

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
WEDNESDAY 16 JULY 1997 (14.08)

Those present:

INDEPENDENT CHAIRMEN	GOVERNMENT TEAMS	PARTIES
Mr Holkeri General de Chastelain	British Government Irish Government	Alliance Labour Northern Ireland Women's Coalition Progressive Unionist Party Social Democratic & Labour Party Ulster Democratic Party Ulster Democratic Unionist Party United Kingdom Unionist Party Ulster Unionist Party

1. The Chairman (Mr Holkeri) convened the meeting at 14.08. Before proceeding to the business of the day he announced that since the last plenary meeting, the Alliance Party's Secretary (Mrs Maureen McConnell) had passed away suddenly. He wished to extend the deepest regret of the Chairmen and other participants to the family and also to the Alliance Party on the death of an esteemed colleague. In reply Alliance thanked everyone for their condolences and explained that Mrs McConnell's death had been a great shock to party staff occurring, as it had, at the age of 42 while in Canada attending a family wedding in Canada. Alliance said it was grateful to the Chairmen and participants for the messages of condolence. It would pass these on to the family.

2. Moving on, the Chairman sought approval of the minutes of 1 July. These were agreed subject to the inclusion of a UKUP amendment to the penultimate sentence of paragraph 103, page 53, which should now read "All that was required was a democratic veneer to the proposals and the party said it hoped the UUP wouldn't provide this since it knew neither it nor the DUP would."

This amendment was agreed. The Chairman said he wished to continue the previous practice of deferring approval of the previous minutes (8 July) until the next plenary meeting. This was also agreed.

3. The Chairman said that according to the agreed timetable the plenary today was to be devoted to "the further discussion of proposals on decommissioning and clarification by the Governments in response to requests by participants." The Chairman said it had also been established in the timetable that last Friday was the deadline for "submissions in writing to the Chairman and circulation to the participants of any further requests for clarification of the Governments' proposal." He went on, saying that by noon last Friday, three written submissions had been received - from the UUP, DUP and UKUP. The Chairman said that by noon today "written submissions to the Chairman and circulation to the participants of any request by any party which wished its proposal on decommissioning to be put to a vote alongside those of the two Governments" should have occurred. The Chairman confirmed that by noon the DUP, UKUP and UUP as well as both Governments had presented written submissions to this effect. The Chairman said he now wished to start the further discussions of proposals etc as per the agreed timetable and invited the Governments to take the floor.

4. The DUP intervened, saying it wished to raise two issues which it wished the British Government to respond to. The first issue related to the standing of the Aide Memoire which the British Government had sent Sinn Féin and which had been released by the Prime Minister in the House of Commons on 25 June when it had then been accompanied by the release of the Governments' proposal on decommissioning. The DUP asked whether the Aide Memoire was an integral part of the whole package or simply one part of it. The second issue was tied to clarification. The party said that the

agreed timetable had earmarked 11 July as the deadline for further requests for clarification to be submitted. The party said that since Friday the British Government had publicly indicated that further contacts had occurred with Sinn Fein and that the impression left was that these had been of a significant duration. The party said it seemed that once again a number of issues had been raised by Sinn Féin for clarification and evidently another Aide Memoire had been sent in response to Sinn Féin's points. The party said the point at issue here was that clarification was still being given to those outside the process, despite earlier assurances to the contrary, yet those inside the process were being asked to follow specific deadlines and had no idea of the content of this most recent clarification. The DUP asked whether the British Government could now release the content of its clarification to Sinn Féin.

5. The British Government said its Aide Memoire was not on the table for the Talks process but it was nevertheless an important document. As to the questions raised by the DUP, the British Government said it would cover the Aide Memoire issue when it provided its clarification later in the meeting. On the issue of the contents of the most (recent) Aide Memoire, the British Government said a four page letter published in today's Daily Telegraph provided sufficient detail on the nature of the contents. The British Government said that both the Prime Minister and the Secretary of State were committed to providing clarification to Sinn Féin if requested to do so to ensure that no doubt or ambiguity remained in the Governments' position in relation to the terms under which Sinn Féin could be admitted to the process. The British Government added that it would publish the material at a time when it believed that Sinn Féin had no further genuine questions of clarification to raise.

