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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 (17.25)

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, as discussed, he proposed to take up the question of the status of the Ground Rules paper. In this connection he referred to his note of 27 June 1996 on the subject, setting out his summary of the views of the various participants and his assessment of the overall position.

2. Mr Close said his party's position is set out in their reply. He agrees that the parties are not likely to agree on the issue. He noted Mr McCartney's comments that "words mean what they are intended to mean". He noted also Section 2(1) in the electoral Act in that regard. If it had been the Act's intention to refer solely to paras 8 and 9 in Command Paper 3232, that would have been specified. Accordingly, his view was that the Act referred to the

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sum total of the negotiations. You cannot pick and choose and the whole document stands on its own. Some of the language can be borrowed from the Command Paper but you cannot negate the terms of the paper completely.

3. Mr Empey said that the meeting now has an opportunity to begin to focus on how to proceed and how to interpret its work over the past three weeks. They wanted to set out the rules of procedure in an authoritative single document which everyone would accept as the rules governing the proceedings. In para 12A of the rules they foresaw how to deal with the difficulty. The problem with the Ground Rules is a political one, not a procedural one. The Ground Rules document would have a superior or over-arching role which would be to constrain or direct the proceedings. It could predetermine the outcome of the negotiations. The initial attempt to draft the Ground Rules from March 1996 onwards show how the position has evolved or deteriorated, resulting in the present document. The authors say it represents their best judgement, but that view can be challenged. What the UUP needs to know is whether the authors are so committed to the rules of procedure they are attempting now to agree that the rules of procedure alone will be the authoritative text to control the proceedings. This goes to the root of where they now stand. The Governments should accept that their views are expressed in the Ground Rules, but that what has been done over the past three weeks in the negotiations is to get an authoritative text in the rules of procedure.

4. At this point Mr Dodds raised a point about the distribution of the papers by the delegations on this particular item. He received the Alliance Party document but he did not get others such as Labour, the NI Women's Coalition and the SDLP. Mr Mallon asked the Chairman whether he had received the SDLP paper. The Chairman

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said that he had. Mr Donaldson enquired whether the SDLP were prepared to share their submission with the UUP. Mr Mallon said that he would distribute their paper at the point when amendment number 1 was being discussed.

5. Mr Donaldson referred back to the document of 6 June entitled Procedural Guidelines. The opening paragraph of that document set out the position of the Ground Rules being overtaken by the rules of procedure and replaced by them once the participants in the negotiations agree. The relevant sentence reads "it is proposed that the Ground Rules and the procedural guidelines will together serve as the rules of procedure for the negotiations unless or until they are amended or replaced by rules of procedure adopted by agreement among the participants in the negotiations".

6. Mr Dodds said that on the issue generally, the conduct or subject matter of the negotiations is one for all the participants to decide. The Ground Rules are supposed to reflect the views of the two Governments following consultations with the parties, but the fact is that the two Governments are trying to determine amongst themselves as to how the proceedings will be conducted. The DUP want a level playing field in relation to rules of procedure. There cannot be something existing on a different plane which governs everything that the delegations will do over and above the agreed rules of procedure. That is the proper democratic way to proceed. He did not want to go into the legality issue concerning the Ground Rules document. It clearly does not have any legal status in its entirety. Leaving aside the political reality, the position is that we have to get back to a single document drawn up by the participants with no possibility of an appeal to the provisions of the Ground Rules. Further down the road someone may refer to a possible conflict or a difficulty as between the Ground

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Rules and the rules of procedure. In that case the SDLP will say that the Ground Rules have pre-eminence and that is reflected in their amendment. The Government for its part says that the issue should be referred to them. Neither of these approaches are acceptable. The Ground Rules have no status to bind, limit or constrain the participants. Only the agreed rules of procedure can do that.

7. Dr Alderdice said there are two components to the Ground Rules, namely the legal and the political foundations for the negotiations. As to the legal foundation, it is not persuasive that the only relevance is paras 8 and 9. The whole document is relevant. Earlier on, the meeting had discussed the procedure in relation to the exclusionary rule. As Minister Ancram said, Section 2(3) in the 1996 Act was meant to address that point in certain circumstances. There is no other reference in the Act to exclusion at a subsequent point, although there is a reference to it in para 17 of the Ground Rules.

