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From: Independent Chairmen Notetakers
5 July 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND
AGENDA FOR PLENARY SESSION - TUESDAY 2 JULY 1996 (14.06)

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 said that the speakers who had indicated before the break were Mr McCartney, Mr Empey, Dr Paisley, Ms Hinds, Mr Close and Mr Hutchinson. He said that the discussion had focused on the status of the Ground Rules and pointed out the need to deal with that particular issue fairly and in a straightforward manner. The DUP amendment together with the SDLP amendment on page 5 deal with the matter. However, he proposed to hear from the six speakers as indicated above and then set the issue and the question of the associated amendments aside and proceed to finish discussion on the rest of the amendments. His staff will prepare an updated document on the rules of procedure on the basis of the two documents discussed so far. He will then table the document on the Ground Rules paper and have a discussion squarely on that issue.

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So we will finish the rules paper first, then update it, then proceed on to the Ground Rules. Delegations should remember that this is just a discussion on the issues, we are not disposing of them at the moment.

2. Mr Mallon asked if the Chairman was proposing to consider amendments to the rules of procedure under discussion in the Ground Rules document. The Chairman said yes, because the amendment raises the direct question of the status of the Ground Rules document. The discussion so far on the rules of procedure weaves in and out on this particular issue because of the relationship between the rules of procedure and the Ground Rules, so there is a need to deal with the Ground Rules directly. No rights would be lost by delegations on their amendments because this is a purely procedural move.

3. Mr Mallon asked what about the parked amendments on the rules of procedure. When will they be resolved? The Chairman said that was a practical matter and that there won't be a resolution until these matters and the agenda are finally decided upon. The revised rules of procedure paper will include everything discussed to date and the amendments noted as not agreed upon. He will then table the Ground Rules paper to deal with it directly.

4. Mr Mallon said that the problem is that discussion on the Ground Rules will more than likely be inconclusive because we will want to see decisions on the rules of procedure first. The Chairman agreed and he said that we have what amounts to several chicken and egg situations, but we have to move forward and not seek binding decisions on particular matters.

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5. Dr Paisley said he could see Mr Mallon's point. An amendment put down earlier today to control the Chairman was refused by both Governments, yet we have to face the standing of the Ground Rules. You won't find a perfect way of getting through the problems. The Chairman said we would proceed in the way proposed as no objections have been raised so he directed the delegations attention to page 5 in the additions paper.

6. Mr McMichael said that before the lunch break we were dealing with amendment DU2 and DU/UK1-4 and had discussed the matter of the words "from time to time" and what they meant. He said that he found it unhelpful that Mr McCartney thinks the loyalist contribution to the cease-fire and the democratic process has been of limited value. As to Mr McCartney's suggestion that the actions of loyalists to facilitate a peaceful solution were of no value, Mr McMichael said it was unfortunate to hear these sentiments being expressed. The role of the UDP is to offer help and analysis to the paramilitaries to get them to move forward. He felt that this was of great value. If they did not take this action, where would the situation be today. He is concerned about the phrase in question. The DUP said it was merely a duplication of Section 2(3) of the Act. If so, then would they delete it from the amendment.

7. Dr Paisley said this phrase covers everyone; everyone has to comply with it. When the decommissioning issue comes up everyone will have to stay within their declarations. If the time comes and the PUP/UDP say that they cannot comply with the requirement - and it is a continuing requirement - the phrase would be relevant. But it needed to be noted that all parties are covered under this requirement. Mr McMichael said that he did not doubt that. Dr Paisley said that just because the PUP and the UDP are at the table today it does not presuppose that that will always be the

case; their attendance is contingent. Decommissioning will be dealt with in stages. If, say, the UDP don't comply with the second or subsequent stage, the phrase in question will apply. Amendments numbers 1 and 2 are the DUP's view of that part of the Ground Rules which has legal standing, though the Irish Attorney General argued differently. Mr Robinson dealt with that matter by bringing in the House of Commons papers to show what Minister Ancram had said on the issue at the time. He said that if you look at the UUP document, they enlarged on that particular point and that his party, the DUP, wanted a concise amendment.

8. Mr McCrea said that he wanted to hear what Minister Ancram had to say on this in view of a meeting that the DUP had with the British Government where the Secretary of State said that he had no problem with the DUP amendments number 1, 2 or 4. There was a problem with number 3. Dr Paisley said that that was absolutely true. There were two delegations at the meeting because the UK Unionists were also present. That is why he referred to the point at the opening of the debate on this particular matter.

9. Ms Hinds referred to all four DU amendments. She said that DU1 adds nothing. With regard to DU2, both the UDP and the PUP were in difficulty over the phrase. She felt that generally we should not try to exclude participants from this process. Dr Paisley referred to the 1996 Electoral Act, Section 2(3) which stated that "the Secretary of State shall refrain from inviting nominations from the nominating representative of a party, and shall exclude delegates already nominated from entering into the negotiations". So it seems that delegations can be in the negotiations and then can be put out. Ms Hinds said that was not her interpretation. As to DU4, this falls within the duties and functions of the Chairman and it is really proper to the debate in

the rules of procedure. As to the second part of the amendment which refers to the basic documents, she felt that we had started with a blank sheet of paper and that they will replace the procedural guidelines. There still has to be a debate on the agenda and the document prepared already will form part of the discussions on that item. Mr McCartney wondered whether Ms Hinds was saying that the rules of procedure will abolish the Ground Rules. Ms Hinds said no. Mr Hutchinson said that he had no further comment to make as Mr McMichael had already made the point of concern to him.