6. The UKUP said that it had made clear on more than one occasion that its presence at the process was no longer worthwhile. The party said the talks body was becoming empty and void since the real negotiations continued outside the process between the British Government and Sinn Féin. The UKUP said that again it appeared that agreements were being arrived at outside the process. Then these were brought in to the talks and shoved around with the participants being asked to rubber stamp these, often without any real logic and in the face of appeals over the participants' heads. The party said it was very concerned about the ongoing discussions between the British Government and Sinn Féin. It said that when the Prime Minister had made his speech at Balmoral, the emphasis had been on explanatory dialogue between the British Government and Sinn Féin. In the minutes of the plenary on 10 June the British Government had described these contacts as exploratory! The difference between the two positions was at best a matter of fine judgement but the party said that it viewed this change in wording as demonstrating how corrupt the British Government had become in its dealings with the participants. The UKUP said the British Government was now just as corrupt as Sinn Féin/IRA.

7. The UKUP said the British Government couldn't be believed and no one in Northern Ireland had any trust in it. The party said it really wished it would be possible to put the British Government in the witness box of a British Court and cross examine it over its conduct of the process. The party said if the British Government for one minute believed that the tactile geniality displayed today was likely to move the process on it was making a big mistake.

8. The SDLP raised a point of order, referring to the UKUP's remarks and saying that there was a difference between robust

argument and making allegations. The party said that if such comment was allowed to continue, the meeting would simply degenerate into public abuse and this shouldn't be allowed to happen. The UKUP said it wished to make it clear that in its previous remarks it had used the word corruption as something which meant more than financial corruption. It was the corruption of the democratic process and there was nothing new in making this comment. The party said it was in no doubt that the process was being corrupted by a British Government which was only interested in achieving some form of settlement with Sinn Féin/IRA in order to ensure that further security incidents on the mainland could be avoided. It was the lengths to which the British Government would go to secure this position which was the "corruption". The Chairman intervened and stated that while he believed that everyone should exercise their right to free speech, it was important to ensure that allegations were kept out of such comments.

10. In response to the UKUP, the British Government said it was not negotiating with Sinn Féin. The latter was seeking clarification but the British Government said that this wasn't an open ended process. The British Government stated that if the process of clarification secured a genuine ceasefire in word and deed then such clarification could be justified. If a genuine ceasefire did not come about then the talks process would move on into the substantive phase in September without Sinn Féin. The British Government said that it wished to make a lengthy response to the plenary in terms of providing clarification to points raised by other participants. In doing so the issue of the Aide Memoire would be touched on. It was therefore more prudent now to move on to the business set out in the agreed timetable for the plenary meeting.

11. The SDLP said it fully agreed with the British Government's final remarks. The party said it wished to adhere to the day's agenda and believed that the body should proceed with the business on the table.

12. The UUP said it had noticed that the British Government had used the word "contacts" when referring to clarifying issues with Sinn Féin. The party said this word had been used when the British Government had meant that no "meetings" had taken place. The UUP asked for clarity on what was actually meant by the word "contacts" since there appeared to be much confusion over the various terms used to cover the British Government's position, i.e. contacts, meetings, communications, relationships, etc. The UUP said that on 30 June in the House, the British Government had said that there would be no further contacts. But this was not so. The participants were now being told that no meetings had taken place but that as a result of the continuing high level of violence, further contacts and communications had taken place between Sinn Féin and the British Government. The party said that everyone had been told that these further contacts were for the purposes of clarification and not negotiation. The UUP asked whether the phone calls on 17, 23 and 27 June together with those of 4, 11, 14 and 15 July were of a substantial length and whether minutes of the conversations were kept. The UUP asked whether the process could be told what length these discussions were since there appeared to be the potential for as much clarification to be given during all these phone calls as had occurred on the original meetings on 21 and 28 May which had led to the release of the Aide Memoire,.

13. The DUP said it would listen carefully to the British Government's comments in relation to the Aide Memoire. It had no further comment to make on that issue for now. With regard to the

British Government's contacts with Sinn Féin, the DUP said it did not believe it was good enough for the British Government to say that the participants could see the most recent Aide Memoire after any further clarification had been concluded. The DUP said that on 13 June the British Government had sent Sinn Féin an eleven page document which, in its view, went beyond mere clarification. If there now was another document, then the participants needed to know what the contents were since they could affect the negotiating positions of many around the table. The DUP added that if clarification was being provided to those outside the process, then it was a ludicrous situation for the British Government not to make that clarification available to those inside the process.

