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FROM: JACKIE JOHNSTON
CONSTITUTIONAL & POLITICAL DIVISION
22 DECEMBER 1997

cc: (See attached list)

NOTE FOR THE RECORD

TALKS: TUESDAY 16 DECEMBER 1997

Summary

A long and frustrating day ending with the parties failing to agree on the key issues for resolution and the format for negotiations following the Christmas adjournment. However, participants did leave with a better understanding of their respective positions and the UUP/Irish Government relationship remains constructive with an indication of contact between them over the holiday period.

With Mr Trimble having indicated no further movement on the key issues as he departed on Monday afternoon the focus of discussion moved to agreeing a talks format for January. HMG and the Irish Government worked late on Monday with Senator Mitchell to produce a formulae which carried forward the benefits of the small Plenary Subgroup format. A continuation of the Plenary Subgroup (extended to 2 plus 2 delegates) to deal with cross strand issues and additional subgroup formats for detailed negotiations in Strands One and Two was proposed. Overnight discussions with Mr Trimble indicated the possibility of a positive response from the UUP although contingent on Mr Trimble discussing this with Mr Empey. All other parties indicated approval for the proposed format.

Bilateral with the UUP

Mr Murphy had a bilateral with Mr Empey and Dermott Nesbit to discuss the proposal and was advised that the UUP would not agree to it because the proposed Plenary Subgroup could become an over-arching "executive" for the talks which posed problems for the UUP particularly with regard to Irish involvement in Strand One and the blurring of constitutional distinctions between the Strands. On a procedural point the current Plenary Subgroup had no remit to recommend Talks formats as this was strictly a matter for the Business Committee. The UUP was willing to preserve the 2 delegates plus 2 supporters small group format but that would be within the Strands and the exact nature was a matter for the Strands to decide in the light of advice from the Business Committee.

Bilaterals with the Alliance and NIWC

With no agreement from the UUP on the proposed format, HMG, following consultation with the Irish and Senator Mitchell, proposed an adjournment of the Plenary Subgroup to allow time for bilaterals with other parties to assess how to proceed. Mr Murphy met the NI Womens Coalition (Mrs Hinds, Mrs McWilliams and Mrs Sagar) who placed the blame entirely with the UUP both for blocking agreement on the key issues and format.

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A meeting with Alliance (Lord Alderdice, Seamus Close and Eileen Bell) followed. Lord Alderdice felt frustrated and suggested that lessons had to be learnt from the pitfall caused by the UUP/SDLP tabling a joint paper without having discussed it with the other parties.

Plenary Subgroup

Please see David Hill's note dated 19 December.

Review Plenary Meeting

The day ended with a meeting of the Review Plenary. There was an atmosphere of despondency and exhaustion around the table as we approached 7.00pm with the parties facing the reality of their failure to reach agreement. **Senator Mitchell** opened by reading a statement that the Plenary Subgroup had been unable to reach agreement on the key issues to be resolved and the future format of the negotiations. He then read the list of Strand meetings to be reconvened from 12 January and invited the parties to comment.

David Trimble (UUP) said that there had been a misunderstanding at the Business Committee on 8 December with regard to the scheduling of Strand Two meetings in London and Dublin. His party had not agreed to the suggested dates and had only become aware of this misunderstanding when the Talks Administration Unit had circulated joining instructions. He had no problem with the principle of meetings in both venues but thought that the timing of the suggested dates inadvisable as they would only excite the media at a time when insufficient progress had been achieved. He asked for further consideration and liaison on the matter.

Martin McGuinness (Sinn Fein) said that he couldn't recall any objection to the dates from the UUP at the Business Committee, they had only raised concerns about the cost. It was important to Sinn Fein that the Talks should visit Dublin as soon as possible.

Gerry Adams (Sinn Fein) said that Mr Trimble had just given no agreement on issues, format or meetings in London and Dublin. The UUP was exercising a veto and the Governments had to make up their minds whether it was better to give in to this veto for short term advantage or move to a democratic peace settlement that all the people can take ownership of. He also strongly criticised the UUP for breaching Talks' confidentiality and asked for a commitment, through the Chair, that they would cease grandstanding and get down to making peace. The UUP did not respond.

Monica McWilliams (NIWC) said that the parties did agree the dates for London and Dublin at the Business Committee as she recalled that the suggested dates caused problems for Gary McMichael and herself but both had decided to run with them. **Seamus Close (Alliance)** was also surprised at the UUP's interpretation of the Business Committee discussion as he had the clear impression that dates had been agreed.

Reg Empey (UUP) said that the costs for the London and Dublin meetings which he had requested at the Business Committee hadn't yet been provided. He had expressed

concern about the problems of credibility of the Talks travelling around while agreement hadn't been reached and at the end of the meeting he had turned to the Chair and said "we do not agree to the dates". **Mark Durkan (SDLP)** thought that the dates had generally been agreed but he could recall Mr Empey making the point about the credibility of the Talks. **Gerry Adams** commented that perhaps it was a case of Reg did agree and David didn't.

General de Chastelain, Chairman of the Business Committee, intervened to advise that the minutes of the Business Committee of 8 December had not yet been approved by the Business Committee and therefore the UUP could have raised their objections to the London and Dublin dates, as recorded in the minutes, at the next Business Committee meeting. However, the issuing of the joining instructions for London and Dublin had pre-empted that and the UUP had indicated that they would therefore raise the matter at today's Plenary rather than wait until the New Year.

David Ervine (PUP) said that today had been a very bad day and the dispute over the dates for London and Dublin had come very close to being the straw that breaks the camel's back with the UUP saying that they told the Chair of their concerns in an aside. He complained about being left out of the loop and said that if participants couldn't act with honesty or integrity the PUP would review its position within the Talks. **Mr Empey** replied that he had told the Chairman that he did not agree with the dates and would be challenging the minutes at the next Business Committee meeting. **Senator Mitchell** ended the discussion stating that this was clearly a matter for the Business Committee to resolve.

The Plenary ended with the parties making general statements about the events of the day. All thanked the Independent Chairmen and their staff for their efforts and wished them a Happy Christmas. **Senator Mitchell** tried to raise spirits by suggesting that the Talks had moved forward significantly since September with the participants having a better understanding of their respective positions. He counselled the parties that they had a huge responsibility to try and find agreement by May.

Seamus Mallon (SDLP) said that in all his long experience of political negotiations in Northern he had never experienced such a poisonous atmosphere. **Martin McGuinness (Sinn Fein)** referred to lack of respect from Unionists for Sinn Fein and the community which they represent.

The Talks will resume as follows:

Monday 12 January - Business Committee at 10.00am
 - Strand One meeting at 2.00pm
 Tuesday 13 January - Strand Two meeting at 10.30am
 - Liaison Subcommittee meeting on CBMs at 3.00pm
 Wednesday 14 January - Liaison Subcommittee on Decommissioning at 10.00am

Signed: Jackie Johnston
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