8. Mr McCrea drew attention to the remarks by the Secretary of State in the House of Commons on page 80 of the relevant edition of Hansard dated 22 April 1996. The Secretary of State said that the negotiations were not his exclusive property and it was not open to him to exclude people from them once the negotiations had begun. That was a matter for the participants.

9. Dr Alderdice said the Government can do whatever it likes, but it must have a legal basis. The point is that because a legal instrument giving weight to the process of exclusion is needed, this shows that para 17 must be regarded as an integral part of the legislation. Could a challenge be mounted if the Ground Rules do not have legal force? You cannot pick and choose from the Command

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Paper containing the Ground Rules. It has to form part of the Act. Dr Alderdice also said that if Mr Mallon chose to put a view that the best course for Northern Ireland was to be part of a united Ireland he would have the right to say that. He (Dr Alderdice) would have the right to put the contrary view. He would not regard that as negotiating away principles. The requirement to put forward whatever the participants choose for discussion has been interpreted as possibly negotiating away the union. The whole of the Ground Rules document is important in that regard. The Ground Rules document, the Act and all other matters were a political compromise. Some parties didn't want an election, some did. The Ground Rules was part of a compromise. The document was already published before the elections. The 6 June document came after the elections but the Ground Rules did not. If you unstitch that, the whole process could become unravelled. The Ground Rules document is part of the foundation of the negotiations.

10. The Ground Rules provide a basis and we should not come into conflict with them - but otherwise we can have flexibility - for example, an agreed set of procedures. In cases of difficulty or conflict, then we could discuss the matter further in the Business Committee or in bilaterals, etc, without having recourse to the Ground Rules. At the end of the day there could be legal recourse to the Ground Rules for a solution. If the position is taken that there are some matters which cannot come up for discussion, that would be in conflict with the Ground Rules.

11. Mr McCartney said that it was necessary to set out at the beginning the views of the unionist parties in the matter. The Ground Rules are relevant; the issue is whether they are binding. The basis for the talks is that the two Governments wanted talks for their own reasons. They put out, in effect, a prospectus which

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was aimed at the nationalist community and Sinn Fein and it was a progression from the talks that took place in 1993 and 1994, the Joint Declaration and the Framework Document. That prospectus found favour with the SDLP and with the Alliance because those parties have endorsed the Framework Document. The Document was rejected by the pro-unionist parties. It had obviously the endorsement of the two Government parties and also the two loyalist parties who have an ambivalence to it. It was not a prospectus designed to attract pro-union party support. It had elements in it which the pro-union parties had opposed in the election as not containing a workable basis for progress.

12. If the Ground Rules are a compromise document it is not a product of consultation. It represents what the two Governments and their client parties could endorse. But those parties don't represent a majority. Mr McCartney challenged the PUP and the UDP as to whether their supporters endorsed the Framework Document or the issue of the union being up for negotiation in these talks.

13. Mr McCartney said that the DUP/UKUP response in their replies to the Chairman's questions was that the Ground Rules was not a legal document. The UUP, however, in their reply, developed the legal points involved. Had the Government intended that the Ground Rules should bind all the participants, it would have said so in a single clause. There is a well established legal maxim governing this point. It is "expressio unius exclusio alterius". No-one doubts that we are present at these negotiations as a direct result of the electoral Act and the terms of participation in those negotiations or as set out in paras 8 and 9 of the Command Paper. Section 2(3) of the Act relating to exclusion does not simply relate to the short period involved between the election and the start of the talks, but refers to the continuing period.

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14. From a legal point of view the Act merely identifies those parts of the Ground Rules which are necessary. But they are not binding on the parties who do not agree with them. For example, the unionist parties. It was mainly directed at the ultimate attendance of Sinn Fein. Mr McCartney said that the Chairmen must understand the background to the negotiations. This started with the secret talks following the London bomb in 1993 and proceeded through the Joint Declaration and the Framework Document. This in effect means that there will be no immediate move to a united Ireland but the agenda is that a procedure will be put in place which will guarantee it in time. The Governments' policy has been well forecast by others. This is a detailed machinery for achieving a particular end to get rid of the unionists. The position in the rest of the western world should be considered because no other state does not defend part of its national territory when it's under attack. The Government has said that it has no selfish economic or strategic interest in Northern Ireland. No other state would allow an independent sovereign state to have a claim on part of its territory or interfere in its internal affairs. This is the British Government's difficulty. It's not the first such case because it happened in the early 1980's with the Falklands.

