DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION - TUESDAY 1 OCTOBER 1996 (11.10)

Those present:

Independent Chairmen	Government Teams	Parties
Mr Holkeri	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. Mr Holkeri, acting as chairman, convened the meeting at 11.10 with the PUP delegation absent. The Chairman explained that Senator Mitchell was committed to engagements elsewhere, as the Senator had indicated earlier in the proceedings would happen from time to time. The Chairman said that the Senator would return as soon as possible. The PUP joined the proceedings at this point.

2. The Chairman referred to a note from his office circulated to parties prior to the weekend which set out the business for the day's session under 3 separate agenda headings. The Chairman asked for agreement from the participants to proceed on this basis. Unanimous agreement was given.

3. The Chairman then moved on to the first agenda item - the approval of the formal plenary records up to and including 24 September. Taking each on an individual basis the participants unanimously agreed all records. The Chairman also stated that future draft records would be available to the participants from now on on a weekly basis. Distribution would take place on the Friday of each week and would comprise the records of the meetings held earlier that week.

4. The UKUP inquired as to its previous request regarding a verbatim copy of the questions posed by the British Government to the PUP/UDP on 10 September. The party stated that such a request had been made at the time the questions were originally asked. The Chairman said he recalled the topic being raised but thought that the records had been made before the UKUP raised the issue. The UKUP stated that the request had been made on the day in question. The UKUP stated that a verbatim copy should have been made available as the British Government was posing the questions from a prepared text. The UKUP said it had its own verbatim account of the questions. The DUP stated that it had pointed out before now that there were certain differences between these talks and the 91 process. It had also said that the British Government's questions should be produced verbatim so as to avoid any spin that might be put on the events from the narrative version of the formal record. The Chairman took note of both parties' points for further consideration and stated that they would be discussed again at a later date. The UKUP indicated its contentment with this approach.

5. The Chairman again reminded participants that draft records would be open for approval on a weekly basis; available on each Friday of a week containing Plenary sessions and approved at the next Plenary session. The UKUP asked whether its earlier objections and those of the DUP concerning the British Government's questioning of the UDP/PUP on 10 September would appear on the formal record. The Chairman stated that the remarks would be considered in proper order when further consideration of them was given. The Chairman then asked participants to move on to the second agenda item - the revised paper on confidentially already circulated. The Chairman asked for any further comments on the "points of agreement" before seeking approval for them to be used as guidelines for future proceedings. The participants agreed these following confirmation from the Chairman, in response to a DUP query, that the guidelines covered all the Independent

Chairmen's support staff. The DUP went along with this position, adding that everyone needed to take on responsibility for all those around them, including both Governments.

6. The Chairman moved on to the second page of the confidentiality document and proposed that the contents be left for further discussion as and when the need arose. There was unanimous agreement to this. The Chairman moved on to the third agenda item dealing with the finalisation of the agenda for the remainder of the Opening Plenary session. The Chairman asked General de Chastelain, as Chairman of the Business Committee, to recap and update the meeting on developments from the end of July until now. Having heard this revision, the Chairman asked whether there were any revisions to previous submissions from the parties. General de Chastelain confirmed to the SDLP that he had received its proposals on the agenda before the summer break. These had not been circulated to other participants under instructions from the party. The Chairman asked for any other comments. The DUP sought confirmation as to its proposals being submitted on 31 July. Confirmation was provided. The UDP stated that it had no problem with its proposals being circulated and indicated that it would circulate them now, if required.

7. The DUP outlined its pre-summer schedule of submissions on the agenda issue. Given the number of alterations which it and others appeared to have made in the interim, the DUP asked whether the Chairman should not identify each party's up to date position and then hold a discussion on this basis. The Chairman acknowledged the DUP proposal, stating that he had been attempting to do this in any event. He then asked whether participants wished to make any oral statement at this stage on the subject of the agenda for the remainder of the Opening Plenary session.

8. The British Government stated that the important issue to bear in mind was that there was a clear need to make rapid and substantial progress in the negotiations. People outside the

process were looking for this yet there might only be a narrow window of opportunity to demonstrate it. On the actual contents of the agenda, the British Government stated that it was the intention prior to the summer break that parties would make their opening statements as part of the Opening Agenda. Perhaps there was still some advantage in doing this before the substantive issues on the agenda were reached. The British Government added that there appeared to be a measure of agreement around the table that the issue of the comprehensive agenda could be resolved by the drawing up of broad generic headings. This, if it occurred, only left the International Body's report on decommissioning as the outstanding issue. Hopefully a discussion on this could be moved to quickly to enable the process to move into the 3 strands immediately after.

