

**FROM: PETER MAY**  
24 September 1997

cc: as attached

**NOTE FOR THE RECORD**

**TALKS: 24 September 1997**

Summary

Good progress. The procedural motion was agreed and circulated formally ending the opening plenary after over a year and launching substantive negotiations. The determination by the two governments on the indictment by the UUP of Sinn Fein was also circulated, rejecting the indictment, and the agreement establishing a decommissioning commission was signed.

**IRISH GOVERNMENT**

British officials led by Mr Thomas met Irish officials led by Mr Donoghue at 11.25. The outline timetable for the day was agreed, and Mr Hill noted that David Kerr of the UUP seemed broadly content with it, although he had not cleared it with his hierarchy. Mr Empey had a text of the procedural motion and a response was awaited. The Irish Government were concerned that the UUP might be stringing out the process, and both sides agreed it may be necessary to consider tabling the motion were no response received. The Irish Government confirmed they could live with the square bracketed section drawing on the 15 September statement, but were unhappy with a UDP request that the sentence on consent should be

incorporated into the main motion. The concern was that Nationalists would wish to incorporate language also to provide cover if the cherry picking on the Unionist side continued. It was noted that UDP consent to the motion was not required to achieve sufficient consensus provided the PUP and all the other minor parties signed up. The possibility of asking the UDP to table a separate procedural motion containing their language was considered, and the Irish Government agreed to take that line when the UDP approached them. It was clear that Mr McMichael was nervous ahead of a meeting with the hard liners in his organisation that morning.

In relation to Nationalist opinion about the procedural motion, the Irish Government would not commit Sinn Fein or the SDLP without having first spoken to them. Until the Sinn Fein position was known, it was not clear whether it would make sense to vote separately on different elements of the procedural motion or to take it as a whole.

On the text of the determination, it was agreed that the alternative texts in paragraph 13 should be put before Ministers. It was noted that the phrase "in particular" should be added before either the British or Irish sentences.

It was also noted that Ministerial discussion would need to consider further whether the signing ceremony of the setting up of the Independent Commission should be a photographed. The Irish indicated that they still had reservations. It was noted that the UUP had not specifically requested it, and the Irish suggested a press statement as originally conceived would be a much better alternative. The Irish Government were also concerned that no further comment be made about the determination once it had been

made. That was another issue to be resolved by Ministers. Finally, Mr Hill noted that if everything remained on track, it would be necessary formally to ask General de Chastelain to Chair the Independent Commission and send letters to all the members of the Commission. The meeting concluded until 12.00 pm.

Intensive discussions and telephone calls with the UUP and Irish Government the detail of the text continued throughout the day.

### Irish Government

The Secretary of State met Mr O'Donaghue at 13.45 pm.

The Secretary of State reported that, on consent, the PUP would be content if the UDP were. The Irish Government said they would be willing to incorporate the full two paragraph reference from the 15 September statement to consent in the procedural motion. The UDP had only sought one of the paragraphs, but the other was needed to secure SDLP acquiescence. Mr Thomas noted UUP consent to this could not be guaranteed but all agreed logic pointed to their accepting language from the 15 September statement, which Mr Trimble had welcomed. The Irish Government agreed to put the proposal to UDP.

It was agreed the determination (incorporating the Irish version of paragraph 13) should be circulated on paper, and that responses to press queries should be based upon the determination. The circulation of the determination was put on hold to allow time to agree the procedural motion.

The Irish Government reported Sinn Fein were likely to abstain on all of 2(b) but they hoped Sinn Fein would then vote for all of the

motion thereafter. They could not be sure this would happen. In any case, sufficient consensus on the motion would be deemed to bind Sinn Fein if they remained in the process after the motion was passed. That line might need to be deployed with the UUP. The meeting concluded at 14.00 pm.

At this point counter-proposals from the three Unionist parties mentioning the consent principle and from the Irish Government giving a fuller description of consent were circulated.

#### Independent Chairman and Irish Government

At 15.55 the Secretary of State met Prime Minister Holkeri, General de Chastelain and the Irish Government. The Irish Government reported they had met the Loyalist parties and agreed to meet two of the Unionist parties' points but insisted on keeping the full version of consent in the 15 September statement to meet SDLP concerns. The UDP and PUP were broadly content. (Note: both later denied this had been a final approval. It appears their negotiators believed they had got what was required before being disabused by their delegations ) UUP views were the key and the Secretary of State agreed to meet the UUP. The Irish Government now believed it unlikely that Sinn Fein would sign up to the procedural motion as a whole, although their support was not needed for sufficient consensus.

#### Plenary

The Plenary commenced at 16.10. The minutes from the previous week were approved. The Secretary of State summarised progress to date and sought (and was granted) an adjournment to 17.30.

## UUP

At 1620, the UUP met the Secretary of State. They confirmed they had agreed the language put forward by the UDP and PUP. They did not accept the Irish version because in supporting that they would be signing up to negotiate the Union. This was not acceptable to them. The UUP confirmed they had not been at the previous meeting between the Irish and the Loyalists. They agreed to meet the Irish Government to explain their position if the Irish sought a meeting. [This was then arranged, but never actually took place.]

