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From: Independent Chairmen Notetakers
19 June 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND
AGENDA FOR PLENARY SESSION - MONDAY 17 JUNE 1996 (10.10)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour Party
Mr Holkeri		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 welcomed all those to the meeting and thanked them for their promptness in attending. The Chairman then outlined his intentions as to how to proceed during the morning's business. He stated that he would read a brief opening statement before going on to invite each party, in alphabetical order to comment on its submission of the previous Friday. Such comment, he suggested, should highlight the key points and also include, if appropriate, comment on any points put forward by the other parties in their submissions. He went on to add that parties were free to make any other comments they so wished provided that each party's contribution be limited to 10 minutes. The Chairman continued, saying that by the time each of the parties had had an opportunity to put forward comments, a composite document, drawing together on

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a side by side basis, each party's itemised thoughts on the two main subject areas (ie the procedural guidelines and the agenda for the Plenary) would be available. The Chairman proposed that once the composite document had been circulated to parties, an adjournment would then occur until 14.00 when, at that point, the meeting would reconvene. A further session would then commence to enable parties to provide further comments in detail on the range of submitted documents. This was agreed.

2. Mr Adams remarked that their paper of the previous Friday had some typographical errors. He sought agreement from the Chairman that a revised version should now be distributed to the other participants. The Chairman agreed with this.

3. Mr Mallon stated that the meeting already had before it a very detailed set of comments as set out by the two Governments in their 6 June documents. He wondered whether the Chairman might consider that the two Governments first provide an exposition of their proposals. Such a format, he believed, might help everyone to focus on the key issues as there were now a number of submissions and details in circulation. The Chairman thanked Mr Mallon for his suggestion and agreed that it had some merit. He felt, however, that his original suggestion of the parties going in alphabetical order should be retained. Mr Curran interjected briefly in support of Mr Mallon's point. The Chairman, receiving no further comments, stated that he would now proceed on the basis already outlined. The Chairman then read the text of a press statement issued on Saturday evening, following the bomb attack in Manchester city centre. (The text of the statement issued by all three Chairmen is attached at Annex A.)

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4. The parties then commenced their 10 minute contributions. Speaking first, Mr McBride said that he assumed others had read the Alliance submission and if this was the case they would see that it was essentially attempting to identify a few key points. Firstly the rules for such discussions needed to be appropriate to the type of body gathered for the talks process. It was a negotiating body, not a court of law, therefore procedural rules should be such as to allow expression of opinion, common ground and facilitation of agreement. The powers of the Chairman should be such as to allow no time wasting or other ploys, yet they needed to be more than just simply a model of the powers of the Speaker of the House of Commons. The Chairman must be able to seek to guide participants to move towards achieving consensus and to assess and judge people's views and the room for consensus on specific issues. Mr McBride continued saying that a further principle of his party was that some mechanism needed to be established on the issue of "sufficient consensus". This needed further thought. It appeared, however, from the Governments' papers of 6 June that any proposals emanating from these negotiations would be put to a referendum of the people in Northern Ireland. In this sense he considered that the requirement for unanimity had a further test beyond the process in any event. The 6 June proposals did however make reference to a number of mechanisms through which "sufficient consensus" could be determined. Mr McBride indicated that he hoped that these would only be used as a last resort.

5. Turning to the procedural guidelines, Mr McBride commented that they needed to be flexible and not drafted in the style of parliamentary procedures. On the other hand he was convinced that the negotiations should not be constrained by overly procedural activity. Mr McBride concluded his remarks stating that although Alliance were not consulted on the procedural guidelines as drafted

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by the two Governments, the party found them to be satisfactory. On other issues, Mr McBride unreservedly condemned the Manchester bombing. He commented that it placed a great onus on the current talks process to work seriously. It gave an even greater impetus to those parties committed to supporting non-violence to continue to sit down with each other and work out a negotiated settlement.