14. The British Government responded by referring to the contents of the letter published in the Daily Telegraph and said that this answered the DUP's questions. The DUP asked the Chair whether this was in order. The party was, unlike some, not avid readers of the Daily Telegraph. The DUP said the British Government was honour bound to tell the participants directly and not refer to articles in the press.

15. The UKUP said it was insufficient for the British Government to make its response available to Sinn Féin without also having sight of the record of the phone conversations relating to the latter's role in the two way exchanges. The party said that in its submission of the previous week it had referred to Sinn Féin's document of 10 October 1996. The British Government's Aide Memoire was wholly or partially response to that October document, therefore in order to give any rationale to the Aide Memoire, the UKUP said it needed to see the 10 October document in full. The party stated however that the British Government had refused to produce it and no doubt the same refusal would apply on the present

issue of releasing details of the most recent contacts. The UKUP said it hoped that the British Government would take the opportunity of availing everyone of the contents of the 10 October document during its impending address to plenary.

16. The UUP said there was an important point in all of this. The party said that everyone around the table had, through sufficient consensus, agreed to a certain structure and timetable for the current proceedings. Referring to the timetable, the UUP said it believed that requests for further clarification had been made by Sinn Féin and the British Government had responded to these. However the participants had not had sight of these details yet they were involved in a timetable which included deadlines for clarification etc to be raised. The party said it was totally unsatisfactory to be in the position of knowing that these other contacts had taken place yet their contents had not been released. But these contacts could affect the UUP and others in the process. The UUP said this situation was quite improper. There was no justification for withholding the letter to Sinn Féin. At least participants had the British Government's response to the original Sinn Féin document of 10 October but the question of fair dealing to the parties in the process remained.

17. The Chairman said he now wished to proceed to a discussion of the proposals on decommissioning as outlined in the agreed timetable. He added that everyone was well aware of the procedure whereby participants could or could not answer questions if they so chose. The Chairman said it was important to hear the Government's response to the issues of clarification first before allowing the other participants to comment further if they so wished.

18. The DUP asked the British Government what were the contents of its response to Sinn Féin. The party said it was absolutely essential to hear or see this. If the response from the British Government was that the contents were contained in the letter in the Daily Telegraph then the process needed to adjourn to read it. The British Government again stated that it would publish the text of its response to Sinn Féin when there were no more genuine questions of clarification from that source. The British Government added that it did not believe it was in the best interests of the process to publish this response quickly.

19. The UKUP stated it was still looking for the 10 October document from Sinn Féin - to which the original Aide Memoire had been a partial response. The party said that if there was little chance of getting the 10 October document on 16 July, then when would the participants ever receive the actual details of the latest Sinn Féin requests and the British Government's response? The Chairman said he now wished to ask the British Government to take the floor.

20. The British Government stated that both Governments stood by the position set out in the first part of the paper tabled on 25 June. Both were heartened by the widespread support which the joint paper had received and continued to believe that the "possible conclusions" suggested in the second part of the paper offered a basis for resolving the address to decommissioning to the satisfaction of the talks participants.

21. Both Governments accepted, however, that this was a complex, sensitive and important issue and that participants needed to have a clear understanding of all the proposals on the table before they could be invited to move to a determination on this subject. The

British Government said that with the agreement of the Irish Government, it would set out both Governments' position in response to the various points of clarification which had been raised on the decommissioning proposals. First, a number of questions had been raised about the Aide Memoire, sent to Sinn Féin on 13 June and published on 25 June. This document was not, of course, formally part of the debate on decommissioning. It was not for negotiation, either here or anywhere else: it simply described the British Government's position, drawing in particular on the legal requirements governing participation in the negotiations. But, as the British Government had made clear, it wanted no genuine doubt or uncertainty to remain as to its position. In that context the British Government said it might be helpful to make clear the following points.

