

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
MONDAY 4 NOVEMBER 1996 (13.10)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
Mr Holkeri	Irish Government	Labour
General de Chastelain		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 13.10 and by agreement deferred approval of the five draft summary records of the meetings circulated on 1 November, 1996, until the following day when the item would be taken first. He said that no additional written submissions had been received by his office by the deadline of the previous Friday. He had been advised by the UKUP that its material would probably be handed over to him later in the day for circulation to the parties the following day.

2. The Chairman said that the item under discussion was agenda item 2(a) of the agenda for the remainder of the Opening Plenary session, namely, discussion of proposals on decommissioning. Some of the parties had made written and oral presentations in the matter and it was time to consider establishing a possible framework for the discussion. His suggestion in that regard was to devote the day's business to the possible clarification of the various proposals which had been made. That could be done through

questions presented either orally or in writing. The responses could be oral or written or the responding party could reserve its position. It might be possible to group questions by various parties under the same headings. Once this clarification process was completed, the Chairman suggested that Tuesday and Wednesday of this week could be set aside for a debate on the proposals.

3. The UKUP recalled that during the previous week's meeting the UUP had raised the possibility of the Business Committee looking at the structuring of the discussions on decommissioning. If a formal proposal had not been made on those lines at the time, it was proposing it at this stage, the party said, as there was a need to structure this part of the process properly. The DUP referred to the point it made also the previous week about the meaning of the term "proposals" as set out in the agenda and the fact that the "proposals" in question were not just those covered in the Mitchell Report. These other possible proposals were not before the meeting as yet but when they were considered along with the Mitchell proposals there would be a need to arrive at a determination in the matter.

4. The DUP also referred to media comment over the weekend involving Mr Hume, Mr Adams and the Tanaiste, Mr Spring, concerning the question of the entry of Sinn Fein into the talks process. The party referred to the possibility of some sort of agreement being done - in effect an effort to buy off Sinn Fein to smooth their way into the talks without a real and permanent cease-fire being declared. The electorate represented by the DUP were very suspicious about the situation and it was incumbent on both Governments to inform the party as to what their position was in the matter. It would seem that the real talks and decisions were taking place behind their backs and this was a matter

relevant to the future of the people represented by the DUP. The party said the first Hume/Adams talks had taken place in secret and the same situation now applied to the current round of such talks apparently. It wondered what the Governments were after? Was it the case that negotiations were underway again with a new line being drawn in the sand?

5. The SDLP said that it did not wish to make the particular issue into a side-show. What had been reported in the media was not something that had only happened in the previous week. The party said that the position was that there had been ongoing contact with Mr Adams to bring about another cease-fire and an end to violence. There was no question of secret deals or asking Governments to enter into such deals. The only objective was to get a total and absolute end to violence. The DUP did not appear to have read the public statements which were issued after such talks previously. The party again stressed that no secret deals had been done before and there would be no such deals at the present stage. The SDLP then referred to the proposal made by the UKUP about the possible role for the Business Committee and said that it had made its understanding of the position in the matter clear that the Committee should be engaged only when the three stranded negotiations began and it adhered to that view.

6. The UKUP expressed its concern which it shared with the DUP about the reported talks between Mr Adams and the British Government. This concern extended to the question of confidentiality of documents. The party asked the Chairman to confirm that the Independent Chairmen and staff would not be involved in negotiations with anyone outside of the talks. It assumed that there was no question of the British Government asking the Chairmen to become so involved. The Chairman said he

could certainly confirm that documents would remain confidential and that neither he nor his colleagues had talks with anyone outside of the negotiations and that included also members of the staff either directly or indirectly.

7. The UUP confirmed that the point about the role of the Business Committee had been raised by it and it was a perfectly valid proposition. The party felt that the SDLP had stated the position inaccurately when it said that the Business Committee was tied to the three strands. The meeting had already passed that point and had agreed that the Committee would deal with any business placed before it and was not restricted to the strands. The UUP said it had no ulterior motive in making the suggestion it did. It was just a mechanism for the Committee to structure business to allow the discussions on decommissioning to move forward without delay.

8. The UUP said that the DUP had raised the question of the Hume/Adams talks but the stories in the media were old news. The party accepted that there was probably no cessation in the attempts to talk to Sinn Fein/IRA. It said during the previous such talks, it believed that documents related to the 1992 Brooke talks were given to the IRA. As to the structure of the debate, the UUP wanted to examine the whole area of a possible new cease-fire, and it would have no difficulty in discussing what the parties collectively would wish to see in that regard, particularly insofar as a definition was concerned. The parties might also wish to raise questions and to elaborate on their own positions. But there was no structure in place as to how to determine what to do. The meeting was relying on the Chairman for guidance. It was possible, for example, to look at the question of principles and borrow that idea from the suggestions for the

three stranded agendas which had the heading of "Principles and Requirements". It was certainly the case, the party said, that the presentations showed a deep chasm to be bridged on the issue. The Secretary of State held the key to the door because he issues the invitation to participate in the negotiations. Accordingly, the position of the British Government in that matter is vital. These matters needed to be teased out during the week of debate and it was necessary accordingly to determine the position of parties to see if there were principles that could be agreed upon. The Chairman restated the position that any participant could submit questions orally or in writing and the responses could be on the same basis or a position could be reserved.

