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From: Independent Chairmen Notetakers  
3 July 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES AND  
AGENDA FOR PLENARY SESSION - WEDNESDAY 3 JULY 1996 (14.10)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour Party
Mr Holkeri		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. The Chairman (Senator Mitchell) said that as agreed before the most recent adjournment the discussions would continue with the composite draft rules of procedure but would first deal with a proposed amendment by the British Government to replace the present Rule 1. He invited the Minister of State to introduce the amendment. The Minister of State said that, in brief, the proposal was intended to reconcile the Ground Rules to the procedural rules and hoped that it would meet the requirements of the participants. The Chairman invited comment. Mr Mallon said that his party would wish for its amendment to remain for the present. He would like to reserve judgement on both the SDLP amendment and the British

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Government amendment until such time as overall progress was achieved.

2. Mr McCartney said that it was not clear where the participants stood at present. He could see the direction which the British Government amendment was taking. He needed time to study it. Clearly to some extent it recognised that the Ground Rules cannot dominate, limit or control the rules of procedure of the present body. This was welcome but he wondered if the amendment went far enough in this direction. Paragraph 1A of the amendment went some way towards making the distinction that the rules of this body were in no way subservient to the Ground Rules. He wondered if the word "single" could be taken to mean "only" or "exclusive" and if this were so it would place the matter beyond doubt that there would be only one set of procedural rules which would take precedence over everything else. Such a distinction between the present rules of procedure and the Ground Rules would form a basis for moving forward.

3. Mr Trimble said that as with Mr McCartney he welcomed the proposal, but had several questions. Firstly he would like the reference to the Command Paper in paragraph 1 of the amendment explained; it seemed to be redundant if the present rules of procedure were intended to be the exclusive set of rules for the talks. Secondly, in relation to the phrase "the single set of rules" at paragraph 1A he would interpret this as meaning "the only set of rules" and asked for confirmation of this. The Chairman asked the Minister of State if he wished to respond at this point. The Minister of State preferred to hear other views first. The Rev McCrea said that he too was puzzled by the reference to the Command Paper. It was important to have a clear statement of the relationship of the procedural rules with the Ground Rules. He



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inquired if the British Government had discussed its amendment with the Irish Government and if so how did the proposed amendment relate to the latter's view that the Ground Rules were fundamental to the talks. Dr Alderdice said his understanding of the purpose of the amendment was to achieve compromise. If other participants were prepared to accept the amendment as a valuable effort to achieve compromise his party would be favourable. If, however, it was to be treated as merely another amendment, judgement would be deferred.

5. Dr O'Brien said that he would like to put the question to the Minister of State as to whether or not the phrase "the single set of rules" precluded the Ground Rules. Mr Conveney said that the Irish Government agreed to the proposed amendment and hoped that it would bring the debate on the Ground Rules to a conclusion. The Minister of State said the amendment had been proposed in the context of irreconcilable differences. Paragraph 1 represented essentially a quote from the statute and the phrase "single set of rules" referred to the need to avoid leaving gaps in the rules of procedure.

6. Dr O'Brien said that his question, which had not been answered, was whether or not the words in question precluded decisions in the proceedings being taken with respect to rules other than the procedural rules. After a brief exchange with the Minister of State he said that he would assume that the words "the single set of rules" do not preclude other rules being brought to bear during the negotiations. The Minister of State said that the Ground Rules were there and that there were aspects of the Ground Rules which had a bearing on the way in which the talks were conducted. Mr O'hUiginn inquired as to what circumstances Dr O'Brien considered the distinction he was drawing between the



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rules of procedure and the Ground Rules would create difficulty. Dr O'Brien declined the Chairman's invitation to respond.

7. Mr McCartney asked if it would be taken for granted by the participants that there were matters which were deemed to remain within the purview of the two Governments, for example, the admission of fresh parties to the negotiations, namely Sinn Fein, and the proposals of the two Governments at paragraphs 9-13 of the Scenario Paper in relation to the Chairman's power. He said that the use of the word "exclusive" in place of "single" would meet the Unionist objections by making it clear that the talks would progress in accordance with the procedural rules agreed by the participants. He pointed out that Ground Rule No 7 provided for the conduct of the negotiations to be "exclusively" a matter for those involved in the negotiations.

