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From: Independent Chairmen Notetakers  
25 July 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES  
AND AGENDA FOR PLENARY SESSION - 24 JULY (18.40 -20.00)

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 apologised for the delay in convening the meeting. About one hour ago he distributed the latest document entitled The Compromise Text of 24 July. Last week, which was the sixth week of discussions, several delegations had suggested that the Independent Chairman should facilitate meetings between the parties to move the process towards reaching a decision on an agreement on the rules. There were no objections to that course of action by any delegation so he took this to be the will of the parties. Meetings were convened non stop over recent days to narrow the areas of disagreement so as to arrive at a version of the rules which would be realistic enough to command the support of the largest number of participants.

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2. He intended to present the document following brief meetings with three main parties this morning. However, a longer time than originally anticipated was required and, regrettably, the document in semi-final form was not made available as early as the Chairmen had intended. It was made available to only some delegations and he apologised for that. The difficulty was compounded because the document was given by some person to the press. That is inexcusable behaviour and he fully understands the concerns of those delegations who got news of the document in that way. The Chairmen were acting in total good faith to move the process forward in line with the wishes of the delegations. The document represents their best judgement on how to proceed for approval by the delegations.

3. The proposals are not identical but similar to earlier provisions as discussed, so the subject matter in the compromise document would not be a surprise to anyone. The contents are instantly recognisable. The process should move forward now. The Chairman invited all participants to express their views on the document and to give an indication of their reaction to it. He also wanted to know whether it is worthy of support and if not why not. He hoped also to have a full day's meeting tomorrow or Thursday, either in bilaterals or in round-table format, on the agenda for the opening plenary session on Monday. Mr Roche had offered the floor but he deferred to allow the Secretary of State to speak because the Secretary of State had to leave early for the House of Commons.

4. The Secretary of State said this latest compromise document setting out the draft rules represented an enormous amount of work and patience by the Chairmen and his staff and he expressed the

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British Government's gratitude for that. He said that it represents their best judgement as to what is substantively appropriate or desirable and likely to attract the support of the largest number of the participants. He said that it was legitimate to discern areas of difficulty and much time has been devoted to that. However, he felt that enough is enough and if credibility is to be maintained and progress is to be made it is time to move on now. The British Government accept these rules as being both balanced and comprehensive and he wished to signify its support for them and its hopes for their early acceptance by the participants.

5. Mr Roche said the text of the document was available in almost final form earlier in the day and some delegations got it for discussion but all delegations should have received it. His party received the document just after 6 pm and despite the similarity with previous documents it has to be examined carefully and they have not had sufficient time to consider it. The document contains changes in matters of substance. There was not sufficient time for that so he sought an adjournment accordingly.

6. The Chairman wished to know whether or not the other participants agreed with the granting of an adjournment or did they want to continue to discuss the document further. Mr McBride said that he agreed that there were no surprises in the document for anyone and that he did not support the request for an adjournment. Mr Mallon wished to proceed now. He said that the debate on this issue has been comprehensive and very detailed.

7. The Chairman said that up to now every request for an adjournment had been granted on the basis of the draft rules which allow the Chairman to grant an adjournment for 20 minutes unless

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he thinks that the procedure is being abused. This is not the case with the UK Unionist Party's request and accordingly he proposed to adjourn as requested for 20 minutes. He wished to know would participants wish a longer period. Mr Curran said that his party got the document at 6 pm as well and they are quite prepared to go ahead now.

8. Mr Robinson said that he can give initial comments on the document. The content is such that the rules won't be adopted unanimously, so a process will have to be allowed for later scrutiny. The parties who are in a position to comment on the document now should do so; others may reserve their comments until tomorrow.

9. Ms Hinds said that her party didn't get the document until relatively late also. They have gone through it now and have identified the changes as compared with the previous text. If they as a small party could do this surely a larger party should have been able to get their act together. She is concerned at the length of time it has taken to get to this point and she felt that it was permissible to grant the adjournment for 20 minutes. She said that the parties have been waiting too long and the Women's Coalition want to press forward and have a full discussion at this point.

