DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION - MONDAY 16 DECEMBER 1996 (12.08)

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 12.08, and began by welcoming Mr Curran back after his recent illness. Mr Curran thanked all participants for their kind sentiments and good wishes expressed the previous week. The Chairman also expressed his regrets to the UKUP as a member of their support team, Ernest Fowler, had passed away during the weekend. The Chairman then moved on to the approval of the previous week's minutes. On hearing no comments, the draft record for 9 December was approved as circulated.

2. The Chairman stated that he wished to proceed with the meeting by asking each of the three parties, who had been involved in trilateral meetings since the last plenary session, to provide a brief report on the status of their discussions as well as indicating how each saw the process proceeding for the rest of the day and remainder of the week. The Chairman reminded participants that this was the last week of discussions before the Christmas break and this should be borne in mind when listening to the comments from the parties involved. The Chairman asked Alliance to comment first.

3. Alliance stated that it was continuing to work to resolve some outstanding difficulties to enable the process to progress to other issues. Alliance said it would have liked to have been in a position to say that agreement had been forthcoming from the trilaterals but while some small progress had been made, there were still some outstanding matters to resolve. The party said that it remained of the view that it was important for the overall process to reach some agreement on decommissioning before Christmas. With this in mind, Alliance proposed that the plenary be adjourned to allow the maximum amount of time to be made available for further discussions to occur to try to achieve agreement before Christmas.

4. The UUP confirmed that it had been involved in trilateral discussions with Alliance and the SDLP on the modalities and mechanisms of decommissioning. As regards the timetable for the day's business, the UUP stated that there were obvious difficulties with business in the House of Commons later and that this could affect timings of talks business both today and on Tuesday, should further meetings be arranged. The SDLP confirmed that it had had trilateral discussions with Alliance and the UUP on item 2(c) of the agenda. The party said that that item required parties to consider and reach agreement on the mechanism of decommissioning. The party said it had lodged a document with the Chairman's office on 11 December which had highlighted common understandings arrived at under item 2(c) as well as areas of non agreement which remained. The SDLP said it remained in a position to discuss these issues further this week and hoped that it was still possible to reach an agreement on these so that the remainder of the agenda could be pursued.

5. The British Government endorsed the earlier comments of Alliance when the latter had referred to attempting to reach a measure of agreement on decommissioning before Christmas, if this was practicable. The British Government said it believed the parties should be given time to take their discussions forward and proposed that the plenary adjourn until Wednesday 18 December at

11.00am or subject to the call of the chair to enable more time to reach agreement. The Irish Government said it fully supported the British Government's comments.

6. The DUP said it was happy to go along with the British Government's proposal, if only for logistical reasons. The party, however, asked whether the process was not now leapfrogging the agenda as the SDLP had indicated that the trilaterals which had been taking place recently were discussing item 2(c), not 2(a) or 2(b)? The DUP stated that it thought the process to be presently discussing item 2(a) - consideration of proposals on decommissioning. 2(b) was about implementation and 2(c) was concerned with the modalities of decommissioning. The UUP said that 2(a) and 2(b) had not been skipped over. Any agreement reached on the modalities and mechanisms would not in itself resolve the other issues and associated problems at 2(a) and 2(b) of the agenda. The party said it was also concerned with the British Government's earlier comments in that they appeared to imply that agreement could be achieved by the next plenary meeting on Wednesday.

8. The UKUP said it wished to express concerns with recent developments in the talks process. A position now seemed to be developing whereby three parties (though in real terms, two) were moving forward on issues on their own. This also seemed to suggest that the UUP believed it could carry the support of the majority of unionists in the community, should any agreement be tested, without regard to the other pro-union parties. The UKUP also stated that the manner in which the talks had recently been handled seemed to confirm, that there was another set of negotiations going on elsewhere. The constant adjournments of the plenary was one such indicator. Given all this, the party said it questioned the ongoing need for its presence in the process. The UKUP said it listened to earlier comments from the chair, highlighting the fact that the UUP, SDLP and Alliance had been holding trilateral discussions. The party said the chair appeared to be implying that