In terms of debating the procedural motion, the UUP sought an assurance that, in addition to any votes on parts of the motion, there would be a vote on the whole motion. This was confirmed. The meeting concluded at 1635.

## Irish Government

The two Government teams met at 1720. the Irish explained the deep frustration and anger of the SDLP who felt they were being asked to give continually. The Irish Government proposed running with their own text. The SDLP had been very concerned by the change to language on decommissioning and only reluctantly acquiesced because the Mitchell position was safeguarded elsewhere.

The Secretary of State suggested asking the SDLP to sign up to the shorter formulation on consent as the price for the move to substantive negotiations. The Irish Government said that the SDLP would not buy that. Unionists could not get their way on all issues. Mr Thomas suggested completely deleting the reference to consent but giving Unionists the shorter form on decommissioning. The Irish said they were content and thought the SDLP would be.

### Plenary

The plenary resumed at 1740. Prime Minister Holkeri sought a further adjournment. The Secretary of State explained the desire to press for circulation of a text that evening. Sinn Fein asked for an approximate time for resumption. The Alliance Party gave vent to their sense of exclusion from the day's business causing PUP irritation at the Alliance Party's previous conduct. The Secretary of State said the Chairmen would tell participants by 1900 at the latest when the plenary would be. (This was later pushed back to 2000 and then further postponed.)

### UUP

At 1750, the UUP called on the Secretary of State. The Secretary of State asked if the reference to consent could not be removed entirely if the section on decommissioning met their needs. The UUP said they were concerned that the spin could be put that consent had been removed from the document. They had a joint position with the UDP and PUP and were allowing Mr McMichael to take the lead. They needed to talk with the other Loyalist parties and agreed to consider the matter further. The meeting concluded at 1755 for Mr Trimble to do a live TV link.

Discussions between the UUP and Loyalist parties were inconclusive. A press briefing by Ken Magiinis that the SDLP were to blame for the impasse nearly caused further rancour, but at 1920, there followed a bilateral meeting between the Unionist parties and the SDLP following which agreement was reached on the text of the procedural motion after a simple amendment proposed by the SDLP had been considered carefully by the Unionists (who remained

sufficiently unsure of their ground to check with Mr Hill whether there could be any landmines they were missing) .

### Unionist Parties

Messrs Empey, McMichael and Ervine came to see the Secretary of State at 2030 to inform her that a deal had been struck on the basis of SDLP drafting offered at their bilateral meeting. A plenary was set for 2115.

### Irish Government

A meeting between the two Governments began at 2040 in a discussion about the voting blocks, it was agreed no vote on the whole paper should be taken but each section of the paper should be taken separately. This was in response to Irish Government concerns that Sinn Fein should not be placed in a position where they had to vote against the whole document. The texts of the determination and procedural motion were approved and circulated. (A copy of the final procedural motion is attached to these minutes). The UUP were informed of the change of voting procedure.

### Plenary

The much adjourned plenary commenced at 2125. The Secretary of State and Mr O'Donoghue on behalf of the Irish Government, made a short statement introducing the procedural motion. The Chairman (Prime Minister Holkeri) outlined the arrangement for voting on the motion by parts. Mr Empey asked if a vote on the whole motion would follow. The Chairman said he felt it unnecessary to put the whole document to the vote. General de Chastelain referred to the

minutes of the plenary dealing with the rules of procedure in which no one vote on the whole document was taken but issues were dealt with in parts. The UUP noted it was a single motion and should be voted on as a whole. The General suggested the views of participants be sought. The Chairman moved to a vote on the various parts first.

Mr Adams interrupted the voting to give a pre-prepared statement saying Sinn Fein were opposing part 2 (b) but would support the motion as a whole. The reason for opposing 2 (b) was the concentration on decommissioning. Sinn Fein believed the issue should not be resurrected now or in the future. The issue of disarmament should be resolved but should not block substantive negotiations. Sinn Fein would work with the Independent Commission and was prepared to consider any move to remove all the guns from Irish politics. They would be bringing forward proposals to that end.

Sinn Fein saw consent as a two way street. Unionists should seek to gain Nationalist consent as Nationalists would seek Unionist consent. Consent should be placed in an all-Ireland context. The Republican analysis was different from that of some participants, but all Nationalists agreed an internal settlement was not possible. The framework document recognised the need for an all-Ireland settlement. Mr Adams concluded by saying Sinn Fein looked forward to hearing the views of all participants and particularly those of Unionists.

The voting was as follows:

Introduction and paragraph 2 (a): agreed unanimously

2 (b): agreed by all except SF and  
passed by sufficient consensus

paragraphs 2 (c), 3, 4 and 5:

all agreed unanimously

[Note: The DUP and UKUP were, of course, absent throughout.]

The Chairman noted the procedural motion had sufficient consensus.

[The UUP did not press for a vote on the whole motion because Sinn Fein had said they would support it. The UUP later told the press that SF had been marginalised because they had opposed 2(b).

