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From: Independent Chairmen Notetakers  
18 June 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND  
AGENDA FOR PLENARY SESSION - MONDAY 17 JUNE 1996 (14.48)

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 reconvened the discussion, thanking everyone for their presence and noting that all representatives who were in place that morning were again present now. He continued saying that the participants should by now have received two documents distributed by his staff. One document referred to composite proposals on the "procedural guidelines"; the other focused on proposals for the Agenda for the Plenary Session. The Chairman indicated that it was his intention to start with the "procedural guidelines" paper and work through this document paragraph by paragraph. (A copy of the document is attached at Annex A with the Governments' proposals in the left hand column being referred to as items.) He asked whether this was agreeable to the participants. There were no comments noted to the contrary.



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2. The Chairman then proceeded to item 1, "Format" on "procedural guidelines" and asked for comments.

3. Mr Trimble said he was not quite sure what the Chairman was inviting comment on. Proposals in this part of the document referred to comments from both the DUP and his own party. Mr Trimble continued saying that both parties were writing a Business Committee into the operations of the process and both were suggesting that the Business Committee would determine any further meetings of the Plenary. Mr Trimble said that the Government had offered no view on this operational relationship in its papers and wondered whether there might be one forthcoming. The Chairman indicated that questions to other parties around the table should initially be put through the Chair. In response to Mr Trimble's points Mr Robinson stated that he had missed the detail of the previous comments. Mr Trimble retraced his remarks and Mr Robinson commented that it was his view that the Opening Plenary Session would not have the authority to convene further Plenary meetings. This was a matter, in his view, for the Business Committee. Mr McBride made a brief reference to the UUP proposal in column 4 of the paper entitled "Order of Proceedings and Designated Chairmen" and asked was this to be read in conjunction with the present discussion on "format". Mr Trimble indicated that this was the case. Mr Robinson continued, confirming the DUP position that the Plenary would decide the make-up of the Business Committee but that such a Committee would still decide on the business itself and hence the type and frequency of meetings required.

4. The Chairman interjected at this point saying that he felt there might well be some general agreement on the "format" in item 1 and that the issue of the Business Committee could be taken later in the discussions. Mr Mallon sought clarification as to



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whether the Opening Plenary Session would be reconvened again. The Chairman suggested that if a Business Committee was created it could be given the authority to call another Plenary Session. He therefore thought that the answer to Mr Mallon's point was yes. Mr Robinson asked for a definition of the word "plenary". The Chairman indicated that he believed it to be the gathering which met last week in the early hours and which was scheduled to meet again on Wednesday 19 June at noon. Mr Mallon offered the view that he believed it strange that the Plenary could not reconvene itself and therefore felt that there was a contradiction in this position. Any Plenary body, he commented, should have the powers to reconvene on certain issues yet to be determined. He also wondered if the position outlined by Mr Robinson where issues would be pushed to a Committee made up of the same people was such a wise move. Mr Mallon believed that use of the Plenary mechanism could be considerable as progress was made.

5. Mr Trimble posed a question as to the distinction between the Opening Plenary Session and the plenaries which could well become part of each of the various strands of the process. The Chairman indicated that one distinction between these could be the numbers involved in different meetings but he was unsure as to other distinctions at this stage. He indicated that the purpose of this discussion was about identifying both areas of agreement and disagreement. It was not about taking decisions. There clearly was a question mark over the word "Plenary" and what was meant by this. There also seemed to be some confusion as to who should have the authority to reconvene the "Plenary". Mr Robinson referred back to the last talks process in 1991/92 where discussions had taken place across three strands. The British Government had at that stage indicated a need to coordinate certain aspects of the negotiations where overlaps had occurred. This role had fallen to



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the Business Committee who had not dealt with substantive issues. Mr Robinson also believed that a number of issues had been raised already and these would be dealt with in the opening Plenary; therefore there was no need to have more than one Plenary. If a further Plenary was needed, then this was, in his view, entirely within the Business Committee's remit to organise this.

