

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 22 OCTOBER 1996 (11.08)

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 reconvened the meeting at 11.08, following the 20 minute adjournment called as a result of the DUP proposal to disband the Business Committee. The Chairman said that according to rule 2, it indicated that this type of proposal must be discussed by the Business Committee and would therefore be taken up by the Business Committee as its first meeting.

2. The DUP asked when the first meeting of the Business Committee would be. The Chairman asked whether, as a first step, his ruling was accepted by the participants. There was unanimous agreement on this. The next issue was when would the Business Committee meet. In the previous session it was decided that the Business Committee would not meet at that stage on this issue. But the UUP had now made a proposal to have the Business Committee meet at the end of the opening statements in this debate. The DUP said that this proposal had been withdrawn. Furthermore the plenary session had not considered the DUP proposal (to disband

the Business Committee) but had considered the other proposal made earlier by the party. The DUP said that if this charade was going to continue, in that the rules were only obeyed when it seemed to suit, then there was no point in having a Business Committee. The DUP emphasised that the process had to set a date for the first meeting of the Business Committee and that that date had to be established now. The Chairman said that a discussion should now take place on when the Business Committee should meet.

3. Alliance referred to a technical point from the previous session, when the vote had been taken not to involve the Business Committee then. Alliance said that the proposal had failed to achieve sufficient consensus rather than it not being "agreed" as indicated by the Chairman. The UKUP stated that the plenary meeting last week took a decision not to have the Business Committee meeting at that stage on the issue of managing the debate on decommissioning. Now there was a proposal for the Business Committee to meet to consider its own disbandment. Rule two showed that the Business Committee had to meet to discuss on this proposal. The earlier DUP point was therefore a fair one, as it was looking for a definitive decision to allow the Business Committee to meet regarding its purpose and future usefulness. This had to be done by despatch, so that the process could establish whether the Business Committee had a role or not.

4. The UKUP recalled the British Government's original support for the Business Committee to become involved in the management of the decommissioning debate during the plenary session the previous week. The British Government, however, then decided to support the SDLP's view that a Business Committee meeting then was not a good idea. The UKUP said that this sort of illogical decision, made by one of the major parties in the talks, was not conducive

to any furthering of plenary business. The party said that, regardless of the substantive arguments on decommissioning, it had great difficulty in understanding why the Business Committee was not being utilised for this issue. Other parties had already referred to the debate developing with both written and verbal submissions being delivered. How to deal with these in a logical manner was something which the Business Committee could handle. The Business Committee could also provide a schedule of events for the debate to follow.

5. The DUP asked whether it would be useful for the Chairman of the Business Committee to call a meeting of it the following day to enable its participants to deal with the proposal and other matters. The Chairman said that as far as both he and the Chairman of the Business Committee were concerned, they were always willing to help the participants in any way. The SDLP said it saw a vital role for the Business Committee whenever the three stranded negotiations commenced, but it didn't see a role for it in decommissioning and it stood by this decision.

6. The UUP said that there were two issues becoming confused at this stage. The process had already accepted that the Business Committee would not be involved at this stage of the decommissioning debate. Now there was a procedural issue to deal with. As far as the UUP was concerned, a procedural issue usually took precedent over political proposals and it was, perhaps, better to deal with this procedural point before any other issues. The UUP said that the SDLP had been speaking about the previous decision on the Business Committee's non-involvement in the debate then, a decision which the UUP regretted. The DUP's proposal was a procedural one and should therefore take precedence over anything else. Bearing in mind what the DUP had said earlier

about the timing of such a Business Committee meeting, it would then be useful if the chair could let the participants know what had been decided on this as soon as was practicable.

7. The UKUP supported the position adopted by the UUP. The matter was a procedural one and it took precedence over substantive issues. As to the point made by the SDLP, the UKUP said there would be no discussion in the Strands until the matter of decommissioning was disposed of and that every piece of procedural machinery should be used to facilitate discussions.

8. The DUP said that the view expressed by the SDLP must be regarded as a personal one because it was never suggested by the Governments that the Business Committee could meet only when the three strands were in operation. The Business Committee should be capable of embracing all matters. It was urgent that the Committee should meet the following day to concentrate on the issue that was involved. It should not be possible to set aside the Rules of Procedure on a whim.

9. The PUP said that initially a proposal was made to involve the Business Committee in decommissioning, a proposal which did not achieve sufficient consensus. The Committee should have one issue only on its agenda, the question of its disbanding. The Committee was a servant of the Plenary and it was possible that the decision on the issue, which could possibly be anticipated, could be made in the Plenary meeting that day.

