

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -  
TUESDAY 5 NOVEMBER 1996 (10.10)

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 10.10 and in accordance with remarks made the previous day, asked for approval of the five draft records from sessions in week commencing 28 October. These were approved as circulated.

2. The Chairman said it was now appropriate for the discussions to be resumed from the previous evening, primarily involving the DUP and the British Government. The Chairman outlined that after the DUP had completed its questions, Alliance would follow with the SDLP following Alliance.

3. The DUP stated that it noticed the Governments had their day shifts available and therefore their participants might be unaware of some of the exchanges from the previous evening's questions. The DUP said it would quickly recap on these. The British Government had initially stated that it wished to have

decommissioning because politics and guns didn't mix. Then, the British Government outlined other reasons. There was the requirement for all political groups to negotiate on a level playing field in the talks process. Decommissioning would remove any implicit or actual threat which any group might hold over the process and decommissioning provided evidence of sincerity and good faith about a group's commitment to non-violence. The DUP said, in moving on from this, that if part of the purpose of decommissioning was to provide evidence of sincerity, what other factors would there be, in the absence of decommissioning, which would show sincerity? The British Government had previously commented on the loyalist paramilitaries and the fact that the length of their cease-fire had provided evidence of sincerity. What was the position with regard to the IRA?

4. The British Government replied saying that a test of sincerity was a commitment to the six Mitchell Principles and actions which did not dishonour these. These were in fact very much part of the level playing field referred to earlier. The DUP said that Sinn Fein/IRA could easily say that the British Government also had an army with guns and any decommissioning had to include these weapons, so was this view a test of sincerity? The British Government said that the International Body's report made a clear distinction between illegally held weapons and those held legally. The DUP then referred to the statement made the previous evening by the Irish Government, when responding to questions, that it viewed any new IRA cease-fire as one which had to be credible and irrevocable. The British Government interjected at this point to support the Irish Government statement. The DUP asked what was meant by the word irrevocable? The British Government said that a new cease-fire could not be

tactical or strategic. If it were, then it could not be described as irrevocable and hence not permanent. The DUP asked the question again. The British Government replied in similar terms to the previous answer.

5. The DUP said that the Mitchell Report was built on the belief that the previous cessation of violence was genuine. Since the British Prime Minister had now recognised that cease-fire as a tactical device, what was the measurement of sincerity in this case? What was the something extra which was needed to demonstrate such sincerity? The British Government emphasised that it had not been totally convinced about the permanence of the original cease-fire and it was right to remind people about this position. The British Government said it wished to be satisfied that a new IRA cease-fire was not tactical. To do this one had to look at all the events which surrounded a declaration of a new cease-fire and make a judgement on this basis. The DUP returned to the point saying that if the original cease-fire was a tactical device, the British Government had given the IRA the benefit of the doubt by making the working assumption that it was permanent, so something more had to be considered in addition to the previous terms. What would these additional factors be? The British Government referred to the Prime Minister's previous comments when he said that words were not enough in this context. The British Government said it had to look at words and the events on the ground at the time.

6. The DUP then referred to the weekend press reports which had suggested that the way was being prepared through indirect contacts for Sinn Fein to come in to the plenary initially while its further status in the talks would be under consideration.

The DUP asked whether there had been any indirect contact between the British Government and Sinn Fein. The British Government said that it had responded to this question the previous day, referring to ongoing discussions with Northern Ireland party leaders on the many facets of policy across the political, social and economic fronts. The DUP asked whether it was not possible for the British Government to share with the talks process the contents of its discussions with Northern Ireland party leaders. The British Government said it had to be remembered that the Secretary of State for Northern Ireland had a statutory obligation to make an assessment on the conditions for Sinn Fein's entry into the talks at the time of a new cease-fire. It could not make a decision in advance of this. The DUP said there was a distinction between making a decision and the factors taken into account in terms of Sinn Fein's entry conditions. But what were these factors which needed to be taken into account? The British Government repeated its earlier remarks regarding the words used and other actions at the time of a new IRA cease-fire being declared.