22. The British Government said it was determined to see political negotiations under way from 15 September, as proposed in the possible conclusions tabled by both Governments. It wanted Sinn Féin to participate in those negotiations from 15 September which, as explained in the Aide Memoire, meant a genuine and unequivocal ceasefire needing to be declared some 6 weeks earlier, with words and deeds matching over that subsequent period. But, as the British Government had also made clear, it would proceed with substantive political negotiations from 15 September without Sinn Féin if necessary.

23. The British Government said that Sinn Féin's entry was governed by the legal requirements set out in paragraphs 8 and 9 of the "Groundrules for Substantive All-Party Negotiations", which must be reflected in word and deed. A decision to issue an invitation under the terms of the relevant Act was for the Secretary of State alone. She was legally obliged to issue an

invitation when she considered the requirements were met, having made a political judgement of all the circumstances in the round. But, following the declaration of a ceasefire, the British Government said it would want to consult with all the participants as to the practical implications of it for the negotiations.

24. The British Government said that participants could only take part in these negotiations, in any format, after they had received an invitation from the Secretary of State under the relevant Act. As the Aide Memoire made clear, following a ceasefire declaration a period of some 6 weeks would be needed to assess a ceasefire to see that words and deeds were matching before a judgement could be made as to whether the requirements of the Act were met. But, as the Aide Memoire also made clear, this period of some 6 weeks should be used constructively to take account of the needs of all parties. The Aide Memoire set out a range of activity that would accordingly be possible within this period until the Secretary of State reached her judgement.

25. The British Government said it took the view that Sinn Féin and the IRA were inextricably linked. Sinn Féin's participation in negotiations required an unequivocal restoration of the IRA ceasefire. Once Sinn Féin joined the negotiations, the legal requirements having been met, they would first need to make their total and absolute commitment to the six Mitchell principles of democracy and non-violence. Any party which demonstrably dishonoured its commitment to the six Mitchell principles would no longer be entitled to participate. The rules provided that any participant might make a formal representation to this effect but appropriate action was for the Governments, having due regard to the views of the participants. A resumption of IRA violence would bring this procedure into play.

26. The British Government said it now wished to turn to the agreed response of both Governments to the points that had been raised for clarification by a number of parties. While the two Governments would of course maintain their efforts to seize all illegal weapons, voluntary decommissioning required the active and willing cooperation of the paramilitary organisations concerned. Realistically, that was only likely to be forthcoming in the context of meaningful and inclusive political negotiations. The concern which naturally flowed from that was that the latent threat of the weaponry remaining in the possession of the organisations concerned would be used to influence the course of the negotiations. That was a central and valid concern.

27. The British Government said that that concern could be answered on the following lines. The structure of the negotiations made it impossible for any agreement to be reached without the positive support of parties representing majorities in each main part of the community, of a majority of the parties represented in the negotiations and of both Governments. Given their firm public positions and the political imperatives operating on them, it was difficult to see either Government, or the Unionist or Loyalist parties, or the SDLP, or the Alliance Party, Labour or the Northern Ireland Women's Coalition agreeing to anything which they regarded as unfair or unwise, under the threat of renewed violence. Secondly, all the current participants in the negotiations had affirmed their total and absolute commitment to the Mitchell principles, one of which committed them to renounce, and oppose any effort by others, to use or threaten force to influence the course or outcome of the negotiations. Finally, prior decommissioning was simply not a political reality, just as it would be unacceptable to many participants that the issue of decommissioning should be left

until the end of the negotiations. The compromise approach envisaged in the Report of the International Body offered a realistic way forward, with the prospect of securing both a comprehensive and widely acceptable political settlement and total and verifiable decommissioning.

28. With regards to the approach to decommissioning, the British Government said that the two Governments had set out their approach to the issue of decommissioning in the joint paper circulated on 25 June. The first paragraph of that paper contained a formal joint undertaking that they would do all they could to ensure that the decommissioning issue was resolved to the satisfaction of the participants as an indispensable part of the process. In the circumstances of fully inclusive negotiations both Governments' proposals envisaged due progress on decommissioning alongside progress in the substantive political negotiations. Both Governments had made clear that that was what they would work to achieve, building on the commitments which they suggested all participants should make to work constructively and in good faith with the two Governments and with the Independent Commission to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning set out in paragraphs 34 and 35 of that report.

