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FROM: J MAPSTONE
1 October 1996

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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 Leach (B&L) - B
Mr Bell - 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
Mr Holmes, No 10

NOTE FOR THE RECORD

TALKS: 30 SEPTEMBER 1996

At an early pre-brief the Secretary of State reported that the first indication that the UUP was unable to accept the two Governments' joint proposal constituting an exit strategy from the opening plenary, had come in the margins of a meeting on Friday night, when the Secretary of State had had a 20 minute meeting with Mr Trimble. Over the weekend the UUP Executive Council had been finalising a paper on decommissioning which had been expected to emerge on

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Sunday. Our main issues of concern were the extent to which HMG could support the UUP paper (soon to be revealed as not at all), the need to keep the Irish alongside and to prevent their reverting to the June 6 position once they had seen the UUP paper, and the strategy for taking things forward now that pre-cooking an exit strategy had failed. It was agreed that it may be necessary to issue a short statement responding to the UUP paper reiterating the Government's position on decommissioning.

2. The UUP paper, in effect their response to the joint "conclusions" paper, was received at 11.00am and published at a press conference in early afternoon. The paper represented both a departure from Mitchell and a break with established Government policy. It is based on a requirement for structures and methodologies for achieving actual decommissioning agreed and in place before the start of substantive negotiations. In an elaborate process for the entry of Sinn Fein, it reintroduces the idea of prior decommissioning as part of a period of "purgatory" for Sinn Fein between their entry to the process, following a "genuine" ceasefire, and their participation in negotiations. Judging whether a ceasefire is genuine requires, according to the paper, consideration of other paramilitary activities, such as recruitment, training and targeting. After a ceasefire is considered genuine, there would need to be a three stage commitment by Sinn Fein consisting of signing up to the Mitchell principles, acceptance of Rules of Procedure, and a first installment of mutual actual decommissioning to demonstrate good faith.

3. The paper seeks the establishment by the two Governments of a core Verification Commission at an early stage, to begin preliminary work assisted by experts, the UUP demanding the right to be consulted on the appointment of "Commissioners and other senior staff". The paper expresses the view however that there is no need to create a committee of plenary to address decommissioning. Instead an opening plenary session on decommissioning should be held with the opportunity of putting in written submissions beforehand.

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4. At lunchtime the Secretary of State had a brief tête-à-tête with Mr Trimble. It was clear that Mr Trimble had come under considerable pressure, both from within his party and from outside, which meant he could not deliver agreement on the "conclusions" paper. Mr McCartney, who according to Trimble wished to bring the process down and was also "frightening" Paisley, was proving a particular obstacle to movement.

5. In the early afternoon there was a bilateral with the Irish. The Secretary of State related his meeting with Trimble on Friday evening, our response to the UUP paper, and the readout from today's tête-à-tête with Trimble. He repeated his view that at the beginning of the process he believed Trimble had been genuine, but in the event he had been unable to deliver his party. He said that the departure from Mitchell demonstrated in the paper by the introduction of prior decommissioning, meant that not only could the Government not support it but it was unlikely to form a useful contribution to the general debate.

6. The Irish were depressed and hostile to the UUP. Mrs Owen pointed out the distance they had moved in order to agree the "conclusions" paper without receiving anything in response, and they referred to the problems caused by the lack of unity in the Unionist camp generally. She was concerned too about the manner in which the UUP had presented its position - a public press conference, which, combined with the dogmatic language employed in the document, made it difficult if not impossible for the UUP to maintain any flexibility on the issue.

7. The air of unreality which seemed to invade the UUP was commented on. Mrs Owen pointed out that the proposals on Sinn Féin's entry would be completely unacceptable to Sinn Féin and so there would be no decommissioning anyway. Mr Coveney asserted that the UUP paper would give great comfort to the hardliners in the IRA.

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8. The Secretary of State outlined our proposed way forward via a plenary debate on decommissioning. Scheduling the debate for the week beginning 14 October, with a 'recess' period next week while the Conservative Party conference took place, would allow a valuable period of reflection before decommissioning was addressed, and the recess week could be used for bilateral discussions. Mr O'hUiginn pointed out the dismal scenario for prospects in the talks which now faced us. He stressed that the parties which depart from Mitchell must bear the responsibility for any breakdown. He agreed with the Secretary of State that the only realistic option was now to move to a plenary, and talked of "letting go the ropes" and allowing the debate to find its own level.