8. Mr Trimble said that his party had indicated last week (Mr Empey) that they would not give final approval to the rules of procedure until the agenda for the remaining part of the opening plenary was considered. He regarded the Scenario Paper as being in limbo until then. He recognised that certain parts of the Ground Rules were not now amendable and that Ground Rule 17 would by agreement of the participants be incorporated in the rules of procedure. He hoped that this would have the effect of allaying Dr O'Brien's concern.

9. Mr Bleakley said that at some point there had to be a degree of trust between the parties. He made a plea for an accommodation between the larger parties. Mr O'hUiginn agreed that there was a need for trust. He accepted Mr Trimble's position that the Scenario Paper was off the table because of the Unionist opposition. The British Government amendment was an attempt at a



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compromise and was not intended to be a jumping off point for a fresh debate. It was a fairly delicate compromise. The Ground Rules, like the legislation itself, was a "given" and would not disappear. There was, for example also a referendum dimension. The amendment was an honourable attempt to achieve a compromise and facilitated the various dimensions to the matter. He feared a vast and depressing cycle of new discussion in the light of the initial reaction to the proposal.

10. Mr Mallon said that trust did not presently exist because of the arduous debate on procedures over the past few weeks. He had refrained from giving an opinion on the British Government amendment because he was only too aware of the inevitability of further amendment. He felt overwhelmed by the sheer number of amendments. So far there had been no reference to substance - just procedure. He did appreciate the need to formulate procedures which did not pre-empt other matters. The dilemma was that the process seemed unending. He fully appreciated the contribution and the wisdom of the smaller parties but stressed the responsibility of the larger parties in the present process and said that he would welcome an opportunity to speak to the other large parties bilaterally in order to see if a basis of trust might be established as a means of breaking the present cycle of amendment and counter amendment.

11. The Chairman asked if Mr Mallon was requesting a brief adjournment for this purpose. Mr Mallon affirmed this subject to the views of the other parties. Mr Curran said that he would wish to endorse Mr Mallon's proposal. Ms Hinds said she was somewhat disappointed at the turn of events. She agreed with the British Government proposal but acknowledged that it was important to give the larger parties some scope for accommodation. Mr Wilson said



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that there was a tendency to blame the Unionist side for the prolonged discussion on procedure. He felt that the inflexibility lay with the Irish Government and the SDLP, assisted by the British Government. He criticised the SDLP amendment to paragraph 1.

Mr Smith said he would wish to offer the larger parties the opportunity to discuss the issue. Ms Hinds said that it was wrong for Mr Wilson to say that the inflexibility was only on one side and said that the SDLP amendment to paragraph 1 was a fairly accurate position to state. She emphasised the need for all participants to work towards a compromise. Dr Alderdice said that it might be advantageous to set a time limit on the proposed bilaterals between the larger parties.

12. Mr McCartney said that he welcomed Mr Bleakley's views on the need to begin creating trust. He expressed resentment in relation to Ms Hind's inference that the participants had not hitherto been working towards compromise. He said that he had been seeking over the past weeks a clear statement of those aspects of the Ground Rules which were considered by the two Governments and certain of the other parties to be inviolate. Matters were not going to be resolved by playing about with words. If the participants wanted to move forward this matter would have to be made explicit.

Rev McCrea said that he had listened carefully all day to the discussion. He had no objection to the right of the SDLP to put forward a genuine amendment. He was ready to listen to that party's exposition of its position. Mr Mallon said that he had already done that three times.

13. Rev McCrea said that Mr Mallon had stated yesterday evening that he would be available this morning for bilateral discussions. In the event there had been no time for such before the commencement of discussions at 9.30 am. He said that he would



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welcome a meeting with the British Government. It seemed to him that when the two Governments got together they ended up by uttering differing interpretations to the two sides. He said that he would like "the single set of rules" explained. He also said that if the participants were going to have a number of bilaterals, they should not be held under time pressure. Mr Trimble said that he had no objection to bilaterals.

14. The Chairman said that he proposed to adjourn the discussion for the purpose of bilateral discussion. He said that this would be subject to participants being recalled by him. He requested that he be advised of the position on the discussions no later than 4.30 pm. The adjournment was agreed by the participants and took effect at 3.15 pm.

15. In the event the adjournment continued beyond 16.30 and by agreement of the participants it was decided to resume the discussions on the following day at 10.00.

[Signed]

Independent Chairmen Notetakers  
3 July 1996

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