29. As regards the timetable the British Government said that various concerns had been expressed about the likely pace of progress on decommissioning, mainly in the form of requests for certainty about the timing of particular developments. It was of course difficult to offer such certainty about a subject which in essence both Governments believed needed to be tackled in a dynamic way. As progress was made on political issues, progress on decommissioning alongside progress in the substantive political

negotiations would, in the Governments' view, contribute to the creation of a progressive pattern of mounting trust and confidence which would provide the firmest possible basis for reaching a lasting overall settlement. None of this meant exchanging guns for political concessions. It was simply a recognition that any successful political negotiation involving parties associated with paramilitary organisations would require real progress in both areas, creating a benign dynamic capable of leading to a generally acceptable outcome.

30. The British Government said that both Governments' proposals envisaged a series of mechanisms being put in place, both to enable the earliest possible decommissioning of illegal weapons and to ensure that due progress was made on all aspects of the negotiations. Both saw the Independent Commission being established under item 4 of the agenda for the opening plenary, that was before the end of July, and in a position to commence work in earnest alongside the start of substantive negotiations in the three strands. The proposed Liaison sub-Committee of the Plenary would be operational on the same timescale. Thereafter both Governments envisaged

- regular review plenaries to enable the participants to take stock of progress across the negotiations as a whole and to consider whether the necessary confidence and momentum towards agreement was being sustained;
- a role for the Independent Commission in drawing attention to any case in which it considered that participant had not lived up to its commitment to work constructively and in good faith with the Independent Commission in carrying out its functions; and

- a role for the Independent Chairmen in offering their judgement from time to time on the need for progress on particular issues if confidence and momentum in the negotiations was to be sustained.

31. With regard to establishing the Independent Commission, the British Government said it had obviously been impracticable to take steps to establish the Independent Commission in the absence of agreement on what its role should be. It would in any event have been premature to establish the Commission before the talks had reached item 4 of the agreed agenda for the remainder of the opening plenary session. However, the necessary enabling legislation was in place in both jurisdictions and the two Governments, building on the extensive consultations which they had had over recent months with the parties on the role of the Independent Commission, had made preparations such that if the "possible conclusions" they had suggested were agreed, they would be able to:

- sign the necessary International Agreement between the two Governments on 29 July;
- make the relevant Commencement Orders under the Northern Ireland (Arms Decommissioning) Act 1997 and the Decommissioning Act 1997 before the end of July. These could be made by statutory instrument in both jurisdictions;
- formally establish the Independent Commission under item 4 of the agenda for the remainder of the opening plenary session, on 29 July;

- nominate a Chairman for the Independent Commission, on 29 July, following discussion with the other participants;
- engage in consultation with the other participants about other possible members of the Commission, with a view to making the necessary appointments by the end of August if at all possible;
- make the relevant Orders under the respective Acts (subject only to the negative resolution procedure) to constitute the Commission as a body corporate and provide it with appropriate privileges and immunities, to come into effect in both jurisdictions by the end of August.
- as part of the wider programme of preparatory activity envisaged in paragraph 5 of the joint paper of 25 June, engage in preparatory discussions with the Chairman and with the other members of the Commission (when appointed) in the period before 15 September;
- in the same context, invite the Commission to consult the relevant security experts in both jurisdictions in the period before 15 September so that it was in a position to formulate options for draft schemes for decommissioning, in conformity with the Mitchell Report and its own terms of reference, which might be available for discussion with all the participants from 15 September; and
- invite the Commission in consultation with those identified in the first tirit of its proposed terms of reference to make

rapid progress after 15 September in refining those options as necessary and drafting further schemes for decommissioning.

32. The British Government said a scheme could be made by the Secretary of State without reference to Parliament so there need be no delay at that point. Similarly, under the Irish legislation, the regulations required could be made by Statutory Instrument. Both Governments had given an undertaking that no delay or obstacle in achieving decommissioning would be caused by any lack of Government preparation or provision. In particular they undertook that they would immediately give effect to an appropriate scheme as soon as there was any indication that a paramilitary organisation was prepared to commence decommissioning.

