

CONFIDENTIAL

46025

RECEIVED 20 FEB 1997

19 FEB 1997

NC/71/2

CONFIDENTIAL

From: PETER MAY
18 February 1997

- cc PS/Secretary of State (B&L) - B
- PS/Sir John Wheeler (B&L) - B
- PS/Michael Ancram (B&L) - B
- PS/Malcolm Moss (DHSS, DOE&L) - B
- PS/Baroness Denton (DED, DANI&L) - B
- PS/PUS (B&L) - B
- PS/Sir David Fell - B
- Mr Thomas (B&L) - B
- Mr Steele - B
- Mr Leach - B
- Mr Bell - B
- Mr Watkins - B
- Mr Stephens - B
- Mr Wood (B&L) - B
- Mr Beeton - B
- Mr Brooker - B
- Mr Hill (B&L) - B
- Mr Lavery - B
- Mr Maccabe - B
- Mr Perry - B
- Mr Priestly - B
- Ms Bharucha - B
- Ms Mapstone - B
- Mr Whysall (B&L) - B
- Mr Sanderson, Cab Off (via IPL) - B
- Mr Dickinson, TAU - B
- Mr Lamont, RID FCO - B
- HMA Dublin - B
- Miss C Byrne TPU, HO (via IPL) - B
- Mr Campbell Bannerman - B
- Mr Westmacott (via RID) - B
- Mrs McNally (B&L) - B

1. cc to Alexander
to Casoy

with 20/2

2. to Brown
to [signature]
[signature]

NOTE FOR THE RECORD

TALKS: 18 FEBRUARY 1997

Summary

The British Government side met the Irish Government and the Independent Chairmen and Irish Government today.

Many of the main players were absent from business with the Northern Ireland MPs in Westminster for the Grand Committee debate on Public Expenditure, and neither Irish Ministers nor the Secretary of State were present. Further meetings in various configurations (G3, G4 and G7) continued, generally with the

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

Independent Chairmen present, but failed to make progress on the mechanics of decommissioning. Senator Mitchell appeared depressed and to doubt whether any useful purpose could be served by continuing the Talks in the run-up to the Election.

Detail: Irish Government

At 15.05, Michael Ancram and officials met Mr Donoghue and Mr Cooney representing the Irish Government. Mr Donoghue noted that Senator Mitchell appeared fractious and disheartened. (Michael Ancram confirmed this after the meeting saying that Mitchell believed the UUP were not serious about doing further business in advance of the Election.)

Mr Donoghue gave second-hand reports of meetings of the trilateral group (G3) and subsequently the G7 group. For the trilateral group, the SDLP had prepared language designed to meet concerns on all sides and to present a reasonable balance to resolve the difficulties. In the event they had not even tabled the language as the Unionists appeared to have reverted to their original position on the issue of how to handle confidence-building measures. They were not happy with the G4 proposal of a dual remit for the sub-committee. Prime Minister Holkeri's proposal, that the sub-committee assist in the implementation of the Mitchell Report and form an interface between the Commission established to address decommissioning and the Plenary, had been the subject of a UUP amendment. That amendment (admitted by Donoghue to be only in rough translation) was that the sub-committee should deal with the implementation of those aspects of the Mitchell Report which dealt with the modalities of decommissioning. The purpose of that was clearly to leave out any reference to confidence-building measures. Senator Mitchell had asked about the UUP proposals for handling such measures, but the UUP had had no response. They had agreed to go away and consider it. When Senator Mitchell had suggested a separate committee for this range of issues, the UUP did not react. A further trilateral was expected on Wednesday afternoon provided diaries coincided.

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

At the G7 meeting, no progress had been made because of the failure to reach agreement in the trilateral mode. The small parties had been critical of the failure of the trilateral group to agree, and the meeting had been somewhat ill-tempered.

Mr Donoghue said he believed the Chairman was now likely to propose a further adjournment until next week. The Senator was despondent and his heart was clearly not in it. He began to question the point of continuing. Michael Ancram noted that the Plenary last week had surprisingly resulted in a general view that Talks should continue up until the Election. The Minister said his view was that the essential feature was to park the process in working order and not to continue if credibility had been lost.

Moving on to discuss a soft landing, the Minister noted that the Government paper circulated last week had attempted to show how the Talks could be parked. Mr Donoghue responded that the paper had been in the right ballpark for the Irish, signalling that they did not see great difficulties in agreeing a paper somewhat shorter but along the lines proposed by HMG. Michael Ancram stressed the importance of getting the parties to agree that the process begun last June, would be the one returned to, with a comprehensive agenda, an inclusive approach and a three stranded agenda.

