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From: John McKervill
Talks Secretariat
2 October 1996

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cc
1. Julie 4/10
2. ~~Jell~~
3. FA Tallis
minutes

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

NOTE FOR THE RECORD

TALKS: 1 OCTOBER 1996

Summary

A day of little progress, other than agreement on records of previous plenary meetings and points of agreement relating to confidentiality. Both Governments criticised, along with the UUP and SDLP, for excluding other parties - principally the DUP and UKUP - from talks on decommissioning. Hopes of possible agreement on the agenda for the opening plenary were dashed when the Unionist block raised a stumbling block in the wording of the decommissioning item. Secretary of State published the two Governments' "conclusions" paper at a press conference.

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Detail

2. Following the customary morning meeting the negotiations moved into plenary format beginning at 11.10 am to discuss three items: the records of previous meetings; a review of the revised paper on confidentiality; and the agenda for the remainder of the opening plenary. Prime Minister Holkeri, who chaired the session in the absence of Senator Mitchell, managed to dispose quickly of the first two items. All the previous records which had been circulated by the Chairmen's staff were agreed, subject to a request from both the UKUP and the DUP to have it recorded that at the meeting on 10 September both had specifically asked for the questions, which the Secretary of State had posed to the loyalists in determining whether there had been a breach of the Mitchell principles to be recorded in verbatim form.

3. With similar speed delegates then agreed the "points of agreement" on confidentiality which had been circulated by the Independent Chairmen on 29 September including the British Government amendment to point 4. On point 5, the Chairman clarified that the reference of confidentiality applying to the two Governments and the Independent Chairmen applied equally to the two Governments' officials and the Chairmen's staff. The "questions for discussion" circulated also on 29 September were left for further consideration by the delegations.

4. Turning to the agenda for the remainder of the opening plenary, General de Chastelain, as Chairman of the Business Committee, summarised the various proposals he had received from delegations on the opening plenary. No further revised proposals having been offered, the Chairman suggested that those parties which had offered proposals should make a short statement on their proposed agendas.

5. Speaking first, the Secretary of State, following a script attached to Mr Hill's submission of 1 October, stressed the need to

make substantive progress; indicated a readiness to drop the idea of having opening statements; and emphasised the desirability of moving rapidly to address decommissioning. He commended to the other participants the two Governments' draft agenda of 30 July. Mr Robinson, for the DUP, took issue with the 30 July draft and enquired why the order of items had been changed so that the comprehensive agenda for negotiations now preceded consideration of the International Body's proposals on decommissioning. He suggested that this change had been made to satisfy the SDLP yet, he argued, the majority of parties around a table wished to see the address to decommissioning debated first. Picking up this theme, Mr McCartney referred to the 28 February communique saying it was plain from it that decommissioning was of prime importance and argued that it was envisaged then by the two Prime Ministers that decommissioning had to be taken first in any opening plenary agenda. Changing tack, however, he then launched into an attack on the two Governments for the exclusion of his Party and the DUP from the detailed discussions on decommissioning which had been going on between the Governments, the UUP and SDLP. Decommissioning, he argued, was a matter for the two Governments to deal with in discussion with all the parties: not just the two main centre parties. Exclusive discussions, and documents shared with only one or two parties must stop. Such behaviour did little to build confidence in the talks process.

6. Intervening, Mr Mallon said that the SDLP had neither sought nor received last week a document from either Government on decommissioning. He said he shared the Secretary of State's concern about the need to move quickly to substantive issues. He noted that the two Governments proposals for the opening agenda were not substantially different from the suggestions of others including of his own party. He suggested the chair might take a straw poll of the views on the two Governments agenda and hoped that substantial agreement might be reached on how to proceed.

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7. Lord Alderdice, for the Alliance, said his party had always accepted that various parties in the process might wish to engage in bi-laterals and produce papers. Recent discussions between the two Governments and the UUP and SDLP presented no problem for him. On the agenda for the opening plenary, he equally had no problem, suggesting that the order of the items was of enormous unimportance. Like the British Government, the Alliance were happy to forego the "pleasure" of opening statements. Mr Taylor, for the UUP, agreed with the Secretary of State that people in Northern Ireland were anxious to see movement. But, for that reason, the decommissioning issue must be addressed first. Defending the UUP's meeting with the British and Irish Governments, he said his party treated all such discussions as a matter of confidentiality and that no-one had the right to complain about any private documents which might have been produced from those discussions. The two Governments were not required to release any document to all the delegations while confidential tri-laterals and bi-laterals were going on.