33. As regards the role of the Liaison sub-Committee on decommissioning, the British Government said that the terms of reference proposed by the two Governments for this sub-Committee built on earlier exchanges among the talks participants and reflected the view that the sub-Committee should be a conduit for a two-way flow of information between the talks participants as a whole and the Independent Commission. Both Governments envisaged that the sub-Committee would have an important deliberative role in considering a range of issues relevant to the practicalities of decommissioning, including proposals for schemes for decommissioning which would be drawn up by the Independent Commission, and draft regulations or orders to be made by each Government under the relevant legislation. Any agreed opinion of the Liaison sub-Committee on proposed schemes for decommissioning would of course be passed to the Independent Commission, but the two Governments did not envisage that the absence of any such opinion should necessarily block progress.

34. Moving on to the role of the Liaison sub-Committee on Confidence Building Measures, the British Government said that both Governments envisaged that the Liaison sub-Committee on Confidence Building Measures would constitute a forum in which there could be regular exchanges of views between the participants on the whole spectrum of possible confidence building measures, particularly those mentioned in chapter 7 of the Report of the International Body. It could provide a convenient place to take reports from those with lead responsibility for a particular issue to set out the steps they were taking and the two Governments would be prepared to play a full part in that process. It could also act as a sounding board for discussing specific or individual cases which one or more of the participants might view as contributing to (or detracting from) the building of confidence.

35. The British Government said it should be clear, however, from the draft terms of reference, that the Liaison sub-Committee was intended to be a forum for consideration of particular confidence building measures. It would be expected to draw the attention of the Chairman of the relevant strand to any institutional or systemic implications which arose from its consideration of such measures, which would be for substantive consideration in that strand. The Liaison sub-Committee would not seek to resolve longer term substantive issues which fell more properly within the remits and agendas of the strands.

36. As to the question of who would chair these sub-Committees, both Governments envisaged that this would be a task for the Chairman of the Plenary, with Prime Minister Holkeri acting as alternate when necessary.

37. Moving on to the role of review plenary, the British Government said that if any participant had serious concerns about what they might see as the uneven pace of developments in the negotiations, the review plenaries would give them full scope to express those concerns. It was a political reality that the negotiations could only be sustained if there was widespread confidence among the participants that they were moving in a constructive direction, but the two Governments believed it would be unhelpful to introduce specific tests at any one point. Both Governments certainly envisaged that the review plenaries would provide opportunities for the participants to consider whether the necessary confidence and momentum towards agreement was being sustained. If there were genuine and well founded worries on that score their proposals envisaged that the Independent Chairmen, as a group, might have a role to play in indicating the need for progress on particular issues in order to sustain the necessary confidence and momentum.

38. The British Government said that in the context of inclusive negotiations both Governments would be working to achieve due progress on decommissioning alongside progress in the substantive political negotiations. Their proposals envisaged that any party invited to join the negotiations would need to affirm its acceptance of a range of commitments relating to decommissioning, as well as its total and absolute commitment to the Mitchell principles. Those principles did of course include a commitment to the total and verifiable decommissioning of all illegal weapons. The two Governments expected all participants to work constructively and in good faith to achieve the necessary progress on decommissioning and in the negotiations, and to contribute to the progressive pattern of mounting trust and confidence which they wished to see established.

39. As regards the implications of any failure to achieve due progress on decommissioning, the British Government said that if any participant failed to live up to any of the commitments it had accepted on decommissioning there would be a number of formal opportunities for the other participants to focus on this.

Firstly, the Independent Commission would draw attention to any case in which a participant failed to engage with the Commission in carrying out its role. Secondly, the review plenaries would give those who may be concerned an opportunity to argue that a participant's perceived failure to live up to its commitments meant that the necessary confidence and momentum was not being sustained. Finally, the Independent Chairmen might be moved to indicate a need for more progress in a particular area of the negotiations in order to sustain the necessary confidence and momentum towards agreement.

40. Ultimately, the British Government said, however, that it was a basic political reality that these negotiations would only lead to a successful conclusion if all concerned negotiated constructively and in good faith and addressed all the issues of concern to all participants. Both Governments had invited all the other participants to commit themselves to work constructively and in good faith with them and with the Independent Commission to implement all aspects of the Report of the International Body and had said that in the context of fully inclusive negotiations they would work to achieve due progress on decommissioning alongside progress in the substantive political negotiations. They looked to all the parties to join them in moving the negotiations forward on that basis.