9. The DUP inquired from the British Government as to the reasons why its proposals for the agenda, issued on 29 July, were different to those contained in the tabular document produced earlier that same day. The discussion of the comprehensive agenda now preceded the International Body's report on decommissioning in the present document. The sequence of both topics had been reversed in the earlier Government proposal. The DUP stated that it was essential not just to have consideration of the International Body's report but also to have some understanding as to the practicalities of decommissioning. The DUP added that it was quite content for the discussion on the comprehensive agenda and the opening statements to come after the decommissioning aspects, although a question mark hung over the wisdom of having opening statements at all. The launch of the 3 strands of negotiations would then come after decommissioning and the comprehensive agenda. The DUP said that if revisions were being made, it was better to have the most up-to-date position from each of the parties on the agenda for the remainder of the Opening Plenary session. If these were available, the Plenary could meet again after lunch to discuss them.

10. The UKUP said it largely agreed with the DUP position on the agenda. The party recalled the language of the 28 February communiqué when it highlighted decommissioning to be of primary importance and an issue which would be considered immediately after parties undertook to sign up to the Mitchell Principles. The UKUP said that there had been much discussion since parties pledged themselves to the Principles, but decommissioning had not been discussed. The party questioned the meaning of "addressing", recalling the fact that on several past occasions, it had asked the British Government for a definition of this and it had never been forthcoming. Now there was a further Government document which appeared to contain the current definition of "addressing". The UKUP referred to recent discussions on the decommissioning issue between the 2 Governments and the UUP. Other parties were privy to these but the Governments' position was made available to the UUP prior to the weekend with the SDLP also likely to have received a copy through the Irish Government. It was now a matter of record that the UUP didn't find favour with the Government's proposals. The UKUP added that it strongly objected to the apparent position whereby the Governments seemed to be dealing with the majority parties on each side on this issue to the exclusion of all others. Both the UKUP and the DUP had sought access to the Governments document over the weekend and had been refused. The document was only made available to the UKUP that day. This was simply not good enough if the process was to continue in good faith and the genuineness of confidence-building measures was to be of any meaning at all.

11. The DUP stated that the Governments had no right to force an agenda on the talks process. Every party had a right to submit an agenda and discuss it on a plenary basis. The process was not in the ownership of the 2 Governments, the participants had to decide on the agenda. The DUP added that it was somewhat disturbed by the fact that if the SDLP, UUP and both Governments reached agreement on this, then apparently no one else mattered. These groups, however, didn't speak for all the unionist and nationalist

people in Northern Ireland. The DUP added that if this was how the process of negotiations was going to be conducted, then empty seats would be appearing around the conference room.

12. The DUP had contacted the Government about viewing the document and had been told that the request needed to be considered. Eventually, like the UKUP, the party only received the document that day and discovered, in plain terms, that it set out a position that there would no decommissioning now but rather a discussion about the structures and the continuity of the International Body's report all nicely wrapped up in political language. The DUP stated that it was not committed to the Mitchell Report, only to the Mitchell Principles. It wondered whether the Government, in light of this document, was still committed to the pledges given to the Northern Ireland electorate earlier in the year when the importance of decommissioning had been so highlighted then.

13. The DUP continued referring to the fact that the SDLP had issued a press statement dealing with all the issues in the Governments' paper, yet the document was confidential! This meant that the DUP could now present its view of what the two Governments were trying to achieve from the document. The SDLP emphasised that, at no time, had it sought or received a document from the 2 Governments. The document in question had been received at 18.30 on the Monday evening (30th) - some two hours after a party representative had issued the press statement referred to by the DUP. The SDLP said that it noted the British Government's earlier comments about rapid progress being required, and in this vein, supported the view that a discussion should take place on the proposals for the remaining Opening Plenary session put forward by each party. For its part the SDLP had intimated that opening statements might already be redundant and that the comprehensive agenda might also be dealt with speedily, given the use of generic headings. The SDLP proposed that since the two Government's proposals on the agenda were not significantly

different from others, the Chairman should initiate a straw poll, to ascertain the level of agreement around the table for them, thereby helping with further deliberations on the issue. The Chairman said that such an idea was primarily for the participants to consider, rather than himself.

14. Alliance referred to the comments which were made about the bilateral/trilateral meetings which had taken place between certain parties. It had always accepted that such meetings would take place and that documents would be produced accordingly. It had made it clear to both Governments, to the Chairmen, the SDLP and the UUP that the matters to be resolved did not create problems for them. As to the non-acceptance by the DUP of the Mitchell Report, Alliance said it accepted that Report in full and that dealt with their view on the decommissioning issue. It appreciated that not everyone shared that view but the Governments' document adhered to the Report. The difficulty was that the parties who were most relevant to decommissioning were becoming the least likely to participate in the discussion.