After the voting, the Chairman of the Committee (General de Chastelain) suggested a meeting of the committee be held quickly to address firstly media presence at the talks, secondly what constitutes a participant and thirdly the scheduling of the talks in the three strands. Further agenda items, representatives of the parties and suitable times should be notified to the Chairmen's staff by 1400 on 29 September 1997. The UUP asked for a complete agenda be circulated on Monday and the first meeting held on Tuesday morning at 10.00. Sinn Fein made a point of agreeing with the UUP.

The Chairman began to conclude. Sinn Fein interrupted to approve the outcome of the two Governments' determination on the UUP indictment and note the importance they placed on staying in talks.

The Chairman noted that the matter was now closed. The opening plenary was concluded. Senator Mitchell had prepared a statement for use in his absence which was circulated. Prime Minister Holkeri stressed the determination of the Independent Chairmen to do all they could to assist an overall settlement, but they

recognised that rested ultimately with the participants. The plenary concluded with applause at 2150.

(Signed)

**PETER MAY**

NA/HK PMay/Int46

24 September 1997

**PROPOSED PROCEDURAL MOTION**

Plenary adopts the following conclusions in respect of items 2-5 of the agenda for the remainder of the opening Plenary session.

- 2(a) Plenary agrees to adjourn discussion of this item to a subsequent Plenary.

Plenary welcomes the decision of the British and Irish Governments to appoint General de Chastelain as Chairman of the Independent Commission and agrees that Senator Mitchell, Prime Minister Holkeri and General de Chastelain should act as Joint Chairmen of Strand Two and that the Rules of Procedure are hereby amended accordingly;

- 2(b) Plenary agrees that the resolution of the decommissioning issue is an indispensable part of the process of negotiation, alongside other confidence building measures;

All delegations are hereby committed to work constructively and in good faith to secure the implementation of the compromise approach to decommissioning set out in the Report of the International Body;

Plenary supports the views of the British and Irish Governments, as set out in the joint statement by the Prime Minister and the Taoiseach on 15 September (copy attached as Annex 1), on consent and on the decommissioning of some paramilitary arms during the negotiations.

All delegations are committed to work constructively with the Independent Commission to enable it to carry out its role;

Plenary invites the Independent Commission to notify it of any case where the Commission considers that a participant has failed to engage properly with the Commission;

2(c) Plenary agrees to establish two sub-committees as follows:

(1) **Liaison Sub-Committee on Decommissioning**

A Liaison Sub-Committee of the Plenary on Decommissioning (the Committee) shall be established comprised of representatives of all the participants in the negotiations. It shall be chaired by the Chairman of the Plenary and will report regularly to Plenary.

The Committee will be charged with assisting as appropriate the implementation of all aspects of decommissioning as set out in the Report of the International Body. In particular it will be required:

- to consider any legislative proposals by the Government, and any proposed regulations;
- to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of same;
- to consider proposals for such schemes drawn up by the Independent Commission, and to submit any agreed opinion on the proposals for consideration by the Commission.

(2) **Liaison Sub-Committee on Confidence Building Measures**

A Liaison Sub-Committee on Confidence Building Measures (the Committee) shall be established comprised of representatives of all the participants in the negotiations. It shall be chaired by the Chairman of the Plenary and will report regularly to the Plenary.

The Committee will be charged with assisting as appropriate the implementation of all aspects of the Report of the International Body relating to the further confidence building measures mentioned in that Report which participants may raise, and any others which may be referred to by agreement by the Plenary. In particular it will be expected:

- to consider developments in relation to such measures;
- to consider such reports on such measures as may be submitted by those with responsibility for the issue in question;
- to draw to the attention of the Chairman of the relevant strand any institutional or systemic implications which may arise from its consideration of particular confidence building measures.

(3) Adopts as the comprehensive agenda for the negotiations the outline proposals tabled on 15 October 1996 by the Ulster Unionist Party, the SDLP and the Alliance Party and set out in Annex 2 to this motion; and accepts that, consistent with Rule 17, the participants may wish, by agreement to develop or refine the comprehensive agenda during the negotiations;

(4) Hereby launches the three-stranded negotiations and invites the relevant Chairmen to convene meetings in accordance with Rule 11, and agrees that the Business Committee should meet as required to co-ordinate the progress and procedures of the negotiations and to advise the Chairman on the timing and sequencing of meetings in the various strands;

Notes that the two Governments will complete the formal establishment of the Independent Commission on the adoption of this motion; and hereby formally establishes the two Sub-Committees referred to above;

(5) Invites the Chairman, following the adoption of this motion, to make his concluding remarks, thereby completing the agenda for the opening Plenary session of these negotiations;

Invites the Chairman, without prejudice to his powers under Rule 12, to convene further meetings at intervals of two months, or such longer period as may be agreed, in order to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being sustained.

Proposals for the comprehensive Agenda

Strand 1

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Justice Issues
6. Rights and Safeguards

Strand 2

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Rights and Safeguards

Strand 3

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Rights and Safeguards

Cross-Strands Issues

1. Principles and requirements for new arrangements to address the totality of relationships
2. Rights and Safeguards
3. Arrangements for validation of overall agreement