41. The British Government said that that concluded its remarks. It would be arranging for copies of the speaking notes to be

circulated to the other participants in the usual way. It believed it had dealt (on behalf of both Governments so far as the decommissioning paper was concerned) with all the points on which clarification was requested. If there were any remaining concerns these would no doubt be the subject of amendments which would be debated next week.

42. The Irish Government confirmed that the clarification offered by the British Government on the Governments' joint paper of 25 June represented the agreed position of both Governments. The Irish Government stated they were resolutely committed to the total disarmament of all paramilitary organisations and that their security forces would maintain their efforts to seize all illegal weapons. However if the decommissioning of such weapons in the sense of the Mitchell Report was to be achieved, the active and willing cooperation of the paramilitary organisations concerned would be required. As the British Government had said, such cooperation was only likely to be forthcoming in the context of meaningful and inclusive political negotiations. The Irish Government believed that the joint paper offered the participants a way out of the current impasse which could, with good will on all sides, lead us to our common goal of a lasting peaceful settlement which would see the gun forever removed from the politics of this island.

43. The UUP congratulated the Irish Government on the arrest of suspected killers of Garda Officer McCabe. The UUP asked that the text of the speaking note of the British Government be circulated as soon as possible. Since it would appear that no further clarifications would be made today, it was necessary for the UUP to study the speaking note closely in order to frame further clarifications and to propose amendments.

44. The DUP said that it understood that when the timetable was under consideration, there would be a beginning and end of clarifications. In order to test the prospects of further clarification, the DUP asked whether both governments expect that only some decommissioning would take place during negotiations. The British Government said requests for clarification were asked for in writing. Responses were prepared in writing. Next week would provide for the opportunity for debate. The DUP asked why the British Government was dodging and weaving, and repeated its inquiry whether the expectation was that only some decommissioning would take place before the talks process ended. The British Government said its response was clear; if it started to answer one question, there would be another and another. Next week will offer an opportunity for full debate. On a point of order, the DUP asked whether the Government was not to take part in discussions? Perhaps the DUP missed a meeting or the Business Committee had met and the DUP missed it.

45. The UKUP suggested participants get back to basics. Quoting from paragraph 2 of the agreed Agenda for 16 July, it asked whether discussion was to be confined to the two Governments' decommissioning proposals or whether those of other participants were also included. The UKUP said it believed only the two Governments' proposals were to be discussed today. As such the only item of business was to discuss the joint paper and the clarifications offered by the two Governments in response to requests submitted by the participants. It also said the Agenda made clear that there would be no further clarification after today. The timetable was drawn up to achieve certain objectives by certain dates. If this had been agreed by consensus then clarification must be sought, given and completed by today if they

were to proceed to debate on 21 July the pending proposals on decommissioning. The UKUP asked for an assurance that there would be no further clarification on decommissioning proposals after the end of today's Plenary.

46. The Chairman said it had been agreed at the previous meeting of the Plenary that this session of the Plenary was for the provision of clarification by the two Governments in response to requests submitted by the participants. There would be a fuller discussion of the proposals today. The UKUP asked where in paragraph 2 of the Agenda for 16 July did it indicate that any proposals other than those of the two Governments would be discussed? The Chairman said that the deadline for receipt of requests for clarification had closed at noon on 11 July. There would be no further clarification following the close of today's Plenary. The UKUP said it was grateful for this assurance.

47. The DUP requested an adjournment to allow the British Government to get its act together. It said today's session of the Plenary had been set aside for clarification, and asked whether the British Government intended to answer its questions or not. Granting the request, the Chairman suspended the meeting at 15.20 for an adjournment of thirty minutes.

48. The Chairman resumed the Plenary at 15.53. The UUP delegation was not present. The DUP asked whether the British Government had reflected on its position. The Chairman said he had been informed that the Governments had given the clarification which they wished to give. The UKUP said the participants should now go home. Clarification was over, and they would get down to business on Monday. The DUP said that its delegation would be leaving, saying it was clear that the two Governments would not give any

clarification other than what their civil servants had written for them.

