

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 15 OCTOBER 1996 (12.13)

Those present:

Independent Chairmen	Government Teams	Parties
Mr Holkeri	British Government	Alliance Party
General de Chastelain	Irish Government	Labour
		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. The Chairman called the meeting to order at 12.13pm and said that the first item on the agenda as adopted earlier in the day was circulation and introduction of proposals regarding the comprehensive agenda. As agreed, the issue to be decided was the setting of time limits on participants' contributions. The UUP suggested 20 minutes applicable to each delegation as a whole. The SDLP indicated its acceptance and no other party opposed the proposal. The Chairman wondered whether there was a need for a brief adjournment for parties to consider the proposals just circulated. No party thought that this was necessary. The Chairman invited the delegations to introduce their proposals.
2. The British Government said its draft agenda for Strand I incorporated amendments which were suggested in July with regard to item 3 which dealt with constitutional issues. No other changes had been made in relation to the proposed agendas for Strands 2 and 3.

3. The Irish Government said that it, together with the British Government, had tabled its proposals on the Strand 2 and 3 agendas, published in June and circulated on 25 July. The two Prime Ministers in the February communiqué stressed that confidence-building would require that the parties in the talks should have reassurance that a meaningful and inclusive process of negotiations was under way to address the legitimate concerns of their traditions and the need for new political arrangements with which they could identify. It was accepted that a comprehensive agenda was required to achieve this. The agenda would not have to specify every item of concern, but it should facilitate them on raising relevant issues of concern. What was required was to provide a framework under which each delegation could raise significant issues of concern without prejudice to the negotiating position of other participants and without being subject to a veto. The proposals for Strands 2 and 3 were broadly based on those agreed in 1992 and they met the requirements of the February communiqué and the Rules of Procedure. The Government would also look constructively at other proposals which might be made under agenda item 3 of the remaining opening plenary session.

4. Alliance said the various proposals show certain similarities across the various Strands. Its main point was that the agenda has to be constructed so as to allow pertinent issues to be raised. Many issues were touched upon in the pertinent talks and it would be useful to circulate the respective papers to the participants. Labour agreed with the proposals of the two Governments. The NIWC referred briefly to their proposals. The PUP had no comments to make.

5. The SDLP took some time to develop its proposals which had a similarity with those of the UUP, reflecting the discussions both parties had on the issue. The intention was not to exclude anything of relevance to the negotiations. Their proposals recognise that across the three relationships there are common fundamental issues and the symmetry in the proposals reflected that position. The heading "principles and requirements" also figured in the earlier talks. The principle that the creation of new political institutions should enable both communities to identify with them was a key issue in 1991/1992. The paper produced at that time said that new political institutions must ensure parity of esteem for both communities. This phrase was often misunderstood. Also stable, workable, self-sustaining institutions were required, not the 1996 models of failed past systems. The second heading was constitutional issues which went to the heart of problems in Northern Ireland. The party said that some might argue that new constitutional arrangements were unnecessary, but the comprehensive agenda should allow for all views to be canvassed. Items 3 and 4 dealt with self-evident issues to be addressed. As to item 5 this covered important issues such as policing, courts, and prisons which all form a nest of inter-related justice matters that required resolution in the negotiations. For the SDLP the whole area of policing needed a considerable in-depth discussion as it went to the sense of allegiance which was the central issue in the debate. Item 6 in Strand I and the related headings in the other Strands related to an area of common purpose in the earlier talks. This linked the various parties at the time in opposition to the British Government. International conventions, both European and UN, were relevant in this context.

6. The UDP said its proposals were self-evident. The DUP said it would develop its proposals when item 3 on the agenda was under discussion.

7. The UKUP said its proposals were succinct and pithy. With regard to Strand I issues, they emphasised the exclusion of the constitutional status of Northern Ireland. This turned on the issue of consent. Sinn Fein were the only party who did not recognise this. The UKUP would not discuss the constitutional position of Northern Ireland, relying on the consent principle. With regard to the issue of parity of esteem as it applied to individuals, that was a concept enthusiastically endorsed by the UKUP which believed in pluralism. It did not understand the concept to mean that a minority had the same rights as a majority in relation to the political identity of a State. That would be foreign to the principles of democracy and to the various relationships of countries across Europe. The UKUP referred to the Capotorti Report to the UN in 1979 on the protection of minority rights. Two principles were involved viz that a country of origin will abide by the territorial borders of the host State and that it will refrain from interference in the affairs of the host State. The Treaty between Hungary and Romania was an example of that. But both Governments here ignored these principles by drawing up the 1985 Anglo-Irish Agreement.