15. At this point Ms Hinds raised a point of order saying how did the Falklands situation become relevant in the context of discussion on the Ground Rules. Mr McCartney said that Ms Hinds should listen and the position would become clear. He was trying to explain to the Chairmen who have no background in the matter and they might also read the Capotorti Report and the Helsinki Agreement which are relevant in this area.

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16. Mr McCrea said that as to Dr Alderdice's presentation he had dismissed the authority of the Secretary of State in his last intervention. Mr McCrea referred to Hansard of 22 April 1996 and to comments by Minister Ancram who said that Command Paper 3232 is not part of the legislation; accordingly what Dr Alderdice said was not correct.

17. Mr Mallon, in response to the question earlier from Mr Donaldson in relation to his document, read out the text of the document which is attached to this report as Annex A. He then went on to say that Mr McCartney had said that the Ground Rules document was a prospectus for Sinn Fein and their counterparts. The SDLP are not counterparts with a party of violence. Mr Mallon then traced the development of the Grounds Rules document through the various other documents. He then said that Conor Cruise O'Brien and Sinn Fein/IRA rejected the background documents as well as the unionist parties. He contended that one way to frighten the IRA is through making political progress. Such political progress arose from the Anglo-Irish Agreement. It is the working of the political process that the IRA fear because their thesis is that the political process does not work.

18. Mr Wilson intervened and asked whether or not the Joint Declaration had been welcomed by Mr Adams (Sinn Fein). Mr Mallon in response said that Mr Adams had wanted to cherry-pick the contents of the Joint Declaration just like the Unionists were now doing with the Command Paper. He (Mr Mallon) had attempted to elicit support for the document from Mr Adams at the time but had failed. He stated that he hoped the current process didn't fail again. Referring back to Mr McCartney's earlier comments, Mr Mallon said that it was inaccurate to categorise the Ground Rules as a political prospectus. He pointed out that the Joint

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Declaration had made no reference to the arrangements for Northern Ireland because these were contained in a separate document. He also wanted to challenge the point that the Governments had excluded the Unionists as Mr Dodds had seemed to be indicating earlier. He continued saying that the Unionists' refusal to deal was in fact a refusal to recognise other political positions and the aspirations which couldn't be met through their demands.

Mr Mallon reinforced the point that the positions could not be filtered through the Unionist political stream. The nationalist position was there in its integrity and stood alone. Again Mr Mallon rhetorically asked what the unreasonable thing was that the SDLP sought from the process. He added that it was nothing less than a Command Paper and a "Royal Command Paper" at that, nothing more, nothing less than status of this paper, the type of procedures in it and the statute itself. This was the "sinister" demand that the SDLP were asking for, that's what it had been asking for the last three weeks, but the root of the problem was the point he had made earlier, ie that Unionists were happy to accommodate anything provided it didn't have to recognise other parties' legitimate political aspirations.

19. Mr Empey said that he wanted to disabuse Mr Mallon of the notion that the UUP did not recognise the legitimacy of the SDLP position. Mr Empey continued saying that he sought nothing for himself in the present process of drafting rules of procedure that he did not seek for others. The UUP concern was not that the SDLP sought and received political comfort from both Governments. Their concern was that the original Ground Rules might well have some superiority over the draft rules under discussion. Mr Empey said that the UUP didn't want to rule issues in and out of the process on the basis that they provide advantages to one party or another but rather the objective was a finished product which had ownership

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around the table and agreement from everyone to move forward. As previously stated in earlier discussion Mr Empey said that it was impossible to have two sets of rules and again he asked whether the two Governments were willing to accept one document and one single source of reference for the rules of procedure under which the negotiations would be conducted. He emphasised that this didn't prevent the Governments advancing their own political arguments under this arrangement but the key issue of two sets of rules with one having superiority over the other had to be avoided.