10. Alliance said that that position did not accord with the rules. There was a good reason for having separate consideration by the Business Committee - otherwise the talks process could be fouled up by endless debates on procedural issues. That was why

it was necessary to follow the provisions of Rule 2 in this instance. All the parties had a good idea of what the decision on the issue would be if the Plenary had to decide the issue, but a shortcut should not be taken through the Rules. The Rules did not stipulate that the Committee had to meet immediately; that was a matter for the Chairman to decide. Alliance felt, nevertheless, that the proposition was a mischievous one. That comment was not meant to be a smear; the proposal for a single-agenda meeting of the Business Committee was part of the process but it was a technical device and the sooner it was closed off, the better. Nevertheless, the party agreed that the matter had to proceed through the Business Committee.

11. The Chairman said that the UUP had suggested that the matter could be discussed by the Chairman and a decision taken later in the day. The UKUP said that, technically speaking, it agreed with the line taken by Alliance. However, the intervention by the PUP showed, perhaps unwittingly, support for the DUP's position in the matter. The central point made by the PUP was that there was no point in having a Business Committee - why bother about it at all when the Plenary group could decide the issue on its own? The DUP agreed with Alliance that it would be possible to use a process to ensure that the proceedings in Plenary became bogged down.

However, the DUP regarded the refusal to hold meetings of the Business Committee as more mischievous. The rules were clear in relation to meetings of the Committee and they should be followed. The Chairman had the power to determine the timing of meetings of the committee having due regard to the wishes of the delegations. The DUP suggested that the proposal made by the UUP should be followed.

12. The British Government said it had listened carefully to the contributions which had been made. A number of factors arose. The Business Committee existed and it had a number of purposes. One such purpose could have been to manage the structure of the decommissioning debate. This matter had been raised in the previous week and again in discussions that morning but was not supported. Another function of the Committee as set out in Rule 2 is for it to act as a filter to deal with proposals that sought to amend the rules before the matter was considered in Plenary session. The British Government agreed with both the UUP and the UKUP that the proposed amendment was a procedural one and it had to be discussed by the Business Committee. As to the timing of a meeting of the Committee to discuss the matter, the following day was not convenient so far as it was concerned (for reasons already stated in connection with the absence of parties in London) but early in the following week was acceptable.

13. The UUP said that developments reinforced its opening proposition that the Chairman of the Business Committee could consult with the parties over the lunch-break to obtain their views on how the matter could be handled. The DUP said it was amazed that the British Government thought it was a member of the Committee. It was mainly civil servants who were involved and they were not affected by meetings in Parliament. There was no reason why the Business Committee could not meet on the following day. The DUP said it was getting more and more suspicious over the whole matter. The actions of the SDLP and the British Government were mischievous in relation to the undermining of the Business Committee. The time had come, the party believed, to discuss the matter in the Committee on the following day. As the PUP had said, the decision may be known in advance, so it would be dealt with quickly in any event. There then followed a brief

discussion as to the timetable for the rest of the session. Notwithstanding the previously agreed arrangement to meet from 10.00 to 12.00, it was decided to adjourn the meeting at 12.30. The British Government referred to the DUP's statement about conspiracy theories which seemed to permeate through the party, but all it had said was that it favoured holding the Business Committee meeting on Monday. The DUP said it merely suggested that the timing of the meeting should be the following day and it could not understand why it was being put off. Alliance said the meeting should proceed with agenda item 2. The Chairman asked whether the meeting could agree with the UUP's suggestion that the matter be dealt with later during the day, following consultation with the participants by the Chairman of the Business Committee. That proposal was approved and the Chairman said he proposed to move on to the decommissioning item.

14. The DUP resumed its opening remarks on decommissioning. The party said it wanted to deal with a matter relating to the Mitchell Report. It concerned the statement by the British Government that the International Body could find other means to inspire confidence, and the resulting proposals in paragraph 50 of the Report, which were in contradiction of the Mitchell Principles themselves, were meant to facilitate this. The provisions of that paragraph meant that the process of decommissioning would be in the hands of the paramilitaries themselves. It allowed them to make their own decisions in the matter. The DUP wondered whether there was a conspiracy here and said that it would have no part in that arrangement. Effectively the paragraph was directed at one party only, Sinn Fein.

