

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
WEDNESDAY 27 NOVEMBER 1996 (11.15)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	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 convened the meeting at 11.15 and commented that he first wished to seek the approval of the previous sets of draft records. To avoid confusion the Chairman read out a list of draft records requiring approval. He asked whether participants had any amendments or suggestions on them.

Previous Minutes

2. The UKUP raised a query in relation to para 6, page 3 of the draft record from 4 November (13.10). The party said that during that session it had raised some questions, following media reports of contacts between the British Government and Sinn Fein, concerning any formal or informal, direct or indirect contacts between the independent Chairmen and their staff with Sinn Fein. The UKUP stated that it had asked these questions both from the retrospective aspect as well as for the future and wished such a context to be reflected in the minutes. The Chairman said he was

content with this but pointed out that the responses in the minutes were based on the premise that no meetings had occurred since the talks process itself began in early June. The Chairman added that the responses at the time would not have reflected the position during the International Body's work earlier in the year, when its members had frequent contact with Sinn Fein and a wide range of other groups and individuals. The UKUP accepted the Chairman's comments.

3. The UKUP raised a second query on the draft record from 6 November (13.45) page 4, para 28. The party said it wished to have the word "some" included before "unionists", 3 lines up from the bottom of the page. The Chairman sought approval of this amendment. There were no comments to the contrary. The Chairman asked whether there were any other comments on the remaining draft records. None were raised. The Chairman stated that the remaining draft records were therefore approved before moving on to the next item of business.

4. The Chairman stated that he had now met with each of the parties in an attempt to elicit the wishes of the participants on how to proceed from the current position. He recalled that there had been disagreement on Monday about how to proceed and following his meetings over the last day or so, he believed that that disagreement still persisted. The Chairman said that in this situation, he wished to propose that the UKUP begin the session by restating its views as to why the motion, circulated by it on Monday, should now be discussed. Following this, the Chairman said he would ask each of the remaining participants around the table to comment on whether they wished to debate the UKUP motion now or to pursue other approaches in taking the business forward. He then asked the UKUP to address the session.

5. The UKUP said it was its intention to renew its application for the motion to be considered today, but in advance of this wished to make a few general observations regarding the principles under which the talks should be held in future. The party said it took the view that any participant could table a motion and have it read before the body. This was a different point, however, to the view which seemed to be articulated by participants on Monday, that any such motion couldn't be put to a determination. The UKUP said it agreed that there must be a consensus from the body in order that any motion be passed, but it was wrong in principle to stifle the hearing of that motion. This was contrary to democratic principles. The UKUP said that the body had a right to vote any motion down if it so wished, but there must surely be a question raised if the body didn't allow the motion to be heard or put forward. If the right of hearing a motion wasn't going to be made available, then the whole question of being present at the talks was open to debate. The party said that it recognised and understood the principle of proper timescales being adhered to between introducing a motion and debating it, but it was, in its view, undemocratic, not to hear the motion by employing the tactic that it wasn't expedient to deal with it at that time. The timescale could be important in terms of the negotiations and the body needed to consider this point seriously. It might be the UKUP's problem today but it could be some one else's tomorrow but whoever it was, the motion shouldn't be stifled just because parties believe it to be expedient not to hear it.

6. The UKUP said that the body should allow its motion to go forward and allow other participants who were entitled to do so to vote it down with or without a debate. The party recalled that on Monday its motion had been put forward as a fair assessment of the