7. The DUP asked whether the British Government was aware that these comments arouse certain suspicions. The British Government seemed to be suggesting making a judgement on the issue and then sitting down and thinking of the factors. The DUP said that surely if a judgement was to be made the next day, the factors would be the same then as if the judgement were made three months hence. The British Government reminded the DUP of its answer the previous evening, referring to the fact that it did not wish to fetter its discretion in this way. The DUP returned again to the original point about the factors. It said the British Government appeared unwilling to list these and this position simply confirmed the DUP's suspicions. The DUP said in the light of this

it now wished to move on to the International Body's report. It had two factors which it wished to quiz the British Government on.

8. The first focused on the mutuality element. The DUP said the report had been written against a background of a lasting cessation of violence. The party said this was only half true. The IRA had returned to violence. The loyalist paramilitaries had maintained their cease-fire. The mutuality element in the International Body's report was based on two sides being involved in the process. Given the current position, however, the DUP asked whether it was the Government's view that no arms were to be handed in unless and until Sinn Fein entered the process. The British Government referred to paragraph 50 of the report and the words in italic "should be mutual" which, in its view, reflected the reality of a situation which might allow this to occur but on the other hand might not. The DUP said that this part of the report reflected past reality since there were two groups then involved. Was the British Government now saying that if Sinn Fein didn't enter the talks process, then the loyalist paramilitaries did not need to hand in their weapons at any stage?

9. The British Government stated that there was a desire on everyone's part to get rid of all the weapons held illegally in the province. The DUP asked its question again regarding loyalist paramilitary arms. The British Government said the International Body's report spoke for itself and it accepted its contents. The DUP continued saying that the International Body's report had been written in a different context in late 95/early 96 against the backcloth of an assumed lasting cessation of violence by both sides. The report then suggested all arms to be handed in on the basis of mutuality. The British Government reiterated its view

that there was a distinction between making an unrealistic requirement and the actual achievement of decommissioning.

10. The DUP moved on to its second point. Paragraph 34 of the report commented on the handing over of some guns during the process itself. Did the British Government accept that this approach should be considered? The British Government stated that it agrees with paragraphs 34 and 35 on parallel decommissioning. The DUP referred specifically to paragraph 34 and asked whether it was not possible to agree with the contents of it and still say that arms shouldn't be handed in during the process. The British Government noted that the International Body Report states that is a matter for the participants to decide. The DUP, following another brief exchange on this point, stated it believed the British Government did not wish to address this aspect, yet the report was suggesting that some decommissioning would occur during the process. If this was the case did this mean that not all arms would be decommissioned during the process? The British Government said decommissioning was viewed as a token of intent, as a confidence-building measure.

11. The DUP asked whether on foot of this reply, one could make the assumption that the rest of decommissioning only occurred when agreement was finally reached? The British Government said that this was not the case. The DUP again asked whether the British Government was saying that there had to be total decommissioning by the end of the process. The British Government said that this was a matter for the participants in the process and what agreement they could finally arrive at. The DUP stated that the suggestion of parallel decommissioning in the International Body Report, in its view, meant that some decommissioning could occur

during the process but there was no requirement for total decommissioning. The British Government, in reply, repeated its previous answer. The DUP said it understood the response but didn't agree with it. The party's approach was different as it wished to see total decommissioning before the talks commenced.

12. The DUP then asked about the word "during". Did this mean that some decommissioning could take place on the first day or the last day of the process? The British Government replied that in practical terms, this meant not before the talks started or not after they finished. The DUP sought clarification of this statement saying that theoretically, the British Government had accepted that decommissioning could take effect on the first day. The British Government said that the whole question of the timing of decommissioning was a matter for the sub-committee. The DUP again pressed for further clarification from the British Government suggesting that if it accepted that decommissioning was acceptable during the process, did this mean that it could occur early on in the process or not? The British Government again stated that the issue was a matter for the participants, that this had been made clear by the Mitchell report and that the DUP therefore had a part to play in this process. The DUP asked if paragraph 38 of the Report of the International Body permitted the participants to determine the sequence and timing of decommissioning, could not this work be done in plenary rather than in a sub-committee if the participants so wished. The British Government said it didn't accept this interpretation. The DUP said that the British Government seemed to be going for a mechanism which closed down the potential for agreement early on. The British Government said this was not the case. It was a matter for all the participants to decide upon.

