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From: Independent Chairmen Notetakers
4 July 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND
AGENDA FOR PLENARY SESSION - TUESDAY 2 JULY 1996 (12.21)

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 meeting at 12.21, indicating that prior to the adjournment he would ask the Minister of State to respond to his earlier amendment proposals regarding Para 7 of the original draft rules of procedure to which several other amendments had now been tabled (ie DV22, UKUP separate amendment, a DUP separate amendment and a UUP separate amendment. This one reproduced at Annex A.

2. The Minister of State said that he now had had the opportunity to look over all the amendments proposed. He believed that the form of words proposed as original rule 7 was worth sticking with but intimated that the British and Irish amendment at point number 4 did he believed meet the concerns of the

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participants. He therefore offered it in the spirit of being helpful towards these concerns and in terms of moving the process forward. The Minister of State commented however that if point 4 was not acceptable to the parties in the spirit that it was presented, then he would withdraw the amendment and stand by the original para 7 of the draft rules. Mr McCartney sought clarification from the Minister of State as to whether he was now rejecting points number 5 and 6 on the list both of which were the same, apart from the use of the word "exclusively" in point number 5 (DUP) and the word "solely" in point number 6 (UUP). Mr McCartney asked the Minister whether these words were unacceptable to him. The Minister of State responded saying that the amendment as presented at point number 4 met the concerns raised earlier in the morning discussion and the general requirements of the rule in a non-prejorative way. Mr McCartney said that that was not the question he had asked the Minister. The Minister of State again emphasised that he had made a proposal which was in his view clear in what it said and in what concerns it met. Dr Paisley said he found it interesting to listen to the comments of the Minister and believed that this confirmed his worst fears on this particular issue.

3. The Chairman indicated that this was probably as far as this particular discussion could go and suggested that the participants then look at amendment DU1. On page 4 of the "proposed additions" paper dated 27 June. He asked for comments on this amendment. Dr Paisley said that he was happy to inform the meeting that these amendments were being put forward with the agreement of the Secretary of State in relation to DU1, DU2 and DU4. Dr Paisley emphasised the fact that the Secretary of State had found no problem with this language yet he believed these four amendments came to the core of the debate regarding the Ground Rules document.

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He then outlined what each of the amendments sought to achieve. In referring to DU1 and DU2 he indicated that both these amendments simply referred to the legal basis of the Ground Rules, ie, these were matters which the participants had to abide by. As regards to DU3, Dr Paisley indicated that this had already been discussed in earlier meetings. As for DU4, he also indicated that previous discussions had been dealing with the points contained therein.

4. Mr McCartney agreed with Dr Paisley that these amendments did go to the heart of the differences between the Ground Rules and the draft rules under discussion. He stated that these amendments flowed from the DUP/UKUP paper produced in response to the Chairman's series of questions on 26 June. He also added that the lengthy UUP document had covered exactly the same ground and was essentially saying the same thing as the four amendments. In the DUP/UKUP paper already referred to it was outlined that Ground Rule 7 was really the key to determining the status of the Ground Rules as a whole. It had also been highlighted that this was the only rule that contained a universally accepted democratic principle, ie, that the conduct of the negotiations were exclusively a matter for those involved in the negotiations. Mr McCartney continued saying that, all participants had arrived under the basis of a common set of mechanisms in terms of legislation, elections, etc. Participants had also arrived because elected delegates had conformed with the requirements in paras 8 and 9 of the Ground Rules. Mr McCartney suggested that apart from those matters, all the other Ground Rules simply represented a position of joint opinions/policies from both Governments. He indicated that the UKUP has simply setting out a position to which an amendment could be made, assuming that this was in line with the democratic principles as enshrined in para 7 of the Ground Rules.

5. Mr McCartney stated that he didn't like the language or tone of the Ground Rules as it indicated a dominant role for the two Governments. The language also gave effect to the fact that they were going to call the shots and shape the direction from which the outcome of the negotiations would be arrived at, hence this was a form of straitjacket. He continued saying that the outcome of the negotiations would, in the Governments' mind, arise out of the scenario of the Framework Document, yet the first set of draft Ground Rules produced in March of this year never mentioned the Framework Document. He stated, however, that the second set of draft Ground Rules had alluded to the Framework Document as presumably the Irish Government and the SDLP had wished these particular references to be put in. Mr McCartney said that if one looked at the Ground Rules and also looked at the references to the comprehensive agenda in rule 14 then this agenda was one which might suit all parties. He referred, however, to the point in rule 15 that the Governments might well use their influence in the appropriate strands in ensuring that all items on agenda were fully addressed and this was serious when you considered the Chairman of Strand 1 was the Secretary of State for Northern Ireland. Mr McCartney continued saying that this Chairman was mandated to influence the result of the negotiations to enable a settlement to occur within the Framework Document context, yet this document had been rejected by the majority of the people in Northern Ireland. He now understood why the Ground Rules wanted to be kept alive and he also understood the smaller parties' views on the Unionist insistence of going through a process of adopting an agreed set of rules of procedure separate from the Ground Rules. The smaller parties had largely been dismissive of the Unionists' policy on this and believed them to be nitpicking. Nothing, however, said Mr McCartney could be further from the truth as these were serious matters of fundamental concern.