pro-union parties papers submitted two weeks previously. The UKUP said it challenged the UUP to flag up any significant differences between its proposals and those which now appeared in the UKUP's motion. It was the UKUP's view that no such difference existed so any delay by the UUP in dealing with the motion was concerned with the timing of it rather than questions of principle. Yet, said the UKUP, if one looked at the events of Monday, there were bilaterals taking place between the UUP and SDLP and there was uncertainty over the British Government's response to the Sinn Fein proposals put forward by Mr Hume. Since then a response from the Prime Minister had been forthcoming, although interpretations of it were ambiguous in certain respects. Mr Spring had said there was no refusal. Mr Hume implied that pre-electoral decisions had played their part in the Prime Minister's decision. The UKUP stated that the issues had been redefined and that the UUP had now some inkling that there was movement on the respective positions. Accordingly, the party wished to move its motion again to have it voted on. If everyone around the table believed that more bilaterals and trilaterals were the way to move forward and gain progress, how would the short time given over to hearing the UKUP's motion deny time for the bilateral process? The UKUP said there was no reason in principle, truth or democratic foundation for the body not to hear and dispose of the motion in whichever way it saw fit. The Chairman then invited each of the participants to comment and indicate whether they wished to debate the motion.

7. The British Government said that the talks process was clearly in a difficult period. Participants were seeking to grapple with the complex issue of decommissioning by consensus. There were a number of bilaterals still to take place in terms of trying to reach this consensus and the British Government's view was that it would not be helpful to hold a debate on the UKUP motion at this

point. The British Government said that the other issues raised by the UKUP in its address were procedural and therefore for the Chairman to decide upon. However it was important to bring procedural motions forward and it had no problem with this. The key issue, however, was the timing and management of such mechanisms. The British Government said that whatever the parties decided to do collectively should be done.

8. The UKUP intervened to ask whether the British Government was saying that the talks body alone should collectively ignore principles of democracy. Was the British Government saying that it could do whatever it wished in defiance of accepted democratic principles? The British Government said it wasn't saying this nor could its earlier comments be construed as implying this.

9. The Irish Government said it was aware of the progress of recent bilaterals and trilaterals. These meetings were inching forward and should be given more time rather than the process now breaking off to deal with a specific motion. Such an approach only endangered the search for compromise and agreement. The Irish Government said it didn't have any problems in dealing with the UKUP motion, but did have difficulties with its timing at this stage of the proceedings. Alliance said it was currently involved in bilaterals and trilaterals. It recognised that the purpose of negotiations was to arrive at a consensus. The UKUP motion was therefore somewhat premature while participants were still trying to reach consensus on the decommissioning issue. Alliance said that the UKUP had put forward a well argued case but in doing so its motives for tabling such a motion had been exposed.

10. Alliance continued saying that the UKUP motion had nothing to do with reaching consensus, for the party (the UKUP), in its synopsis forming the basis of the motion, had totally ignored the other parties' proposals. This demonstrated that the UKUP had tabled the motion to embarrass other parties around the table. The motion was therefore destructive, not constructive. Alliance stated that it regretted that this was the case and also regretted that there were parties present who seemed to want to use the body as some sort of theatre or wrecking process. Alliance said it was, of course, quite possible that the participants might not reach agreement but at least the process should be allowed to continue to the point where agreement was evidently not possible. Alliance said that, with this view in mind, it supported an adjournment and continuation of further bilaterals and trilaterals.

11. Labour said it was content to go along with the Alliance comments in supporting an adjournment. The NIWC said it also agreed with an adjournment taking place now. The PUP said it accepted and wished to associate itself with the comments of Alliance. The party said that the UKUP motion assumed that the body had reached a conclusion on the decommissioning discussions but it had not. The SDLP stated that it had been involved in a trilateral meeting on Monday and a number of bilaterals subsequently. The party supported the Alliance view that debating the UKUP motion at this time was not going to allow a consensus to develop. It was therefore better to have a further adjournment in an attempt to see whether bilaterals etc could achieve some consensus.