15. Alliance said it had no difficulties over the order in which the agenda or decommissioning was taken, so the July proposals by the Governments were not problematical for them. They regarded the main issues as being ones for the two Governments and the Unionists to decide. Also whether or not there were opening statements was not a crucial matter for them as the ground had been gone over anyway. The UUP agreed with the British Government that people outside the talks were keen to see progress being made as soon as possible. The UUP also wanted to see movement and to see the International Body's proposals on decommissioning dealt with at head of the rest of the Opening Agenda. The party viewed the opening statements as redundant at this stage, and thought that they could be omitted to save time. The UUP document circulated on 30 September 1996 allowed everyone to address the decommissioning issue in a meaningful way. It should be given fair consideration and people should not jump in and ditch it too

quickly. With regard to the complaints made by the DUP and UKUP about being kept in the dark insofar as documents were concerned, the reality was that the UUP treated all documents arising from bilateral/trilateral discussions as confidential.

16. The UKUP said it found some of the statements by the UUP and Alliance surprising. The latter said it would agree with anything the rest of the parties agree with. It would seem, therefore, that their presence in the talks was superfluous. As for the UUP, the documents in question should have been made available to the DUP and the UKUP. It did not create confidence in the other pro-union parties, which together have only marginally less support than the UUP, when the UUP dealt secretly with the two Governments on such an important issue. This was especially so when the Governments' document was on all fours with paragraphs 4 through 9 of the Scenario paper of 6 June 1996 which was not supposed to be on the table. The UKUP never agreed with the Mitchell Report, particularly paragraphs 34 and 35, because they did not constitute a positive direction of any kind. The paragraphs did not require any party to decommission before, during or after the negotiations. At most, they amounted to a bare suggestion. Both Governments made it plain that there would be a requirement on terrorist organisations, fronted by political parties, to hand over weapons before entering into the political process. At the time of the Downing Street Declaration, the previous Taoiseach in a written statement to the Forum on Peace and Reconciliation, said that arms should be handed over. The Tanaiste said on 16 September 1993 that both Governments agreed that there was no question of paramilitary organisations holding on to arms to see what the political process ultimately delivered. On 28 August 1995 the NIO said that it was inconsistent with constitutional and democratic proceedings to allow people into the talks process without weapons being handed over. This showed how much things had changed in relation to the resolve to get Sinn Fein into the talks without the need for decommissioning by the IRA.

17. The UKUP said it was delighted that the UUP document recognised that the Mitchell Committee were entirely deceived by the IRA in relation to its conclusions on the good faith of the IRA; Canary Wharf illustrated that. It said that when the transitory/tactical cease-fire was announced the IRA were hiring the premises in which bombs were found in London last week. The British Government maintained that the parties in the talks had to be flexible and that there was no bottom line. But according to the UKUP decommissioning had to be dealt with now on the basis that there would be an assurance of peace. It maintained that pro-unionists would not sign up to elements of the Framework Documents and until decommissioning was put right at the centre of the negotiations and disposed of, the negotiations would fail.

18. The DUP said it was depressed by the comments of the SDLP signifying that it still stood by its document of July. This illustrated intransigence on its part and showed that the party hadn't moved one inch and was digging in its heels. The SDLP countered with the remark that, while it had differences with the two Governments in the matter, it was prepared to set aside its own proposals in the interest of making progress and the DUP should see that as a reasonable approach. It wondered whether the three pro-union parties would do the same. It was prepared to look favourably at the proposals put forward by the two Governments.

19. The DUP said it looked forward to seeing the SDLP document when circulated. It hoped that the SDLP was not inferring that the DUP would fail to see the SDLP's position. As to the Alliance view, it felt that that party was being obtuse if it felt that decommissioning was a Unionist problem. It was also of some significance to Dublin and the SDLP to ensure that nothing would be done to their republican colleagues in Sinn Fein. With regard to the statements by the UUP, the DUP said that every party must be in a position to enter into meetings with other participants, prepare joint documents and regard them as confidential. But in

circumstances where the three Unionist parties had a joint position and if that position was altered as a result of those contacts, the other interested parties should be made aware of the position.

20. The DUP returned to the question of the SDLP's position and said it was angry at its decision to forego its own document in favour of the Governments' document - especially as they had not seen the SDLP document. At that point the SDLP gave the document to the DUP. The SDLP said that just in case the DUP thought it had a collector's item, other parties might confirm that they have had the SDLP document for some time. The DUP said that the SDLP paper repeated parts of the Governments' decommissioning document. This indicated that they had advance knowledge of the Governments' document before the other participants had received it.

21. This was denied by the SDLP who said that they neither sought nor obtained the document from the two Governments. It was given to them at 6.30 pm the previous evening. If there were similarities between the documents it was because the SDLP paper was based on the Mitchell Report and the two Governments had clearly based their paper on that also. The SDLP requested the DUP accept that statement and to indicate where it disagreed with the position as set out in their paper.

