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FROM: TED HALLETT
FCO
27 NOVEMBER 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
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
Mr Holmes, No 10

1 Jackie 2/12
2 Jeff 2/12
3 PA

NOTE FOR THE RECORD

TALKS 27 NOVEMBER

Summary

The day began with a meeting between the Independent Chairmen and the British and Irish Government delegations at 10.30. Senator Mitchell outlined his intentions for handling Mr McCartney's resolution on decommissioning at the Plenary Session. He proposed to seek an adjournment on the basis that there would not be

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"sufficient consensus" for debating and voting on the motion at this stage.

Senator Mitchell then asked the two Governments how the process as a whole might be taken forward. It was generally agreed that progress in the talks was closely bound up with a resolution of the Hume/Adams initiative and that until that had happened, it was not possible to form a definite view.

In the plenary session, Senator Mitchell invited Mr McCartney to outline his reasons for tabling the resolution and then asked other delegates whether they wished to debate it. Recognising that a majority was opposed to debating his motion, he posed the question whether delegations had a "democratic right" to have any motions they put down debated and voted on within a reasonable time. He then rehearsed the content of his motion, from which it became increasingly evident that his principle objective was to embarrass the UUP.

Senator Mitchell adjourned the meeting until 12.00am on Monday, 2 December, and invited delegations to submit views in writing by 10.00 am on that day on Mr McCartney's question concerning the right of delegations to have motions debated.

Detail

The Independent Chairmen met the British and Irish Governments delegations at 10.30.

Senator Mitchell outlined his proposals for handling Mr McCartney's motion. He said that it was clear from his meetings with other delegations that there was not "sufficient consensus" to debate and vote on the motion and that the majority preference was for a further adjournment to allow more time for bilaterals. He proposed to invite Mr McCartney to restate the reasons for tabling his motion and then ask other delegations to indicate whether they wished to proceed to a debate. The UUP had asked him to give them some political cover by allowing them to speak last, by which time the

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absence of sufficient consensus for a debate would have been established and they would thus avoid having to state a position on the substance of the motion. Both Governments agreed to go along with this approach.

On the future handling of the talks process, Senator Mitchell said that the Alliance, the SDLP and the UUP had all indicated that progress was being made in bilaterals and trilaterals but there was a general feeling that the issue could not be brought to a conclusion until Hume/Adams was resolved one way or the other. In the light of this, he wondered how long the process should be kept going before adjourning for Christmas. He was willing to continue up to 18 December if necessary, and he asked to be kept informed of developments on Hume/Adams.

Mr Thomas said that it was clear that all delegations were "mesmerised" by Hume/Adams. It was therefore necessary to bring this to a resolution as quickly as possible. There was pressure on Ministers to go public soon. Once this had happened, it would become clearer how to proceed in the talks process.

Senator Mitchell replied that it was difficult to make a judgement. Mr O'hUiginn said that a considerable gap remained between the British requirement for some "probationary period" before Sinn Fein could enter the talks process and Sinn Fein's demand for immediate entry. He recognised the strong pressure on the British to publish, but publication of the British Government's statement in its present form would not produce the desired result of an IRA ceasefire. Publication would thus not necessarily establish a clear way forward for the talks process.

Returning to the decommissioning issue, Senator Mitchell said that it was clear that the UKUP and the DUP wanted to make life difficult for Mr Trimble. On the possibility of progress towards an agreed conclusion on decommissioning, the Alliance Party, the UUP and the SDLP, had all indicated that discussions had been positive and that there was some prospect of agreement. They all envisaged a role for the Independent Chairmen in helping to resolve the issue. In his view, however, it was premature for the Chairmen to intervene. This

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might become necessary as we moved closer to the pre-Christmas adjournment. With regard to a date for resumption after Christmas, he recognised the need for flexibility and would be prepared to contemplate a relatively long break if this would help.

Mr O'hUiginn said that a long break might be a way of bridging the gap between the British and Sinn Fein positions on Hume/Adams.

Senator Mitchell, stressing that he was speaking as an outside observer, said that it seemed to him that the differences on Hume/Adams should be bridgeable. The gap was not such as should cause the approach to collapse.

On the timing of the pre-Christmas adjournment, Mr O'hUiginn said that if there were any prospect of resolving the decommissioning issue before then, the adjournment should be as late as possible. On the other hand, if it became clear that there was no early prospect of resolving this issue, there might be advantage in breaking sooner.

Senator Mitchell replied that it was difficult to make a judgement on the prospects for resolving the decommissioning issue until the situation on Hume/Adams became clearer. He would not be available in the week beginning 9 December, but was willing to come back for the following week if necessary.

Mr Thomas said that it was encouraging that people were beginning to look to the Independent Chairmen to identify a way out of the decommissioning issue. He agreed that it was unlikely to be resolved until the outcome of Hume/Adams was known. A long break over Christmas might be difficult to manage naturally. It would also be difficult to justify if real progress were being made in the talks.

Senator Mitchell said that the most disturbing aspect of his discussions with the parties had been the gloom of the PUP. They were talking in apocalyptic terms about war being resumed. They were very angry at the persistent efforts by the UKUP and the DUP to

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get them excluded. They saw the UUP paper as a huge setback and amounted to the UUP lining up with Paisley and McCartney on decommissioning. Mr Thomas interjected that it was possible to read the UUP paper as merely a restatement of their established position. Senator Mitchell responded that it was clear that the loyalists saw it as a new barrier.

Plenary Session

The Plenary session began at 11.15am. Senator Mitchell sought approval of the minutes of the Plenary sessions on 4, 5, 6 and 18 November. This was agreed after Mr Wilson had asked for amendments to clarify the UKUP position on certain points.

