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FROM: TED HALLETT
16 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
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
Mr Holmes, No.10

NOTE FOR THE RECORD

TALKS: 16 OCTOBER 1996

Summary

The day's business consisted of a single plenary session, from 10.10 to 13.00, in which Mr McCartney continued to expound his thesis that the present talks process was fundamentally flawed, because it was based on a policy of appeasement to secure Sinn Fein participation, and that the two Governments' approach to decommissioning amounted to an invitation to the Republican movement to trade weapons for political gains.

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Detail

The plenary session began at 10.10 am, to continue discussion of item 2 of the agenda for the remainder of the opening plenary on consideration of the International Body's proposals on decommissioning. The Chairman, Mr Holkeri, said that submissions had been received from the Alliance Party, the UUP and the UDP, which had been circulated to all delegations. It was agreed that there should be a 20 minute adjournment to allow delegates to read the submissions.

The plenary reconvened at 10.40 am, with Mr McCartney resuming his statement on decommissioning. He set out at considerable length his thesis that the present political process was flawed because it compromised democratic principles in attempting to entice representatives of the terrorists into dialogue by a series of concessions. It was clear that the Sinn Fein/IRA cessation of August 1994 was never intended to be permanent and was merely tactical, in order to see what the political process might offer. The terms which had been agreed for the talks guaranteed an "inclusive" agenda. This meant that "the Union" was on the table, which was a denial of the principle of consent. The two Governments were trying to determine the terrorists' "bottom line" so as to formulate a package acceptable to them and to constitutional nationalists, with the "acquiescence" of Unionists then being sought by "bribery". The Downing Street Declaration and the Frameworks Documents were part of this plan. The UUP had been "duped" into accepting the former, but had finally shown resistance in rejecting the latter.

It was clear that the IRA had no intention of decommissioning before a final settlement, but the presence of Sinn Fein was seen as absolutely necessary by the two Governments, who were therefore seeking ways of circumventing their refusal to decommission. Paragraph 34 and 35 of the Mitchell Report required the talks

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participants to do no more than "consider" decommissioning during the negotiations. Any actual decommissioning would only happen in response to political gains for the Republican movement.

The approach of decommissioning only in response to Republican political gains was carried over into the documents produced by the British and Irish Governments on 6 June and 30 September. The Mitchell Report and the two joint documents envisaged a negotiating process based on appeasing terrorism. This was a "corruption of the democratic process".

The proposal in paragraph 48 of the Mitchell Report that decommissioned weapons should be exempt from forensic examination subverted the rule of law and would deny fundamental justice to the victims of terrorism. It was totally unacceptable to the people of Northern Ireland. The fact that this provision of the British Government's enabling legislation would not apply in Great Britain meant that the people of Northern Ireland were being treated as second class citizens.

Mr McCartney then embarked on a detailed analysis of paragraphs 9 to 14 of the 6 June "scenario" paper and the joint British/Irish paper of 30 June on decommissioning. Both were based on the approach outlined in paragraph 34 and 35 of the Mitchell Report. They were specifically addressed to Sinn Fein in an attempt to bring them into the process by assuring them that everything was on the table, including "the Union", and by requiring no more than "consideration" of some decommissioning during the negotiations. Decommissioning would thus only be required when Sinn Fein were satisfied with the political progress being made. There would be no surrender of arms without Republican political gains. The proposed sub-committee, chaired by Senator Mitchell, to examine decommissioning in parallel with the three strands would ensure that little progress would be made, while the discussions on political issues in the three strands proceeded rapidly. The only difference between the 6 June and 30 September documents was that the role of determining "good intent" on decommissioning was assigned to the two Governments rather than Senator Mitchell.

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The document envisaged that the Governments' draft legislation would only be published after the opening plenary, which meant that decommissioning could not be properly "addressed" since there was inadequate knowledge of what the two Governments intended to do. He was not prepared to take that on trust. The document was a "fudge" to delay decommissioning in order to entice Sinn Fein into the talks. "The document is alive with the stench of deals with terrorists". It was "flawed, corrupt and rotten". The two Governments had hoped to secure a deal on this basis with the UUP and the SDLP, but the UUP had fortunately seen the light and rejected the document in favour of their own when it became clear to them that it would be unacceptable to rank and file Unionists.

Mr McCartney then examined the UUP paper on decommissioning. He criticised section 5, in particular, on the grounds that it did not stress the need for a restored ceasefire to be "permanent". There was a crucial link between a "permanent" ceasefire and decommissioning. If a ceasefire were genuinely permanent, there would be no justification for holding weapons and decommissioning should begin immediately. To insist on permanence, however, was incompatible with the two Governments' overall strategy of bringing Sinn Fein into the negotiations. The talks participants should be clear, however, that once Sinn Fein were in, it would be virtually impossible to get them out. In an attempt to demonstrate this, he read out the questions which the Secretary of State had posed to the PUP and the UDP during the consideration of the DUP/UKUP allegations that they had breached the Mitchell principles, arguing that Sinn Fein could easily produce replies to such questions which would enable them to continue in the talks, irrespective of IRA actions.