9. There followed some discussion of when to publish the joint "conclusions" paper. Before its discussion of decommissioning, the plenary would need material available other than merely the UUP paper. It was agreed that the joint proposal would be circulated to all other parties that day, and that both Governments would issue a statement in response to the UUP paper reiterating their support for the Mitchell proposal.

10. Both Governments then briefed the Chairmen on the situation to date, on their agreement to circulate the joint "conclusions" paper, the decision to issue separate but similar statements, and on their strategy for taking the issue forward via a plenary.

11. At 3.35 the Secretary of State met with Messrs Trimble, Taylor, Maginnis and Empey of the UUP. He began by expressing regret that they had rejected the joint proposal, especially given that this was our best shot achieved only after much negotiation with the Irish, and he expressed the view that we were now at a dangerous point. He repeated that progress needed good-will and a process which is broadly acceptable. The UUP paper would not achieve this object, and moreover was a departure from Mitchell.

12. Mr Trimble pointed out that the UUP had moved - they were prepared to go into discussions before legislation was enacted.

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But their main concerns related to the sub-committee which would, under the rules of sufficient consensus, give control of the issue of decommissioning to the SDLP. Mr Empey added that it was not fair or equitable for progress on an issue of such concern to the UUP to be in the hands of the SDLP and the Irish Government. The Secretary of State reminded them of the review mechanism back into the plenary, but Trimble said that this was not a sufficient safeguard. The UUP denied their paper departed from Mitchell, Mr Maginnis claiming that Mitchell had indicated an early start to decommissioning [comment - this has not been found]. Mr Empey seemed to accept the point however by noting the changes since the Mitchell report was published: the ceasefire had been broken, there had been bombs in England and arms finds. He said Mitchell had been based on assumptions about commitment to peace on the part of paramilitary parties which now patently was not there. Mr Maginnis added that the process must be water-tight before Sinn Fein got into talks.

13. They expressed frustration with the Irish position which they called obstructive. The Secretary of State insisted the Irish had moved, but Mr Trimble said that movement occurred as a result of the work of the UUP. The meeting was good-tempered however and they appeared however genuinely anxious that the Secretary of State should understand their fear of being exposed to the vetos of the Irish and the SDLP, and their concerns about the entry of Sinn Fein into the process, Mr Maginnis saying at one point that they would not sit in plenary with Sinn Fein. The Secretary of State pointed out that decommissioning ultimately was voluntary and depended on all-round goodwill. Mr Trimble responded by saying that mechanisms must be put in place which ensured decommissioning took place.

14. On the proposed way forward, Ken Maginnis was clearly unhappy about the issue going to plenary, emphasizing that in his view the responsibilities of decommissioning lay with the two governments not with the participants. The Secretary of State responded by saying that this was Paisley's line. Mr Maginnis referred to the bad faith there was in the process and the need to resolve decommissioning by

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the two governments before moving into plenary. The Secretary of State said that the preferred approach had been to reach agreement tri-laterally before entering plenary, but as this attempt had failed, there was no other option. Mr Empey then surprisingly commented that the UUP regarded themselves as still in negotiation in terms of attempting to reach an agreement before plenary. The Secretary of State responded that going public in their paper made further movement very unlikely. Mr Trimble said that it was impossible for them not to go public; they had to clarify their position, particularly as the two governments' joint proposal had become public knowledge (through the Irish, they hastened to add, not through them) and not to respond implied UUP agreement with it. The Secretary of State indicated that the position might not be hopeless if they were still in negotiation, but it would be advisable for them to see the Irish. He then asked if the document was published was their last word. Mr Trimble referred to the possibility of "explaining their position further to the Irish", but they understood the joint proposals was the last position of the Irish government. The Secretary of State ended by explaining the proposed timetable for a plenary in the week beginning the 14 October.

The meeting closed at 4.40 pm

15. At 5 pm a meeting was held with the Irish side, in which the Secretary of State reported back on the meeting with the UUP. He noted particularly their slight sign of give in the insistence they had not rejected Mitchell, and the fact that they considered themselves still in negotiation. PUS said the UUP clearly did not see themselves as having 'blown the show out of the water', and it might be helpful if the Irish would see them. Mr O hUiginn felt there was little mileage left however, in a further meeting and certainly not on the basis of the UUP paper; a trilateral might be more appropriate. The meeting closed with a final briefing of the Chairmen.

Signed:

J MAPSTONE

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