10. The Chairman at that point said that he proposed to move to the second half of part B of the UUP amendments. Mr Empey said that of the final two amendments, UU1 is parked with the debate on para 17A and it can be set aside for now. UU2 is tied in with DU22 so it should be left for the moment. With regard to the amendment entitled GR10, that has been dealt with it already so it can be set aside, GR11 has been dealt with elsewhere, so it can be withdrawn and GR17 - the exit clause, still stands. In this connection he said that GR17 was a necessary mechanism to take account of the circumstances already discussed today, where people failed to give up their commitments in accepting the Mitchell Principles. One participant has not complied and there would have to be continuous compliance to ensure continuous participation. The wording of the amendment is negotiable but he is quite sure that there is a necessity for a provision such as this one. They do not want a situation arising whereby people can remain at the negotiating table, having entered the process on the basis of a commitment to the Mitchell principles which was subsequently broken.

11. Mr Smyth asked whether this amendment will apply to the UUP. Mr Empey replied yes. If the UUP engaged in rabble-rousing or

encouraged people to take certain actions, that would show bad faith on their part. The rules will apply to the UUP. People have carried out such incitements in the past. Mr Smyth said that the people in the PUP would not be doing anything like that. They have always encouraged political progress through democratic means. Mr Empey said that a mechanism is needed for a contingency that may not actually occur. But everyone knows that Sinn Fein has the capacity for a double standard, so it would be reckless to accept the word of Sinn Fein on any other basis. Their mandate from the armalite and ballot box strategy shows that they can sign a declaration at local government level and then place arms and explosive charges shortly afterwards. They will use and turn the process to their advantage. We would be participating in a charade if we allowed them to use the process to tarnish delegations with their illegal activity. He emphasised that the UUP could fail the test as some members of the party have not come up to this standard in the past. The intention to comply with the principle is paramount and the need for the mechanism is well recognised.

12. Minister Ancram said that the principle itself is not a new one and drew attention to para 17 of the Ground Rules. That paragraph does not actually provide the mechanism for the principle so his side have an amendment to deal with the issue. He wanted to table the amendment now and have an adjournment to consider it.

13. In view of Mr McCartney's offer to speak, the Chairman asked Minister Ancram to hold off tabling the amendment for the moment. It could be distributed in the meantime during Mr McCartney's contribution and then he proposed to adjourn the meeting to consider it. Dr Paisley wondered why the amendment does not refer to decommissioning. Mr Empey said it was not a perfect response

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and he will consider any amendments. They see the decommissioning issue as a big agenda item and it is just one item of many.

14. Mr McCartney said one has to look at the proposed amendment against the background of the setting up of the negotiations. He said that three principles were involved:

- If party was involved in terrorism there had to be a permanent cease-fire.
- To gain admission after an election, the delegations would be invited to be at the talks.
- The parties can only stay in the talks under para 13 of the Ground Rules if they i) signed up to the six Mitchell Principles and ii) addressed its proposals on decommissioning.

In summary, the first two principles got people into the talks process; the third is the test by which they remain in the talks. He raised a question in the House of Commons as to who would expel people from the negotiations who did not meet the requirements. Was it the Governments? The matter was raised head-on in the House of Commons but it wasn't resolved.

15. Both Governments have said that Sinn Fein/IRA are two sides of the same coin - a Dr Jekyll/Mr Hyde. The criteria also applied to other parties who brought representation on the same basis. As to Sinn Fein/IRA, it is apparent that leading political people in the organisation held active positions in the IRA and they may still do so. With regard to the PUP, they have shared interests

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with the UVF and the UDP have contact with the UFF and the UDA. These are proscribed criminal organisations.

16. Sinn Fein declared a cease-fire on 31 August 1994 and the loyalists declared theirs on 13 October 1996. At this point there was an argument over the precise date of the loyalist cease-fire whether it was 13 or 14 October and there was reference to the timing of the cease-fire to coincide with the Tory Party Conference. Mr McCartney said that the date of the original cease-fire was 14 October and it was changed to the date the Prime Minister was making a speech at the Tory Party Conference. Also the IRA cease-fire was arranged for a particular day to take the pressure of the then Taoiseach, Albert Reynolds, because of the Beef Tribunal's Report.

17. Both loyalist groups have had a record or clear connections in the past with the proscribed organisations. They may have had a conversion to democratic politics but they are known to have a peculiar relationship with armed loyalist terror groups. If Sinn Fein/IRA do not decide on decommissioning then they will not decommission. They also say that if there is a commencement of IRA violence, they may not be able to contain a loyalist cease-fire. So the parameters that apply to Sinn Fein/IRA must apply to them. If there was an IRA outrage in Northern Ireland and a consequent loyalist terrorist response, can these parties remain at the talks? The DUP amendment DU2 with its reference to "from time to time" deals with this eventuality.

18. Mr McCartney said he has no objection to the UDP/PUP participating in the negotiations on the basis that they conform to the rules and procedures for democratic dialogue, otherwise he will treat them as he treats Sinn Fein/IRA. Mr McMichael said that none

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of the three members of his party, himself, Mr Adams or Mr English, have any terrorist background. Mr Ervine intervened to say that one person on the UDP delegation has no criminal record whatsoever. At this point the Chairman adjourned the meeting for 20 minutes at 15.10.

[Signed]

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