20. Mr Mallon thanked Mr Empey for his comments. He also said that the SDLP did not seek comfort from the Governments nor were they present simply to get a fair hearing. Mr Mallon continued saying that the SDLP were present to negotiate and they weren't going to do this on a "grace and favour" basis. He said he had no argument with "Unionist paranoia" when they saw virtually everything in any Government paper as sinister. He continued saying that the SDLP had defined the status of the Ground Rules in their submission to the Chairman but what they now wanted to know was how were these going to be practically used in the negotiations. He already recognised the creeping in of words from the Unionist side such as "exclusively", "solely", and "only" and he was concerned as to how often this particular phraseology was appearing. Apart from that, however his party didn't know what practical use would become of the Ground Rules because the negotiations had yet to agree on any rules of procedure. Discussions still continued on these and he therefore wondered whether they would in fact be consistent with the original Ground Rules. Mr Mallon reminded participants that the SDLP had an amendment and he took the opportunity to read it to the meeting. Mr Mallon said that there was absolutely no doubt about the SDLP's absolute commitment to the Ground Rules. He stated again that any

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changes to the Ground Rules would have profound consequences to his party's view of the negotiations. This was reflected in the amendment he had read out a few moments ago. Completing his remarks Mr Mallon said that only when matters were resolved in their totality would he then see what the pro-union parties had been up to over the last number of days. Mr McCartney intervened asking Mr Mallon what these "profound consequences" were. Mr Mallon said that he wasn't got to let him know but that they wouldn't be invoked as a result of any heavy-handed stuff or from "a grace and favour" basis. It would, at the end of the day, all depend on the terms of the written documents produced at the end of this process.

21. Mr Ervine, referring to earlier comments, said that Mr McCartney had assured everyone that the PUP had agreed with the Framework Document. He did not take this analysis kindly although he thought the inaccuracy may have arisen as a result of a newspaper article at the time. He wondered however, whenever Mr McCartney had called the DUP leader a "fascist" and this also had been carried in a newspaper story whether he (Mr McCartney) could provide a "reasonable" explanation for this now.

Mr McCartney intervened saying that he wanted to make it clear that he was standing alongside the DUP in these talks on a democratic basis. He had never regarded himself as a fascist, nor indeed sectarian and the description which Mr Ervine had recalled had simply been one that was used to describe Dr Paisley's views/tactics on a particular issue. Mr Ervine returned to the point saying that Mr McCartney seemed to be working on assumptions which he then turned into facts. He (Mr Ervine) was fed up with assumptions and he thought that Mr McCartney should either deal with the facts or not deal with anything at all.

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22. The Chairman indicated that "close of business" for the day was near. Mr Adams intervened on Mr McCartney's earlier points indicating to the participants that his party had released a five page paper on the Framework Document and he was happy to make it available to anyone in the process. He also indicated that the UDP had commented, at the time, that the Framework Document did not provide, in its view, a considered basis from which to move forward towards a settlement of the problems in Northern Ireland. Mr Adams said that they also took exception to Mr McCartney's remarks about informing their electorate about the party's position on the Framework Document. Mr McCartney intervened saying that he had only indicated that if it was the UDP and PUP's position to support the Framework Document then those parties should make this clear to their electorate. Mr Adams indicated that the comments of the UDP were still available and if Mr McCartney had not got a copy thus far then he would gladly give him one.

23. Mr Coveney, for the Irish Government, said that as regards his Government's position on the legal status of the Ground Rules, the address made by Attorney General Gleeson on 19 June remained pertinent. (A copy of this text is available in earlier papers). Mr Coveney then turned to the Irish Government's response to the Chairman's questions of the previous week regarding the Ground Rules and read out extracts of the Irish submission. He then referred to Mr Empey's earlier question about the position of the two Governments regarding the current rules of procedure under discussion and the status of the Ground Rules. He said he would like to answer this question but it was impossible to do so because so many issues remained unresolved. He also referred to the Chairman's own memorandum dated 27 June and in particular paragraphs 2 and 3. Mr Coveney said that the Irish Government wanted to go down the road as indicated by the Chairman in his

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memorandum so long as the draft rules were consistent and not in conflict with the original Ground Rules.