6. Mr McCartney again made reference to rule 15, quoting the words "commitment themselves, for their part" as a reference to the Governments overcoming any obstacles which may arise during the process. Mr McCartney said that these were indicators of the inter-Governmental process at work to facilitate their agreed outcome to the negotiations. He added that a further indication of this was the Minister of State's recent reluctance to amend words put forward by the Unionist parties. He said that this might well be dismissed as an unimportant matter, but it might also signify that the Minister of State had moved from the position of certain words alluding to "criticism" of the Chairman to words which could be "offensive" to the Chairman. Mr McCartney said that he couldn't see how the words as suggested could be offensive to the Chairman but then he believed what lay behind the Minister's reluctance was status of the Ground Rules. He added that the smaller parties would do well to look at these matters. He went on to say that the DUP/UKUP and UUP views were on all fours with the comments as stated in DU3.

7. Mr McCartney then read this out to the meeting. He said that the process would ultimately have to face up to who was controlling these talks and what they were about. He then used the analogy of a rocket which when launched had, as its first stage, a common requirement to detach and become redundant. He very much believed that the original Ground Rules were similar to the first stage rocket analogy and believed that the body itself had to decide on the procedural aspects without Government control entering into the process. If there was Government control then this would seriously damage the confidence and trust which the people of Northern Ireland were placing in the process. It was up to the Governments to establish their bona fides on the confidence issues. There was

no trust of them from Mr McCartney's point of view when one considered that the Irish Government wanted a United Ireland and the British had no commitment to Northern Ireland. The latter, said however, Mr McCartney seemed to be at direct odds with the attitude of the British people. He continued saying that the whole process must go forward on the basis of open and honest dealing and where "words meant what they were supposed to mean" rather than to obfuscate or obscure the parties' intentions. Mr McCartney stated that if progress was to be made one had to clear away all the obstructions of the Command Paper Ground Rules to enable the real business to be conducted. Concluding his remarks, Mr McCartney indicated that participants should not serve the agenda of both Governments who were neither pro-union nor pro-nationalist.

8. Mr McMichael, quoting DU2, asked for clarification as to the words "who from time to time" as he did not believe this wording was necessary, given the wording of the Act. Mr Hutchinson agreed with him on this. Mr Ervine asked for clarification from the DUP on this. Mr Dodds said his party was simply referring to what was already in the statute and only doing this because of the Ground Rules reference. He continued saying that the amendments were fundamental to the negotiations as a whole and one had to ensure that the participants came to the negotiations on a level playing field. It was therefore important to try and achieve one single source of rules and reference and to avoid conflict with other rules. This was why the four amendments had been tabled in an attempt to achieve this position. Mr Dodds indicated that he didn't want to reach the position of a situation where one set of rules took precedence over another and he had overheard somewhat amazing proposal areas of difficulty or disagreement arose between the sets of rules, resolution would be the responsibility of two delegations to sort it out. There was, he said, not the way to

handle such issues and he believed that the major issue of a single set of rules needed to be sorted out now.

9. Following a point of clarification with the UDP, Mr McCartney asked the question as to whether both the loyalist parties knew what they were letting themselves in for in terms of accepting the status of the Ground Rules. Mr Ervine intervened at this point saying that he was only seeking clarification as to the words "who from time to time". He was not interested in the Ground Rules debate because this was going to be discussed later. Mr McCartney returned to the point saying that this was what the debate was about now. In his view the very cornerstone of the process was wrapped up in amendment in DU3. In going back to DU2, Mr McCartney said that he was always willing to talk and discuss matters with those involved in the democratic process but would not undertake this with people who were using violent means in an attempt to achieve political aims. He said he didn't believe that the playing field was level in this case and referred participants to paras 8 and 9 of the Ground Rules which provided entry for the participants into the process. Mr McCartney said that this raised another question. On the one hand the Chairman had a role in the rules of procedure now under discussion, but on the other who had the powers in relation to addressing the issues of decommissioning as outlined in paras 9-13 of the Opening Scenario document? He went on to add that the PUP and UDP were present because they had met the Government requirements, first of all in terms of a cease-fire and then secondly in terms of subscribing to the Mitchell Principles. Mr McCartney said whether they remained in the process would depend directly on how the decommissioning issue would be addressed and they may have to go or stay when this was determined. Returning to the original question from Mr Ervine, Mr McCartney said that it was therefore impossible to answer this question directly as this could

only be addressed when the decommissioning issue was addressed. However, he added, returning to one of his earlier remarks what was meant by "addressing" the decommissioning issue? Did this mean the powers that were mentioned in paras 9-13 of the Opening Scenario paper or did it mean the powers of the current body as handled under its agreed rules of procedure.

7. The Chairman indicated that the discussions had now reached the time of 13.00 and he had six people wishing to speak. Mr Hutchinson intervened in response to Mr McCartney's comments saying that he was glad that Mr McCartney had eventually recognised the PUP. He also wondered, on listening to the rocket analogy earlier, whether this in fact meant that Mr McCartney wanted some of the participants to be on the first stage of the rocket and hence become redundant. Mr McCartney said that the analogy was

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only used in the context of the Ground Rules and nothing else. The Chairman at this point indicated that he would adjourn the meeting and that the next session would reconvene at 14.00. The meeting then adjourned at 13.03.

[Signed]

Independent Chairmen Notetakers
4 July 1996

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