6. Mr McBride believed there was a need for a continuing Plenary Session on the basis as outlined of an over-arching mechanism as outlined by some participants in earlier discussions. The Minister of State (Mr Ancram) indicated that the meeting now taking place, though informal, was largely in Strand 2 format rather than in a Strand 1 or Strand 3 configuration. He commented that the Government did see a continuing role for the Plenary, particularly in terms of it being a facility whereby either committees, subcommittees or other formal groups could report back to it on specific issues. The Minister of State went on to say that the Plenary could meet in a more restrictive way if the participants believed this to be the way forward. Mr Trimble responding to the Minister's comments again asked what the role for the Plenary was. The Minister of State suggested that its role was to co-ordinate the various avenues of agreement. Mr Trimble commented that the Minister's point was already covered in the UUP proposals; therefore the only other matter outside of this was the question of reports being asked for and submitted to the Plenary on certain issues. The Minister of State returned to the original point saying that it seemed to him that it was the DUP who were the only party attempting to have one Plenary. Mr Robinson interjected at this point indicating that this was not an accurate statement. The position from their perspective was that it was always open to the Business Committee to conduct business in whatever manner they saw fit to progress the negotiations.



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7. Ms Hinds began her remarks by referring to para 9 of the UDP document and para 12 of the Government proposals which focused on the role of the Plenary. In her party's view there was always a role for the Plenary and the NIWC would be sorry to see this role lost. Mr Trimble again questioned the format of last week's negotiations and the negotiations which were due to take place on 19 June. He had assumed that discussions were going to continue in their present format and therefore, when everyone was present at meetings such as this, what role was left for the Plenary.

Mr Mallon stated that he had never heard of a chairman being unable to convene meetings of a body of which he was chairman. In his view the Plenary would have an important role, albeit not an easy one, but he believed that the more Plenary sessions there were the stronger the body would become. He stated that he was very fearful of semi-detached elements moving forward on specific issues to the detriment of the process as a whole. This was not an ideal solution.

8. The Chairman attempted to summarise at this point by suggesting to the participants that the purpose of the afternoon's discussion was threefold. Task one related to getting through the documents; task two related to raising areas of agreement or disagreement on each of the issues and task three would be to determine how the process moved on from there. He concluded that on the subject of "format", ie, Item 1, there was no apparent significant disagreement amongst the participants. There were clearly, however, some questions over the role and function of the "Plenary" and also questions over the authority to reconvene a Plenary Session. Mr Adams referred to para 9 in his party's proposals and in particular the role of the Plenary. He agreed with Mr Mallon's earlier point regarding the ability of the



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chairman to convene under his own chairmanship. He also believed that the role of the Plenary was to view and to gauge developments across the negotiations as a whole and also to protect everyone against committees or subcommittees being set up and in particular the smaller parties being marginalised.

9. The Chairman asked participants to move on to the next point in the composite paper - "Chairing the Negotiations". Mr Leach for the British Government offered a comment on para 18 of the DUP paper which had referred to chairpersons bringing forward specific suggestions, "but only by the agreement of the participating delegations to establish that it (the suggestion) would be regarded as helpful". Mr Robinson indicated that he expected the process to work much more straightforwardly than this. If logjams had to be dealt with then the Plenary could indicate to the Chairman that he might wish to provide or have prepared a helpful document or paper to resolve the issue. Mr Mallon again asked to which Plenary meeting Mr Robinson was referring. Mr Robinson in reply indicated that this could be any Plenary session in Strand 1, Strand 2, or the Opening Plenary Session. In other words such a situation could arise in whatever aspect of the negotiations was being chaired by a chairman. In this situation that chairman could simply inform the meeting that a specific paper dealing with the issue could be produced which might be regarded as helpful. Mr Mallon again asked whether there was a distinction between the Plenaries of various strands and the Opening Plenary. Mr Robinson returned to that point by suggesting that the role of the Chairman didn't matter in any strand of negotiations.

10. Mr McBride indicated that his party were concerned over that specific sentence in the DUP proposals and suggested that it might overburden the process of consultation and hence lead to delays.