9. The UDP referred to the point made by the DUP and said it was dangerous to have a feeling in the community that Sinn Fein were being bought off. There was a need for the Government to come clean on the issue and not allow perceptions or speculation to contaminate what was going on in the talks. The UDP had also suspected that there were contacts between the Government and Sinn Fein in the context of trying to get a formula for Sinn Fein's entry into the talks process. The participants have decided the issue. There should be no attempt to thrust in Sinn Fein with impunity. A cease-fire statement is not enough for this purpose. Furthermore, the party said that if third party negotiations were going on with republicans, why had the British Government refused to show its hand on what it regards is a dependable cease-fire? This contributed to feelings of uncertainty as to what the Government was about.

10. The British Government said it was entirely happy to endorse the earlier comments of the SDLP. It had had no contact with Sinn Fein at any stage since February and no contact would take place

until such time as a new cease-fire was restored. The British Government stated that the position regarding Sinn Fein's entry into the political talks was absolutely crystal clear and placed in the public domain no more recently than earlier that day. The weekend press reports made it clear that no contact between the British Government and Sinn Fein/IRA had occurred and no negotiations of any kind were going on with Sinn Fein. The British Government held regular discussions with all the Northern Ireland Party Leaders on matters such as political development and other issues of concern and interest in the Province. It categorically stated that nothing was being done within this series of discussions which went behind the backs of Party Leaders. The British Government said it agreed with the SDLP's earlier comments regarding the fact that there could be no secret deals. The British Government had sole responsibility for Northern Ireland. If it was the case that another cease-fire was possible, the British Government had clearly an interest in this coming about as one should have been restored a long time ago. If the British Government felt it was useful in this context, in helping to determine a new cease-fire, to offer a statement of clarity on its position regarding Sinn Fein's entry into the process, then it would carefully consider this.

11. The DUP said decommissioning is not a side show but one of the most important issues to the people of Northern Ireland. In referring to other comments made by the SDLP, the DUP said that, contrary to the SDLP's view, no one in the Province had been made aware of the agreement reached between Mr Hume and Mr Adams in the "mark one" talks between them. In fact, at one point, the SDLP Deputy Leader had said that he wished to see the agreement which his leader had made with Mr Adams, but neither he nor the people of the Province had seen the contents of it. The DUP said it was

quite entitled to be concerned about the decommissioning issue given this position. The DUP said it had listened carefully to the British Government offering to restate its position if this would help in determining a new cease-fire. The party stated it had seen this type of ploy before from the British Government. An opportunity was provided to restate a position but on each occasion the Government made a statement that then appeared to be a diminution of the previous position on the issue. Look what happened to the first IRA cease-fire. The SDLP said it would be permanent and real, but it was anything but. The IRA made it clear that it was only a ploy, a tactical device. The DUP said it had heard nothing thus far in the discussions which would allay the fears of the people of Northern Ireland.

12. The DUP said that it regretted the earlier stance of the UUP when it (the UUP) had voted against a DUP amendment which would have introduced a further item to the agenda regarding the terms and conditions for Sinn Fein's entry into the negotiations. The DUP said that if this was on the agenda now, it would be of great help. There was a serious amount of mistrust in the community with regard to Sinn Fein's entry into the political process. This was accentuated by the statements made by the new Chief Constable to the effect that the IRA was planning some spectaculars and targeting high profile individuals. There was therefore an urgent need to hear what the Governments were saying on this whole area of decommissioning and in particular whether a determination of the issue would be reached. The DUP stated that the Business Committee should meet to take the issue of the structure of this part of the debate forward. It was an appropriate time for such a meeting to take place.

13. The DUP referred to the Chairman's earlier proposal regarding the procedural aspects of the debate and said that these hadn't referred to a determination of the issue. When was this going to happen? If the participants could ask questions of each other and clarify their positions this week, could a determination be arrived at the following week? Such an eventuality couldn't be hedged off. The DUP again emphasised that the Business Committee could well help to bring forward recommendations on the handling of this issue. The Business Committee was a mirror of the Plenary and was therefore properly placed to carry this task out on its behalf.

14. Alliance stated that the Chairman's earlier proposals for proceeding were very acceptable. There was no need for a Business Committee to get involved. Alliance said it had put forward fair and realistic proposals and looked forward to other proposals coming to the table. The party said that it noted that the UKUP had been very vociferous in its comments about other participants making contributions at this stage. Now everyone had, with the exception of the UKUP, submitted a written paper - yet that party's paper wasn't due to be circulated until the following day. The UKUP having been asked to confirm this, then did so.