13. The DUP asked whether handing over arms on the first day was not within the terms of paragraph 34 of the International Body's report. The party said the British Government appeared to want to close this suggestion off by insisting on a sub-committee which would take months for agreement to be reached. The British Government said that paragraph 35 allowed for step by step confidence-building measures. The DUP said that paragraph 34 surely allowed the party's position on this issue to be considered. The British Government replied saying that one had to look at paragraphs 34 and 35 together. Paragraph 34, in isolation, perhaps did allow the DUP position to be considered but the reality of the situation also needed to be thought through and this might provide for a different set of circumstances. The DUP asked whether the British Government was willing to consider decommissioning prior to the start of the three strands of negotiations. The British Government restated its earlier position and its consistency with the Mitchell Report. The DUP asked whether it was possible to have some further information on the Prime Minister's view of how progressive decommissioning, referred to by him in September, would operate in line with political progress?

14. The British Government said that the Prime Minister had been referring to paragraph 35 of the Mitchell Report. This was not a trade off, but a mutual process aimed at building confidence. The DUP asked whether the British Government was now suggesting that as political agreements are reached, guns might be voluntarily handed over. The party asked whether the British Government had a view as to when certain points would be staged during the process to require weapons to be handed over. The British Government said

that if no progress were made on decommissioning, the political side would be affected. That was what the Mitchell report was saying. The DUP again asked about the British Government proposals on the timing of staging points for decommissioning. The British Government again replied that it did not have a timetable as this issue was one for the sub-committee. The DUP said that on listening to the British Government's responses throughout the session, there appeared to be a deliberate vagueness on all of this with the strong likelihood that everything concerning decommissioning would become bogged down.

15. The British Government said that there were four decommissioning schemes for consideration, not simply one as the DUP appeared to be suggesting. All should be studied to determine which is most likely to succeed. For the Governments to pre-empt such a discussion unilaterally would be wrong. The DUP returned to an earlier question to ask whether it was not possible for the British Government to give some possible hints in terms of the triggering of incremental stages for decommissioning. The British Government stated that the process was only at the starting gate. The legislation was in draft, the commission had yet to be established, groups still held arms, etc so it was not possible to give the DUP a firm response to its question. The DUP then asked when was the legislation expected to go through Parliament on this basis? The British Government replied saying that Christmas was the target for placing the legislation on the statute book. It then returned to an earlier point, emphasising that the process had to first look at at least four schemes and perhaps others which might be highlighted. It was the practicality of tackling this work, rather than the theory, which had to be gone through before any practical decommissioning could take place. The DUP

said this was the answer to one of the questions it had raised earlier. The British Government was now saying that weapons could not be handed over on the first day, because all these other issues needed to be sorted out first. The British Government said that first day handing in was fine in theory, but the practical reality simply made this impractical.

16. The UUP said that given the fact that the British Government had full responsibility for the security of all its subjects, and had had to deal directly with twenty five years of violence, eighteen of which were under a Tory government, was it not likely that it would have some view as to how to get illegal weapons into safe custody? The British Government said it recognised and had, at every opportunity, fulfilled an ongoing duty to seek out and capture illegal weapons. This issue, however, focused on a voluntary proposal to have these illegal arms decommissioned and how this could be effected. It was and would continue to be the British Government's utmost priority to pursue those with illegally held weapons through the range of security measures, etc available. The UUP said that the DUP had elicited a response from the British Government which appeared to suggest that it (the British Government) had no firm ideas on how to proceed with decommissioning. This also seemed to be very much in line with the Irish Government's view. If this was the case why did the British Government believe a sub-committee could produce a better result than what the two Governments had so far come up with?

17. The British Government said that one purpose of a sub-committee might be to provide greater detail to the draft legislation as this process went along. The UUP, in reply, said that it wished to take part in a structured arrangement for

decommissioning. The two Governments could make such a structure available for decommissioning to occur, but this wasn't going to happen in another room with separate advisors. This latter view prompted, in the UUP's opinion, total dissatisfaction with the Governments' enthusiasm for resolving the issue. The UUP said it wished to move decommissioning forward because then the process could move forward and political progress could be achieved. However, the UUP said it saw others standing this idea on its head, yet they hadn't any firm proposals on how Sinn Fein would come to the table if a particular set of circumstances occurred?

