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From: John McKervill
Political Affairs Division
12 December 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
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

NOTE FOR THE RECORD

TALKS: WEDNESDAY 11 DECEMBER 1996

Summary

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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Detail

2. Following the customary morning meeting, at 11.00 am Michael Ancram led the British delegation in a meeting with the Alliance Party. Lord Alderdice opened the meeting by saying that his party had simply wished to touch base with the British Government and let us know where things stood in their tri-lateral discussions. Mr McBride then explained that the parties were close to agreeing a short paper on the terms of reference for the International Commission and Liaison Committee. If the paper could be completed that day - which he hoped could be the case - then the issue became one of timing. In reply, Michael Ancram said that if the paper was sufficient to carry the process forward then that would be welcome. On timing, he said he believed the UUP seemed to be coming around to the need for parallel movement: ie that the launch of the three stranded negotiation should be part of a package on decommissioning. The Government had not however addressed with the UUP their requirement for a significant prior tranche of weapons in advance of Sinn Fein being able to enter the three stranded negotiations. Mr McBride acknowledged that this was a matter appropriately for the Governments rather than for the parties. Neither, he said, had timing featured in their trilateral discussions with the UUP and SDLP. Lord Alderdice added that without agreement on the decommissioning issue before Christmas, he believed it would be difficult to sustain the talks much longer.

3. Michael Ancram said that the British Government's objectives remained the ending of the opening plenary or, at the very least, resolution of the decommissioning issue, in advance of Christmas. It may prove impractical to complete the whole of the opening agenda but it was vital to clear decommissioning if only to give the talks any credibility.

4. There was then a brief recognition that the Irish legislation on decommissioning had been published that day. Lord Alderdice reported that they had been stressing to the Irish that they should

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not be the ones to be seen holding up any progress on decommissioning through delay in their legislation. Michael Ancram said that HMG had the impression that the Irish would move quickly on their legislation and, he noted, they had the additional facility of referring legislation to committee during the Christmas recess.

4. The meeting ended with a discussion on the referral of confidence building measures outlined in the Mitchell report to the Liaison Committee, with Michael Ancram stating that there would be certain limits on the deliberations of such a committee. For example, on prisoners, there was no way that the British Government could accept as policy any recommendations from such a committee. HMG would reserve the right to determine policy outwith that process. Lord Alderdice's parting shot was to repeat that it was essential that decommissioning be resolved before Christmas. While his party felt more upbeat following the previous days trilateral, without an agreement on decommissioning there was a real danger of the whole process unravelling.

5. This meeting was followed by one with General de Chastelain and the Chairmen's staff, Prime Minister Holkeri having returned to Finland. Michael Ancram reported that he felt the parties believed they could agree proposals on decommissioning which could be submitted to the Chairmen and then to the two Governments. If any such proposals could carry the process out of the opening plenary, then, he believed, they would be worth adopting. Similarly he believed that there was some recognition in the UUP of the need for simultaneity: ie simultaneous launch of the three stranded negotiations with agreement on decommissioning. The British had not however canvassed with the UUP their requirement for a prior significant tranche of weapons to be handed up in advance of Sinn Fein's participation in the substantive negotiations. They had told the UUP previously however that this would be a deal breaker. He suspected too their might be a problem with the UUP who were still arguing against putting the International Commission into cold storage once it had reported to the sub-Committee on decommissioning.

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6. Thanking the Minister for his assessment, the General reminded the Minister that the Chairmen's proposals were only designed to fill the gap if nothing came from the political parties. They were something to present positively before the Christmas recess. He believed the main difference between the Chairmen and the British Government was now merely one of timing. In his view it was very unlikely that the opening plenary could be completed before the Christmas recess but, if item 2 could be completed this would be a major step and, during the Christmas recess, work could be carried out on the preparations for the establishment of the Commission.

7. Discussion then turned to when the talks might resume after the Christmas break. The General reported that the Chairmen were loosely considering beginning again in the week beginning 13 January but, when Michael Ancram reported that that would also be the first week after the return of Parliament which, traditionally was very busy, the General agreed that the resumption of talks could be delayed until at least the following week. It was left that both sides would give further thought to dates which could be discussed on Monday before the plenary meeting.

8. In the afternoon, Mr Hill and I met a UUP delegation led by Peter Weir. (It had originally been intended that this should have been a discussion with Reg Empey, the UUP representative who most closely represented the Party leaders' views. In the event his required presence at the City Hall prevented his attending). First, on the timetable, Mr Hill said that while it might be over-optimistic to complete the whole of the opening plenary before Christmas, the completion of item 2 could enable the preparations for the International Commission to be advanced over the Christmas break. Talks might then resume towards the end of January with two further weeks for the completion of the opening plenary. But dealing with decommissioning before Christmas would give the talks process increased credibility. Questioned whether there would be a

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recess for the election after the completion of the opening plenary Mr Hill suggested that it would be safest to leave the talks if the three stranded negotiations had already started. He understood that if parties were in election mode, negotiations would be impossible but nonetheless hoped the process could at least move into the end of February or the beginning of March.