8. As to parity of esteem, some 900,000 Irish citizens live well in the UK enjoying the benefits of that State. It was curious therefore that some 600,000 or 700,000 people in Northern Ireland with republican or nationalist affiliations seem to be unhappy with their position. The UKUP would be taking a firm line on any issue which would violate the consent principle, including the

setting up of institutions which result in a factual united Ireland with a fictional shell of UK sovereignty.

9. The UUP said that their agenda was, in keeping with most agendas, a list of generalities and was similar to that of the SDLP and Alliance. As to Strand I issues, the constitutional position of Northern Ireland was not negotiable. Strand II has to address in detail Articles 2/3 of Irish Constitution as a barrier to stability in Northern Ireland. Strand III is not just about the relationship between the two countries, but also involves the people of the two islands.

10. The Chairman said that the Chairman of the Business Committee would make a statement to the meeting.

11. General de Chastelain (as Chairman of the Business Committee) outlined the rules under which the Business Committee, when established, would operate, and referred to the fact that with the process now moving on to the remainder of the Opening Plenary Agenda the question arose as to when the Business Committee should be activated. He also stated that participants were familiar with the exercise on either side of the summer recess to appoint members to the Business Committee. On several recent occasions, delegates had referred to the Business Committee being used on certain occasions and the issue of activation had again been raised during the previous evening's discussions. General de Chastelain said he wished to seek guidance from the participants as to when the Business Committee should be activated. Should it be now when there was no specific business for it to undertake or later when this might be the case? If there was a wish for it to be activated now, what format should the first meeting take and when should it occur?

12. The UUP stated that the proceedings now had a significant issue before it. Decommissioning was a complex matter and the question had to be asked as to how the meeting was going to proceed with it. Would participants put forward introductory written submissions; make opening verbal statements and so on? An introductory meeting of the Business Committee would find favour with the UUP in terms of progressing such procedural questions. The SDLP said it was happy with the role of the Business Committee and confirmed that it would play its full part in its deliberations. However the Business Committee was there as a function to manage the business of the three-stranded negotiations and hence any activation of it should accompany item 3 on the agenda, rather than prior to this. The SDLP added that undoubtedly serious logistical problems would arise during the negotiations and these were best dealt with by the Business Committee when it was working from the clearly defined aspects of item 3 on the agenda.

13. The DUP referred to General de Chastelain's earlier comments and stated that it believed the time was now appropriate to have an introductory meeting of the Business Committee. Such a meeting might allow some procedural structures to be put in place in advance of the discussion on decommissioning. It therefore might be appropriate, so as not to delay this important debate, to have the Business Committee meet over the lunch-break to work out a framework for that debate. The UKUP concurred with the DUP comments. The Chairman indicated that General de Chastelain would consider the responses given. General de Chastelain referred to the DUP suggestion that the Business Committee meet almost immediately. While there was no practical problem with this the

SDLP had offered a different view. He then asked for the views of other participants

14. The UUP said that the idea of an early Business Committee meeting was based on attempting to deal logically with item 2 on the agenda. It would be useful if procedural views could be brought forward at such a meeting to enable the best to be got out of the debate. The Business Committee might also wish to address some other issues such as time-tabling and how the discussion on decommissioning should start. Following a point of clarification from the UUP, the UKUP said that a strong point was being made for the Business Committee to meet now. If it could give some form of structure to the subject matter of the debate, then so much the better.

15. The SDLP re-emphasised its position on the issue. It agreed that the Business Committee was needed when the process entered the three-stranded negotiations phase using the comprehensive agenda. This need manifested itself in the management of time and resources. But the agenda for the remaining Opening Plenary didn't involve management of this sort. What was involved was the management of ideas and this was an entirely different matter. Decommissioning was a political hot potato, but its importance and its relationship with the three-stranded process meant that placing it in the Business Committee was not the proper approach. Decommissioning transcended normal day-to-day management of time and resources and as a result, the SDLP viewed the Business Committee as being active from item 3 on the agenda.

