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FROM: TED HALLETT
5 MARCH 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 Westmacott (via RID) - B
- Mrs McNally (B&L) - B

1. cc Mr Alexander
 Mr Carson
 2. Mr Brown. Mr Byrne
 13/3
 6.3

NOTE FOR THE RECORD

TALKS: 5 MARCH 1997

Summary

The day's business consisted of brief meetings with the Independent Chairmen and the Irish Delegation and with Hugh Smyth (PUP), followed by a Plenary Session from 12.10 to 15.30. The Independent Chairmen proposed that the talks be adjourned until 3 June. This was agreed after it had been established that there was not sufficient consensus to debate and vote on the decommissioning proposals of the DUP and the UKUP. The DUP, UKUP and UUP all

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expressed concern about the implications of the adjournment for the future of the Forum. The UUP signalled their intention to seek a different basis for the talks when they resume. There were some sharp exchanges, particularly between Dr Paisley and Mr Spring.

Detail

Meeting with the Independent Chairmen and the Irish Government

In a brief discussion before the Plenary Session, Senator Mitchell indicated that he would begin by proposing an adjournment on the grounds that consultations had established that there was no basis for agreement before the election. He would then seek views around the table, beginning with the DUP. He anticipated that Dr Paisley would demand a debate and vote on his decommissioning proposals. In discussion, it was decided that the table round should begin with the two Governments. The aim should be to establish that there was not sufficient consensus for a vote on decommissioning and then move to secure agreement to an adjournment.

PUP

Hugh Smyth (PUP) requested a meeting with the Secretary of State shortly before the Plenary Session. He stressed the importance of adjourning, rather than suspending, the talks and expressed the hope that the facilities would continue to be available for at least part of the adjournment period, with the possibility that informal bilateral meetings might take place. He also suggested that, if the Forum were suspended, its committees could continue to do business. The Secretary of State indicated that, while there might be limited access to Castle Buildings during part of the adjournment period, would it be statutorily impossible for Forum committees to continue if the Forum itself were suspended.

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Plenary Session

[Note: The full texts from which Mr Spring, Mr Hume, Mr Empey and Mrs McWilliams spoke are available from CPL.]

Senator Mitchell opened the Plenary Session by offering condolences to Mr McCartney on the death of his sister. He then sought approval of the minutes of the Plenary Session 28 February. These were agreed without discussion.

Senator Mitchell said that the Chairmen's consultations had established that no agreement on Item 2 of the Agenda was within reach before the anticipated UK General Election on 1 May and the Northern Ireland Local Elections on 21 May. In the light of this, he was minded to propose an adjournment until around 2 June, but before doing so, would ascertain the views of the participants.

Dr Paisley sought clarification as to whether the decision would be taken by consensus or by the Chairmen alone. Senator Mitchell replied that he was not yet proposing an adjournment, merely seeking views. He then began the table round, starting with the British Government.

The Secretary of State spoke to paragraph 1 of the attached statement. (The rest of his remarks were delivered at the conclusion of the session.)

Mr Spring said that it was clear that there was little prospect of progress in the immediate future. It was important to preserve the talks structure intact and to return at the appropriate date. He supported the proposal to adjourn until 2 June.

Dr Paisley (DUP) said that there was business on the table. The DUP had put forward proposals which had not been discussed or voted on. He then read out the 17 points in the DUP paper of 13 November. These proposals should be debated on now. The two Governments were seeking to avoid dealing with the decommissioning issue.

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Dr Paisley said that before considering adjournment or suspension of the talks, it was necessary to know what the Secretary of State intended to do with regard to the Forum. If the Forum were suspended, his party would not return to the talks unless it had been recalled first. The Forum was the basis for the talks. All talks participants had to be elected members of the Forum. If the Forum were "destroyed", there would be no basis for the talks to continue.

The reason for the lack of progress in the talks was that they were based on the "iniquitous" Framework document, which had been rejected by the people of Northern Ireland. It was a republican document, designed to lead to a United Ireland.

In the light of Dr Paisley's remarks, Senator Mitchell proposed to seek the views of other participants on whether to debate and vote on the DUP's proposals. Mr McCartney suggested that they should also consider the UKUP's decommissioning proposals.

Senator Mitchell said that the question to be considered was whether to debate and vote on both sets of proposals.

The Secretary of State said that it would not be helpful to the process to vote on decommissioning at this stage.