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He stated that this happened to some extent in the talks process of 1991/92 when the previous Independent Chairman had got bogged down in this framework. On the other hand, Mr McBride continued, the Government's proposals on this were satisfactory. Mr Trimble interjected by saying that he couldn't remember any difficulty to which Mr McBride referred to in the previous talks process. Mr Mallon trying to clarify earlier comments asked whether it was now theoretically possible to consider that the Chairman could fulfil and complete his role at the end of the Opening Plenary. Mr Robinson retorted that the discussion had already moved on from the first subject but if Mr Mallon wanted to return to it then this was a matter for the Chair. Mr Mallon continued by posing the question again in an attempt to understand the full extent of the Chairman's role. Again he asked was it possible for the Chairman's role to end sooner rather than later. The Chairman in reply indicated that this was theoretically possible if the Plenary didn't reconvene and no other functions were assigned to him. However, he indicated that in his reading of the documents and proposals put forward by the two Governments, there was an assumption that reconvening the Plenary did exist. Mr Trimble referred to para 4 of the DUP paper and para 2 of his own party's paper which might be brought together in terms of the totality of references made thus far. Mr Attwood then expressed some concerns with para 18 of the DUP proposals and he quoted same. This, in his view, appeared to be somewhat cumbersome in that a minor proposal would still be subject to the mechanism suggested by the DUP, thereby causing a greater burden on the Chairman. If this was the format to deal with minor issues, this also meant that urgent or critical issues also had to follow the same format. He asked was this really in the best interests of progressing the negotiations?



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11. Mr Robinson indicated that he believed this system had operated before in the previous talks process and there had been no difficulties with it. He continued by saying that he felt this was something which could be dealt with quickly and would work quite smoothly and it ensured ownership of the process. The Minister of State (Mr Ancram) indicated that the British Government would be happy to have this mechanism in Strand 1 discussions. Mr O'hUiginn for the Irish Government indicated that no decisions needed to be made at this stage. The process of the afternoon was, as the Chairman had indicated, concerned with consultation rather than seeking final agreement and he hoped this clarification helped. Mr Robinson returned to his previous point and suggested that if para 18 was not included then the Chairman could theoretically still go ahead and make a proposal which didn't have the support of the participants. Mr Trimble interjected saying that to all intents and purposes both his party and the DUP were talking about the same thing. Mr Mallon stated that he did not agree with Mr Robinson's assertion that this mechanism had provided a smooth process nor was it true that there were no problems in 1991/92. He referred to a paper being produced in the last talks which had never seen the light of day. Mr Trimble quickly asked for further clarification of this point. Mr Mallon provided it. Mr Trimble thanked him for the information which he now recalled and also the fact that the paper had been endorsed in Committee but not adopted in Plenary. The Chairman then asked whether he should bring forward proposals to assist progress on this issue and if so to what degree should such an approach be limited. Should the degree of limitation, he questioned, also be arrived at by agreement or by consultation with all the parties. At this point the Chairman suggested that the discussion move on to item 3 - "Committees and Subcommittees."



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12. Mr Robinson at this point asked what criteria had been used when drawing up the composite paper as to the selection of paragraphs which appeared. He wondered whether the exclusion of some of his party's paragraphs was as a result of other parties paragraphs on the same issue being accepted. The Chairman indicated that this was not his intention and that he had not personally overseen the compilation of the document now under discussion. He did however note that on the front page a note had been inserted as to the origin of many of the DUP proposals, which were in essence from the 1991/92 procedures. Mr Robinson commented that he was under the impression that everyone was working from a "blank piece of paper". The Chairman acknowledged the point but suggested that for the purposes of discussion one had to begin with something but that there had been no intent to disregard participants comments/input during the process. Mr Robinson indicated that he was not getting excited about his own para 18 nor any of the other comments. He simply did not want the assumption made that if comments were not visible everything was alright or the DUP's position disregarded in the ensuing discussion. The Chairman indicated that no such assumption was being made. Mr Trimble indicated that given the fact that the composite paper had to be pulled together quickly it was understandable that some problems had occurred with it and there were blanks in some columns where text should have appeared. This seemed in the main to have affected the DUP proposal.

13. The Chairman indicated that the DUP submission, namely paras 17-22, were relevant to this part of the discussion. The Chairman asked for any other comments in this area. Ms Hinds asked for a definition of the word "participants". Mr Trimble interjected by saying that this was all participants until otherwise detailed. Ms Hinds returned to the point and asked which participants could



establish committees or subcommittees. Mr Trimble suggested that she need not worry on this score, both committees and subcommittees would have negotiators on them and he didn't want this definition to be too narrowly defined. Ms Hinds asked whether the role of the Business Committee was to focus on procedures or substantive content. On hearing no further comments the Chairman agreed that the discussion should move on to item 4 - "Conduct of the Proceedings".