if agreement on decommissioning could be achieved by these parties before the next plenary, that plenary would be reconvened to enable everyone else to be informed as to what had already been agreed. The UKUP said that if that was the case, there was no point in it remaining in the process to simply endorse an agreement in which neither it, nor the DUP, had had any part in constructing. The party said such a situation would be a recipe for disaster. The UKUP and DUP represented a considerable proportion of the votes cast in the Forum election and both parties were likely to represent an even greater proportion of the unionist vote if the UUP ended up splitting apart, which was quite possible in the foreseeable future. Also such a situation would not bring any peace to the province or resolution of the decommissioning issue. The UKUP asked the chair why it appeared that it (the UKUP) was being asked to hang around until some agreement was produced, to which it had no input, and then be told what that agreement was? The party said it might be better off out of the talks and telling the public what was really going on in the process. The party said that if the talks and discussions continued on the current basis, it would have to seriously consider leaving the process and it therefore hoped that the three parties concerned were positively aware of the UKUP position.

9. The UUP offered condolences to the UKUP with regard to the death of Mr Fowler and acknowledged that the recent series of trilaterals was frustrating for those parties not involved in them. The party queried what alternatives were open to it or to those parties not involved in the discussions in order to try and remove such frustration. The UUP said that the UKUP wasn't in a position to argue or debate about what was going on since it hadn't been involved in the series of discussions. It therefore couldn't tell the public what was happening, if it chose to leave the process as it had stated earlier. The UUP said that anything agreed in the talks clearly had to be open to a public test, but in terms of the current state of discussions on decommissioning there appeared to be little alternative to pursuing the present course of action.

10. The UKUP stated that one of the alternatives for the UUP to consider was making the necessary knowledge available to other parties. The UKUP said it was fine for the UUP to have had talks with the SDLP, but the UUP had never come along to it (the UKUP) and said what was being discussed with the SDLP. The UKUP said that one would have thought it reasonable for a party from the same broad political group as the UKUP to outline to it (the UKUP) the principles of discussions with the SDLP. However mistrust and suspicion had been bred because this hadn't happened. The UKUP stated that if the UUP believed the discussions could be fruitful then why hadn't these been widened to others with the same common interest? So far the UKUP had only knowledge of the contents of the UUP document of 12 November, which was almost on all fours with the UKUP's position, yet the UUP had refused to take a vote on this when it had been tabled a few weeks previously as a joint UKUP/DUP motion. The UKUP stated that the point at issue in all of this was what was not going on in the process and it was this information which it wished to present to the general public.

11. The SDLP offered its condolences to the UKUP. The party stated that it also regretted the weekend press leaks which had substantially misrepresented its position. The party stated that as regards the series of recent discussions, the resolution of the issue as a whole was about trying to reach sufficient consensus or greater than this, if possible. In order to try and find consensus, it was important to set off from an agreed or common base. In its analysis of other parties' positions during the weeks of discussions on decommissioning, the SDLP said it viewed the potential for consensus emanating from both the UUP and Alliance positions and therefore this had been the basis for the recent discussions. The SDLP said it was of course willing to hear the views of others as well as telling them of their thoughts in due course, but it wished to continue to see if progress could be first achieved on the current basis. If it couldn't then that basis might need to be widened.

12. Alliance also offered its condolences to the UKUP. It also echoed the SDLP's comments with regard to the weekend press leaks. These were not helpful and the party was unhappy that they had occurred at this time. Alliance said that the problem of the discussions thus far was that, on the one hand, the plenary format provided for lengthy expositions of individual party positions, but no great meeting of minds. On the other, the recent series of bilaterals and trilaterals had occurred and some small progress had been made. The UKUP had however, for some time, been casting doubts over the credibility of the whole talks process and it was therefore understandable that that party would have a negative view of the bilateral and trilateral process. Alliance said that, irrespective of what some parties thought of the merits of trilateral meetings no one could rule out the mechanism as an attempt to make progress. If it provided success and achieved progress then this was fine, but if it didn't, then nothing had been lost as progress had not been made in any other format. Alliance said it was quite content for participants to put forward ideas and points with regard to the decommissioning issue and these would be listened to carefully.