Mr Spring agreed that this would not be helpful. It was clear that the process was at present blocked on decommissioning. The roadmap by which progress on this issue might be achieved had been set out in the Mitchell report, to which both Governments were committed. The Irish Government had enacted legislation which accorded with the Mitchell principles. He believed it was timely to adjourn now.

Lord Alderdice had no objection to moving to a determination on the UKUP and DUP proposals, but would not welcome an open-ended debate, since the views of all participants were well known.

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Mr Curran (Labour) agreed about the need to avoid an open-ended discussion on decommissioning. He supported the views of the two Governments.

Mrs McWilliams (Women's Coalition) was content to have a time-limited debate on decommissioning.

Mr Ervine (PUP) had no objection to a time-limited debate and vote on decommissioning. The most important matter for the Plenary Session, however, was a specific date for a resumption of the talks.

Mr Farren (SDLP) said that the views of all participants on decommissioning were well known. It was clear that there would not be sufficient consensus for any of the proposals on the table. The proposal for a debate and vote was clearly an electioneering tactic, which his party would not support.

Mr McMichael (UDP) said that it was unlikely that a debate would lead to agreement, but he would not oppose it if it had sufficient consensus. He was reluctant, however, to distract attention from setting a date for the resumption of the talks.

Mr Empey (UUP) said his party had no difficulty in debating the proposals on the table. The UUP had their own proposals. If there were to be a debate, these proposals should be voted on paragraph by paragraph, since it was clear that some would be more readily acceptable than others.

Senator Mitchell concluded, in the light of these interventions, that there was not sufficient consensus to debate and vote on the UKUP and DUP proposals. He therefore returned to the question of adjourning the talks.

Mr McCartney said that it was clear that the talks process had "essentially failed". Nothing positive had emerged. The process was based on a number of false assumptions: the belief that

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Sinn Fein/IRA would adopt democratic procedures and were committed to peace; that the "pro Union people" would accept a "process of appeasement" and the erosion of their Britishness, while controlled violence continued; that the Framework document was a sufficient basis, both for meeting Sinn Fein's demands and for securing the acquiescence of Unionists. The Joint Declaration had set the parameters for the talks. Irish unity was the solution, to be facilitated by the British Government.

The talks had foundered on the issue of decommissioning, which after 8 months had still not been properly addressed. It was an illusion to think that the matter would be easier to resolve after the elections. This was based on the hope that the UUP would be prepared to do a deal with the SDLP and the Alliance on terms which they wished to avoid putting before the electorate. The talks had no prospect of success on their present basis.

Mr Empey (UUP) said that while all participants shared some degree of blame for the failure to make progress, the real problem was the possibility that Sinn Fein might be brought into the process without a true commitment to democratic principles. He invited Mr Spring to endorse or refute Fergus Finley's remark that talks without Sinn Fein were "not worth a penny candle". Decommissioning was a safeguard against an arbitrary political decision by a Secretary of State to admit Sinn Fein without appropriate conditions being met. His party looked forward, after the election, to seeing how the talks might be taken forward without Sinn Fein. The British Government would have to reassess the basis for the talks, moving to a process which had achievable objectives, rather than attempting to resolve all the major issues in one framework. He accepted that there was little option other than to adjourn the talks, but it was necessary to know the implications of this for the Forum.

The Secretary of State clarified the position regarding the Forum. The legislation did not permit the Forum to continue if he considered that the talks had been concluded or suspended. He would

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reflect on the situation in the light of today's proceedings and reach appropriate conclusions. If he were to conclude that the talks were suspended he had a statutory duty to bring an Order before Parliament suspending the Forum. It would be for Parliament to decide. Until an Order were approved, the Forum would continue.

Lord Alderdice rejected the argument that the process had failed. It was clear, however, that an opportunity had been wasted. The best use had not been made of the time available. Nothing other than decommissioning had been considered. It had been clear for some time that no useful progress could be made before the elections. An adjournment was reasonable, with a commitment to return around 2 June.

Lord Alderdice said that the present basis for the three-stranded talks dated back to the 26 March 1991 statement by the then Secretary of State and had been agreed by the former leader of the UUP. He was concerned by Mr Empey's comments, which implied that there would have to be a completely different process. The UUP appeared to wish to set aside the threestranded approach and move to something entirelyly different.

Lord Alderdice said that it would be necessary to set a time-frame for the talks when they resumed, to ensure that there would not be a further wasted opportunity.