8. At this stage, Mr McCartney sought to develop the debate into one on the actual issue of decommissioning rather than a procedural debate on the agenda. Referring to statements from both Governments as far back as 1993 about the need for the actual handing over of weapons in advance of Sinn Fein's entry into the talks, he accused both Governments of following a policy of appeasement to get Sinn Fein into the talks. He was delighted that the UUP had issued a paper denouncing the two Government's proposals on how decommissioning might be addressed. He maintained that decommissioning had to be dealt with in a way which gave the Northern Irish people assurance that there would be peace. Until the decommissioning issue was put right at the centre of the negotiations, he believed that they were doomed.

9. At this stage, the Secretary of State noted that while it had been helpful to have some ventilation, what delegates were engaged in that day was essentially a procedural debate. He suggested that

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it would be a mistake to go further into debate of substantive issues without proper preparation. He looked forward to making a detailed presentation of the British Government's view on the address to the International Body's proposals on decommissioning in the future. But to move rapidly, he believed delegates should concentrate on the question of the agenda for the rest of the opening plenary rather than get into substantive debate. He therefore welcomed an earlier proposal from Mr Robinson that the various parties' suggestions on the agenda should be circulated around all the delegates. With the various proposals in front of them, it may be easier to reach agreement. Mr Curran for Labour, and Ms McWilliams for the NIWC both agreed that opening statements might be dropped in order not to delay progress. Equally, neither had a problem about the various bi-laterals and tri-laterals which had been going on over the previous week. They were encouraged by, rather than suspicious of, such meetings.

10. In an unhelpful intervention, which soured the atmosphere Lord Alderdice suggested that progress would not be made if people purposefully engaged in misunderstanding. He suggested that those who talked about the negotiations being doomed, wanted them to fail and were working to ensure that they would be doomed. At this point, he then referred to the Deputy Leader of the DUP as not "realising honesty when he saw it" which prompted a request for a withdrawal of his remark. When Alderdice refused to do so, the DUP left the meeting. Following a further attack on the Government from Mr Wilson of the UKUP about not caring about the concerns of people outside the Conference Room, the Chairman adjourned the plenary until 1500. He invited delegations during lunch to submit to him any alterations/new proposals for the agenda of the opening plenary. These, along with others' earlier proposals would then be circulated for discussion in the afternoon.

11. Immediately following the adjournment, the two Governments had a bi-lateral to take stock. At this meeting they concluded that both Governments could agreed to drop "Opening statements"

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from the agenda. They would not however, offer any amendments to their draft agenda of 30 July until the proposals from the others had been circulated. Michael Ancram, who had by that stage arrived from London, noted that the UUP's rejection of the two Governments' proposals on decommissioning were dominating the media. Given British Ministers' absence from the talks the following week, he was reluctant to see a gap of ten days, during which the two Governments' views on the address to decommissioning were not in the public domain. He therefore favoured publication that day of the two Governments' paper. Not least, publication of the Governments' proposals could help counter any claims Trimble might make at the Conservative Party Conference the following week. The Secretary of State agreed, with apparent Irish acquiescence, that there was much to be said for getting something on record in advance of the Party Conference. The Secretary of State later told the Irish delegation before the resumed plenary began that he proposed to publish the two Governments' "conclusions" paper at a Press Conference at 1700 that day.