18. The British Government said it was disappointed by the UUP comments. Draft legislation was in hand, but the discussion was concerned with a process where you could not ask people to hand in weapons - unless it took place in the scenario of a "two way street" i.e. confidence-building measures on the political front and on decommissioning. The process had to look at ways in which such a scenario could occur successfully. The DUP said the British Government's intervention was useful for purposes of clarification. The British Government now appeared to be saying that it could not force the handing over of weapons so it didn't, as a result, wish to set any criteria to achieve this. The British Government had, however, a considerable "stick" to use, i.e., no weapons handed in, then no political process. Should the British Government not therefore be sending this message out to those with the weapons? The DUP said this seemed to be a failing of the International Body's report and a central failing on the government's behalf. The message had to go out - if people didn't hand over weapons, then the Government would not sit down and discuss any future political settlement with them.

19. The British Government said that it had believed the way to create confidence was through the Washington 3 formula. However, it became clear that this formulation wasn't going to achieve any decommissioning. The Mitchell Report had confirmed this and the British Government accepted that position. The objective now was to secure decommissioning and the process was now looking at the best way of achieving this. The British Government said it believed that no one should doubt its sincerity in tackling the decommissioning issue. The UUP sought a ruling from the chair saying that the British Government was now attempting to dictate the rules of the debate by trying to evade interventions with answers such as the previous one. The Chairman acknowledged that the DUP's intervention was legitimate and also added that other participants had questions and referred to the UKUP. The UKUP stated that the British Government had been very selective in its reading of the Mitchell Report and in particular paragraph 33. The party said, in relation to the Report's interpretation of "one side" it had never recalled the unionist community insisting on some weapons being handed in before negotiations commenced.

20. The DUP said that paragraph 33 didn't represent its position. The reference in it to "one side" was in fact a limited number of people on the unionist side. The DUP and UKUP wanted all arms decommissioned before negotiations commenced. The UUP wanted some arms decommissioned before negotiations commenced. The reference was therefore more accurately described as one section of "one side". The "other side" accepted decommissioning on the basis of agreeing a final outcome to the negotiations. The PUP intervened to say that, in its view, paragraph 33 was inaccurate. There were in fact many facets of the "one side" as some unionists hadn't even made a submission on decommissioning to the Mitchell

Commission. The British Government stated that the one side referred to in paragraph 33 was them! It had been seeking that position of that time. However, there was no doubt that two firm positions existed - with facets within them. The key point was that an impasse had occurred and it was now a case of seeking ways to get around this. Presumably this was what people wanted to achieve. The Irish Government said that paragraph 33 had used the abstract meaning of "side" and it therefore wasn't a reference to each or either community. It was, however, up to the participants to decide on their interpretation of the words.

21. Alliance referred to the questioning of the Irish Government the previous evening. The party said it put great stress on the independent Commission to deal with the decommissioning issue as a key element of the process. The Irish Government was placing great stress on the Government's desire to consult with the participants regarding the key steps of the process. Alliance said this was the proper approach. It asked, however, whether it therefore did not hold for the two Governments to move the process forward themselves if the participants were not responsive to the consultation process. The Irish Government stated that the reason why both Governments had proposed a sub-committee was to ensure that all the parties had a role to play in the decommissioning process - such as examining the draft legislation. Consultation was the manner in which this issue had to be taken forward and that was both Governments' position. That was why the sub-committee was viewed as a practical way of building up the consultation process.

22. Alliance again asked the question regarding whether the two Governments would move the process forward themselves if the

parties didn't wish to get involved in the consultation process. The Irish Government said yes they would. The SDLP, referring to the earlier Alliance questions regarding the governments having to move forward on the basis of their best judgement, asked the UUP whether it accepted that both governments had primary responsibility to initiate the process.

23. The UUP said that the two Governments were enablers. It was to be expected that they would deal with the decommissioning and verification issues in a package and not on a piecemeal basis. What was happening, however, was that draft enabling legislation had been tossed out as a crumb, as something that might happen, while the parties would be tied into a sub-committee. The UUP said that the Governments had to look seriously at the entire issue. It was clear that people with technical expertise were needed. The SDLP said that it was sure that the Governments were enablers, but it wondered what was wrong with the idea of them initiating enabling legislation. The UUP said it had a difficulty with one particular aspect of the British legislation and that was the geographical problem. However, the party said that it still had the opportunity to propose amendments. The Irish Government's proposed legislation had to be approached differently, because the draft implementing regulations had yet to be seen. It was also necessary to have a Chairman designate appointed so that they would consult freely with him, the UUP said.