49. The UKUP said the Plenary would lose all credibility if terrorists could get clarification, but elected representatives could not. It noted that the Plenary had limited itself to submitting requests for clarification by 11 July, and described as 'remarkable' the fact that a senior British Government civil servant had held negotiations with Sinn Féin over the telephone on 14 and 15 July. It said the British Government, along with its 'cohorts,' was responsible for bringing the negotiations process to an end. The UKUP and DUP delegations then left the negotiations chamber.

50. The SDLP said there were other parties in the Plenary. It said there was no misunderstanding on what was being voted for when the Agenda was agreed. The party said the two Governments' statement could be further clarified in bilateral or trilateral consultations, or by the British Prime Minister at Westminster if parties so desired. The SDLP said there was nothing new in the two Governments' proposals. It noted that participants had spent fourteen months discussing decommissioning; there was nothing now that had not been discussed before. Participants must stick to the timetable that had been agreed by consensus. It said attempts to break this timetable were transparent and were not contributing to the debate on decommissioning. It sympathised with the Chair, saying it believed there had been sufficient time for parties to seek clarification through the channels available to them. The party said it was not surprised that the talks may be short of bodies. It said the rest of the participants should proceed regardless of who absented themselves from the proceedings.

51. The NIWC welcomed the clarification offered by the two Governments, in particular the question of who would chair the two sub committees of the Committee of the Plenary. The party agreed that participants should proceed with the rest of the Agenda. The UDP said it would be foolish for the Plenary to proceed under current circumstances, since as the plenary continues 'a public relations disaster' for the process is in the making. Suggesting the Plenary adjourn, the UDP asked the Chairman if he had received any intimation from the UUP why their delegation was not present. The Chairman said the UUP delegation was present in the building, but did not want to participate in the discussion.

52. The SDLP contrasted the Unionist walkout over an alleged clarification deficit with the DUP/UKUP assertion in Plenary on 1 July that they needed no clarification of the joint paper and wished to proceed immediately to a vote. Accusing the Unionist parties of a 'stage-managed' walkout, the party asked the Chairman whether there had been any substantial change in those parties' position that they should need clarification now whereas before they had required none.

53. The PUP said too much was being made of the walkout. The party was inclined to agree that the day's business had been completed, and formally moved an adjournment until 21 July at 14.00. Referring to comments made by the UKUP, the British Government said, on a point of order, that ministers alone were responsible for government actions. Any actions carried out by British Government officials had been done with full ministerial authority.

54. The Alliance party said it had treated with some scepticism the statement by the British Government that there would be no

further meetings with Sinn Féin. In its view this had implied there would be no further contact with Sinn Féin, and the party noted comments made by Lord Richard in the House of Lords that the British Government would be robust in its response to requests for further clarification from Sinn Féin. Now, it said there were telephone contacts and other forms of communication. This was extremely unhelpful. Alliance said it did not know where it stood. It said it had no appetite for 'some kind of pantomime' where, in order to appear to be talking, government made up points of clarification which it did not believe itself. The party said the participants could not proceed to a vote today. As everyone had made clear their understanding of the proposals there was nothing further for them to do. The party said that in 8-9 months the only business conducted had been to address the problems of those who were not present in the negotiations. In this the rest of the participants were 'virtually spectators.' It supported the PUP proposal for an adjournment. Called by the Chair, the PUP declined to speak further, saying it agreed with the comments it had earlier made, and with those made by Alliance.

55. The Irish Government said it agreed the day's business had been completed. Detailed clarification had been given. Rather than walkouts, the participants should adjourn the Plenary as the business outlined in the agreed Agenda had been fully and satisfactorily completed. The NIWC said that it too believed the Plenary should adjourn until 21 July. Labour said there was no point in remaining sitting as the business was being done by those who were not present and those who did not wish to be present in the negotiations. It said the day's business was completed, and agreed that the Plenary should adjourn until 21 July. Noting that it was not the first time there had been a walkout, it speculated that the Unionist parties would return.

56. The Chairman informed participants that the next deadline was 12.00 on Friday 18 July, by which time submissions in writing for any proposed amendments to the two Governments' decommissioning proposals, or to other proposals to be voted on, must be received. These would be debated on Monday 21 and Tuesday 22 July. On hearing no further comments, the Chairman adjourned the Plenary at 16.13 until Monday 21 July at 14.00.

Independent Chairmen Notetakers
18 July 1997

OIC/PS71