12. The UDP said that motions should be put forward on the basis of trying to gain a consensus and perhaps the time was not yet at hand when consensus might be reached. The UDP said it fully

supported the rights of parties to table motions. There was no problem with this from their viewpoint but the party believed that some time should be given to further bilaterals before debating the UKUP motion. The DUP believed there to be two issues under discussion. Most participants were considering whether they wished to deal with or were required to deal with the UKUP motion. The DUP said it didn't believe that the series of bilaterals should necessarily mean that the UKUP motion should be set to one side and not discussed by the other parties. The DUP said that the rules allowed for different permutations to be presented. A vote on a motion was not the end of the issue. The party said it believed that the participants would not be putting themselves in a more difficult position by taking the motion now or deferring it to later. The DUP said that the second issue focused on the rights of the parties in relation to the tabling of motions. The party said there were clear areas where parties did not have automatic rights to table motions. For example the subject of the motion had to be germane to the debate at the time. The UKUP motion was wholly consistent with the modus operandi as agreed by the participants in the rules of procedure.

13. The DUP said it didn't believe it to be unreasonable that such a motion should seek a determination of the decommissioning issue at this stage. In fact the ground for arriving at a determination could be narrowed considerably if the process went through the various papers submitted by the parties and tried to agree on issues of principle. The DUP said that there was a right on behalf of delegations to table a motion and know when to expect a determination to be reached. The DUP said it believed that the delay in reaching this determination, by not taking the UKUP motion now, suggested that games were still being played with regard to the entry of Sinn Fein to the process, thereby getting the public

used to other possibilities that may yet come to the fore. The DUP said if it was right about such delaying tactics, it was better to try to resolve or narrow the issues from the proposals put forward and see what common ground existed at this point.

14. The UKUP said it accepted that there were caveats or exceptions to the general principle such as had been suggested by the DUP. It should not be possible for parties to pluck items for discussion out of the air, so to speak. Nevertheless, the party maintained, as it had already outlined on Monday, that discussions in relation to decommissioning had now been going on for some six weeks. An attempt had been made to give that discussion some form through the involvement of the Business Committee; then there were oral presentations of parties' positions. Following that stage, more detailed comments were submitted as requested by almost all parties. This was a filtering process which did not inhibit bilateral or trilateral meetings from taking place. The last paper was submitted about two weeks ago by the UUP.

15. The UKUP rejected the criticisms which had been made by Alliance. The UKUP said that it believed that presentation of its motion could act as a catalyst to enable parties to clarify their views on the issue and it did not restrict their freedom to take whatever action they wished. The UKUP took the view that even if the parties voted down its proposal, they would still have had to concentrate their minds on the essential issues raised. The party also said that it agreed with the British Government and the SDLP that the matter was one for the Chairman to decide but the UKUP insisted that other factors besides the rules of procedure should apply to his consideration of the issue. This was similar to the position of the law which had to be considered in conjunction with the rules of natural justice. The rules of procedure applicable to

the negotiations were subject to the fundamental principles of democratic discourse. It was correct to say that the negotiating body was sovereign and owned its rules, but like Parliament and Congress, for example, it was constrained from impinging on democratic rights.

16. The UUP said that it had already indicated that there had to be a determination on the issue of decommissioning. It had no difficulty with the UKUP motion being put forward and, in fact, the UUP would wish to amend it in certain respects. The party also noted in passing that if the Business committee had been allowed to function as earlier proposed, the present debate would have been unnecessary.

17. The UUP said it appeared from what the UKUP had said that its motivation in putting forward the motion was to challenge the UUP. However, if the UKUP believed that it was justified in this approach on grounds of loyalty or principle, it was mistaken. The UUP could not be tied by the actions of any party and it would judge matters for itself. The UUP said with reference to phrases used by the UKUP like "principles of democratic discourse" etc, they were fine in essence, but what the UKUP were really saying was that if people did not agree with the position adopted by the UKUP then they were in opposition to it. It seemed to the UUP that the UKUP clearly wanted to get out of the process. However, the UUP did not wish to abandon it. That would have the effect of leaving Sinn Fein/IRA to deal with all aspects of political life in Northern Ireland without any constraints being placed upon them. The UUP said that the negotiating body had certain political matters under its remit in accordance with the provisions of the Electoral Act under which it was established. It was through being

involved in that process that control could be exercised over Sinn Fein/IRA and the two Governments.