24. The Irish Government confirmed that the enabling legislation was practically ready and that it was a serious attempt to address the issue and was not a crumb. However, the UUP interrupted and said it had not seen the attaching regulations and that it was

being asked to take them on trust. The party had suggested a way forward on the issue but that had been rejected by the two Governments. The Irish Government said that it had proposed the establishment of the sub-committee as a way forward. The UUP wanted to know what was so terribly wrong with identifying a chairman designate of the verification Commission and why was the Irish Government digging its heels in and stymieing progress on the issue. The Irish Government explained that the reality was that it and the British Government were proposing a sequence of events with the proposed enabling legislation coming first. It denied that it had dug its heels in or had put markers down. The UUP challenged the Irish Government to appoint a chairman designate and then they (the UUP) would get on with the business. The Irish Government said that it was preferable to appoint a committee first to look at all the issues and the appointment of a chairman would then arise in the normal way. The UUP asked whether the two Governments had identified the chairman, saying that if they had a person in mind, why were they condemning the parties to act in limbo? The Irish Government said that the two Governments had not yet reached that point, but that was a very different matter from saying that they were obstructing the proposal.

25. The SDLP said that it noted that the UUP wanted the chairman designate appointed as an expert. It wondered whether that desire was a condition precedent for convening the 3 strands. The UUP said that its request regarding the appointment of the chairman should be granted so that he could advise one side of the parallel process. The SDLP asked again was the request a demand or a precondition. The UUP denied that it was a precondition and said that it was one of the understandings which they would like to see

put into effect. The SDLP said the matter had been raised in bilaterals previously and it had received similar assurances that it was not a precondition. To assist in arriving at an understanding in the matter, the two Governments had prepared a paper but the SDLP said that it seemed to be the case that understandings became undertakings, which became decisions and ultimately appointments. The party said there were mutual suspicions on the issue. It claimed that the UUP had expressed the fear that decommissioning could be used as a veto. The SDLP said it had a similar problem also, because it seemed to them that the UUP have to be satisfied on the decommissioning issue before it would move into substantive talks. That amounted to a veto by the UUP. The UUP said that the reality was that any possible agreement on decommissioning could be overridden by those organisations which possessed illegal weapons and, until that problem was dealt with, every such agreement was open to exploitation. Accordingly, the party maintained that it was necessary to adopt a realistic, practical and tangible approach to decommissioning.

26. The SDLP again referred to the fact that the two Governments had produced a paper to develop the understanding reached on the issue. It asked the UUP whether it accepted that that paper represented the Governments' best judgement on the issue at the relevant time. The UUP said it did not. The paper did not meet the criteria that Alliance had earlier raised. That best judgement, according to the UUP, needed one caveat - it required the advice of the parties present. The SDLP said it meant prior to that stage. The UUP maintained that the position put forward by the Governments was not acceptable without the input of constructive advice from the parties. The SDLP asked whether that

advice was only requested in the context of the appointment of the chairman designate of the Verification Commission or the wider aspects. The UUP said that the advice in relation to the appointment of the chairman could come through the plenary. The plenary would not be competent on the technical aspects and the advice would be to the effect that a chairman designate would be needed. That was because disarmament and verification of the process were not solely about the enabling legislation, but also about the whole aspect of the problem, and it was not a matter for politicians. The SDLP noted that the UUP regarded the appointment of the chairman as a housekeeping matter, so it asked if he was appointed, would the UUP agree to move into the 3 stranded process? The UUP said that if a chairman were appointed, the plenary could decide on how best to proceed by taking the necessary decisions. The SDLP asked whether the plenary would be then operating as the decommissioning strand. The UUP said it was not competent to answer on that point in any detail. But the decisions in plenary would deal with such issues as how best to establish the principles and mechanisms of decommissioning. The SDLP asked what was the context or format for such discussions with the chairman designate. The UUP said it would take a reasonably relaxed view in the matter. It said lots of interfacing would be required so it could take place in a bilateral/trilateral format. There had been discussions with the Governments on this issue previously, the party said. The SDLP interpreted these comments to mean that if a chairman designate was appointed, there could be discussions with him in a sub-committee. The UUP said it ruled out nothing in order to have a meaningful approach in the matter. The SDLP said that the UUP seemed to accept that a sub-committee could be a device to make progress. The UUP said that once the proper means were in place, it saw nothing to hinder progress to discuss the principles and

mechanisms of decommissioning. Whether liaison took place in bilateral or trilateral format or within the plenary or a sub-committee was not a major problem in this respect.