13. The UKUP said it wished to raise two issues. First there was the point raised earlier by the DUP i.e. the leapfrogging of the agenda. How was this going to be resolved? The second issue related to the press leaks over the weekend. The UKUP asked why the UUP and Alliance appeared to be surprised by the leaks. From the coverage in the press, the UKUP said it seemed clear that two members of the UUP had spoken to the press. One had referred to nine tenths of agreement having being achieved on the SDLP document, the other had spoken about 95% of the SDLP document being agreeable, but the SDLP had wanted 100% agreement. The UKUP asked, in this context, whether it was the SDLP's intention to allow other parties sight of its document, or was the document of similar standing to that of the Hume/Adams papers, thus confirming that another set of negotiations was indeed going on. Was it a case of

everyone seeing the SDLP document or were the participants, who were not party to the trilateral meetings, just going to be brought in to the next plenary and be faced with a fait accompli? If the latter was the case, the UKUP stated that this was a recipe for disaster and was just asking for trouble in the wider community.

14. The UUP referred to the weekend press article and offered an explanation as to the 85% reference. It said this had related to the parties present at the talks and their cumulative electoral base - with Sinn Fein (representing 15% of the vote) not being present. The party stated that this was the only logical interpretation of the comments. The UKUP said it didn't accept the UUP's explanation.

15. The UUP said it was regrettable that the UKUP seemed to place so much confidence in the 'Irish News'. The UKUP was absolutely wrong in relation to the points it had raised. It should accept the word of the UUP in the matter and apologise to the UUP accordingly. The UUP also said it endorsed the comments which had been made about leaks to the media. The position was the same in 1992 when there were also leaks which had a particular spin put on them. The prime suspects were the two Governments, then as now. The party said it was particularly concerned about alleged reports of meetings which were not true and there was a huge gap between the reports and reality. There was a need for people to take a calmer view of these reports. The UUP maintained that it wished to engage seriously with other parties to make progress in the talks. The discussions which had taken place were concerned with the modalities/mechanisms of decommissioning, but that was only one part of the overall picture; there were others which were just as important, if not more so. The trilateral discussions which had taken place with regard to item 2(c) of the agenda for the remainder of the opening Plenary did not mean that agenda items 2(a) and 2(b) had been bypassed. Nevertheless, such progress as had been made had been slight and it was unrealistic to hold out prospects of success in the next 48 hours.

16. The DUP said it was always eager to establish the source of leaks. It was possibly easier to pin the matter down on this occasion as a smaller number of parties was involved. It was hardly the case, the party said, that the clash of the titans within the UUP as reported in the media had come from the two Governments. It was common case that the 'Irish News' was not a reliable source and it would be interesting to look for the insistence by the UUP for corrections in the paper. With regard to the point about agenda hopping, the DUP said the formal position was that agenda item 2(a) was being considered and the delegates had been informed that bilaterals were taking place on that subject, not on items 2(b) and 2(c). Furthermore, the delegations who were not involved in the bilateral/trilateral meetings did not have the opportunity of discussing agenda items 2(b) and 2(c). Accordingly, it was presumptuous of the former parties to try to cobble together a deal on item 2(c) before the other parties had deliberated on the relevant issues. If item 2(a) was not being dealt with in the bilaterals etc, how would it be dealt with, the party wondered. The DUP said that progress should be made, in line with the Rules of Procedure, on items 2(a), 2(b) and 2(c) of the agenda and the proceedings should be brought back into synchronisation. As a final point, the DUP said it presumed that the UUP had taken the two Governments into its confidence rather than the other two pro-union parties.