24. Mr Empey returned to the "paranoia" point raised earlier, commenting that there was good reason for this, given the situation over the last 12 years. Mr Mallon asked Mr Empey whom he did not trust who was causing all this paranoia. Mr Empey said that he had absolutely no difficulty with the SDLP; their policies were open and consistent. The "paranoia" came ostensibly from dealing with HMG because they frequently "drew lines in the sand" on particular positions and then didn't carry these through. For example, in the talks of 1991, Mr Empey stated that there were documents going to the IRA at the same time as delegates were sitting round the table discussing future relationships. In this situation, stated Mr Empey, the UUP were merely trying to anticipate events which could reoccur. Mr McCartney said there was nothing new in this as documents had been leaked even in the 1920's from correspondence emanating between Lloyd George and James Craig. Mr Empey said he hoped Mr Mallon had now got some flavour of Unionist "paranoia"! Mr Mallon indicated that some of his relatives had also been dealing with Lloyd George too! Mr Empey recalled Mr Coveney's remarks earlier and suggested that these had moved into some dangerous territory, particularly in his use of the word "parameters" which to him suggested some form of straitjacket, pre determined direction and outcome. Mr Empey said that he took the view that the participants were trying to decide the rules which were the defining document for the overall process. He had heard Mr Mallon's comments which did not appear to close the door on this view, nor had Mr Coveney's remarks except that he had used the word "parameters" which had worried him. Mr Empey continued saying that when the status of the Ground Rules was defined then they mustn't have any superior position over the rules of procedure now being

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drafted. He indicated again that he was not trying to marginalise anyone's position or disenfranchise them in terms of their rights in the negotiations. He stated, however that when everyone eventually put their hands on a final document and it was agreed, then no one wanted to be in the position of any difficulties or problems having to be resolved by reference to a second document which was political in its entirety. Mr Dodds recalled the point made earlier in the discussion by Mr Mallon on the working of the political process. He indicated that for many Unionists, the working of the political process was in fact the exact opposite because the Unionists had been excluded from most of the recent key milestones that Mr Mallon had mentioned. The two Governments knew this and deliberately went along a path to tactically exclude the Unionist community because they knew that these mechanisms (Anglo Irish Agreement, Framework Document and Joint Declaration) would not be accepted by them. He said that the political exclusion of the majority community in Northern Ireland could not continue. Dr Alderdice intervened at this point suggesting to Mr Dodds that the unionists had been excluded from the Anglo-Irish Agreement but he believed it was more difficult to argue the same point with regards to the Framework Document and the Joint Declaration. Mr Dodds returned to his earlier point saying that he didn't think that this was the case and that they had been excluded from all three. He continued saying that if one looked at the process of consultation on the Ground Rules, it was again clear that when the Unionist parties submitted amendments to the Government very few of these were actually accepted because on the majority of occasions the Irish and the SDLP did not want the Ground Rules altered. He therefore wanted to remind people that the "working of the political process" had more than one side to it and this shouldn't be forgotten. Mr Mallon said that Mr Dodds was right about the lack of consultation with the Unionists on the Anglo-Irish

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Agreement. He wondered however whether the Unionists could see the point as to why the Governments had proceeded on this basis, ie, because of continuing Unionist intransigence. He also noted that it was as relevant now as it was then. Mr Dodds intervened saying yes, but those agreements had led to the alienation of the Unionist community. Mr McCartney then intervened and asked Mr Dodds whether he was going to take up Mr Mallon's earlier point with regard to the Governments proceeding along a particular road because they knew that the Unionists wouldn't agree with it. Mr Dodds said that he noted what Mr Mallon had been saying and the implications of this for the Unionist parties - namely the eventual resolution of the Ground Rules. In other words, stated Mr Dodds, there must be agreement on the rules of procedure but if there isn't then the SDLP were saying that the Ground Rules are supreme. They were also saying that if you did not agree with that position then the SDLP would take appropriate action. Mr Dodds continued and said that he agreed with Mr Empey's point regarding the word "parameters", used by Mr Coveney during his earlier remarks. Mr Dodds said that they could not be constrained by parameters because this indicated a pre-determined approach. He wanted to return to the fundamental point raised some moments previously (by Mr Empey) regarding the objective of moving towards a single source of rules and reference for the negotiations and stated that everyone must get down to business on this.