Senator Mitchell then invited Mr McCartney to restate his reasons for having his motion on decommissioning debated and voted on at this stage.

Mr McCartney, responding to the perception that a majority of delegations were opposed to debating his motion, asked whether it was the "democratic right" of any delegation to table a motion and have it debated and voted on within a reasonable time. It was open to any delegation to vote against a motion. He was perfectly willing to accept a majority vote against his motion, but he could not accept that the Body could merely decide by "sufficient consensus" not to debate it.

Turning to the substance of the motion, he believed it to be a fair assessment of the positions set out in the papers tabled by the "pro union" parties. He challenged the UUP to compare the six points in their 12 November paper with the equivalent points in his motion. There was no difference of substance. The UUP therefore had no basis for delaying a debate on the motion. There was great uncertainty as to how Mr Major would respond to the Hume/Adams initiative. It was therefore increasingly urgent to bring the decommissioning issue to a resolution. His motion was intended to do that. It was his "democratic right" to have the motion debated and voted on, even if the result was negative.

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Senator Mitchell, then invited each delegation to give their view on whether the motion should be debated and voted on.

Mr Thomas said that we were trying to find a way of resolving the decommissioning issue which commanded "sufficient consensus". Some progress was being made in bilateral discussions, but more time was needed to see if this could be brought to fruition. We did not, therefore, consider that it would be helpful to debate Mr McCartney's motion at this stage.

Mr Coveney agreed that more time should be allowed for bilaterals. To vote on the motion now would hinder the prospects of achieving consensus.

Mr Close, for the Alliance Party, argued for more time for bilateral and trilaterals, and launched a strong attack on Mr McCartney, suggesting that his motion had nothing to do with trying to reach consensus and was purely destructive in intent.

The Labour Party, the Women's Coalition, the PUP and UDP all indicated their wish to continue with bilaterals and to avoid debating the McCartney motion.

Mr Hendron, for the SDLP, said that progress was being made in bilaterals and the McCartney motion would not produce consensus.

Mr Robinson, for the DUP, supported Mr McCartney. He agreed that delegations should have a right to table motions and have them debated and voted on, subject only to the condition that they were relevant to the business on the agenda. Debating the McCartney motion would not prevent progress on other channels. The motion was "wholly consistent" with the agreed procedures for handling the decommissioning. It was not unreasonable to seek to bring the matter to a determination at this stage. Some other delegations were involved in "play acting", with an eye on "games outside".

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Mr McCartney rejected Mr Close's assertion that his motives were destructive. He was merely seeking to "concentrate minds" and address the real issues.

Mr Maginnis, for the UUP, said that it was clear that Mr McCartney was motivated by a wish to challenge the UUP and to wreck the talks process. The UUP would not play into his hands. They would not abandon any aspect of the political process. Nothing would be achieved by debating the motion. Mr McCartney had not made clear his intentions if his motion were defeated. If he were seeking to withdraw from the process, he should say so.

Mr Farren argued that progress was being made in bilaterals with the UUP and that more time should be available to see whether this could be brought to fruition.

Mr McCartney questioned how the SDLP could claim that progress was being made in bilaterals in the light of their condemnation of the UUP's paper of 12 November. He then proceeded to outline the "principles" set out in his motion, challenging other delegations to indicate how, "as democrats", they could possibly oppose of them. It became increasingly evident, as he did so, that his primary purpose was to embarrass the UUP.

Mr McCartney's tactics prompted the Women's Coalition to raise a point of order on the grounds that he was trying to provoke a debate on the motion. Senator Mitchell responded that the question at issue was whether the motion should be considered, but he allowed Mr McCartney to conclude his remarks.

Mr McCrea complained that the talks process seemed to be based on attempts to cobble together agreements between the SDLP and the UUP. The DUP would not, however, accept any fudging on decommissioning. The people of Northern Ireland would accept nothing less than the surrender of all terrorist weapons.

Mr Wilson maintained that there was a fundamental flaw in the process, in that the UK Government was not seeking an IRA

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surrender. It was wrong to say that the talks process was not about winners and losers. His party was seeking a victory for democracy and for "good over evil".

Senator Mitchell concluded the discussion by citing Rule 25 of the Rules of Procedure. He argued that there was not sufficient consensus to proceed now to debate and vote on Mr McCartney's motion. He invited each delegation to submit in writing by 10.00am on Monday 2 December their views on the question of principle raised by Mr McCartney regarding the right of participants to table motions and have them debated and voted on within a reasonable time, subject to Mr Robinson's qualification regarding the relevance of such motions to the business on the agenda. He then adjourned the Plenary session until noon on Monday 2 December.

(signed)

TED HALLETT

Mr Priestly - B
Mr Hill (S&L) - B
Mr Lavery - B
Mr Maccafee - B
Mr Perry - B
Mr Sharkey - B
Mr Napstone - B
Mr Whysall (S&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, UN - B
Mr Lament, RIB FCD - B
HMA Dublin - B
Mr Westmacott (via RIB) - B
Mr Campbell-Hanneman - B
Mrs McFally (S&L) - B

NOTE FOR THE RECORD

TALKS: TUESDAY 26 NOVEMBER 1996

The day began slowly, although a number of bilaterals with the Irish, Alliance Party, DUP, and SDLP coupled with a meeting between Mr Thomas and Mr O'Donnell on Rums/Adams (recorded separately) ensured a reasonably busy afternoon.

2. Michael Ancram, who led the British delegation in the absence of the Secretary of State to Finland, took the opportunity of the quiet morning to brief Senator Mitchell and General de Chastelain on

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