15. The UUP, in referring to the DUP's earlier comments, said that the party (the DUP) knew very well that the agenda, a little further on, allowed participants to deal with such issues as the terms and conditions of Sinn Fein's entry into the negotiations. The UUP document on decommissioning had referred to this. The party had been majoring on this issue with the British Government at every opportunity since the recess ended. The issue was included in the UUP document and would be dealt with within the agreed agenda. The DUP said it hadn't been referring to the UUP's

half-way house proposition when making its earlier comments. It had been talking about any entry of Sinn Fein into the talks process. The UUP again emphasised that the agenda allowed this topic to be dealt with.

16. The British Government said the UUP's suggestion of establishing or building up a series of principles and requirements appeared to be a sound one. It therefore wondered whether, as a first step, participants might wish to submit their views on what these might be in order to establish some common ground. The Chairman acknowledged the British Government's proposal as helpful and suggested that the business proceed along the lines that he had originally proposed. The UKUP, in returning to the point about involving the Business Committee, said that the same mechanism had met and dealt constructively with debates in the Northern Ireland Forum. The UKUP said it now thought that there were some other parties in the room who thought that involving the Business Committee was a useful idea and wondered whether this could be tested by hearing from each of the participants.

17. The Chairman said he had understood that Alliance and the SDLP had said no to any Business Committee involvement at this stage. The Chairman asked for any other comments at this point. The UUP said that it had listened to the British Government's comments regarding the party's proposal to establish principles and requirements. The UUP was somewhat concerned that, to date, the British Government had not yet produced a set of principles whereby any political move by Sinn Fein towards the talks could be assessed. In the absence of this, the UUP said it was disquieting to see matters moving along at a slow pace and wondered whether

the British Government wished to offer any response to these observations.

18. The SDLP asked what was meant by the term "principles". Were these principles ones which in some way were outside those contained in the International Body's Report? The SDLP asked the British Government whether it was possible to provide a definition of a principle in this context, as it believed that the important principles of decommissioning had been adequately dealt with and given flesh in the report of the International Body. The British Government in reply indicated that the suggestion of working up principles had not emanated from it, but rather the UUP. It stated, however, that the suggestion had been put forward as an attempt to find some common ground between the positions already outlined in verbal and written submissions.

19. The UUP replied to the SDLP questions indicating that an example of a principle, in its view, was whether Sinn Fein could give a clear and demonstrable expression to commit itself to exclusively peaceful means (and hence enter the talks process) by restating the terms of the 1994 cease-fire or whether more was required. The UUP said that the SDLP seemed to see a restatement of the 1994 terms as sufficient; the UUP did not. Whether participants believed that another 1994 type cease-fire was therefore sufficient to allow Sinn Fein to come to the talks or whether something more was needed was, in the UUP view, such a principle.

20. The DUP returned to the Business Committee issue. It said it objected to the procedure outlined at the beginning of the session by the Chairman. The party wished to seek an adjournment at this point to consider this situation further. The DUP said it agreed

with the previous UUP comments. If the two Governments were in fact saying that Sinn Fein only needed to restate the terms of the 1994 cease-fire, through the medium of the SDLP leader, then there was a very wide chasm between certain positions around the table. Furthermore if this was the position of both Governments, no good would be served by continuing with the present debate on decommissioning.

21. The British Government said it didn't believe it was necessary to adjourn the plenary session and move the discussion into a Business Committee. There were proposals on the table so why not discuss these in plenary? The DUP, however, was proposing an adjournment and this would undoubtedly be granted. The British Government again said that it thought the whole issue of how to move forward on the discussion of decommissioning could be better dealt with in plenary mode and that, in this instance, the Business Committee route appeared to be a somewhat less attractive alternative. The PUP asked how the Business Committee was going to be able to take the discussion forward as opposed to it being handled in plenary. The PUP was quite happy to live with the proposed adjournment but perhaps that time should also be used to consider the earlier proposals about whether common ground, through the building of principles, could assist at this point.

22. The UKUP said it was on the verge of completing a detailed submission on decommissioning which would be available the following day. The document would deal, inter alia, with the subject of the previous cease-fire and the terms of any new one. The party, however, having listened to earlier remarks, added that it would not contemplate staying in the talks process if both Governments were going to accept that a new IRA cease-fire could be brought about on the basis of a premise similar to the previous

one. Such a situation, which in itself allowed the IRA to plan further atrocities etc, would not do for the UKUP or the DUP or for the people of Northern Ireland. The Chairman, returning to an earlier UKUP proposal to test current views of the participants in the involvement of the Business Committee at this stage, stated that three parties were in favour, four were against and the remainder had not indicated a view. The UKUP asked the Chairman whether the British Government had not appeared to be moving towards the idea of involving the Business Committee.

23. The Chairman reminded participants of his earlier suggestions for taking forward the business and asked whether these were unacceptable. If there was a view to this end, then it should be presented, but so far no one had specifically expressed this. The Chairman suggested that participants might wish to air their views on this point during the adjournment. At this point the DUP formally proposed an adjournment. In response to a question from the Chairman, the DUP said it wished to seek an adjournment until 15.00 to consider all proposals which had now been put forward. The Chairman then adjourned the session at 14.05 until 15.00.

Independent Chairmen Notetakers
8 November 1996

OIC/PS40