15. The DUP then went on to list in summary form the current weaponry held by the IRA on the basis of material drawn up by

security writers. It appeared that the organisation had at least 60 revolvers, 650 assault rifles, dozens of other assault type rifles, 40 rocket launchers, 1 surface to air missile, and 3 tonnes of Semtex. The DUP commented that the IRA were supposed to agree mutually with some Body as to how this stockpile of weapons was to be decommissioned.

16. The DUP noted that no Irish Government Minister was present and said that the importance of decommissioning was highlighted by the abysmal failure of the Irish Government to fight terrorism. It said that if the Government was serious in the matter, it would endeavour to entice unionists by taking firm action. But it had failed to do this. The DUP pointed to the history of extradition arrangements as between North and South which it said was a shameful catalogue of negative activity. In the period 1971 to 1978, 57 warrants were sent to the Republic for execution; only one was granted. In the same period 37 extradition requests were transmitted by the authorities in the Republic to the Northern Ireland Courts Service and 23 of them were honoured.

17. The DUP then listed some of the more notable cases, McGlinchey, O'Hare, O'Reilly, Sloan, Byrnes, Fusco, Carron and Finucane. It was also the position, the party said, that the Irish Government had deliberately ignored the relevance of extraditing terrorists. It referred to the case of McNally, who was living the life of Riley in Sligo. The Irish Government set him up with social security payments and the Gardai have advised him to change his name. The DUP said that he won't be extradited. He is at large and attends republican meetings. Such flagrant abuse of the process illustrates why unionists are suspicious on these matters. The Irish justice system is contaminated by such

inactivity; this supports the unionist view that the IRA will not be disarmed. It did nothing to build unionist confidence.

18. The DUP then went on to outline in detail its position on decommissioning, drawing from a prepared position paper which it later circulated to the delegations at the adjournment and which should be read in conjunction with this report. The party also said it would publish actual proposals on decommissioning for discussion at the talks later. Decommissioning had to be dealt with according to the DUP; it wasn't a matter that could be put aside. However, the conclusions of the two Governments have not changed and they still believe that no real decisions on the matter should be made at this stage of the process. There seemed to have been an agreement that the adoption of the Governments' proposals would conclude the address to decommissioning, but that approach had nothing to do with real decommissioning. What it did, said the DUP, was to put the matter on the long finger. If that was the case, there was no need for the DUP to remain at the table. They were assured by both the Prime Minister and the Secretary of State that before anything was done, decommissioning would be dealt with. However, the requirement to "address" the subject was smuggled into the document to afford a way out for the Government. The DUP could not find out what "address" meant but it seemed that there won't be a real thrust to deal with decommissioning. The paramilitaries will mutually agree on a confidence-building exercise to hand over their weapons and, as paragraph 48 of the Mitchell Report makes clear, there will also be a total, blanket amnesty for terrorists.

19. The DUP said that it had asked the British Government what about the people who were in mourning for relatives? Would the perpetrators ever be brought to answer for their crimes? The

whole effort is to close the book and shut the door and the perpetrators are being eulogised as the unsung heroes of the peace. That, according to the DUP, was the outcome of predetermined decisions by both Governments which, it appeared, would be well supported around the table.

20. The DUP said it was pleased that the people of Northern Ireland, even after all the pressure and peace propaganda by the Governments, still held on to the view that criminals should answer for their crimes and that there was a need to deal with decommissioning. This meant that all paramilitary groups must decide to forego illegal weapons and surrender their arsenals. Guns must not be taken out of the situation for the sake of convenience, but because of an acknowledgement that their use was wrong and that they were repudiated. That was the decision that had to be arrived at. The position cannot move forward until proposals for disarming the terrorists are dealt with. The DUP said that was a matter that could not be shirked; it had to be done. However, the party feared that there would be one colossal fudge on the issue. Some people would try to maintain that there was no fudge but the DUP would be prepared to trust the people at large as Winston Churchill had done. The DUP will put its case to the people of Northern Ireland. The Governments should not make concessions to terrorists and they should take the power to wage war away from them.

21. The Chairman said that over the lunch period, the Chairman of the Business Committee would discuss with the participants the matter relating to the Committee. The DUP said that its Position Paper 1 on Decommissioning, mentioned earlier in the meeting, could be distributed to the participants.

22. The meeting adjourned at 12.27 to resume at 14.30 and end at 16.00.

Independent Chairmen Notetakers
25 October 1996

OIC/PS32