22. The DUP said it would parse the SDLP paper line by line if the SDLP agreed to discuss decommissioning. The SDLP probably knew what was in the Governments' paper from its discussions with them. It could also have received the paper from the Irish Government or at least knew what was envisaged from contacts with the Governments. The SDLP asked the Chairman to confirm that parties could talk to other parties and that was part of the business of the negotiations. The Chairman said that there was no need for a ruling on that point. The DUP said that the SDLP paper was produced to coincide with the circulation of the Governments' proposals. The DUP maintained that it was not tied to the

Mitchell Report; it was opposed to it. Even the British Prime Minister was opposed to it, but it was taken out of the waste paper basket and dressed up. It was not possible to tie a party in and force it to accept the Report because there were aspects to it which were not acceptable.

23. The DUP also said that there were parties outside of the process with arms and the sooner they were brought in the better for all. The time had come to move on to a proper discussion of that issue. In its Report the Mitchell Body set out principle (b) as one of six principles which referred to the total disarmament of all paramilitary organisations. Yet there were parties in the talks which justified the retention of weapons by paramilitaries.

24. The UDP said that it would like to see all the latest revised proposals for the opening plenary agenda. It also said that no member of the party was a member of a paramilitary group in referring to the earlier DUP implication that there were paramilitaries at the talks process.

25. The British Government said that there seemed to be some common ground in the discussion, namely, that all wanted to get on with the process and this desire for progress was also desired by people outside. It was helpful to have a ventilation of ideas on decommissioning. However, it said that this was a procedural debate on the agenda and it should not go further into the detail of decommissioning. It suggested moving rapidly on to concentrating on the agenda for the remainder of the opening plenary session. It said that the DUP suggestion concerning circulation of proposals which took account of the discussion so far seemed a worthwhile option.

26. At this point the Chairman proposed an adjournment to allow parties to revise their proposals as necessary and submit them to the Chairman’s staff by 14.00 for circulation to participants. The meeting would resume at 15.00. However, the discussion

continued on. Labour said it was reminded of the Orwellian phrase "all animals are equal, but some more equal than others". It also welcomed the fact that the bigger parties were facing up to their responsibilities and having serious discussions. It welcomed the circulation of relevant papers dealing with the decommissioning issue by the Governments, the UUP and the SDLP. With regard to the agenda, it supported the British Government's suggestion. It also believed that opening statements could be omitted at this stage.

27. The NIWC said that it was present at the talks to negotiate. It favoured the International Body's Report as the basis for that in relation to decommissioning. However, it seemed some sense of reality was required as there appeared to be a lack of understanding as to how difficult that issue was going to be. As a party it wanted to see the guns taken out of the equation completely in Northern Ireland and that included the domestic violence angle also. It felt that it was permissible to omit opening statements from the agenda. It favoured the Governments' position in relation to the remainder of the agenda for the opening plenary. The party also thought it was a good thing for the UUP to be involved in dialogue with the SDLP. However, it was concerned at the unduly optimistic statements to the media that the talks were going very well when the reality was rather different.

28. Alliance said that it seemed strange that parties should be criticised for trying to reach agreement and it was wrong to use this as a stick to beat the parties concerned. Genuine misunderstandings existed in the community, but purposeful misunderstandings were dangerous. Such an approach would ensure that the talks process failed. The real agenda was being set by people outside who had no time for politics. The blame lay on them and on those people at the talks who wanted to bring the process to a standstill. There were parties present who wanted the talks to fail and they were mistaken if they thought that the

talks could be reconstructed. The DUP reminded Alliance of what it had said in relation to the Governments' decision on its allegations against the DUP and the UUP to the effect that it "blew a hole below the waterline" in the process. Alliance said it was the action of the Governments and the Unionists that caused the damage and the issue was related to the eventual presence of Sinn Fein in the process.

29. The DUP wondered whether Alliance had considered that there would have been no talks process at all if it had been expelled. It said that Alliance had been playing games. Alliance countered that it had not. At that point there were further exchanges between Alliance, the DUP and the UKUP which led to the DUP leaving the chamber. The UKUP then said that it was slightly encouraged by references by the British Government to the concerns of people outside. This contrasted with the remarks by Alliance that some unionists did not wish to see the talks succeed. There was a belief that the talks were brought into effect to subvert the will of the majority to let terrorists into the process. The Government ignored huge opposition to the Anglo-Irish Agreement and it should not ignore the views of those outside by proceeding with the Bill to destroy evidence from weapons and provide for amnesties for prisoners. The party also favoured proceeding into a debate on the decommissioning issue after the adjournment.

30. The Chairman proposed an adjournment to 15.00. At this point the UKUP withdrew an earlier remark against Alliance. The Chairman said he would discuss remarks made by Alliance against the DUP during the break.

Independent Chairmen Notetakers
2 October 1996

OIC/PS15