14. Mr Attwood stated that this discussion was unlikely to be much different from the previous exchanges. It was his view that the Chairman's role was to convene, schedule, reschedule and adjourn meetings. Without that power, the Chairman's role in his view became denuded. Retaining these powers was an essential point worthy of protection. He added that it might well be that other proposals would come forward from other parties on this issue but he was fearful that the proposal to have a Business Committee with these powers was unlikely to help the process. The Minister of State (Mr Ancram) asked whether there was a degree of understanding on this issue around the table. In his view the Business Committee did have a role to coordinate the three strands of the negotiations but this role would very much operate on a practical and pragmatic basis. For example, an adjournment in one of the strands would clearly need to take account of the progress of work in other strands. Any such adjournment, in his view, might also require referral back to the Business Committee for other reasons.

15. Mr Trimble intervened at this point, indicating that this issue was important but he did not view it as narrowly as the SDLP had indicated a moment ago. Mr Robinson on noting the Minister of State's comments returned to his earlier point, questioning whether the current discussion was in fact working from a "blank piece of



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paper" in the first instance. The Minister of State indicated that the Government had not precluded representatives being involved in all strands of the negotiations. However, it was a requirement of the Business Committee to monitor and co-ordinate the work across the three strands. Mr Robinson stated that he had no quarrel with the Minister of State on his reply but was he now also suggesting that this "requirement" was already contained in the Ground Rules and if it was, where did this leave the "blank piece of paper". The Minister of State indicated that if certain action was desirable he was merely stating that there may well be some sort of "requirement" to get it taken forward. The Chairman asked for clarification as to whether the UUP proposal in this section (para 12) was to make certain that procedural scheduling was done with the observance of the participants. Mr Trimble indicated that his party's view was that all such mechanisms should be available to facilitate discussions without marginalising anyone. The Chairman indicated that these discussions on this issue still had not altered the debate with regard to "format" - item 1 held earlier in the afternoon.

16. Mr Mallon asked whether participants should be reading item 4 on the composite document with item 14. The Chairman asked whether it was then feasible to move from item 4 to item 14. Mr Mallon referring to item 14 said that, in his view, the Business Committee had the responsibility to create an indicative calendar and, by definition, consultation with everyone would be required on this. The Chairman proposed that the business move to item 14 and close comments on item 4. At this point Mr Robinson asked where the DUP's views on this issue were in relation to the composite document. They had not been included yet he assumed that there had been no intention for the DUP's comments to be ignored. He continued saying that perhaps the problem related to the difficulty



of having so many documents and submissions available and he therefore wondered whether everyone should get the DUP proposals out and have these beside their copy of the composite version. The Chairman agreed with this and asked for any comments on item 14 - "the Business Committee". Mr Trimble asked for clarification from both Governments as to the text of item 14 and, at the same time, he sought views on whether it was possible to establish and maintain an indicative calendar in practice.

17. Mr O'hUiginn in reply explained that he was not the author but that thought had been given by both Governments to the different strands of the process, without implying in these thoughts that the indicative calendar should set a limit to negotiations. In his view the text simply provided an assurance that timetables would avoid conflict and be able to provide a reference point back. The wording had been constructed from the standpoint of the Governments' best endeavours and should not be viewed in any way as the Business Committee applying coercion. Mr Leach agreed with the Irish comments that the indicative calendar was not to be viewed as a straitjacket but simply as a reference to the pace of the negotiations in terms of timing and duration of meetings. Mr Trimble asked whether this sentence was then redundant. Mr Robinson believed there to be a different approach on this from the two Governments and he preferred the Irish version of comments previously offered by Mr O'hUiginn. He did not go along with the British Government's remarks regarding the "pace" of proceedings which he likened to "driving" or controlling the speed of the process. In reply, Mr Leach restated the point that the indicative calendar simply involved assumptions that had to be made regarding the timing and duration of the negotiations. There was no attempt on the British Government's part to use the calendar to drive towards a prescriptive timetable.



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Mr Ervine intervened referring to the potential straitjackets being proposed with regard to the role of chairmen and hoped that the straitjacket wasn't also of a length which resulted in emasculation of the Chairman!

