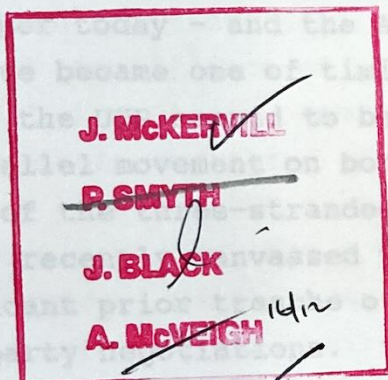
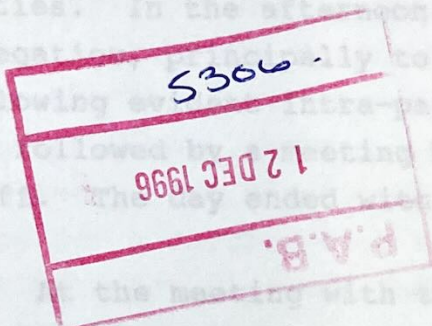


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FROM: J McKERVILL
Political Affairs Division
11 December 1996



Mr Maccabe O/R.

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
Mr Bell - B
Mr Watkins - B
Mr Stephens - 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
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: 11 DECEMBER: SUMMARY

SUMMARY

1. A day of further trilaterals and bilaterals which ended with the presentation to the Chairmen of proposals of the UUP, SDLP and Alliance on the mechanics of decommissioning. Disagreements between the UUP and SDLP still exist, however, on the handling of confidence-building measures in the talks.

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2. In the morning, bilaterals took place with the Alliance Party, who reported optimistically on progress in trilateral meetings with the UUP and SDLP, and with General de Chastelain which provided HMG with an opportunity to update the Chairmen on progress between the parties. In the afternoon officials had a meeting with a UUP delegation, principally to explore in more detail the UUP's position following evident intra-party disagreements the previous day. This was followed by a meeting between officials and the Chairmen's staff. The day ended with a meeting with the SDLP delegation.

3. At the meeting with the Alliance, which began at 11.00, for which Michael Ancram led the British delegation, Mr McBride said that the Alliance Party along with the UUP and SDLP were close to agreeing a short paper on terms of reference for the International Commission and Liaison Committee. If it proved possible to complete that paper today - and the Alliance Party were optimistic - then, the issue became one of timing. The British Side suggested that on timing, the UUP seemed to be coming round to recognising the need for parallel movement on both the creation of the Commission and the launch of the three-stranded negotiations. The British Side had not however recently canvassed with the UUP their requirement for a significant prior tranche of weapons before Sinn Fein could enter three party negotiations. The Alliance, in reply, recognised as did the SDLP that this was a matter for the Governments to pursue with the UUP rather than for them. The main area of disagreement still to be resolved in their discussions, the Alliance reported, was on the issue of how confidence-building measures outlined in the Mitchell Report should be dealt with in the talks.

4. The meeting with General de Chastelain provided an opportunity for Michael Ancram to report the feedback we had received from the parties which suggested that the Alliance, UUP and SDLP could possibly agree something which could be put to the two Chairmen, perhaps by the end of the day. If their proposals could carry the talks out of the Opening Plenary then they would well be worth adopting. He also reported favourable soundings from the UUP that they recognised the need for simultaneous launch of the Commission and three-stranded negotiations. There then followed a discussion

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on future time-tabling with General de Chastelain suggesting it would be unrealistic to expect the Opening Plenary to be completed before Christmas. There were only 3 days left. That was why the Chairmen's proposals had allowed for a return to the Opening Plenary after Christmas during which the International Commission could be put in place. The Chairmen were tentatively thinking of resuming after the Christmas recess in the week beginning 13 January, although Michael Ancram suggested that given Parliament returned that week - and normally the first week was particularly busy - a delay for a further week might be more appropriate. It was left that both the Chairmen and the British delegation would give further thoughts to dates and discuss again on Monday before returning to the Opening Plenary.

5. Over lunchtime an informal discussion on the stairs with Mark Durkan suggested that the latest trilateral meeting between the SDLP, UUP and Alliance which took place in late morning had resulted in the UUP re-opening negotiation on some of the points previously agreed amongst the three parties. Mr Durkan was not sure whether an agreement with the UUP on the confidence measures issue could be agreed but reported that a further meeting would be held later in the afternoon. Neither was it clear that the UUP would be ready to submit a paper to the Chairmen, even annotated with square brackets, to denote areas of disagreement.

6. In the afternoon meeting with the UUP delegation, led by Peter Weir, British officials sought to convince them of the desirability of clearing the decommissioning issue before Xmas. In further discussion the UUP confirmed our fears that a fully agreed paper between the three negotiating parties would probably not be forthcoming that day. Major differences still remained between the SDLP and UUP over the handling of confidence issues, with the UUP refusing to see any merit in their being included in the remit of any sub/Liaison Committee.

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7. This meeting was followed by one with the Chairmen's staffers which covered much of the same ground as the earlier meeting with General de Chastelain. They were clearly left with the feeling that pro-active Chairmanship would be required the following week if decommissioning was to be sorted out before Christmas.

8. The day ended with a discussion with Sean Farren (SDLP) who reported that the three parties had submitted their paper (with some square brackets) to the Chairmen's staff. Differences still remained over the handling of confidence-building measures with the UUP objecting to them being considered in the sub-Committee because of their potential direct linkage with decommissioning ie: weapons in return for prisoners. Their "jurisdictional argument" was now, according to Farren, a secondary issue for the UUP. The three parties would meet with the Chairmen on Monday morning at 10.00.

THE IRISH CONSTITUTIONAL CLAIM AND INTERNATIONAL LAW: UNIONIST ARGUMENTS

(Signed)

I apologise for not commenting within your deadline on the paper you circulated on 26 November.

J MCKERVILL

1. You offer the draft as a paper for Ministers and as a possible focus for the forthcoming "seminar" with PCO colleagues. I think it could fulfill the latter remit rather well. Last Friday's Forum debate on "Human Rights" featured the Unionist arguments in this area and demonstrated that they continue to try to score debating points on this basis.

2. I was pleased to see confirmation in your minute of 9 December that the paper is only part of a broader stream of advice to Ministers on the constitutional issue. My own preference would be to put the whole lot forward together, rather than deal with this aspect in isolation. My advice to Ministers should address the overall constitutional issues, rather than the presentational question of whether the Unionists have a half decent argument especially as your paper effectively concludes that they have not.

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