25. Mr Curran commenced his remarks by stating that on 14 June his party had put in a paper in response to a request from the Chairman which asked questions as to the status of the Command Paper. Some 20 days later the participants were still talking about this issue, yet that wasn't really the reason why they had come to the talks. In his view people were present to assist in negotiating away the fears that stalked the communities in Northern

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Ireland and he recalled his own personal fear in the days before the cease-fire over the last 20 years. Mr Curran continued and said that they had also come here to negotiate some hope for a peaceful Northern Ireland and a final end to violence. He had listened to everyone around the table making their points. He had noted and listened with sympathy to the fears of the Unionist parties and he noted that there had been some movement towards developing the possibility of a composite set of draft rules. While he understood the reasons for these discussions, Mr Curran also indicated that a few days earlier, Dr Paisley had said that the crunch was drawing closer in terms of resolving the issues surrounding these rules of procedure. Mr Curran said that what he wanted to hear, sooner rather than later, was the leaders public statements on how they were going to conduct the process of negotiations, etc. In the interim, Mr Curran stated, it might be useful for the meeting to look at a composite document and, having done that, then to decide where the process was going to. It was however getting more important that a final judgement should be made on the rules paper and then a decision taken as to where the process went afterwards.

The Chairman thanked everyone for their remarks. He at that point drew the participants attention to rule 19 which referred to remarks being addressed through the Chairman. He had noted that cross-questioning had increased over the last couple of days and indicated that rule 19 was intended to maintain order and reduce the likelihood of personal remarks being developed during contributions. The Chairman asked that if it were possible for all participants to attempt to observe that rule, even though it had not yet been formally agreed, then this would be helpful as it gave more time for those to respond to substantive points from interventions etc. The Chairman also stated that in the morning

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discussion, it had been suggested that the draft rules of procedure couldn't be resolved until the status of the Ground Rules was finalised. Now in the afternoon session, it appeared that the opposite was being said and therefore one had to decide sooner rather than later what was the "chicken" and what the "egg" in this scenario. He continued saying that he didn't think that the production of a composite paper could single handedly resolve the issues the following day and he wanted to make participants aware that it was not likely to be as easy as it might, on the face of it appear. He added, however, that one had to move to a position where decisions needed to be taken on the draft rules of procedure. These decisions would however be contingent in nature because they were wrapped up with the issues of the Ground Rules and the Agenda. He therefore hoped participants would weigh all these issues in their minds overnight and, whilst not wanting to restrict any further full discussion, he was mindful that this was the fourth week of informal discussions and it was now getting to the stage where everyone had to think about decisions rather than continuing to make points on specific issues.

26. The Chairman also indicated that he had in the last few days asked parties to submit proposals regarding the schedule of business over the next couple of months. Having received these, he proposed to ask his staff draw up a paper which would accommodate these proposals, even though many were different, before close of play on Thursday. The Chairman indicated that not only would the paper attempt to focus on the proposals of holidays, etc, but it would also attempt to accommodate the issue of progress, which was vitally important. He hoped that participants would be able to make a decision this week on an agreed way forward for the next few months.

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Mr Empey said that, on the issue of scheduling, while the day's discussions had been very valuable, he hadn't found much time for both internal debate within his own party or indeed consultation with other political parties. He continued saying that the point was sometimes reached when no opportunity at all was afforded for internal or cross-party discussion and he therefore wondered whether it might be more helpful in future proceedings to build in extra time for this type of activity. Mr Empey referred to the composite document which was going to appear the following day and the fact that it might well need time to look at. He asked the Chairman to bear this point in mind. The Chairman stated that he was open to suggestions but that he wasn't quite sure when it would be available the following morning. Mr Empey said that any decision regarding extra time for reflection should then be left until the morning. The Chairman indicated that he would attempt to have the composite paper ready for 09.30. Following this he would then propose that the meeting convene at 11.00. Mr Empey commented that he didn't want to over pressurise the Chairman's staff by forcing them to work through the night drawing up the composite paper. The Chairman returned to his earlier point saying that he would again try for 09.30 with a meeting convened at 11.00. If this was not going to happen then he would ensure that consultation would occur with everybody in the morning as to a revised start time. Mr Curran indicated some sympathy with Mr Empey's earlier point regarding the extra time available. He then questioned whether the debate on the Ground Rules was now complete or was the next morning's discussion continuing with Ground Rules or the composite rules document. The Chairman indicated that he wanted to try and get the composite document ready and when this happened by the morning then the basis for proceeding would be open to the participants at this point. Mr Mallon also acknowledged Mr Empey's point about additional time and suggested that his party would be

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available from first thing in the morning for anyone who wished to have an informal chat with them. Following these comments, the Chairman indicated that the meeting was now adjourned at 19.25. It would be reconvened the following morning no earlier than 11.00.

[Signed]

Independent Chairmen Notetakers
5 July 1996

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