18. Mr Adams sought clarification on the role of the Business Committee in relation to groups or individuals in any of the strands of negotiations meeting with the Chairman. Mr Trimble responded to this, indicating his view that the Business Committee would perform such a co-ordinating role. Mr Attwood indicated that some facilitation of communication between the Business Committee and the Chairman was all that was required. Mr Trimble indicated that he believed heavy weather was being made of this point. A small group of representatives was all that was needed in the Business Committee and the co-ordinating role previously mentioned could easily provide greater facilitation towards the process as a whole. Mr Mallon suggested that such mechanisms were not required and that if he wanted to see the Chairman then he would not be going through the Business Committee. He saw and acknowledged the Unionist Parties' role in suggesting this particular mechanism, but believed it to be silly and stated that sheer logic should dictate that it be left out. Mr Trimble in referring to para 10 of the UUP proposals indicated that he was only trying to tease out what these statements actually meant. Mr Robinson asked for clarification as to whether para 17 of the UUP proposals referred to more than what it actually said. Again he was hopeful that some explanation could be given on this.

19. The Chairman at this point suggested that it would be useful for all participants that a separate document covering the DUP input to this process be prepared. This would be drawn up and distributed as and when practical. Mr Robinson again referred to



some of his party's comments not being included in the current draft document. The Chairman understood this and explained that that was why he was trying to produce a separate paper so that earlier concerns could be accommodated. He agreed that before circulating the separate paper to other participants a copy should go to the DUP. If they were then happy with it, it would be circulated to others. Following a further response from Mr Trimble in relation to para 17 of his party's proposals indicating that no sinister agenda lay behind this point, the Chairman suggested that the discussion move on to item 5 - "Failure to Attend".

20. Mr Trimble sought clarification as to para 32 of the DUP proposals which referred to the "agreement of the remaining parties". Did this refer to those that were in attendance? Mr Robinson intervened saying one had to have this agreement because it was important in the overall scale of the proceedings. He continued saying that he believed this statement should not be interpreted as unanimous agreement but that different levels of agreement were probably likely to be required for different subjects. Ms Hinds suggested that this paragraph was quite bizarre. She failed to see why meetings couldn't go ahead if parties were present irrespective of whether they were all present or not. In any other organisation the meeting would continue and not wait or postpone on the basis of some participants whom, although knowing about the meeting, hadn't turned up. Mr McBride agreed with these sentiments. Mr Hutchinson asked whether Mr Robinson's earlier comments should be taken as suggesting that everyone should wait for Sinn Fein coming into the discussions. Mr Robinson stated that this was complete nonsense and nothing of the sort should be taken from the contents of this paragraph. There were conditions to be met before Sinn Fein entered the process. Para 32 was related more to ensuring that meetings



started on time and weren't delayed through waiting for others who might not be attending. Mr Mallon indicated that he believed some serious suggestions were being made but on the other hand there was quite clearly some nitpicking and some frivolous remarks arising. On the issue of para 32 there was a simple case and scenario to be drawn that if the person chose not to be there then that was up to them. He firmly believed that this was another clause which should be withdrawn from the guidelines.

21. The Chairman indicated that there was no requirement to reach agreement at this stage but simply to note the views of the participants and move on. With this the Chairman asked for comments on item 6. Mr Robinson asked about the whereabouts of para 18 of the DUP document. The Chairman made reference at this point to the DUP paras 17-23. Mr Mallon intervened saying that the UUP proposal (para 9) under item 6 gave him cause for concern. Mr Trimble quoted the 1991 arrangements regarding what the Chairman could comment on. The UUP and DUP had based their proposals on these arrangements. Mr Mallon asked whether this included the Strand 1 Chairman as he believed this was not appropriate as it did not appear that the participants had the right or power to do this. Again he believed that this clause should come out of the procedural guidelines and, given the nature of the process where copies of documents and other information could find themselves beyond the confines of the confidential meetings, he would be worried about this paragraph's contents. Mr Robinson indicated that the same procedures worked in 1991 and nobody thought that the Chairman's role was devalued as a result. Mr McBride suggested that some of the colleagues round the table were basing their proposals on 1991 but others wanted to make an improvement on them because problems had occurred in the last talks process. The Minister of State (Mr Ancram) indicated that he viewed the talks



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process as confidential. Mr Trimble said that he intended to protect the confidentiality of the talks and he reaffirmed the view that these mechanisms were successful in the previous talks. Others he acknowledged weren't, including the rubric of nothing being agreed until everything had been agreed. He indicated that he believed such guidelines for the Chairman did not present a problem.

22. The Minister of State quoted para 16 of the Governments' Ground Rules and wondered whether it was possible to tease out the purpose of para 9 of the UUP's proposals at this point.