Mr Curran (Labour) supported the proposal to adjourn and return around 2 June, but doubted whether anything worthwhile would emerge.

Mrs McWilliams (Women's Coalition) listed what she saw as the "high points" of the talks: agreement on chairmanships, agreement on rules of procedure; surviving the "bitterly divided" summer; surviving UKUP attempts to undermine the process; surviving blatant breaches of confidentiality by some parties; surviving persistent UKUP and DUP attempts to remove the loyalist parties; surviving the

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lack of any serious attempt by the UUP to reach agreement on decommissioning. The unionist community had failed to give sufficient recognition to the fundamental shift in nationalist thinking entailed by acceptance of the principle of consent. The unionist community had shown a lack of imagination in responding to this change. There was a determination by unionists to see a pan-nationalist front at every turn. As a result, Sinn Fein had dominated the talks even though they had not been present.

Mr Smyth (PUP) made clear that his party would not support a timeframe when the talks resumed. No quick solutions were possible. The PUP was as committed to Mitchell as they had been at the start of the process. The Forum had shown the advantage of "parking" some issues, to enable progress on others. The talks should have parked decommissioning and attempted to take other issues forward. Only a political agreement based on consent would lead to decommissioning. Once the elections were over, the parties should face up to their responsibilities and enable real progress to be made.

Mr Hume (SDLP) set out his party's approach to the talks process, along familiar lines. The SDLP had been willing to accommodate the UUP wherever possible, but UUP procrastination had prevented progress. There was no prospect of decommissioning in advance of negotiations. It could not be imposed on those who held the weapons. It required the creation of political confidence. The UUP had, however, rejected the Mitchell approach on decommissioning and sought to raise the entry conditions for Sinn Fein higher than those of the two Governments. This had been a tactical device to avoid real negotiations.

The UUP's intransigence was mirrored by Sinn Fein, A political process was available to them, but the IRA had imposed an "exclusion order" on their participation. Sinn Fein's failure to press the IRA to end their "futile and counter-productive violence" was contrary to their own analysis of what the situation required. There should

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be realistic and meaningful talks leading to new institutions and constitutional arrangements reflecting the aspirations of both traditions. It was clear that some parties were not willing to make progress before the elections. He therefore accepted the need to adjourn the talks until June.

Mr McMichael (UDP) supported an adjournment. When the talks resumed in June, there should be a commitment to deal with the real issues.

Mr Wilson (UKUP) intervened to assert that progress would have been possible if the Irish Government and the SDLP had not been determined to keep the door open to Sinn Fein. The next British Government should establish a new talks process, since it was clear that the present one was not working.

Dr Paisley then launched a series of attacks on other participants. He challenged the PUP, for saying that the elections should be "got out of the way". The SDLP and the two Governments were castigated for preventing a vote on decommissioning. He hoped the new British Government would take a hard look at the realities. There could be no quick fixes and no timeframe. There could be no discussion of political issues until the guns had been taken out. The people of Northern Ireland were never going to be part of a united Ireland. The nationalist community had to accept that. The Catholics were not going to outbreed the Protestants. The Irish Government's illegal, immoral and criminal claim of jurisdiction had to be removed.

There followed a series of increasingly bitter exchanges between Mr McCartney and Mr Smyth and Mr Ervine as to whether or not the PUP were guilty of complicity with regard to loyalist punishment beatings.

Senator Mitchell brought the meeting to order by urging participants to confine their remarks to the question on the agenda. He invited the Secretary of State to make some concluding remarks. The Secretary of State then spoke to paragraphs 2 to 17 of the attached text.

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Mr Spring then made his own concluding remarks. There was no more important task than to make a success of the talks process. That would be a watershed in our history. It would change the future decisively for the better. Failure would not be neutral. It would leave the situation worse than before, because it would have added to the sense of despair that problems could not be solved by democratic politicians. He did not believe that would be the case. The talks had the potential to transform the situation if the political will were there. It was premature to talk of success or failure. The balance would tilt in the direction of success before the end of 1997. It was timely to take stock and draw up an interim balance sheet. On the credit side, a workable process was in place. It was sufficiently comprehensive to embrace all concerned. We had been able to agree detailed rules of procedure and the agenda for the opening plenary. We had obtained a clearer understanding of each other's views. The mere fact that we were still around the table was not a negligible achievement. All that was needed was the political will to make proper use of the instruments available. On the debit side, we had been stuck for months in the opening plenary, without even touching on the issue of forging a new political agreement. The failure to do so was damaging to the credibility of the process. The disappointing lack of progress resulted from the uncertainties engendered by the collapse of the IRA ceasefire, which had caused some parties to hover uncertainly between using the existing format to its full potential and looking with apprehension to the possibility of a fully inclusive process. The Irish Government's position had been clear and consistent. Violence was utterly wrong. It must be rigorously opposed and condemned. The Taoiseach and all party leaders in the Dail had repeatedly denounced all acts of violence as futile, counterproductive.