6. Mr Curran began by utterly condemning the Manchester bombing. He claimed it had been an attempt to derail the current talks process. As to the Labour delegation, he stated that they intended to play a full part in the negotiations, to listen carefully, and to make up their own minds on an objective basis. In relation to paras 5 and 6 of their submission dated 14 June, and by way of background he outlined Labour's political return within the Province. He pointed out that while the Governments' paper referred to consultations having taken place with the relevant political parties to establish the Ground Rules, Labour had not been a political party at this time. Mr Curran continued restating points made in the Labour submission of 14 June, seeking an explanation from the Governments as to what the Ground Rules actually meant and what status Command Paper 3232 had. It seemed to Labour that there was an apparent ambivalence between the Ground Rules and the procedural guidelines. His party wondered whether these could be taken together and both amended.

7. In further comments Mr Curran said that his party already had made clear the basis for the Chairman being accepted into the talks process. Labour had also welcomed the International Body's work on decommissioning and the Chairman's initial clarification of his role in the present process. He stated that it was an important matter to realise and recognise that Labour had, by way of their electoral mandate on 30 May, a right to put forward proposals to

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the process. As to the current Ground Rules and procedural guidelines as presented by the two Governments, Labour were happy to proceed on this initial basis. Labour were also generally content with the agenda for the Plenary and would, he commented, have a major contribution to make on this as discussions progressed.

8. Ms Hinds also prefaced her remarks by utterly opposing the events of Saturday in Manchester and extended NIWC's heartfelt sympathy to all the victims. Her party was absolutely against the violent means of those outside the process and to the placing of obstacles by some within it. Turning to the comments on procedural guidelines and the Plenary agenda, Ms Hinds drew the Chairman's attention to paras 5 and 6 of their submission dated 14 June. Regarding the role of the Chairman, her party believed that last week's discussion on this issue had been quite misleading. Two extremes had been cited: one a "supremo" role; the other more functional. Ms Hinds stated that rather than either of these extremes, her party believed that the Chair should be a catalyst in the process, facilitating parties to reach agreement. The powers of the Chairman, suggested by the two Governments, appeared to provide a series of methods to be used to unblock logjams in the process and this didn't make sense in a functional situation. Ms Hinds continued saying that her party saw themselves very much in line with Alliance's thoughts on the role of the Chairman. He (the Chairman) needed to play a positive part and not become immersed in any legalistic wrangling.

9. Turning to her party's submission of 14 June, Ms Hinds highlighted para 7 by way of listing several key areas whereby the Chairman could assist the process and also referred to para 9 in terms of how this role might be conducted. Explaining this in more

detail, Ms Hinds talked in terms of the Chairman operating as both an arbiter and a mediator. In terms of attempting to unblock any logjams, there were various examples around the world of committees of arbitration of which any models could be used to successfully overcome such problems. On the point regarding "sufficient consensus", Ms Hinds stated that it was very important to ensure that all the parties were bound into whichever agreement was reached. She pointed out that in their submission they had proposed an additional format, ie, a numerical number of parties in the room and she was glad to see others had commented on this in their submissions. In adding to these comments Ms Hinds said that her party was in favour of the Chairman attempting to achieve unanimity, but by the same token unanimity should not be used as a veto on achieving a successful outcome. Before concluding, Ms Hinds recapped on the points made and suggested that this was, in their view, the best way forward for the present. She also stated that her party was happy with the agenda for the Plenary. In particular, she pointed out that her party welcomed the appropriate positioning of the issue of decommissioning on the agenda as proposed by the two Governments in their paper dated 6 June, ie, it was neither at the start nor at the end of the agenda.