18. The UUP said it wished to know what would be achieved by having a lengthy debate on the motion presented by the UKUP. With regard to having a vote in the matter, it could reasonably be assumed that a consensus would not be reached, so what would happen next? Would such a confrontational position be arrived at so that the whole process would have to be abandoned? Would this be a way out of the process by the UKUP? The UUP said it wished to know the answers to these questions. The UUP maintained that it had to defend the community against militant republicanism, and so long as the talks process afforded it the opportunity of doing that, it would remain in the process. The UUP would question the motives of the UKUP in seeking to bring that forum to an end.

19. The SDLP said that it understood the purpose of the adjournment was to allow time to discuss the remaining plenary agenda items 2(b) and 2(c). The latter was the more important and, over the period of some two and a half weeks, a wide range of bilateral contacts with other parties had taken place. Much time had been devoted to that process, and as a result it was not possible for the SDLP to have the full discussions with the UUP which were required to establish a basis for a consensus to advance understanding on the issues involved. Some progress had been made on the mechanisms necessary to make further progress on decommissioning, but not on the question of the entry requirements for Sinn Fein into the process. Yet this matter was the main content of the motion presented by the UKUP, the party said. To some extent, therefore, the motion was not pertinent to the particular agenda item under discussion. The SDLP accepted nevertheless that the Chairman could make a ruling in that matter.

The position was, however, that more time was needed for bilateral discussions to take place to advance the discussions on decommissioning. It was possible at this stage, the SDLP said, to see the start of a common understanding which, hopefully, would lead to a degree of consensus on the issue to enable it to be tested in plenary session at a time when it was more likely to win approval.

20. The UKUP returned to the points made by the UUP and the SDLP. It said that when the UUP paper of 12 November on decommissioning was presented, the SDLP had condemned it and suggested that it would have the effect of blowing the process out of the water. The UKUP also said that the SDLP had further suggested at the time that the UUP had backtracked on earlier agreed positions and had moved the goalposts. How was it, the UKUP wondered, that the SDLP were now using mollifying language in the context of further talks with the UUP, when the position was that the UUP paper of 12 November reflected the UKUP motion now before the meeting? The UKUP went on to highlight the various points of correspondence between the two documents. Accordingly, the UKUP said, it had a logical and intellectual difficulty with the position now adopted by the SDLP that bilateral meetings with the UUP on the issue would be helpful. Perhaps it was the case, the UKUP said, that the UUP proposals were not what they seemed at all. Was it the position that they could be resiled from or changed. The UKUP said that the UUP proposals could not be regarded as nebulous and, indeed, they emanated from the earlier proposals put forward by the UKUP. In that event, the UKUP wondered how the UUP came to its conclusions about the ending of the proceedings being desired by the UKUP. There was no such suggestion, the UKUP said, unless what was involved was the admission of Sinn Fein to the process on the basis of principles which were contrary to these proposals. Surely it was the case,

the UKUP said, that if there was any suggestion that the UKUP proposals were destructive, that could also be inferred from the UUP's own proposals because of the similarity between them. The UKUP made it clear that it was not suggesting that the talks should come to an end, but rather that those who had guns and bombs for the purposes of achieving political ends should have no place in the discussions with democratic parties.

21. At that point, the UKUP proceeded to go through paragraphs (a), (b) and (c) in the motion. With regard to paragraph (a), the UKUP asked Alliance whether it believed that its provisions were not reasonable. Did those provisions not reflect a democratic principle which should be adopted by everyone? The UKUP then said that paragraph (b) required compliance with the Mitchell Principles and what democrat could vote against that? However, the NIWC objected and said that the meeting had not agreed to have a formal debate on the substance of the UKUP motion. The UKUP contended that it was merely referring to the terms of the motion in replying to the various points which had been made in the course of the discussions. The Chairman said going through the terms of the motion could give the impression of having a formal debate in the matter. The UKUP said that it was trying to ascertain which paragraphs in the motion could be described as being exclusionary or destructive to the democratic process. The party then went on to refer to paragraph (d) in the context of a process that was designed on the drip-feed principle of arms handover based on political progress, and it read out the text of paragraphs (e) and (f). The UKUP then asked which of the six principles of democratic procedure as outlined in the motion were objected to by the parties. It said there was a duty on the opposers of the motion to inform the body which of the six principles set out in it were contrary to the accepted basis of democratic procedure.