Together with the British Government, the Irish Government had set out clear and demanding rules for participation in the talks. The absence of Sinn Fein showed that the standards set were challenging and exacting. We should have registered the absence of Sinn Fein and got on with the business of the talks. That would have

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demonstrated that their absence was no veto on progress. The Irish Government saw no reason, on the other hand, to foreclose the possibility of their participation in the event of any genuine change of heart in the future. The process had been stalled, ironically, on the one issue where Sinn Fein's involvement was essential for progress. That had sent an unfortunate and confusing signal. Decommissioning was one of the essential goals to be achieved in the process. The "road map" had been set out in the Mitchell report, to which both Governments were fully committed. The Irish Government had already enacted legislation to allow for decommissioning to take place within their jurisdiction in accordance with the Mitchell recommendations. The Irish Government appreciated the understandable anger and fear of the unionist community on this issue. They should join with the Governments and other delegations in working to create the conditions which would make decommissioning a reality, avoiding merely wishful or symbolic approaches, which undermined that goal.

The Irish Government remained fully committed to the present negotiations, based on the principle of consent as the only viable means of achieving a lasting settlement and looked forward to resuming work after the elections in an atmosphere of renewed vigour and commitment. Constitutional change, to reflect fully the principle of consent, would be an essential element of the eventual solution. He offered his best wishes to the Secretary of State on his impending retirement, saying that their "joint stewardship" had been full and eventful, and paying warm tribute to the Secretary of State's part in strengthening the relationship between the two Governments.

Dr Paisley made an ill-tempered response to Mr Spring's reference to "joint stewardship". The unionist people accepted no "joint stewardship" by the Irish Government on matters relating to Northern Ireland. Mr Spring replied that his remarks related to the conduct of Anglo-Irish relations, not to the governance of Northern Ireland.

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Senator Mitchell concluded that the plenary session was adjourned until Tuesday 3 June at noon, with Dr Paisley continuing to complain loudly about Articles 2 and 3 of the Irish Constitution.

(Signed)

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PLENARY: 5 MARCH

STATEMENT BY THE SECRETARY OF STATE

We were forced to acknowledge last week that, despite the intensive efforts by you, Mr Chairman, and your colleagues and staff, there was little prospect of any measure of agreement in these negotiations in advance of the forthcoming elections. It would be quite wrong to remain here in those circumstances; we would do the process no good, and risk damage to its credibility outside. What is important now is to ensure that it can return after the elections with the best prospects for agreement, and that objective is, I believe, best served by the proposals you have made.

2. Everyone else around the table, even Mr O hUiginn, may very well be back here after the election. I myself shall not. I hope I will have my colleagues' indulgence to make a few remarks by way of closing my involvement in this process.

Achievements

3. The achievements of the process, to which you have alluded, should not be under-rated. It was, I believe, a significant achievement to have got here in the first place; it took some years; it required at times vision and courage amongst participants to agree the basis on which we arrived - and those are qualities that will be needed in no small quantity if we are ultimately to succeed. You have mentioned the things we have done: the agreements on rules of procedure, and on the agenda for this Opening Plenary. There has also been a wide measure of agreement on the substance of that agenda, and important elements of potential convergence that have been identified on the decommissioning question.

4. The informal achievements should not be neglected either. We have, as you say, come to know one another's views - often on the issues of substance that will have to be confronted in the future; and we have found new methods of working. These have so far not led to any breakthrough; but I hope that one day they will be seen to have been important groundwork for a comprehensive agreement.

The Disappointments

5. I understand, nevertheless, and share the widespread disappointment that we have not been able to show greater results from the opportunity that the talks offer, and that we have not been able to address directly or at all the substantive political issues in the three strands. I believe that disappointment is shared in all parts of the community; high hopes were raised by these negotiations, and for so long as they fail to produce progress to a better future, there will be growing public unease, heartache even, for the future of Northern Ireland.