Mr Hutchinson suggested that the participants concentrate on 1996 process and not the 1991 as certain parties who were now in the room were not involved in the previous process. Mr Attwood asked for clarification of para 7 of the UUP's document on this issue. This referred to the Chairman consulting with the Business Committee on the arrangement of business and exercise of their functions. Mr Attwood claimed that this was an overloading of instructions about the exercise of functions and asked what more did this mean for the Business Committee over and above the other proposals which were being put forward. It seemed to him that the Business Committee would soon become some sort of disciplinary committee.

25. Mr Trimble in response said that he believed these paragraphs tidied up the process and tied in with other procedures under discussion. He was of the opinion that all of these proposals could have a useful function within the procedural guidelines. Furthermore he believed the Business Committee could still be used as an effective channel of communication between the participants and the Chairman. Mr Mallon enquired further about para 8 of the UUP submission on this point. He considered this statement did not



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make sense and was actually insulting to the Chairman. Mr Trimble asked who Mr Mallon believed the Chairman should be consulting with. Mr Mallon responded by acknowledging that there may well be a difference in writing ("participating delegations" and "delegations participating") but the overall point was still that these comments and suggestions were insulting and should therefore be ruled out. Mr Trimble indicated that the discussion had yet to reach guidelines in the Strand 3 negotiations and there might well be examples in this context where it was not appropriate for the Chairman to consult with certain parties. Mr Mallon then asked for clarification following Mr Mallon's remarks on whether the Minister for Political Development (Mr Ancram) could not consult with the Irish Government. Mr Trimble replied that this was surely an obvious point because "consultation" focused on specific matters. Ms Hinds suggested that all the participants should be encouraged to be part of the process and therefore any restriction on the Chairman's role which the UUP proposals seemed to be suggesting was not helpful in assisting the forward conduct of negotiations. The Minister of State referred to the Government's Ground Rules in para 19 and the procedural guidelines in para 23 which, he concluded, clearly spelt out the liaison arrangements with the Irish Government. Mr Trimble took the point that information and consultation belied a significant difference and should be acknowledged as such. The Minister of State acknowledged Mr Trimble's point. The Chairman then asked participants to move on to item 7.

25. In opening his remarks on this issue, Mr McBride asked about the timing of the day's proceedings. The Chairman indicated his intentions as to completing the review of both documents as soon as was practical and certainly in time for a report to be made to the Plenary on Wednesday at noon. At this point the Chairman left the



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room temporarily and was replaced by Mr Holkeri. Mr Trimble indicated that the second and third sentence of the UUP proposals should actually appear at item 8 in the composite paper.

Mr Holkeri, acting as Chairman, then asked for participants to move on to item 8 and sought comments on this.

26. Ms Hinds asked whether there was any significance in the style of drafting in para 6 of the UDP's proposals - particularly the order in which the words "order" and "procedure" appeared.

Mr Trimble suggested that there was no significance in this.

Mr Mallon then referred to para 20 and 21 of the DUP proposals and also paras 27 and 28 of the UUP paper. Mr McMichael asked whether this particular issue was not for discussion later on. Mr Mallon acknowledged the point and there was general agreement that this should be dealt with later in the proceedings. Mr Attwood added that it would be good future practice if the Chairman made a ruling and that ruling would then be binding on all concerned. The Minister of State (Mr Ancram) sought clarification of this point.

Mr Attwood responded saying this ostensibly was the difference between "may" and "will" in both the Governments' and UDP proposals. Mr O'hUiginn made the point that it was useful to leave an element of discretion in the hands of the Chairman and agreed that there was a distinction between the two words. Following a further point of clarification Senator Mitchell, now returned to the room, asked that participants move on to item 9.

27. There were no comments on this issue. However Mr Robinson sought clarification as to whether no comments were viewed as everyone agreeing on the particular point. The Chairman noted his remarks and suggested that the participants proceed having made no comments or reached agreement. He stated that as far as he was concerned silence would not be treated as acquiescence or consent



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on a particular point. Before moving on, Mr Leach raised a point concerning the inclusion of the word "reasonable" in item 9. Mr Trimble however believed that any amendment to the wording was not required. There were no comments from the participants on item 10 and, as such, the Chairman asked that everyone move on to item 11.