22. Alliance said it was necessary to keep in mind that the whole talks process was about negotiations but it had become a talking shop. The only way to move forward was through negotiation and the best way to achieve that was through the medium of bilaterals/trilaterals etc. The process was not about winning or losing. The party suggested that a vote be taken on the issue so as to get into real negotiations as soon as possible.

23. The DUP said it was clear that, when issues such as that under discussion came up, a process began to see whether a position agreeable to both the SDLP and the UUP could be arrived at. That process resulted in the cobbling together of an agreement to be put to the meeting and voted-on to illustrate cross-party agreement. However, the party said that such agreements did not really matter. The people outside would not accept a fudging of the decommissioning issue. It had to be faced up to and guns delivered. At the end of the day, the DUP said, the people of Northern Ireland would accept nothing less than a surrender of weapons from the terrorists.

24. The SDLP referred to the earlier criticisms of the party and its leader. It said that each delegation present at the talks had accepted the Mitchell Principles; the SDLP itself had accepted the whole Mitchell Report, in fact. That Report contained the main elements to reach consensus. The party accepted that the decision to put the motion to the meeting was one for the Chairman. Alliance said that it admired the ability of the UKUP to present its case, but the fundamental difference was that while Alliance supported the Mitchell Report as the way to deal with the problem of decommissioning, the UKUP did not. Was the UKUP really saying that those parties who accepted the Report were being undemocratic,

destructive or were failing to deal with terrorism? Alliance said it could not accept that that was the case. The UKUP said that Alliance knew well that there was nothing undemocratic in parties subscribing to the Mitchell Report. However, the party said that Alliance should vote for the right of the UKUP to have its motion put before the meeting.

25. The UKUP took up the point made by Alliance about the process not producing winners or losers. That was the kernel of the matter, it said, because the British Government had stated that Sinn Fein/IRA did not have to surrender. However, the UKUP said that democracy would win out in the end and that good would triumph over evil. The only successful outcome was the defeat of terrorism. The UKUP maintained that the SDLP position was that it did not want to agree with the UKUP motion (and the proposals of the DUP and the UUP) because it would have the effect of barring the door to those who wanted to retain guns and to use force and the threat of further violence to achieve political aims. The UKUP insisted that it wanted a determination on decommissioning, which was the real issue, without any fudge on it.

26. The Chairman referred to the provisions of Rule 25. He said he was mindful of the fact that during the eight weeks or so of discussions on the rules of procedure, a clear message had emerged that it was for the Chairman to engage in contact with the participants whenever possible. He then invited written submissions from the parties by 10.00 on Monday, 2 December, 1996, on the questions raised by the UKUP. Specifically participants should address what were the rights of delegations to present motions and to have them debated and voted on. Submissions should

also include comments on the point made by the DUP about the relevance of items and amendments so raised, bearing in mind the fact that an unrestricted right of amendment could hinder progress. Comments should also be included on the question of the imposition of time limitations within which a vote would be taken, taking into account the fact that repeated delays in such matters could amount to effective denial of parties' rights in the matter.

27. The Chairman said that the parties had expressed, by a clear and overwhelming majority, a wish not to proceed with a vote on the UKUP motion. He was not deciding on the broader issues involved, nor had he decided to deny the motion. At the request of the Irish Government, the Chairman said he would frame his questions in writing for the convenience of the parties and would circulate them immediately. He then adjourned the plenary meeting at 12.35 to 12.00 noon on Monday, 2 December, 1996.

Independent Chairmen Notetakers
29 November 1996

OIC/PS51