6. For our own part, we have tried our best to find ways forward. It is clear, if anyone doubted it, that it is not in our gift to pressurise others to come along with us. We can only seek to bridge gaps, and if bridging materials are swept away then stronger materials must be designed, brought up and installed.

Decommissioning

7. What has concerned us most has been the important and difficult issue of decommissioning. The desire for confidence that the negotiations will not be conducted with any sort of threat of return to violence intended to hang over them is entirely proper and we share it. But for our part, we believe, having looked long at the question, that in truth the only way forward here is to follow the approach commended by you, Mr Chairman, and your colleagues, in the report of the International Body, that some decommissioning should take place during the negotiations. We have ourselves made

strenuous efforts to achieve agreement on this basis, putting forward a number of our own proposals. At the same time we have placed legislation on the statute book to provide a legal scheme for decommissioning, as have the Irish Government.

8. It would be difficult enough to reach agreement on this issue without the added pressure of an imminent election. Much of the ground has been covered - in our written and oral presentations, in discussion of each other's positions, in bilateral and multilateral meetings of various sorts and in discussions with yourself and your fellow Chairmen. Several areas of potential convergence have been identified. Although there is not currently a sufficient basis of agreement to reach a successful determination on the issue of decommissioning it does in my judgement remain possible that an agreement will be reached after the election period.

The Right Process

9. Despite our frustration at not having got further, I am confident that the process we have is fundamentally right. It has, I believe, all the features necessary to be the vehicle for a settlement. It is capable of bringing together both Governments and all the main political interests in Northern Ireland that are committed to pursuing their objectives by democratic and non-violent means. It is capable of addressing all the issues that need to be resolved if there is to be a comprehensive political settlement which could underpin lasting peace. It takes account of all the relevant relationships within Northern Ireland, and beyond. It compromises no one's vital interests.

10. All the participants have objectives which can only be secured through a political negotiation with a broad agenda, capable of addressing future arrangements for the government of Northern Ireland, the future relationship between the two parts of Ireland and the future relationship between the two Governments. Everyone could gain from negotiations which produced agreement on new and widely acceptable political institutions in Northern Ireland, a new

and positive relationship between the two parts of Ireland, a shared understanding on constitutional matters and a new and more broadly based Agreement.

11. There are misconceptions that are still advanced, even by some here, about the process. It is suggested that the talks somehow, of their nature, put the Union in danger. That is quite simply wrong. Anything may be discussed in the talks. But the principle of consent is now endorsed by all significant political parties in the United Kingdom and Ireland, with the sole exception of Sinn Féin. In any event, the sufficient consensus rule, which requires the support of parties representing majorities in each main part of the community, guarantees that no one sided settlement is going to be arrived at. And after that, there is the clear undertaking that the proposals will be submitted to a referendum in Northern Ireland, and then to Parliament. Talk of the Union somehow being undermined by the process itself is manifestly groundless.

12. Some also have claimed that the process has been designed to appease Sinn Féin. That, too, is wrong. We make no apology for favouring an inclusive process; it represents the best chance of securing a comprehensive, durable and widely acceptable political settlement. Our position is clear. This process is open to Sinn Fein on democratic terms that are clearly laid out, but there is no question of appeasement. Equally it is open to all of us who are here to move forward without them if Sinn Fein choose to remain outside. That, we believe, is entirely right in principle. It threatens no-one's legitimate interests.

The Need for Progress

13. So I believe the Talks framework is one in which progress can be made, and I believe it is extremely important that it is made: that, at an early point after the elections, you will be able to move forward into substantive negotiations. That, I believe, is what the people of Northern Ireland generally hope to see in these talks,

which offer the prospect of a better way of life for Northern Ireland. If, however, dialogue and constitutional means are shown not to have delivered results, then the prospects are much worse.

14. For my part I remain rationally and firmly hopeful.

Thanks

15. Much hard work has been done in these negotiations, and there are many to thank for the progress that we have made, and for laying the basis for more in the future. Most obviously, Mr Chairman, the excellence of the efforts of yourself and your colleagues is I believe very widely appreciated; and you have our warm gratitude and respect for all you have done. That gratitude we express to yourselves, to your diligent and talented staffs, and to your Governments for agreeing to your serving in this unique and arduous capacity.

16. We are all, I believe, grateful, to those in the Talks Administration Unit who have so competently organised the facilities here; and indeed to our own advisers.

17. So I conclude these comments, Mr Chairman, with very profound thanks to all those involved, and with good wishes for rapid progress when the talks resume.