28. On item 11, Mr McMichael put forward a proposal that the word subcommittee should be pluralised. The Chairman noting the point emphasised again that nothing said now during the discussions precluded anything which could be raised by anyone in the future. The purpose of this discussion was primarily to get a feel for the issues which were felt to be important and to allow others to take account of these as well as noting the agreement and disagreement arrived at. With those comments the Chairman suggested that the process move on to item 12.

29. Mr Trimble began by asking what this meant in terms of the Governments' proposals. Mr Robinson sought clarification from the Minister of State as to the background to this paragraph. The Minister of State commented that he believed he had covered these points earlier in the meeting when points had been aired on the issue of Plenary meetings. In the context of item 12 he considered there may be a number of other scenarios, of which decommissioning might be one, where a further Plenary session might be called to review progress. Mr Robinson asked whether there would be a mechanism whereby Chairmen would be acquainted with what was going on in the various strands on an on-going basis. The Minister of State again referred to the role of the Plenary session in answering this point. The Chairman asked for any further comments. There were none at this point. The Chairman then moved on to item 13.



30. Mr Robinson made reference to UDP proposals which did not appear to fit in with other topics at this point on the composite paper. Mr Mallon asked whether the UDP would accept the removal of "all" from para 10 of their proposals. Mr McMichael indicated that he felt it was more appropriate to have a unanimous decision on this point unless or until rules were adopted from the present guidelines. Mr Robinson asked whether the discussions were operating under the Governments' procedural guidelines. The Minister of State again provided clarification on this point. Mr Robinson acknowledged the response from the Minister of State in relation to the specific point on the UDP proposals but again asked about the actual rules and whether or not the present process was using those proposed by the joint Governments. The Chairman indicated that there were no rules in existence at present and this had already been covered earlier in the discussions on more than one occasion. Mr Robinson asked what level of agreement was likely to be required to agree the rules of procedure when finally brought together. The Chairman outlined the position as he saw it in this. The process had started with a blank page in good faith but he agreed that the present discussion did have to produce a definition of what constituted "agreement" at its conclusion. Mr Robinson continued saying that if the meeting went along with this, this in his view left the impression of the level of agreement being fixed. He indicated that it must be possible to "find out" the level of agreement, and perhaps unanimity was the way forward; on the other hand however it might not be. He continued saying that whatever way agreement was reached, it needed to be resolved now before moving on to talk about other differences.

31. The Chairman indicated that he felt this was an issue that the participants had to decide upon when the current job in hand



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was completed. Mr Ervine indicated his support for Mr Robinson's point. He continued saying that if "sufficient consensus" was to be achieved then perhaps the level of agreement reached on this issue should be used for future negotiations. The Chairman suggested that the task in hand be concluded first before moving on to other items in the paper. Mr McMichael intervened at this point, referring to an earlier proposal as to what the difficulty with the word "all" was. Mr Mallon responded to this saying that he was trying to avoid problems which might come later in the process. If the word "all" was left in this might create problems if tensions arose between various parties and groups further down the road. All he was trying to do was to achieve a means by which the decision-making process was not pre-empted in any way. Mr Adams outlined his reasons for insisting on the word "all" and believed that once the rules had finally been adopted then amendment of them required the agreement of all. This had the advantage of avoiding changes proposed by some who might see procedural rules operating too well.

32. The Chairman asked for any comments on the next item No 13. There were no comments on this item. The Chairman then moved on to item 14 and sought clarification, as did the Minister of State, on the issue of how many nominees should be on the Business Committee. Mr Weir suggested that this issue required some flexibility and suggested that one member, not necessarily designated as a negotiator, would be sufficient. This was agreed by the UDP, the NIWC and the SDLP. Mr Robinson suggested that his party's proposal would be as per para 14 of their submission (which had not appeared on the composite paper) which actually represented a different proposal to what had just been made. Mr McBride believed it necessary to have 2 people or places per party on the Business Committee. He went on to suggest however that one of these might



be a participator with the other one being used in a back-up manner. Mr Ervine suggested that if everyone was going to spend 24 hours a day at meetings then the PUP were going to be in grave difficulties in attempting to cover Business Committee commitments and negotiations. Following a further point from Mr Robinson and Mr McMichael, Mr Weir stated that it was the principle of agreement that his party sought and suggested looking at the weighted vote factor to progress matters forward. This might result in parties having the same number of people on the Business Committee but not necessarily having the same number of votes. Mr Mallon intervened, suggesting that this idea would not work in a practical way. He continued saying that if agreement couldn't be achieved on such an issue as this then how was it going to be possible to reach agreement on the substantive issues. Mr Weir suggested that a formula for agreement in resolving representation on the Business Committee could then be applied across the board in other negotiations. This would at least provide a numerical consistency throughout.