12. The resumed plenary began at 1510 with Lord Alderdice, at the Chairman's invitation, making a statement in which he rather begrudgingly withdrew his earlier remarks about the DUP Deputy Leader. The Chairman then proposed that each delegation which had submitted proposals on the agenda for the remainder of the opening plenary (which were circulated by the Independent Chairmen) should give a brief statement on their suggestions. Opening, the Secretary of State declared that the draft circulated on 30 July by the two Governments remained the British Government's preference. He suggested that there was general agreement that opening statements were no longer attractive and he was happy to see them dropped. He believed an agreement on the comprehensive agenda could be reached quickly which, he believed, would be a further modest achievement for the talks. He therefore favoured that item coming before the decommissioning item, although he recognised that decommissioning was at the forefront of most delegations' concerns. Mrs Owen, for the Irish Government, confirmed that the Irish Government too remained wedded to the 30 July draft.

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13. There then developed a repeat of the morning's discussion with the DUP and UKUP seeking an explanation as to why the Governments had changed the order of items on the agenda so that the comprehensive agenda would be taken first. Mrs Owen defended the change on the basis that taking the issue of a comprehensive agenda first was a logical progression and was also the result of combined wisdom from discussions with other parties. Unconvinced, both Mr Robinson and Mr McCartney accused both Governments again of changing the order of items in order to satisfy the SDLP. Rather than the change promoting agreement, Mr Robinson argued that it was to promote disagreement. Mr McCartney then repeated his assertion that the 28 February communique made it clear that all parties would sign up to the six Mitchell principles when, "at that stage" the delegations would also have to address the issue of decommissioning. The order of the items for the opening agenda was therefore clear. Decommissioning must come first.

14. Speaking for the Alliance Party, Mr McBride said he was not rigidly attached to any particular sequence. The Alliance Party's only concern was that the agenda should ensure that all relevant issues were dealt with in a serious fashion. Mr Empey, for the UUP, suggested that the most obvious item to be dealt with was decommissioning. In terms of the order of items, he had not heard a rational argument from the two Governments as to why they had changed their original proposals. He agreed that the 28 February communique clearly envisaged that decommissioning would be addressed first. Just because the comprehensive agenda would follow after did not necessarily mean that it would not be adequately addressed. The sensitive and difficult issue was decommissioning and the political reality was that this problem had to be cracked "and we all know it". If decommissioning were pushed further down the agenda, then the talks would be sending out a message that it had been relegated in importance.

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15. Mr Farren, for the SDLP, suggested that their proposed agenda offered a flexible approach. Discussion of the comprehensive agenda, he believed, should be the number one item. There had already been much discussion of the comprehensive agenda in bilaterals and he did not believe the item would delay the talks considerably. Once agreement was reached, the talks could proceed, before adoption of the comprehensive agenda, to the decommissioning issue. Dr Paisley returned to the reason why the two Governments had changed the order of items in the opening agenda and claimed their aim was to get the three stranded negotiations up and running before any guns would be handed in at all. He argued, supported by his deputy, that the 28 February communique set out the proper order. Was the Irish Justice Minister, by saying that the 30 July draft was a logical progression, arguing that the sequence envisaged by the two Prime Ministers was "illogical"? Responding, Mrs Owen asked what reassurance the DUP could give that the comprehensive agenda would be discussed meaningfully, if the Governments were to change the order of items. Responding, Mr Robinson said the DUP had already put forward proposals on a comprehensive agenda which were not much different from the drafts of the two Governments. But, more importantly, the guarantee of meaningful discussion was best found in the Rules of Procedure which required the Chairman to ensure that all delegations, with an issue to raise, could do so.

14. Continuing around the table, Mr Curran for Labour, said he agreed with Dr Paisley that the most important thing was the getting rid of guns. He suggested however, that those present had no effect on decommissioning nor any influence on any decommissioning process. What discussions on decommissioning took place in the talks would not make one blind bit of difference outside the Conference Room, and he encouraged the two Governments to "get on and do" what they had proposed in their joint paper. At this stage, and for little reason, an ugly spat developed between Rev McCrea, who accused the Irish Government and Garda Siochana of knowing the locations of arms hides but of not digging them up, and

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Mrs Owen who totally refuted his allegations. His claims were totally untrue and she asked Mr McCrea not to repeat them in future. There was no basis for his scurrilous allegations.