At this point, Mr Farren proposed an adjournment. No reason was given, but it was clear that he and others needed a break from Mr McCartney's discourse. Before the session broke up, Dr Paisley raised a point of order regarding the Rev. Magee's attendance at the talks the previous day as an "observer". Dr Paisley asked for a ruling from the Chair on "observer status".

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When the plenary session resumed, Mr Holkeri confirmed that there was no observer status, reiterated the need to ensure confidentiality and said that it was for delegations to ensure that only elected representatives and genuine supporters or researchers were admitted to plenary sessions.

Mr Wright, for the UDP, said that the Reverend Magee was not an adviser or a member of the party and that they had been wrong to bring him into the plenary session. He apologised for doing so.

Mr McCartney then resumed his discourse. It was clear that the UUP had moved away from decommissioning as a necessary requirement for Sinn Fein participation, in favour of redefinition of the nature of the ceasefire which would be required. The credibility of a ceasefire would only be established, however, if the words "complete" and "permanent" were used. If a ceasefire were to be accepted as permanent, this would require an immediate start to decommissioning, unrelated to any progress on political objectives. It was only by such decommissioning that the credibility of a "permanent" ceasefire could be demonstrated. The UUP submission was illogical because it did not call for this. It was clear that the document had been carefully drafted to enable the UUP to go along with the approach set out in paragraph 34 and 35 of the Mitchell Report. It was a move in the direction of Mr Spring's "Fourth Strand". He detected signs of a deal with the Governments. This was not acceptable. Any such deals should be put on the table so that they could be examined by all the participants.

Dr Paisley intervened at this point to say that section 5 of the UUP submission appeared to be suggesting a "half-way house" for Sinn Fein, whereby they would initially talk to the two Governments before the other parties had to see them. That was unacceptable. Mr McCartney agreed, arguing for the UUP to suggest a "half way house" along these lines was "absolute folly".

Mr McCartney then turned to the wording of item 2 of the agenda for

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the remainder of the opening plenary. This was clearly designed to ensure that the only proposals which were effectively discussed were those in the Mitchell Report. This was all the two Governments were willing to consider. They had succeeded, with the complicity of the UUP and the SDLP, in putting Mitchell's paragraph 34 and 35 back at the centre of the discussion. This approach would eventually be "hammered through by vote", with the UUP and presumably the PUP and UDP going along with it. It was not, however, in the interests of those who wished to preserve the Union. Item 2(b) referred to "agreements" on decommissioning, but it was clear that there was no intention that agreements would be in place before the end of the opening plenary. It was merely designed to achieve the objective of the two Governments in referring the issue to a sub-committee, which would provide endless scope for delay. He urged those who had agreed the agenda to recognise that the two Governments' aim was to "bury" decommissioning. The "poor misguided UUP" did not see that they had been duped. The whole basis of the present talks process was flawed. We should revert to a non-inclusive process, instead of trying to devise conditions to bring Sinn Fein in. The attempt to "sup with the terrorists" would only serve to weaken democracy.

He did not intend to put forward the UKUP proposals on decommissioning now. They would come at the appropriate time. At this stage, he was merely seeking to clear the ground by exposing "misguided notions" and reminding delegates that the democratic process was being corrupted by association with terrorists. 95% of the people of Northern Ireland wanted no truck with terrorists, but the two Governments nevertheless persisted with their efforts to bring them in. The process was designed to appease terrorists by finding their bottom line and attempting to move towards it. The community in Northern Ireland was more divided than ever by the attempts to include Sinn Fein. He wanted no part of such a peace process. Further fudging of decommissioning would be rejected by the people of Northern Ireland.

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At the conclusion of Mr McCartney's intervention, Mr Holkeri proposed that the plenary session be adjourned until noon on Monday, when Dr Paisley would be the first to speak. This was agreed. Dr Paisley proposed that there should be no plenary session on Wednesday, in view of the State Opening of Parliament. This too was agreed, with Mr Empey suggesting that the time thus made available should be used by delegations for detailed examination of the submissions which had been put forward. Mr Neeson, for the Alliance, urged that those parties which had not yet made their submissions should do so as soon as possible. The meeting concluded at 13.00.

(Signed)

pp Alan Whysall

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NOTE FOR THE RECORD

TALKS: 15 OCTOBER

SUMMARY

Agreement having been reached in the early hours of the UUP/SDLP agenda for the remainder of the opening plenary, draft comprehensive agendas were circulated. Those of the UUP, SDLP and Alliance were in identical terms. They were briefly introduced, and the "address" to decommunisation began.

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