27. The SDLP then turned to the question of legislation. It said that the UUP seemed to think that it was acceptable up to a point. In the case of the British Government's draft there was a geographical problem and in the case of the Irish Government's Bill the difficulty was over the detail as yet unspecified to be contained in Regulations. The UUP agreed with this assessment and said it would like to see a chairman designate appointed to have discussions with him on these matters. The SDLP asked the UUP whether it saw no other issues of a disabling quality such as, for example, no prevention of the modalities as suggested in the Mitchell Report. The UUP said it saw no problems but it would like to see the relevant schemes and regulations once they were drafted. The SDLP wondered whether there was anything in paragraphs 36 to 50 in the Report which were not enabled by the proposed legislation. The UUP said it seemed that nothing was precluded, but this view was dependent on sight of the schemes and regulations. The SDLP asked the UUP whether it wished to work in bilateral/trilateral format with the chairman designate in this regard. The UUP said that the secondary legislation required the hands of the users in the drafting process and this process would establish the necessary degree of consistency. The SDLP said that it appeared the UUP was not opposed to the use of enabling legislation to set out the parameters and to allow the participants using the sub-committee to define more details on the mechanisms and specifics of decommissioning - provided that the chairman designate was appointed. The UUP wondered why the emphasis was on the creation of the sub-committee. The SDLP

replied that the UUP itself had volunteered the term - it said a sub-committee or bilateral or trilateral format could be used. The UUP said that its suspicions were aroused by the continuing emphasis on the sub-committee. It said it was a believer in bilateral or trilateral or whatever format allowed the best progress to be made. It said that the SDLP wished to drive it into a sub-committee, but the UUP did not rule out any format which would allow progress to be made - once a chairman designate was appointed. The SDLP said that it appeared to it that the technical and political aspects of decommissioning were such that a sub-committee was needed.

28. The UUP wondered whether the SDLP had any principled objection to a chairman and advisers designate. The SDLP replied that it could not see the point in it. It said that the UUP seemed to think that settlement of the personnel issue would bring about all the understandings that were needed, but the SDLP said that it disagreed with that view. The UUP said it had spoken about a composite package to deal with decommissioning but not on a piecemeal basis. The SDLP asked how the appointment of a chairman designate could release the parties from the difficulties involved. The UUP replied that it was the beginning of a tangible process. It feared that the enabling legislation could be tucked away in a pigeon hole. The issues of disarmament and verification were ones that could be used to poison the whole process. It was necessary, the party said, to move them into an area so as they could be tackled with a sense of continuity. It wanted more resolution and less evasion on the issue by the two Governments. The UUP said that its stance in the matter did not amount to a precondition; it was a reality for 1.6 million people in Northern Ireland.

29. The SDLP said that the importance of decommissioning was recognised by the SDLP. It was not just a unionist or a British issue. It was a complex matter, the party said, and there were differences of opinion over how it should be tackled, but it was anxious to see if there was some degree of convergence - possibly through the means of legislation and the establishment of a sub-committee and appointment of a chairman designate. The UUP said it would pursue those particular matters with the SDLP. The SDLP said that UUP had earlier referred to the Government's paper dealing with the sub-committee proposal which envisaged a team of experts being appointed who could be assigned to the Verification Commission, and it had asked the Irish Government was that proposal for real. The UUP said it had done so because it wanted assurances in relation to the matter of continuity. The party said that its view was that advisors were inadequate as the chairman could dispose of all the work done in the earlier stages. It felt that this proposal was possibly just another crumb and was geared towards throwing in a few advisors which might not be part of the continuity process. The SDLP referred to the emphasis by the UUP on the chairman designate and asked again whether his appointment would allow the UUP to agree to moving into the 3 stranded process.