Mr Donoghue agreed, saying there was little point in seeking to summarise what the parties had agreed, and that the paper needed to concentrate on the process. He hoped it would be possible to avoid the parties negotiating down to the final comma, but their support for the Chairmen's proposition would be needed.

Discussing the Chairmen's closing statement, it was noted that they may wish to draft their own version, but that a text from the two Governments might only be helpful. Mr Thomas wondered whether the Chairmen might start signalling to the parties either early next week or at Wednesday's Plenary that he was to begin work on how the process could be drawn to a close in the run-up to the Election. Michael Ancram suggested it might be sensible for the Chairmen to

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

have a brief word with all the parties first, to bring them up to speed and to allow them to feel they had been consulted. The Irish agreed. Mr Thomas noted there was an issue about whether the section of the draft suggesting informal contact in the intervening period remained appropriate. Much would depend on when the Talks were brought to a conclusion. Mr Donoghue said that the proposals were likely to be of greatest interest to the Loyalists, and that the Women's Coalition did not see great benefit in it, even though Mrs Owen had last week raised it on their behalf.

On the date for drawing to a close, Mr Cooney noted that the present discussions would run into next week, and the Chairmen's working up to the closing statement would take a further week (up to 5 March). Michael Ancram noted that this was considerably better than might have been expected, and took us close to the last date on which Talks could take place anyway, given the likelihood of an announcement of the Election prior to Easter to allow for the dissolution of Parliament. Both sides agreed it was important not to lose credibility, and Mr Donoghue noted that the SDLP were close to breaking point already. Mr Cooney suggested the two Governments needed to be sensitive to the Chairmen's needs, Mr Donoghue commented that the Chairmen had not been needed for all discussions previously. Mr Thomas noted that this had been the arrangement during the summer break, but once the Chairmen left, there would be no prospect of any agreement before the Election. Mr Cooney suggested the most likely dates for a soft landing were 5, 12 or 19 March.

In a discussion about the resumption date, Michael Ancram suggested that early June would be the best target date. Mr Thomas noted the HMG paper had put 9 June in square brackets. Mr Donoghue asked about the parties' views on resuming so close to the marching season, but Michael Ancram said that last year discussions had continued throughout it, and that it was important an early resumption be tabled in order to avoid momentum being lost. The meeting concluded at 1535.

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

Independent Chairmen and Irish Government

The Independent Chairmen met the two Governments at 1635. Senator Mitchell offered a resume of the day's events. There had been no evidence of progress in the trilateral group nor any prospect of progress. The parties were agreed on the need for an Independent Commission and its responsibilities and on the need for a liaison sub-committee. However, they disagreed on the responsibilities of the sub-committee, and in particular on whether it should consider confidence-building measures or not. Of the seven parties involved in discussions, only the UUP sought to restrict its approach. At the end of the meeting Senator Mitchell had asked the UUP how they would address the confidence-building measures issue if they could not accept the views of the others. Mr Empey did not even accept the premise that confidence-building measures should be considered, but said he would come back to the Senator. He had subsequently said he could not do so tomorrow (Wednesday), so that will push the discussion into the following week.

General de Chastelain reported on the G7 meeting, at which the three trilateral representatives had offered their views which had inevitably been negative. The four other parties were disappointed with the PUP particularly noting that whereas at one stage for the Loyalists talks had been an anchor, this was no longer the case given the stagnation that existed.

Summing up his overview, Senator Mitchell quoted the old saying that if it looks like a duck, walks like a duck and quacks like a duck then it probably is a duck. This illustrated his assessment that, although it could not be proved beyond doubt, the UUP were not prepared to consider any agreement prior to the election. Senator Mitchell noted this left difficult questions about how the process could be kept on the road for the next 4-5 weeks. The UUP had had no answer to this point. The delay until next week was consistent with a strategy to allow no agreement, but not to be seen to be responsible for the failure to agree.

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

Senator Mitchell said he would say at tomorrow's plenary that no agreement had been reached, but that the parties would continue their discussions, and that all the parties believed it was worth continuing this process. This was on the borderline of the truth, but if after a further week there had been no closing of the gap the process would have run its course. He believed this to be an accurate and not a pessimistic view, and asked where we went from here.

