single plenary session at which the Irish Government and the Labour Party gave their presentations on decommissioning. At the end of the plenary session the DUP complained about the size of the Irish delegation. After an adjournment, the Chairmen concluded that a convention should be applied to future sessions under which the political parties should have no more than 3 supporters and the Governments, no more than 5.

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The Irish Government's proposed amendments to the British paper on decommissioning were discussed in bilaterals and agreement reached on most points, subject to further reflection overnight. The Irish were also given a copy of the Secretary of States's speaking note, on which they reflected over night.

Detail

The plenary session opened at 10.10. The Irish Minister for Justice, Mrs Owen, reading from a speaking note (circulated separately) set out the Irish Government's position on decommissioning in familiar terms. The only departure from the script was a, probably inadvertent reference to independent international decommissioning experts playing an "important", as well as an "appropriate", part in the work of the decommissioning commission when it is established.

Mr Curran then gave the Labour Party's presentation. He said that it would not be appropriate for the "sectarian" parties to have total control over the decommissioning issue. The smaller parties should also play their part. Labour had no historical baggage. No section of the community could deny responsibility for the troubles or had an exclusive claim to suffering. He questioned why decommissioning had become such a prominent issue for the UK Government. There had been no mention of it in the papers exchanged with Sinn Fein prior to November 1993. Decommissioning had not been a feature of the resolution of any previous conflict situation. It had not happened after the Official IRA ceasefire in 1972, nor after the IRA's 1956/1962 campaign. The absence of weapons had not prevented the onset of the troubles in 1969. Labour was totally committed to decommissioning, which required the dismantling not just of weapons, but of the command structures of the paramilitary organisations. This would not happen, however, in advance of a negotiated settlement. The Labour Party fully accepted the International Body's proposals and decommissioning.

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At the conclusion of the Labour Party's presentation, Mr Robinson, for the DUP, raised a point of order concerning the size of the Irish delegation. The Chairmen proposed an adjournment to investigate the matter and report back. Before the meeting adjourned, the minutes of earlier meetings were agreed, subject to a number of DUP amendments to ensure that their position was accurately reflected.

The plenary session was then adjourned for 30 minutes.

During the adjournment, Senator Mitchell met the British and Irish delegations to consider the response to the DUP complaint. It was agreed that Rule 28 did not apply to the two Governments and that there was, therefore, no formal limit on the size of their delegations. Michael Ancram pointed out, however, that the Ground Rules had proposed a limit of 5 supporters for the Government delegations. Though the Ground Rules were not in force, because they had proved unacceptable to the Unionist parties, the fact that the Governments had been willing to limit themselves to 5 supporters could not be ignored. Michael Ancram proposed, therefore, that the two Governments should voluntarily limit themselves to "3 plus 5" in order to overcome the difficulty. Mrs Owen at first resisted on the grounds that it was not right to give in to "DUP bullying". Senator Mitchell argued, however, that a voluntary limitation, as proposed by Michael Ancram, was the best way of defusing the situation, particularly as the Governments had already volunteered a limit of 5. Mrs Owen eventually agreed to an undertaking to keep the Irish delegation to a "reasonable number", but was reluctant to mention a specific figure.

The plenary session resumed at 11.50. Senator Mitchell said that he had established that the Irish team had 9 supporters and the British 7. All of these were on the lists which had previously been notified to him and so were properly identified. He read out the text of Rule 28, before concluding that it was clear that it applied

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to the political parties and not to the Governments. The size of their delegations was therefore a matter for the Governments alone and no rule had been violated on this occasion. It was for them to decide whether to impose limits on the size of their delegations.

Mr Robinson complained that it had never been the intention that the Governments should have a free hand on the size of their delegations. There must be a "level playing field". The situation outlined by the Chairman was totally unsatisfactory. The DUP would not remain in the talks if there were no limit on the size of the Irish Government's delegation.

Mr McCartney accepted the Chairman's interpretation of Rule 28, but pointed to the reference to a limitation on the size of delegations in the Ground Rules.

Mr Thomas noted the Chairman's ruling that Rule 28 did not apply to the Governments, but said that the British Government would in future limit its supporters to a reasonable number, in general not exceeding 5.

Mrs Owen then attempted at length to justify the large number of supporting officials on the grounds that the Irish Government were making their presentation and it might have been necessary to respond to comments or questions from other delegations. She expressed "disappointment" at the lack of understanding on the part of some delegations for this position. While noting that Rule 28 did not apply to the Governments, the Irish would normally keep their delegation to a "reasonable number".

Mr Taylor, noting that, unlike the British delegation, the Irish had not mentioned a specific number, suggested the matter might need to be resolved by the business committee. At this point, Mrs Owen, with manifest reluctance, said that the Irish would normally keep their supporting officials to 5.

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the morning of 30 October. A number of the Irish points were
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Mr Cedric Wilson intervened at this point to question whether the
Irish Government should be at the talks at all, asserting that they
were merely there as a "crutch" for the SDLP.

Mr McCartney, for once in constructive mood, suggested that the
matter should be resolved by endorsing the "convention" set out in
the Ground Rules, namely 3 delegates plus 3 supporting officials for
the parties and 3 plus 5 for the Governments. All the parties and
the two Governments indicated willingness, in principle, to abide by
this convention.

Senator Mitchell concluded that: it was not disputed that Rule 28
did not apply to the two Governments but that the convention of 3
plus 3 for the Parties and 3 plus 5 for the Governments would
operate in future. Delegates and supporters should be confined to
those names which had been previously submitted to the Independent
Chairmen. He then adjourned the plenary session until 10.00am on 30
October, when the Alliance Party, possibly the UUP and then the
British Government could make their statements. During the
following week there would be an open discussion on
decommissioning. He invited any party which had not tabled a paper
to do so by Friday, 1 November.

During the afternoon there were bilateral discussions at ministerial
and official level with the Irish about the text of the British
Government's paper and speaking note on decommissioning. The Irish
put forward a number of amendments designed to play down the
difference between the two Governments on the interpretation of
paragraph 34 and 35 of the Mitchell Report and makes less explicit
the British interpretation that the Mitchell compromise was to work
towards the approach of some decommissioning during the
negotiations, in contrast to their own interpretation that the
compromise was merely to "consider" this. Texts were finally agreed

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(Signed Alan Whysall)

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