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file

FROM: S J LEACH  
ASSOCIATE POLITICAL DIRECTOR (L)  
6 September 1996

DESK IMMEDIATE

PS/Secretary of State (L&B) - B      cc PS/Michael Ancram (L&B) - B  
PS/Sir John Wheeler (L&B) - B  
PS/PUS (L&B) - B  
PS/Sir David Fell - B  
Mr Thomas - B  
Mr Legge - B  
Mr Bell - B  
Mr Ray - B  
Mr Steele - B  
Mr Watkins - B  
Mr Wood (L&B) - B  
Mr Hill (L&B) - B  
Mr Lavery - B  
Mr Maccabe - B  
Mr Stephens - B  
Miss Bharucha - B  
Mrs Mapstone - B  
Mr Whysall (L&B) - B  
Mr Campbell Bannerman - B  
HMA, Dublin - B  
Mr Lamont, RID - B  
Ms Collins, Cabinet Office\*

Rs Man

\* via IPL

**WORKING BREAKFAST WITH INDEPENDENT CHAIRMEN AND IRISH**

Ms Neill's note asked for a brief for the breakfast meeting the Secretary of State and Michael Ancram will be holding with the Independent Chairmen and the Irish Talks Team in Stormont House at 0800 hrs on 9 September.

2. As demonstrated in the meetings Ministers have held this week, we (and the Chairmen) will face some complex tactical challenges when Talks resume on Monday. A shorthand summary of the position of the main players might be that

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- the SDLP are anxious to make the Talks work - and ideally to bring Sinn Fein into them - to rescue some of the ground they have lost. But by the same token their tolerance for detailed wrangling without visible progress, particularly on the decommissioning issue, will be limited; and the temptation to cut their losses by pulling out of the Talks will clearly grow if there is a perception of impasse;
- the DUP/UKUP, despite Peter Robinson's latent creativity, are likely to want to extract maximum political advantage by embarrassing the UUP and securing the expulsion of the PUP/UDP, thus giving themselves a veto. However, McCrea's appearance with Wright may undercut the DUP's ability to undercut UUP support;
- the UUP leadership, while wishing to make progress, are desperate not to be outflanked on decommissioning by the DUP. This could lead to an ultra-cautious approach which might rapidly lead to deadlock. But the UUP/SDLP dialogue is a promising sign, as is the apparent UUP willingness to accept a time-limit on consideration of the decommissioning issue in the opening Plenary.

3. The immediate challenge for us and the Chairmen is likely to be the DUP/UKUP attempt to have the loyalist parties expelled. HMG's objectives in meeting this challenge should be to

- i. highlight the procedure set out in Rule 29 and the role which this gives the Chairmen;
- ii. play the issue long (adducing, to assist in this, the representations made against other parties before the Summer break);
- iii. conduct on paper as far as possible the process of dealing with representations about breach of the principles.

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4. The line which officials believe we should propose to the Chairmen, in order to meet these objectives, is set out in the attached self-explanatory speaking note. This is rather detailed, but in view of the time pressure on Senator Mitchell to decide how to handle this issue it seems worth offering precise advice. The DUP cannot, of course, be prevented from walking out on Monday if that is what they want; but they would not be on the strongest of ground if they left the Talks arguing that their representations were not being adequately addressed, when the Chairman was in fact demonstrably applying the Rules of Procedure agreed by all the participants at their last meeting. (We should not of course concede any DUP suggestion that once representations have been made, the Talks have to be adjourned until they are dealt with.)

5. This submission should be read alongside Mr Hill's of today's date (on "Attempts to Expel the Loyalists") which sets out in more detail some of the intricacies of Rule 29.

(Signed SJL)

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WORKING BREAKFAST WITH INDEPENDENT CHAIRMEN

SPEAKING NOTE

- You saw the worst of the summer in July. August (including the Apprentice Boys' Parade in Derry) passed off reasonably well. But the mood in Northern Ireland is still uncertain and depressed, with a high level of intercommunal tension.
- Widespread view that the Talks process is the only show in town. The two Governments are entirely committed to the effort to steer the process through to a successful conclusion. Many of the participants share that feeling - and even those who do not have no wish to be labelled as the group which wrecked the Talks.
- But the DUP and UKUP will still seek to extract every ounce of short-term political advantage from the proceedings, and will walk out if they judge it profitable - which they may on the issue of expelling the loyalist parties.
- Worth focusing on this, since it may dominate today's proceedings. The wholly unacceptable CLMC threat against Wright and Kerr clearly puts the two loyalist parties in a difficult position. We are justified in giving them the benefit of the doubt - the loyalist ceasefire is still holding and their departure from the Talks would only weaken the position of those trying to maintain it. And the DUP and UKUP are not mounting this campaign out of altruistic concern for the six principles - if the loyalist parties were expelled, Paisley and McCartney would have a veto over the Talks, since the UUP needs at least one Loyalist party to provide "sufficient consensus" on the unionist side.

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- Important to recall that there are outstanding representations against other parties for breaches of the Principles (against the DUP and UUP over Drumcree, and against the SDLP in respect of Durkan's speech). McCrea's appearance alongside Wright at the Portadown rally may stimulate another representation against the DUP.

- I would see two objectives in handling these representations:

- to play them long; and

- to have as much as possible done on paper.

- The agreed procedure in Rule 27 must be the key. The application of this rule is, of course, entirely a matter for you. But it seems to us that a promising option, when the DUP make their case for the exclusion of the loyalist parties, might be to respond on the following lines:

- "- clearly necessary to apply the Rule 29 procedure in respect of the issue which has been raised;

- that provides as a first step that this type of representation should be made to the Chairmen and circulated by them to all participants;

- to facilitate this circulation, grateful to receive the DUP representation in writing;

- several other representations against parties were received before the Summer break. Since we now have a Rule of Procedure to apply to those as well, shall be circulating those to all participants;

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- the rule refers to the views of participants on these representations. May be for everyone's convenience if those views are given to the Chairmen - again in writing - once participants have had the opportunity to study the papers I will circulate;
- since the agreed procedure is now being followed, see no purpose in further debate on the issues at this time."
- DUP might challenge this way of proceeding. But, as Rule 25 says, the "Chairman's ruling on individual procedural matters shall be binding". (And if the issue came to a vote, the UUP might be expected to support the Chairman's authority.)
- DUP have indicated that they seek an adjournment once their representations have been made - and that in the absence of this they might withdraw permanently from the Talks. Very much for your judgement - but there could be a case for an adjournment at this point, perhaps only for an hour or two, in order
  - to give time to parties who wish to produce written representations about breaches of the Principles;
  - to enable you as Chairmen to touch base informally with some of the delegations.
- DUP may still, of course, walk out. But they would be on weak ground if their representations were manifestly being handled in accordance with the Rules of Procedure agreed at the previous session of Talks.
- You might also be minded to indicate that, when the Plenary re-convenes, it would be to have a general discussion of how it proceeds - ie the agenda for the remainder of its business. In that debate, HMG would argue for the agenda jointly tabled by the two Governments on 30 July, starting with Opening

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statements. However, other participants will clearly wish to argue for their own ideas. A key issue will be whether the on-going contacts between the UUP and SDLP will lead to some agreement on the handling of decommissioning.

- After debate on agenda has run for a while, may be worth going into bilaterals to review the position reached and try to broker a compromise. We will be developing some proposals here.

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