

CONFIDENTIAL

INT/41

FROM: JULIE MAPSTONE
IPL
15 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&L) - 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
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: 14 OCTOBER 1996

A slow start to a day which in the event turned into something of a marathon. Early British objectives were that progress should be made rapidly this week to avoid accusations (already made by Gerry Adams) of a political vacuum. Assuming an early agreement on the agenda for the opening plenary, the address on decommissioning could begin on Tuesday. This plan suffered a setback however when it was discovered that David Trimble was leaving for London in the evening

CONFIDENTIAL

CONFIDENTIAL

and would not be at the talks on Tuesday. His absence from the early stages of the address to decommissioning was seen as a problem.

2. But at a morning bilateral, the UUP indicated they were not happy with moving to the decommissioning debate so soon. It emerged their objective was to reach agreement first with the Prime Minister on certain matters discussed in the margins of the Conservative Party Conference the previous week, ie the entry requirements for Sinn Fein. When these were satisfactorily re-adjusted, decommissioning could be more easily dealt with. Michael Ancram arranged an afternoon meeting at which he would hear the UUP's ideas on these points in more detail. He then enquired after progress on the agenda for the opening plenary and the UUP replied that they were waiting for the SDLP to come back on a text.

3. In a brief meeting before the 12.00 plenary, Mr Ancram brought the Chairman up to date on the situation on the opening agenda. It appeared there was not yet full agreement between the UUP and the SDLP, and it was hoped the UUP could broker agreement with the DUP as well. At the 12.00 plenary the minutes of last week's meeting were agreed. The chair then sought to adjourn the plenary in order to permit further bilaterals. This move was at first contested by Mr Robinson who wished the participants to be informed which parties were reporting useful bilaterals, as he was unaware of any. He later removed his objection and the plenary adjourned at 12.20.

4. In a meeting with the Irish shortly after, the position of Sinn Fein after the Lisburn bomb attack was the main topic of discussion. Michael Ancram emphasised how much the public mood had changed, and went over the public statements of the Prime Minister and the Taoiseach on the bombs, indicating how much appreciated the Taoiseach's comments had been. He informed the Irish side that he was due to see the UUP that afternoon to hear their views on Sinn Fein's entry conditions. Mrs Owen said they could not be seen to be closing the door on Sinn Fein. She seemed unaware of the altered mood in the Irish Government and held fast to the joint existing position on Sinn Fein's entry.

CONFIDENTIAL

CONFIDENTIAL

5. She asked if the Government was changing its view on Sinn Fein's entry. Mr Ancram repeated that the bomb attack had altered public perceptions of what was acceptable; there was now a different agenda and it was necessary to respond to that. Mr O'hUiginn warned against using altered entry requirements for Sinn Fein as a way out of the decommissioning impasse. Insofar as there was a change of policy it was only that in the Irish Government's view Sinn Fein could not deliver a ceasefire. In his view, no internal management would solve decommissioning; it had to be confronted and the sooner the better. It became immediately clear that the DUP and the UKUP

6. At 3.45 Messrs Trimble, Taylor and Empey arrived. Mr Trimble, who could only stay 5 minutes, immediately stated their position; the talks process only has a future on the basis of Sinn Fein's continued absence. He had been much comforted by the conversation he had had with the Prime Minister at Bournemouth. It had to be accepted that the original strategy for getting Sinn Fein in had not worked. It was now necessary to devise a set of criteria to control their entry, which would provide legal protection for the Government. Criteria would need to be drawn up in such a way that if by some chance Sinn Fein met them all, they would be unrecognisable as themselves. Mr Empey, taking over when Mr Trimble left, said they understood the restrictions imposed on the Government by the legislation and that it was impossible openly to say that Sinn Fein were excluded. But the situation now was that if Sinn Fein came in, the UUP would refuse to deal with them.

7. When queried, they were not specific about the criteria, but talked of a check-list which would include the wording of any ceasefire announcement, a time limit while the ceasefire was considered, and examination of paramilitary activities, such as drugs killings and punishment attacks. Mr Ancram pointed out that these criteria would exclude the Loyalist parties. The other major difficulty he mentioned was whether the SDLP would sign up for a six-month 'filter' period for Sinn Fein. Mr Empey acknowledged this would be difficult; it would be necessary to discuss what timescale was reasonable, and to avoid language which made things

CONFIDENTIAL

CONFIDENTIAL

difficult for the SDLP. Mr Taylor pointed out that the SDLP were already resigned to the talks proceeding without Sinn Fein. The Irish Government's views would also be critical to the SDLP reaction.