10. Mr Ervine commenced by reflecting on the "battle" which took place during last week's initial proceedings. He believed this signified that some quarters had no belief in the process and no wish to have ownership of it. In addition some also had a fear of the process. For its part his party had not submitted a lengthy paper. They were not experts in the professional political environment but were willing to listen and to be guided. Mr Ervine continued saying that he was fearful, in last week's discussions, of a series of vetoes that were being suggested or incorporated

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into procedures which could only result in a gridlock situation developing in days to come. He was content to view the procedural guidelines as prepared by the two Governments on 6 June as an attempt to avoid this situation. He also believed that the Chairman should be prepared to keep the process moving. In considering the powers and role of the Chairman Mr Ervine concluded that the previous week's discussion on this had been coming more from the decommissioning perspective rather than the constitutional viewpoint. Mr Ervine continued saying that some of last week's activities also appeared to be about getting his party out of the conference room. This, he stated, was not on. They were a part of the process and they had many ideas for the future. In considering the procedural guidelines, Mr Ervine questioned how a mechanism could be established to ensure that the basic right of uninterrupted speech could be achieved during the proceedings. This was a vitally important point and something which had not been adhered to in the initial discussions of the previous week.

11. Mr Mallon said that it had been a depressing weekend and agreed with the views of everyone else who had already commented on the Manchester bombing. The outrage had of course also provided an opportunity for those outside the process to look very closely at what was going on inside. He viewed this further as a "mirror" being held up. This posed the question as to whether this negotiating body had the capacity to arrive at an agreed solution. There was of course an alternative thesis; if those connected with violence were present in the talks then the view was that some new "visionary" position would emerge and that only then would "progress" in their terms be possible. There was therefore an urgent need for the participants to fully test this thesis and dispense with it once and for all. Mr Mallon continued saying that the talks were not about theories but about human relationships,

about how people interacted with each other, how the Chairman interacted with those around the table and how each accommodated the other both in terms of the large and small parties. Mr Mallon stated that a set of procedural guidelines could obviously help this situation but they were no substitute for the human interaction already mentioned; this was absolutely essential. In thinking about the role of the Chairman, Mr Mallon referred to a rustic individual from previous days called a "Tangler" who was by trade a wheeler/dealer amongst the livestock marts and who basically gained success and credibility through brokering deals - often using fairly brash methods. Mr Mallon continued saying that the role of the Chairman, in his party's view, was in certain aspects not unlike the "Tangler" referred to earlier. This didn't mean that any party had to concede power but one had to attempt to use the influence and integrity of the Chairman to draw out a compromise and broker progress.

12. Mr Mallon went on to ask whether or not it might be possible for the process to move towards less traditional structures of taking forward the whole spectrum of issues under discussion. Was the Parliamentary system adequate to deal with the range of issues? Was there a different way to address the three strands or relationships? Mr Mallon continued referring to the Governments' papers on procedural guidelines dated 6 June and to confirm his party's full support for these. He did this, not because they were Government proposals but because the principles had been well thought out and had been the subject of many months of discussion and consultation. They were in the SDLP's view the best approach available. However, if the parties were going to negotiate in a coherent manner, then the proposals put down by the two Governments would have to translate themselves into an operational mode if success was to be achieved in the negotiations. Moving on to the

"thorny" subject of "sufficient consensus", Mr Mallon referred to the gathering as a "non-elected body" arising out of an election on 30 May. Those elected, however, did represent all shades of political opinion in the Province. The formats for sufficient consensus proposed in the Government guidelines were only formats in themselves and artificial in that sense. Mr Mallon stated that what was required was an expression of agreement, a build-up of trust and honesty and a set of solid and positive relationships running throughout the negotiations. Obviously if a consensus on procedures and guidelines was reached then this made the role of the Chairman easier thereby enabling a greater focus to be applied to the major elements of the business - a negotiated settlement.