33. Mr Mallon suggested that this would have to be decided later on when "sufficient consensus" was discussed. There was no point in pre-empting this now as it was not a wise move. Mr Weir stated that he was not trying to pre-empt the decision-making process but it should at least be consistent when the time comes. Mr Mallon restated his earlier point suggesting that some things could not be defined that easily. Mr Robinson, in returning to the question of representation on the Business Committee, suggested that it would be useful for each party to have someone there on a full-time basis. However, there could be people within delegations who had other duties and therefore a second person, perhaps being used as a back-up would be a good thing. The important point was that one needed to arrive at something which would work in a practical sense



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and which would also be able to accommodate the smaller parties who had only two delegates. He did however believe that the Business Committee could themselves make the necessary arrangements to cover all the points already discussed. In response to a point raised by the British Government team in relation to the UUP's proposals on the previous item regarding unanimity, Mr Robinson stated that he did not agree that the same levels of agreement were required throughout the process but thought that perhaps lower levels may be required on occasions or in certain circumstances.

34. The Chairman asked participants to move on to item 15. Mr Weir stated that he wanted to look again at this and also para 21 of his party's proposals. Mr Robinson indicated that para 25 of the DUP submission should have been included on the paper in this sector. The Chairman noted this and asked participants to move on to item 16. In commencing the discussions on this item Mr Robinson asked that participants should try to agree on two aspects:- the definition of "sufficient consensus" other than unanimity and an assessment of what other lower levels of agreement might be required as appropriate. The Chairman asked participants what decisions should require unanimity other than those already suggested. If there were none, he added, then a definition of "sufficient consensus" should be considered. He went on to indicate that item 16 of the document purported to suggest a number of courses of action which the Chairman could take beyond the definition of "sufficient consensus". He asked participants whether they had any comments on these courses of action before he entered into a discussion on the definition of "sufficient consensus". There were no comments at this point. The British Government outlined their view that participants should try and reach unanimity as progress was made in the negotiations rather than going for the route of "sufficient consensus" as a readily



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available second option. However, it recognised that determined efforts would need to be made to ensure that the achievement of unanimity was gained as much as possible throughout. Mr Robinson asked whether it was feasible to reach agreement on the steps taken or courses of action needed to reach "sufficient consensus" and the issue of the definition of "sufficient consensus" could be dealt with afterwards.

35. The Chairman sought confirmation from the participants as to whether it was their objective to reach unanimity as much as possible. If this was the case then a mechanism was needed to try and ensure unanimity. The next position was to move towards a definition of "sufficient consensus". He asked participants whether he had got this right in his own mind. They agreed. Moving on from this the Chairman indicated that there were two questions which needed to be addressed:- (a) what were the immediate steps needed to reach "sufficient consensus" and (b) what was the definition of "sufficient consensus"? Mr Close suggested that if everyone in the room was going to be genuine about this issue then each and every mechanism on this matter should be made available to the Chairman. Mr Durkan stated that he also believed it important to leave the initiative on this issue with the Chairman. He commented that there was a distinction between the three options in the UUP proposals and the other proposals being put forward by the other parties. The latter, in his view, appeared to be more compatible, tidier and in keeping with the progress of negotiations within the Strands. Mr Trimble suggested that participants were making heavy weather of this issue. The options outlined in the UUP paper were put in, as he indicated, as a matter of convenience. The key issue for the UUP was how the participants decided to sort it out without emasculating the role of the Chairman as per para 10 of his party's proposals.



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Mr Robinson indicated that para (d) of the DUP paper had gone missing at this point. Following further comments of clarification from the UUP and the British Government team, the Chairman suggested that as the discussion was moving towards an important issue it may be helpful for the meeting to adjourn for 30 minutes before going through the remainder of this paper and the second paper which would focus on proposals for the Agenda. Following this, the participants would need to decide how the meeting and the business proceeded from this point. In the event, the Chairman, having listened to remarks around the table, suggested that an adjournment of 45 minutes be applied. The meeting therefore adjourned at 17.32.

[Signed]

Independent Chairmen Notetakers  
19 June 1996

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