8. The next plenary session, originally intended for 2.30, eventually began at 6pm, amid rumours circulating during the afternoon that the UUP and the SDLP had reached agreement on a text, but had been unable to obtain agreement to it from all participants, one bilateral between the SDLP and DUP breaking up in disarray. At the plenary, it became immediately clear that the DUP and the UKUP were angry and in no mood to agree the text, accusing the UUP of betrayal, both of the Unionist cause and their fellow Unionist parties. Various other insults and accusations were made during the course of the evening, not all directed at politicians. As the session lasted seven and a half hours, finally ending at 1.30am the next morning, this account will inevitably be truncated (you will be pleased to know). The main facts and arguments can be summarised as:

- the Chairman tabled a proposed agenda for the opening plenary for the participants' consideration, which had been drawn up based on discussions between the parties.
- the DUP and the UKUP protested vigorously that the text was in fact that agreed between the UUP and the SDLP and accused the Chairman of putting his independence in question, and the other parties of attempting to avoid debate.
- Mr McCartney also protested at the tendency of the two Governments to think only a bare majority on each side was required, and therefore only the agreement of the UUP and the SDLP was necessary. As a result the views of the other parties were ignored.
- the UUP assured participants they were not attempting to curtail debate or rush anything through. They offered to table the proposed agenda again in the names of the UUP and the SDLP.

CONFIDENTIAL

CONFIDENTIAL

- the DUP and UKUP requested an adjournment to allow the agenda to be retabled by the UUP and SDLP, and for amendments to be put. They proposed an adjournment until 11 o'clock the next morning. This was put to a vote and rejected. There was eventually a 20-minute adjournment and the agenda tabled by the Chairman was withdrawn.
- at 7.30pm, after the 20 minute adjournment, Mr Robinson protested at having a late, open-ended plenary. Many participants had had to cancel at very short notice evening engagements. Mr Taylor pointed out that his motion (approved) had been that business should proceed, not that there should be a late night session. Nevertheless it was clear at this point that the DUP and UKUP had no intention of allowing an early conclusion to be reached.
- the British and Irish Governments took a low-key part in the debate, both indicating support for the proposed agenda. Both were the object of criticism at various points - the British side for the absence of Ministers.
- Mr Robinson, on behalf of the DUP, eventually got on to issues of content of the agenda. His points were:
 - Item 1: how extensive is business likely to be on this item (the exchange of proposals on the comprehensive agenda) and called for a time limit;
 - Item 2a: the discussion of proposals on decommissioning should not just concern the International Body's report. No limitations should be put on other proposals being considered;
 - Item 2b: this item proposes a commitment to work constructively to implement agreements, but gives no guidance as to which agreements are referred to;

CONFIDENTIAL

CONFIDENTIAL

agenda item - discussion of the entry requirements for the
- Item 4: it is clear from this item that there is no
Government's requirement for actual decommissioning.

- Mr Taylor then asked for the proposed agenda to be circulated under a new set of proposers. As well as the UUP and SDLP, the names of the Alliance Party, the Labour Coalition, the Women's Coalition, the PUP and the UDP were now appended. He reported he had been approached during the 20-minute adjournment by the other parties wishing to associate themselves with the agenda.
- at one point Mr Mallon referred to a proposed agenda circulated by the three main Unionist parties in July which, by reading out particular items, he demonstrated was less strong than the proposed agenda currently under discussion.
- Mr Mallon proposed that the Chairman issue a brief, factual
- Mr Empey attempted to answer Mr Robinson's points. He indicated there was nothing to prevent parties raising other proposals, and he envisaged that item 1 of the agenda would be brief.
- at a number of points during the evening protests were raised about certain parties breaching confidentiality and speaking to the press, heavily represented at the gate. There was no consistent pattern of accusations, the UKUP, UUP and Alliance all receiving condemnation at various times.
- Mr Robinson returned to his earlier questions which he said had been insufficiently answered by Mr Empey, and invited the SDLP to provide answers. Mr Mallon said he could not provide an answer on the length of time for item 1; that was for participants to decide collectively at the time. Mr Robinson's points could be covered when we got into the substance of discussion at each item.
- at 10.30, after a half hour adjournment, the UKUP tabled proposed amendments. Mr Robinson proposed a further

CONFIDENTIAL

CONFIDENTIAL

agenda item - discussion of the entry requirements for Sinn Fein. He pointed out that recent pronouncements from both Governments had indicated that the criteria for entry had to be redefined.

- All proposed amendments were rejected at a vote, the DUP and the UKUP voting for all amendments, and the other parties voting against, with the exception of Mr Robinson's proposed new item of Sinn Fein entry requirements which was supported by the PUP and the UDP.
- the proposed agenda tabled was then voted on and accepted under the rules of sufficient consensus. The DUP and UKUP voted against.
- Mr Mallon proposed that the Chairman issue a brief, factual statement to announce the agreement reached. Mr Robinson demanded that the statement should cover the amendments proposed by the DUP and UKUP. As there was no consensus, it was agreed that no statement should issue.
- some time was then spent planning the business of the next day.

TALKS: SUMMARY, 15 OCTOBER

The session ended at 01.30, 15 October.

Following the agreement in the early hours of the UUP/SDLP agenda for the remainder of the Opening Plenary - the DUP AND UKUP dissenting - debate was lower key. Paisley and Trimble being absent.

Signed:

The first item on the agenda - circulation and introduction of proposals for the comprehensive agenda - was dealt with quickly. The UUP, SDLP and Alliance submitted agendas in identical terms. There were few substantial comments on introduction, the session ran an hour in total.

JULIE MAPSTONE

CONFIDENTIAL/23246

CONFIDENTIAL