17. The SDLP said that it regarded the bilateral discussions as confidential and it would not negotiate through the medium of press leaks. The UKUP said that it understood that a document had been lodged by the SDLP with the Chairmen, and it asked if it was possible to have sight of it. The SDLP said that it regarded its discussions and business with the Chairman as confidential and it would not alter its position in the matter. The resolution of the problem had to be on the basis of trust and that was not possible if leaks were to persist. It also had to be borne in mind that the three parties involved in the discussions had been mandated by the

plenary meeting to pursue their trilateral discussions. The DUP interjected to say that that was in relation to item 2(a) only. The SDLP said that it was regrettable not to be able to reach agreement but that such agreement would still be pursued by the party even to the point of absurdity. It had hoped that it might be possible to reach agreement before the Christmas break if the parties were prepared to approach the task at hand on the basis of trust and confidentiality.

18. The UKUP said it had a difficulty in understanding what the SDLP was proposing. The UKUP had not asked about the confidentiality of discussions between the SDLP and the other two parties involved, Alliance and the UUP. What it did ask was whether the SDLP document, lodged with the Chairmen, would be available to other delegations. The simple answer was that those other parties could not have sight of the SDLP document. In that case, the UKUP said that it was impossible to expect agreement from those parties on a document which they had not seen. The reality was that the SDLP was only concerned with reaching a consensus with the UUP, and its strategy was to prevent others from impeding that objective. In that event, the UKUP maintained that its presence at the talks (and possibly also that of the DUP) was totally redundant. It was also the case, the party said, that the SDLP, by addressing the question of the modalities/mechanisms of decommissioning under item 2(c) and by ignoring items 2(a) and 2(b), hoped to obtain agreement in that matter before the end of the present session of Plenary.

19. The UKUP said that everyone knew that the IRA and the CLMC could discuss the modalities of decommissioning forever, but what was important to discuss was the terms of entry to the talks of Sinn Fein. That was what items 2(a) and 2(b) of the agenda were all about, the UKUP said. Why waste time on the modalities/mechanisms under 2(c)? Rather the meeting should get down to business on the basis of the order set out in the agenda and discuss agenda items 2(a), 2(b) and 2(c) in sequence.

20. The SDLP said that the discussions in trilateral format were concerned with the mechanisms - meaning the linkage between the proposed Committee and the Verification Commission. The modalities were for the Commission; consultations were for the liaison Committee. The SDLP remarked that the UKUP was correct when it said that the terms of entry of Sinn Fein had nothing to do with the discussions under way. Those terms were matters outside of the Plenary and were provided for in legislation and in the Ground Rules document. The reason for confidentiality, the party said, was that there was as yet no agreed document and the SDLP would not allow private discussions to be used to shaft another political party outside of the talks.

21. The UUP said that it had had a large number of meetings with the British Government exclusively in relation to agenda item 2(a). It would continue to address such matters to the Government because the Secretary of State had the capacity to widen the representation at the talks.

22. The UKUP returned to its earlier point and said that it did not request sight of an agreed document. What it would like to see was the SDLP document which was the basis for the ongoing discussions in trilateral format. With regard to the position of the UUP, the UKUP said it wanted to be privy to what was happening in bilaterals, preferably by engagement in bilaterals. But there was a complete shutdown and this concerned both the UKUP and the DUP. If they had sight of the document, perhaps there were matters that they could agree upon, but as they are excluded, it was understandable that they should believe that what was going on was inimical to their interests. The UKUP rejected any suggestion that it would make matters public, stressing that it was bound by the confidentiality rules and the party took exception to any hint that it was less sensitive in this regard than the UUP which were leaking like a sieve, it said. The SDLP said it did not mean to infer that the UKUP were leaking information and it withdrew any

imputed remarks to that effect. The UKUP responded by saying that the leaks in question could not have come from it as the party knew nothing of what was going on. The offer of apology by the SDLP for a slight which was not taken by the UKUP only served to shift attention away from the real issue, the UKUP said. The rules of confidentiality bound all the participants and trust would be better placed in the UKUP than others.