13. Mr Adams condemned the Manchester outrage. He believed it provided an incentive for those around the table to make an extra effort at achieving agreement. He agreed with the view of a media representative that when negotiations appeared to be moving towards break-up last week, this was the sort of excuse the IRA would use to conclude that the talks process was of no value whatsoever - without Sinn Fein's involvement. The real incentive now was to make a genuine and substantial effort to bring negotiations to a successful outcome. Mr Adams continued saying that he did not wish to go into detail. His party had noticed degrees of commonality in the other parties submissions and he believed this to be a very positive sign. As to the two main issues, his party concluded that a set of rules were required but he did not want to go further than this now. On the Chairman's role he stated that it was clear that some independent authority was needed. He quoted the two extreme positions vis a vis the role of Chairman. His party, he stated, fell somewhere in the middle of these. On "sufficient consensus", Mr Adams believed this to be a too narrowly defined issue. It was also too objective in terms of using the unionist/nationalist

format to achieve it. There were many in the community who wouldn't define themselves as unionist or nationalist. In concluding Mr Adams pointed out that as a small party, the UDP could find themselves as bit players in the process. However the UDP proposals as put forward would illustrate the need to attempt to arrive at the widest consensus possible.

14. Mr Trimble reiterated the comments which he had made over the weekend in relation to events in Manchester and extended his sympathy to the victims of the explosion. What happened was predictable and predicted; however, it was not unusual, and it emphasised that everyone now needed to have a greater sense of realism in relation to Sinn Fein/IRA. All the indications were that these were tactical manoeuvres. While the door, in theory, still remained open, he said that all around the table might have to conclude that Sinn Fein was not a party which should be a participant in the talks process.

15. Mr Trimble continued saying this was why his party was concerned at the agenda document of 6 June. It was contrary to the 28 February Communiqué which said that the Decommissioning Body's proposals were to be considered at the beginning of talks. The agenda, however, relegated this to item number 8 and was thus designed to smooth the passage of Sinn Fein into the talks process together with their weapons. The revised agenda sought to place decommissioning right at the top of the agenda so that the Plenary could deal with the issue in a realistic manner.

16. Mr Trimble stressed that all participants were in the process of asserting collective sovereignty. The Governments had tried to impose their views, but the position was that there was a blank page before everyone now. There was no fall back position on

agendas or procedures. The Tanaiste had suggested in the media that if there was no agreement, the paper of 6 June would be reinstated. This was completely wrong and Mr Trimble wondered if the Tanaiste was interested in or committed to the negotiating process at all, because he would put it at risk by adopting this approach.

17. Mr Trimble then referred to the participation at the meeting of non-elected persons. He said that this reflected the absence of agreed procedures and also the fact that we were proceeding in an irregular manner which was not consistent with the legislation. He also said that last Wednesday's procedural paper referred to the procedural guidelines as referred to in the letter of invitation of 6 June and that these in turn were founded on the Ground Rules. As referred to by Mr Robinson, Mr Trimble stated the UUP also had views on the Ground Rules which they had outlined in the debate on the electoral bill in the House of Commons.

18. Mr Trimble continued saying that the UUP paper submitted on Friday last dealt with the procedural guidelines, but not the Ground Rules. His party would express their views on these rules when the question of the agenda was dealt with as it provided for discussion on this item. The UUP's difficulty with the Ground Rules stemmed from the way in which the three Strands were dealt with, reflecting the Government's wish to exclude parties from the discussion on Strand three.

19. With regard to the Ground Rules, Mr Trimble commented that the reference in paragraph 17 to any party which demonstrably dishonoured its commitment to the principles of democracy and non-violence being excluded, needed to be addressed in greater detail.

20. As to the agenda, the decommissioning issue had to be at the top in relation to procedure. As to procedure itself, the participants must be sovereign. Mr Trimble also referred to recent comments by the Northern Ireland Labour Party in the media in relation to the need to tone down the authoritarian language in paragraph 10 of the procedural guidelines. Mr Trimble viewed the infamous hand of the Department of Foreign Affairs in the authorship of the guidelines which were drawn up behind the backs of other delegations.

21. With regard to the question of consensus/sufficient consensus, Mr Trimble agreed with Mr Robinson's remarks.

22. He next went on to say that definitions were important. The whole process was founded on the basis that nothing was agreed until everything was agreed and this guaranteed failure. He stated that all participants needed to make decisions and agreements and if they couldn't succeed in small matters they wouldn't agree on the larger issues.