As a postscript, he noted with surprise that Reg Empey had said the UUP had no objection to the DUP proposal that voting should take place on every measure. This was despite the fact that votes had been avoided previously at the request of the UUP. Mr Empey said they would vote for their proposal and oppose all others, leading to all failing. Senator Mitchell noted that a compromise solution which everyone signed up to after voting down individual recommendations would be the best way out, but that if all proposals were voted down as the last act of talks, it would be hard to deny that they were nearly or wholly over.

Michael Ancram said he would not wish to go down the path of having all proposals voted down, as this would paint all parties into corners and make progress more difficult after the elections. He hoped to have a telephone conference involving the Secretary of State, and Messrs Trimble and Empey on Wednesday afternoon to see whether there was any room for manoeuvre. A short word with Mr Trimble recently had not indicated any flexibility. If there was no scope, we were into soft landing territory. The important thing was to leave the process intact and to prevent any party seeking to alter the ground rules for the process after the election. He suggested that at the plenary next week if no progress had been made, the Chairmen should signal a brief round with all the parties to discuss the suspension of the talks with the concluding plenary taking place the following week.

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

Mr Donoghue noted that it would be important to recruit the other parties to this approach in advance, and to minimise negotiation on the statement to be made by the Independent Chairmen. Senator Mitchell noted he would not be here next Wednesday but would be present Wednesday fortnight (5 March). Given that all parties had indicated last week they wanted to talk right up to the date the election was called, it would be necessary to bring them on side before floating the proposal.

Michael Ancram noted that a concluding plenary on 5 March would probably need to allow all parties to make one final statement. Senator Mitchell noted that as soon as the suspension of the talks was mooted it would become known in the press. He suggested it was important that a date for resumption be agreed in advance, and proposed 2 June. Mr Cooney noted this was a public holiday in the Republic, and 3 June was recommended.

At the plenary tomorrow Senator Mitchell said he would be extremely brief. He would ask the SDLP to comment first in a round of discussion. It was agreed that the Chairmen and 2 Governments should reconvene at 0930.

Senator Mitchell noted they had considered a 2-week recess, but Michael Ancram said this would lead to problems about the credibility of the process. In response to Prime Minister Holkeri, he outlined that in the first week discussions would continue on the mechanics of decommissioning, and in the second the Chairmen would consult the parties about the soft landing statement. Senator Mitchell asked the two Governments provide (by Wednesday 19 February pm) words for use at the plenary the following Wednesday to raise the issue of the soft landing. The meeting concluded at 1650.

Irish Government

Immediately thereafter, as the participants were breaking up, there was a brief exchange between the two Governments. Mr Stephens

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

questioned whether the next step was not to ask the SDLP if confidence-building measures really needed to be addressed in the sub-committee. Mr Donoghue said he believed the SDLP did need the confidence-building measures to be addressed in line with Mitchell as part of the decommissioning sub-committee and did not want a separate sub-committee. He believed the UUP were time wasting. Mr Thomas asked whether the Irish Government had the same view. Mr Donoghue hedged but then said there were severe difficulties in separating the issues in two sub-committees.

Mr Stephens offered the interpretation of Mitchell that confidence-building measures should be seen as referring to the wider political context rather than the narrow current interpretation. Mr Donoghue disagreed with that interpretation of Mitchell and noted that Unionists had not always been so dogmatic. At one point they had appeared likely to agree to discussions so long as they were not a replacement for the 3-stranded process. That had led to hopes of an agreement with the SDLP.

Mr Cooney raised the possibility of a sub-committee of the decommissioning committee which might avoid the suggestion that the two issues were dealt with on the basis of parity, but still provided a link. Mr Donoghue said it was for the Unionists to propose such variants, and believed the dual remit had been a face-saver. Mr Stephens said that was one interpretation, but another was a repackaging of the same proposal. Mr Cooney noted that if the Unionists seemed likely to want to do a deal more imagination could be brought to bear, but there was no point in having concessions merely pocketed at this stage. Mr Donoghue said that the Unionists had lost the confidence of the SDLP through their approach.

CONFIDENTIAL

TALKS/3115/RT

CONFIDENTIAL

On the date for the resumption of talks, Mr Cooney noted that one consideration to bear in mind was the possibility of Sinn Fein being in a position to enter talks after an election. It was agreed this should be borne in mind in concluding the resumption date.

Signed:

PETER MAY

CONFIDENTIAL

TALKS/3115/RT