23. The UUP said the UKUP had complained about its exclusion from bilateral and trilateral meetings, but on checking it could find no request from the UKUP for a meeting within the past fortnight. If the UKUP was serious about wanting to be engaged in bilaterals, the UUP said it would be happy to oblige; but if it wanted to snipe at the UUP as it had been doing, then that was quite a different matter. The UKUP said a request at 9.50 a.m. that morning had not even been given the courtesy of a reply. The PUP intervened to say that it commended the parties involved in the trilateral meetings for their efforts and requested that the Plenary meeting be adjourned to allow the parties to get on with matters.

24. The SDLP said that its document was basically an agreed document of where the trilateral discussions were at. It had been lodged with the Chairmen to facilitate their report back to the Plenary meeting so as to inform the other parties of the position as envisaged under Rule 30(a). With regard to the point about agenda-hopping, the SDLP said that it seemed that if an agreement could be reached on item 2(c), it would be a useful backlight to illuminate a possible agreement on items 2(a) and 2(b). That was the best way to make overall progress on the decommissioning item, the party said.

25. The UKUP requested that if the meeting were to adjourn as proposed, could the Chairman indicate that it would resume with discussions on item 2(a). The DUP asked the Chairman to rule on the question of consistency with regard to the earlier decision of

the Plenary to adjourn for bilaterals on item 2(a) and yet the bilaterals had proceeded to discuss item 2(c).

26. The Chairman said that the issue of statements being made which were not directly on the issue pending had been raised previously. It was a near impossible task for him to separate sentences, clauses and paragraphs because of the fact that speakers on particular topics digressed from the main subject under discussion. His policy was to err on the side of maximum freedom. This was all the more applicable in the case of bilaterals (where he was not present) than in Plenary format. It was also fair to say that it needed to be kept in mind that the paragraphs in question (a), (b) and (c) were all sub-paragraphs of paragraph 2 of the agenda for the remainder of the Opening Plenary dealing with the subject of decommissioning. The meeting was concerned with item 2(a) but, as had been said, it could be helpful to consider various approaches as how agreement could be reached and it could also be helpful to proceed in the manner chosen by the parties in bilateral/trilateral format. The Chairman encouraged the participants to adhere to the agenda both in Plenary and bilateral/trilateral sessions.

27. The UKUP said that the SDLP had indicated that the Chairman had sent the parties away to look at the mechanisms relevant to decommissioning. That, however, was quite incorrect. The UKUP said it had made a general complaint about endless bilaterals taking place in relation to issues such as items 2(a) and 2(b) where there was no possibility of agreement. Now it appeared that all that time had been spent in discussions on item 2(c). While there was a possibility of a slight spill over and the resolution of item 2(c) might also amount to a resolution also of items 2(a) and 2(b), that was very tenuous, to say the least. While the terms of entry and decommissioning were separate issues, they were, nevertheless, linked together. For example, if the Secretary of State were to permit Sinn Fein into the talks with no prospect of decommissioning, the talks would fail because certain parties would

leave. At that stage, the UUP would be left to determine a pro-union consensus alone. The reality was that decisions had to be taken in relation to agenda items 2(a) and 2(b), and endless discussions on item 2(c) were a fabian tactic to avoid reaching conclusions on the real issues.

28. The Chairman said that he would meet with all the participants under the provisions of Rule 30(a) and he might put forward his own proposals in the matter. When the meeting resumed later on Wednesday next at 11.00 or possibly sooner at the call of the Chair, he also wanted the views of the delegations on the duration of the break for Christmas. He also said that as agreement in Plenary forum was a rare occurrence, it would be worth taking note of such areas of agreement as had been reached during the course of the mornings discussion - notably in relation to (a) that leaks are bad and (b) that leaks are not always accurate!

29. The Chairman also exhorted the participants to appraise others of any developments occurring in bilateral/trilateral meetings in the interim. He closed the meeting at 13.17.

Independent Chairmen Notetakers
14 January 1997

OIC/PS56