23. The Minister of State (Mr Ancram) welcomed the strong statement from the Chairman in relation to the Manchester bombing. The Government endorsed that statement. He said that the talks sessions were serious and had urgent implications. The process was about seeking agreement and the power of the democratic process. It was important that it was not held to ransom by acts of violence and that the democratic process must be pursued here with increased vigour and determination. The procedural rules for negotiations were, by definition, about procedure, not substance. The guidelines circulated on 6 June flowed from careful consideration by the Governments, and represented their agreed best efforts to

provide impartial and comprehensive rules which would help to optimise the operation of the negotiations. The Government, therefore, continued to recommend them for this purpose and had, therefore, tabled them.

24. The Minister of State continued saying that it was also true that the guidelines envisaged the possibility that the participants might seek to amend them. If strong arguments were made for changes, then the Government would certainly consider very carefully whether, in its view, any proposed new rules would be as effective as the 6 June procedures in enabling the negotiations to function smoothly. A very important indicator of this would be whether there was a convergence of support from other participants on particular procedural alternatives. The Government did not have a closed mind on the issue, but it started from the position of confidence that the 6 June rules would fulfil the necessary function effectively and uncontentionously. With regard to the agenda, continued the Minister of State the Government had put forward the 6 June draft on this same basis. Noting that items 1 to 4 had now been covered, the Minister of State, said that the Government would listen with care to suggestions for amendment, subject to the same considerations as applied above.

25. Attorney General Gleeson echoed the statements of condemnation made by the Chairman, the Taoiseach and Tanaiste in relation to the Manchester bomb. He said he could not pretend that the appalling events did not cast a deep shadow over the talks. However, they did give an impetus to ensure that the parties (representing 85% of the electorate) focused on developments. He believed that the tone of the debate was less polemical than last week.

26. Continuing, Attorney General Gleeson said that the Irish Government had adopted and supported the Chairman's suggestion made at the outset. It was available to all delegations for discussion and it was more likely that solutions would be found in informal discussions. The thinking behind the 6 June papers was that the Governments wished to provide a basis for the conduct of business without wrangling. The Attorney stated that it may not have achieved that but it was necessary to keep the procedural debate to a minimum and preserve energy and ingenuity for the main issues.

27. He added to this comment saying that the procedural rows were incomprehensible to the public and could overshadow the main message. He identified with Mr Mallon's comments about the role and functions of "Tanglers" in the cattle-dealing process, but said that in his experience, their work was often accomplished with abuse and bad language! That was not recommended for our purposes obviously but, that apart, the analogy was a fair and useful one.

28. His view was that the purpose of the Government's papers was to provide a set of rules to enable the negotiations to be advanced with maximum efficiency, despatch and fairness. The Irish Government was not aware of all views and expected that it would not please everybody. However, it was heartening to find that a significant number of delegations could subscribe to the Governments' proposals and attempts must therefore be made to accommodate those who could not.

29. As to the comments of the NI Womens' Coalition, the Attorney General agreed that the role of the Chairman might well be that of a mediator. He was also in agreement with the Alliance view that this meeting was neither a debating club at Parliament nor a court of law. The Womens' Coalition had identified the two

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extremes in the role of a Chairman as between a cipher on the one hand and a political fixer on the other (as was referred to earlier by Mr Robinson). What was needed, in his view, was a Chairman with influence due to moral and persuasive authority. The Chairman was a resource to all participants in the talks to ensure that no valid point was disregarded and emerging points of potential agreement were cultivated as well as affording the generality of participants some small protection in the process. There was a need to avoid gridlock every day and he hoped that the matter of the role of Chairman could be disposed of in a fair and pragmatic manner.

30. The Chairman said that the promised documents would be ready soon for delivery to delegation rooms and that the meeting would adjourn until 14.00 when open discussion would be resumed.

[Signed]

Independent Chairmen Notetakers
19 June 1996

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