9. Discussion then turned to the talks between the UUP and the Alliance and SDLP with Mr Weir suggesting that while agreement on the mechanics of decommissioning was possible, he doubted whether agreement could be reached with the SDLP on the principles of decommissioning. The trilateral had concentrated on the mechanics, in particular the role of the International Commission and Liaison Committee. Differences had not yet been resolved and, he said, might prove ultimately difficult to resolve. These centred on the role and responsibility of the sub-committee and particularly whether confidence building measures should be remitted to it. But, he believed, considerable progress had been made and the publication of the Irish legislation on decommissioning had certainly helped to dampen UUP's suspicions about the Irish Governments intentions.

10. The UUP said they were wary of confidence building measures, as outlined in the Mitchell report, being brought in to discussions on decommissioning and, in particular, that any linkage could be ascribed eg trading prisoners for decommissioning. There were already different arenas within the talks in which such issues could be addressed eg references to punishment beatings could be taken in plenary while discussions on justice issues were appropriately a matter for Strand I discussion. Mr Hill reminded the delegation that it was envisaged the sub-Committee would not have any voting powers and therefore negotiation on these measures would not be possible. But he asked if it would help the UUP if the Committee was given the explicit role of 'reviewing' confidence building issues to make it beyond doubt that negotiation was not contemplated. The UUP agreed to consider. The discussion ended with the UUP saying they would immediately be seeing the other two

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parties following which they would be meeting General de Chastelain. Mr Weir said he believed it unlikely that an agreed position with the SDLP would emerge that day and that the UUP were wary of putting in a paper only three-quarters agreed.

11. This meeting was followed by one with the Chairmen's staffers including Martha Pope, who had not been present for the morning's discussion with General de Chastelain. Mr Hill took the opportunity to make it clear that HMG was serious about getting decommissioning sorted out before Christmas. This was important for the credibility of the Talks process but also sat well with any aim of getting Sinn Fein into the process. With decommissioning out of the way, that would provide a greater incentive for Sinn Fein to come in to the process following a genuine ceasefire. He also maintained that a condition of resolving the decommissioning issue would need to be the need for it to be accompanied by the launch of the three-stranded negotiations.

12. He then went on to register the importance of generating proposals on decommissioning which were capable of securing sufficient consensus. It was essential that the UUP were on board for any such proposals and, it was likely, they would have to part company at some stage with the DUP and UKUP who would be bound to table wrecking amendments. There would therefore need to be careful choreography and the need for a pro-active role on the part of the Chairmen.

13. The meeting ended with a review, as both sides understood it, of the state of the tri-lateral discussions between the UUP, SDLP and Alliance. Whatever proposals were submitted to the Chairmen, the next stage would then be to factor into them a timetable for movement.

14. The day finished with a meeting with Sean Farren of SDLP who handed over a copy of the three parties' proposals which, he said, had just been presented to the Chairmen's staff. (The document has

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been circulated by Mrs McNally earlier today). He said agreement had been reached on the role of the International Commission. Differences still remained over the role of the sub-Committee and, in particular, the idea of remitting confidence building measures to it. Farren reported that the UUP's main concern now was the linkage between confidence building measures and decommissioning rather than their "jurisdictional" argument which, he was sure, was now a secondary issue for them. The intention, he said, was that the SDLP and UUP would meet again at 9.30 the following Monday with a possible meeting with the Chairmen together at 10.00. Mr Hill welcomed the fact that a paper had gone to the Chairmen and thanked the SDLP for their constructive approach in bringing this particular issue so far. He looked forward to further reports following the proposed meetings on Monday morning.

(Signed)

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SH Ext 27088

Mr. Priestly - B
Mr. Hill (SAL) - B
Mr. Lavery - B
Mr. McGuire - B
Mr. Barry - B
Mr. McGuire - B
Mr. McGuire - B
Mr. McGuire (SAL) - B
Mr. McGuire, CAB Off (via JPL) - B
Mr. Dickinson, TAU - B
Mr. Lanyon, RID PCO - B
HMA Dublin - B
Mr. Westmacott (via RID) - B
Mr. Campbell-Bannerman - B
Mrs McNally (SAL) - B
Mr. Holmes, No 10

NOTE FOR THE RECORD

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