17. Turning again to the subject under discussion, Mr Wilson, for the UKUP, suggested that the change of mind of the two Governments had brought about a logjam. In the attempt to remove that logjam the Secretary of State said he recognised that there was clear support shown for moving rapidly towards discussion of decommissioning. Should anything come before that? While he accepted that an agenda for the comprehensive negotiations needed to be adopted, he suggested that might come after the address to decommissioning, but ventured that there might be some advantage in a prior circulation of views on what should appear on that agenda. Given the work already done on this, he believed such a circulation process might not take too long. If such an idea might find favour he suggested an adjournment of the meeting so that a revised agenda might be circulated in writing to the delegations.

18. Responding to a request for clarification from Mr Mallon, the Secretary of State said he was considering the prior circulation of parties' views as to what should appear on a comprehensive agenda. Of course some discussion of those views could take place, although he hoped any discussion could be restricted so that the opening plenary could move into the substantive debate on decommissioning. He envisaged only an entirely preliminary discussion of comprehensive agenda items. With this proposal apparently finding favour amongst the delegates, the Chairman adjourned the meeting for ½ hour for the circulation of a revised agenda.

19. Immediately following resumption of the plenary at 1727 it became clear that the compromise revised draft agenda circulated by the British Government was not going to be acceptable to the Unionist block. This time, objection focussed on the wording of the item on decommissioning ie "Address to International Body's proposals on decommissioning" rather than on the order of items,

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with the new sequence apparently acceptable to the delegates. Mr McCartney wondered whether "address" would incorporate the three tirets (a), (b) and (c) of the combined Unionist proposed agenda. Michael Ancram, who led for the British delegation in the absence of the Secretary of State at the press conference, suggested that under item 2, it was open for anyone to raise whatever issue they wanted. He believed the word "address" was comprehensive and was not intended to restrict debate. The new draft agenda had been put forward in an attempt to be constructive and to clear the logjam: not to create further difficulties, Dr Paisley sought confirmation from the Minister that item 2 as drafted would enable agreement to be reached. The Minister responded that the intention was to get agreement and certainly the British Government would encourage agreement, but in response, Peter Robinson, noting item 3 as "Discussion and agreement on comprehensive agenda" wondered why item 2 could not be similarly worded ie "Discussion and agreement on decommissioning issues". He was not satisfied with the Minister's view that the wording of item 2 included the "prospect" of agreement. Mr Empey for the UUP, noted the references to "commitment" in both the SDLP's and the joint Unionist agendas. That, he said, was a common denominator which should be built upon, although he refused to take up the Minister's invitation of providing a form of words there and then, suggesting that drafting on the hoof was a dangerous practice.

20. Mr McCartney, agreeing with the DUP and UUP, suggested item 2 as drafted was much too confined in that it only related to the International Body's proposals. His party and the DUP had never accepted the Mitchell proposals. He too saw no objection to "Discussion and agreement on decommissioning". He also proposed an amendment to item 4 of the agenda along the lines "Agreement of the timetable for the launch of the three strand process and any agreed mechanisms of decommissioning". Items 1, 3 and 5 he could accept as drafted.

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21. At this stage, Ms McWilliams sought clarification from Mr McCartney of the difference between "consideration" of the International Body's proposals which was included in the joint Unionist agenda, and "address to" included in the agenda offered by the British Government. Mr McCartney was unable to accept an argument put forward by Mr Durkan of the SDLP that "address to" was no more confined than "consideration".

22. As there was clearly no agreement, the meeting agreed to Michael Ancram's suggestion that delegates should reflect overnight on the issues with the aim of making progress the following day. Following discussion, it was agreed to adjourn the plenary until noon the following day for further discussion of the agenda for the remainder of the opening plenary.

23. At a wash-up session between the two Governments and the Chairmen at 1845, Michael Ancram and Mrs Owen agreed that the generic heading of "Discussion and agreement on decommissioning" suggested by the Unionists was unacceptable. The Irish believed this was the clearest intention yet from Unionists that they were looking for substantive agreement on decommissioning - including adoption of a scheme for decommissioning - in return for a procedural agreement on a comprehensive agenda. Both Governments agreed to reflect on whether it was possible to come up with a form of words which might allow agreement on an agenda for the remainder of the opening plenary to be reached.

(Signed)

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