16. Alliance stated that it heard General de Chastelain saying that there was no present business for the Business Committee so it therefore seemed wrong to be attempting to invent some. The

Business Committee was in place to manage the 3 stranded negotiations, not to manage a political hot potato. The Business Committee had no role in this as to do so would simply result in it getting started on the wrong foot. Alliance agreed with the SDLP that item 3 should first be reached before activating the Business Committee.

17. The UKUP said that the purpose of the Business Committee was to arrange and manage the business of the whole process. Decommissioning was very much a subject for the Business Committee's remit. Many of the SDLP arguments, it said, merely indicated the potential for uncontrolled and unstructured debate to occur. This would be time consuming but if the SDLP wished to deal with the issue in this way, so be it. The UKUP believed this wasn't a helpful approach but stated that it would deal with the issue in whichever format, unstructured or disciplined. In referring to rules 13-15, the UKUP said it was wrong to suggest that decommissioning was not a issue for the Business Committee. The final sentence of rule 13 clearly indicated otherwise.

18. The British Government said it was initially considering going along with the proposal that the Business Committee deal with matters like this. Now, however, it had heard the SDLP and Alliance views and believed it better if the issue was dealt with in plenary form after the lunch adjournment. The British Government believed this approach was the least likely to cause dissension. The DUP said it was in favour of involving the Business Committee now for the very reasons which the SDLP and Alliance had stated when rejecting the proposal. The party also referred to the language of rule 13 in supporting the view that the Business Committee had an overall management remit beyond the three-stranded process. The issue of decommissioning, which was a

political hot potato, could surely be dealt with by the Business Committee in a more logistical way than that afforded by a plenary session. The DUP said it was yet to be decided how the remainder of the Opening Plenary agenda was going to be addressed. This in itself required a facility such as the Business Committee to be involved and it therefore believed that a mistake was now being made in shunting the Business Committee away from this work. The fact that people seemed reluctant to get some order into the business gave the party cause for concern.

19. The PUP said it wished to defer any activation of the Business Committee at this time. It was the party's view that there was no need for co-ordination or managerial input at this time. The NIWC offered no strong views on the matter but on balance preferred to activate the Business Committee once the three-stranded negotiations begin. The UUP said that it had only made the original suggestion to be helpful. There was no political baggage attached to it. If the view was that the Business Committee shouldn't be involved, then the process would simply have to tackle decommissioning the hard way. The meeting should therefore adjourn now and return at 14.30. The UUP reiterated an earlier view that the Business Committee was not confined to the three-stranded negotiations, but if there was sensitivity about using it now, then the other approach would be adopted without further ado. It seemed, however, that the original suggestion of the Business Committee being involved now might smooth the ensuing debate but participants might wish to reflect on the matter further over lunch. If there was no change in views over lunch, then that was that. But some time should be taken during the break to consider how to handle and structure the decommissioning debate.

20. The Chairman indicated he had three speakers on his list. After each had addressed the meeting, he would adjourn the session for lunch. Alliance said it couldn't see what work there was for the Business Committee to do. There was an agenda for the debate on decommissioning so why not work through this? Perhaps other matters would come to light as the debate went on which the Business Committee would need to get involved in. The Business Committee was the servant of the plenary. It had no work to do at present, but might have in future. In the interim the process should get on with the debate on decommissioning after lunch.

21. The UKUP believed there to be no basis for opposition to the original suggestion. The UUP had not made a political proposal and the party (the UKUP) could not understand why the British Government were supporting the SDLP view. There was absolutely no harm or malice contained in the original suggestion. It therefore endorsed the UUP proposal while being amazed at the attitude of the British Government towards it.

22. The SDLP said it failed to see how the issue could be described as a "management" matter. The structure for the debate on decommissioning was already present. There was therefore no necessity for "management". The SDLP did not therefore view the UUP suggestion as one which it could support.

23. The Chairman reminded participants that all had earlier agreed to the day's business stopping no later than 17.00 hours.

On this note the Chairman called an adjournment for lunch until 15.00 hours at 13.18.

Independent Chairmen Notetakers
17 October 1996

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