

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -  
TUESDAY 5 NOVEMBER 1996 (14.10)

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 convened the meeting at 14.10 indicating that the session would now continue with Labour having the floor. Labour stated that it wished to ask some questions of both Governments. The party's first question focused on whether the two Governments were content that the proposed sub-committee would comprise members from all parties around the table and be chaired by one of the current Independent Chairmen. The British Government said that this would be the case in both aspects of the question. The Irish Government agreed with the response of the British Government.

2. Labour then asked about the role and function of the sub-committee. Would the sub-committee have a role in scrutinising the draft legislation and how long would be given for this particular process to occur? The British Government stated that it hoped to be in a position to publish the enabling legislation soon and aimed to have it enacted by Christmas. It was intended

that the sub-committee would have a role in looking at the draft legislation but how much time was now available for this was difficult to judge. The Irish Government said the draft legislation was 95% complete and it expected to have it passed through the Dail by Christmas. It also went along with the British Government's comments in relation to the involvement of the sub-committee looking at the draft legislation.

3. Labour then referred to paras 38, 40 and 44 of the Mitchell Report and asked whether these represented the three basic functions of the sub-committee? If this was the case, Labour asked what was the timescale for consultations to take place with regard to appointments to the sub-committee? The British Government referred Labour to its paper dated 1 October and in particular the draft working agenda attached to it, as this was where the answers to its questions could be found. The Irish Government also referred Labour to the draft working agenda. As regards timescales, these were difficult to determine with the exception of point one on that agenda. Labour then asked about support resource availability and in particular whether participants would be permitted an input into the appointment of independent experts? The British Government said it had not yet considered this point. It was, however, primarily looking for a degree of continuity between what the sub-committee would take forward and handle and the setting up of a verification commission. The Irish Government said it had nothing to add to the British Government's comments on this.

4. Labour asked about the scale of the decommissioning problem. Was the scale of it such that it required an approach of this magnitude bearing in mind the comments made in para 37 of the Mitchell Report and the very helpful documents provided by the DUP

which emanated from Jane's defence publications? The British Government said it believed the scale of the problem demanded an exercise such as what was being proposed. The Irish Government agreed with the British Government comments on this. Labour then referred to the British Government's speaking note of 30 October (para 22) where it was suggested that a special plenary session should be convened in December to take stock of progress in the negotiations as a whole, including the work of the sub-committee. Labour asked whether there was scope to convene other special plenary meetings to review progress on decommissioning? The British Government said it believed such a facility was necessary as feedback to the plenary on the issue would be useful. The Irish Government said it was very receptive to the notion raised by Labour to enable sub-committee progress to be regularly monitored.

5. The UKUP asked whether both Governments were indicating that the creation of a sub-committee was a pre-requisite to the passing of the enabling legislation and associated regulations. The British Government said this was not the case, since timing might not allow a sub-committee to be established before the legislation was put through the House of Commons. If a sub-committee was established ahead of this, there might not be much time for it to feed in comments/views on the draft legislation. The key point here was that the sooner the legislation was put in place, the better. The Irish Government said it did not see it as a pre-requisite. The sub-committee was a facility whereby feedback could be provided for members of the talks process. The UKUP asked whether the Governments' would pass the legislation regardless of setting up a sub-committee in line with the timescales already given. The British Government repeated what it had said earlier about its intentions with the legislation. It

was, however, impossible to dictate the Parliamentary timescale. The Irish Government also repeated its earlier comments. It said that it had had an expectation that the sub-committee would have been set up by this stage, but the legislation would be through before Christmas. It was, nevertheless, useful to have the sub-committee in place as soon as possible.

6. The UKUP asked whether the creation of a sub-committee was an irrelevance to the time-table for legislation being passed? The British Government said that the legislation was enabling. Decisions would still need to be taken with regard to appropriate schemes etc. This was a role for the sub-committee. The UKUP asked that if the sub-committee didn't come into being, was it still the intention of the British Government to have the legislation and regulations in place by Christmas? The British Government said that with regard to the legislation the answer was yes. However, the regulations depended on discussions with the parties in the sub-committee format. The UKUP asked whether these discussions could be taken forward in plenary. The British Government said that technically they could be taken forward in Plenary.

7. Alliance stated that it viewed the Governments' as having a responsibility for decommissioning which as a law and order issue extended beyond the talks process. The party said that the Independent Commission idea was extremely important and it also viewed members of it having an important role. Alliance said it wanted to see this body operating with the participants being able to rely on the wisdom and judgement of its membership. The party said it didn't see any reason why it was not possible to get to the stage of having a Chairman designate for the Commission in

place by the time the process reached the end of the decommissioning item on the agenda. The question was how was the process going to reach the end of that agenda item. Alliance stated that it had picked up from earlier UUP remarks that its aim (the UUP) was not only to get a Chairman designate in place quickly, but also to define some principles. Alliance said it was unsure as to exactly what was meant by "principles" in this context and therefore wondered whether the UUP could give a clear steer on the minimal elements of these principles to enable the discussions to move forward.

8. The UUP stated that decommissioning was more than simply a law and order issue. The subject had a major political element attached to it. The question raised by Alliance was a massive point to answer from a cold start, yet the party (UUP) had indicated a wish to speak to Alliance about its (Alliance's) paper. The UUP said it wished to make a general point that decommissioning had to be addressed to its general satisfaction before the three strands of negotiations started. This, however, didn't mean that decommissioning was over and done with, since there was the potential for other positions to develop in the issue during the negotiations which would have to be addressed at that point. Alliance said it was only seeking further elaboration at this stage. If this couldn't be given now then it would leave the line of questioning at that for the time being. The UUP said it believed it had been trying to provide some indication of these "principles". There is a clear bridge between decommissioning and Sinn Finn's entry into the talks. The whole process, in the Governments' view, was predicated on Sinn Fein's arrival into the talks and the language of the talks has been invented to

accommodate this position. The UUP said it hoped to be able to provide more details on the principles in due course.

9. Alliance indicated that the UUP had mentioned that it wished to highlight certain "requirements". The more detail that could be put on these the better, although the party (Alliance) recognised that it might have to wait until a later time to gain such information.

10. The UKUP stated that, as previously indicated, it had now submitted a formal paper on decommissioning. It wished to speak to this as the paper had now been circulated. The UKUP said that recent remarks had focused on the specific facets of decommissioning rather than viewing it as a thread running through all aspects of both the political negotiations and community life in general in the Province. The UKUP then read from the paper together with some additional comments. [At one point the UKUP stated that the Governments' current efforts to negotiate some form of cease-fire with Sinn Fein/IRA, which they could endorse as acceptable for entry to the talks had done nothing to lessen pro-union mistrust of the Governments intentions. This mistrust had been highlighted by other decisions which had more recently led to a situation whereby instead of 95% of both communities wishing to disown the men of violence, the communities were at each others throats. Such a position had even been confirmed by the Government's own Community Relations Council which had judged community tensions as being as high now as at anytime in the past. The UKUP stated that if this situation was the product of a process to achieve peace, then war could not be any worse. The UKUP pointed out that it had never uttered a sectarian sentiment nor belonged to any sectarian organisation.] The UKUP's address was completed at 16.06. The UKUP said it was grateful to the

Chairman and participants for the hearing which they had given it. The party was now entirely willing to offer itself for questioning, but before doing so, it proposed a short break to enable some recovery of vocal chords to occur. The Chairman raised the UKUP proposal with the participants who signified their agreement to it. The Chairman then adjourned the meeting at 16.08 until 16.30.

Independent Chairmen Notetakers  
8 November 1996

OIC/PS41