30. The UUP replied emphatically that it would not. This was only one part of the wider picture. The party's concern about the appointment of a core commission was to get started on a core issue, that of the working up decommissioning schemes such as the four in the Mitchell Report. If the commission was appointed before the enabling legislation on decommissioning was passed, decommissioning would be a live issue and there would be a point

of contact with the chairman and schemes could be drawn up. But if the commission was to be appointed after the legislation was passed there would be a delay until next Easter. The 3 stranded process would have moved on in the meantime with no progress being made on decommissioning. The UUP said that the sub-committee was acceptable as a liaison body between the core commission and the plenary group. If the 3 stranded process was started now, that would amount to handing over absolute control in the sub-committee to the SDLP which would control the decision making. The UUP said that the SDLP threshold was much lower than theirs, so there would be no incentive to agree and the UUP would be blocked. The UUP said it regarded the decommissioning sub-committee as a railway siding. It was necessary instead to get the basic parameters agreed at this stage and leave the next stage in the process to the holders of illegal arms and the commission. The commission could be an observer body or a collecting and observer body.

31. The SDLP said it had no veto on anything but it saw unionists using decommissioning as a veto on the start up of the 3 stranded talks. It also had objectives but it did not wish to turn them into preconditions. It was not the case, the party said, that it was just tossing the issue of decommissioning into a sub-committee. The UUP said it understood that decommissioning schemes needed to be defined, but its view was that that was a matter best left to the professionals with an input from the participants in the talks. The UUP said that if the subcommittee was forced through and if Sinn Fein got into the talks, Mr Gerry Adams could achieve his objective of negotiating in the strands without decommissioning taking place, because he would only have to address and consider the issue, not ultimately decide on it. The position was that Sinn Fein would not agree to

anything on decommissioning and, even if it did, nothing would happen until Easter, 1997. The SDLP said that position had been outlined previously by the UUP in bilateral and trilateral talks.

32. The UUP said it should be clear that it wanted to negotiate on political issues between democrats. It accepted that people can change, but it saw no evidence of change in some quarters. Charlatans could get involved in the process and that was the problem. The participants could end up at the mercy of people whose leverage and pressure was effective. All the UUP wanted, it said, was a level playing pitch, not one located on the side of Cave Hill. The attitude of the UUP on the issue was not to obstruct progress but to protect itself from blackmail. The SDLP again said that the proposal to establish a sub-committee was not an attempt to obstruct the process or exercise a veto. The UUP said it found the proposal to establish a sub-committee to be so fundamentally flawed that it believed the overriding objective to get Sinn Fein into the talks took precedence over the need to get prior agreement on the issue. This convinced the UUP that the matter was being shunted into a railway siding. The sub-committee proposal did not go down well with unionists. They saw it as a means to get Sinn Fein into the process and they would contaminate everyone else. The UUP said that the Governments were not being straightforward on the issue.

33. The SDLP returned to the question of possible difficulties over the enabling legislation. The UUP confirmed that as it was merely enabling, it was the schemes and regulations to be made under it which were the crucial instruments. There was also the fact that the UK was omitted from the scope of the British legislation and that principle was not acceptable. The SDLP said

it also appeared that the UUP did not want the plenary group to come up with all the details on decommissioning and that it might agree to the establishment of a sub-committee to refine the details on decommissioning. Could the party elaborate on that? The UUP said that the sub-committee could exist for the purpose of liaison, but the principles had to be understood first. However, the UUP said it also envisaged the sub-committee having a different role, not just a body to perform functions as could be done in plenary, but also a communications channel between the plenary and the commission. The SDLP said that it was referring to the type of body mentioned during the earlier stages by the UUP. The UUP said that the principle issue involved was not the technical details, but the parties. The party had looked at the enabling legislation and gave advice and none of it was taken. Its advice on the Framework Documents was not accepted either. Understandably, the party's view of the advice function was somewhat sceptical. It said that when the end result was in sight, it would judge the position, but it was not going to give out a blank cheque.

34. The SDLP said it also had serious reservations about the whole elections process of 30 May 1996 but the party went along with it nevertheless. The UUP said that it was open to the parties to lobby and put forward ideas. But Governments have wider responsibilities. The party raised the absence from the Forum of the SDLP. The SDLP said it accepted the package as the Governments' best efforts to resolve the problem and that it had left the Forum for particular reasons. The UUP suggested that this absence was the exercise of a veto by the SDLP.

35. At that point the UKUP indicated that its paper on decommissioning had been presented earlier and was in the process of circulation by the Chairman's office. The party was available for questioning on it.

36. The Chairman adjourned the meeting at 13.01 to 14.00.

Independent Chairmen Notetakers  
14 November 1996

OIC/PS48