10. Mr Empey said that it was perhaps necessary to clarify what is meant by taking decisions. That in fact can't be done until Monday, in line with the promise made to Mr McCartney earlier on in the proceedings. This group should discuss and give opinions on the latest text, but, as to taking a decision on a contingent agreement, that has to wait until Monday. There are matters which

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could be commented upon this evening and participants could also comment on the agenda items as well.

11. Dr Paisley said that Ms Hinds' reference to larger parties getting their act together was an unfortunate turn of phrase. The DUP have played a full part in this process. This remark is aimed at the DUP, the UUP and the UK Unionist Party. It is wrong to say that you can go through this document in half an hour. The document had to be photocopied and circulated to other members of his party. He resented the fact that the press have been given copies of the document. They didn't get from the groups around the table but from other sources.

12. No decision can be made here tonight or tomorrow because the matter has to go to the plenary session on Monday. On the question of decision making, there is no such power available to the Chairman. Dr Paisley said that he has to satisfy himself that these rules reflect the views of his electors on the issues. He also wished to know about possible amendments on the timetable for discussion on them. The agenda is linked in with the rules and this also needs to be discussed. Tomorrow is available for these purposes. Then the various matters will go to the plenary meeting on Monday. Mr McCartney had been given undertakings on that basis.

13. Ms Hinds intervened to say that just in case there was a misunderstanding on the issue she concurs with the views of Mr Empey that the decision making plenary is for Monday. She meant taking decisions within this informal group. She was alarmed at the prospect of Dr Paisley bringing in a range of new amendments for Monday's meeting. That should be done in advance of the meeting.

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14. Mr McBride agreed to a 20 minute adjournment. He was happy to discuss the agenda also. He said it was correct that the plenary meeting will ratify the decisions. But this Body should be capable of reaching conclusions to move matters forward for formal ratification on Monday.

15. Mr Robinson said as to the role of this Body, he understands that it has the task of producing rules of procedure to govern the conduct of the whole process. The initial difficulty was that there were no rules on decision making. So decisions in this Body require unanimity. The task so far was to get the rules of procedure agreed by everyone. As we've fallen short of that goal a mechanism is needed to take decisions and that is provided at the plenary session. He is content to narrow the areas of disagreement as much as possible and he felt that this has already been done to a large extent. His party had 20 blocks before and now they have only 9 amendments put down. He felt that those amendments are very reasonable and he was sure that they would be accepted! The work tomorrow will concentrate mainly on the opening Plenary agenda and there may be time also tomorrow for the participants to comment on the rules of procedure.

16. Mr Empey said he did not express his views on the documents before but he would do so after the short adjournment. The Chairman said after the adjournment he will go round the table and ask all delegations for their views on the composite draft. Mr Mallon said that he agreed with Mr McBride that the decisions were taken on 12 June at 12.01 am that the Chairman will report back on Wednesday 19 June. That was a clear indication that a contingent decision could be made within this Body for the plenary

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to ratify the proposals. It would break that agreement that if, in effect, we were to move away from that procedure now.

17. Mr Roche said that the document produced this evening is an important document. The UK Unionist Party have not asked for adjournments frequently before. He did not like the reference to making contingent decisions. He agreed to a discussion to allow delegations to reserve their positions for tomorrow and having followed the debate so far he withdrew his request for the short adjournment accordingly. The Chairman said the parties are free to express their views at any time. He is not in the position to compel them to do so. He proposed to go around the room to give parties the option of expressing their views on the proposals. Mr Roche intervened to say that this was acceptable provided we are not taking contingent decisions. The Chairman said that he just wanted the participants' views on the proposals in whatever form delegations are willing to provide them.

18. Mr Ervine said that he was worried and confused at this point. If we can't take contingent decisions then what are we doing here? If they have to be unanimous decisions according to Peter Robinson we will never move on and we may have to adopt the rule on sufficient consensus to resolve the issues. Mr Empey said that Mr Robinson had suggested that the first item to be dealt with on Monday would be that the plenary meeting would be invited to adopt the proposals in the draft rules (paragraph 30-36) providing for the mechanisms for taking decisions. Mr Ervine said that he had no argument with that. What he was concerned about was how to create an agenda for the plenary on Monday with powers of decision.

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19. Dr Paisley said this Body has no decision making powers in the absence of entire agreement. The rules have been laid down for decision making powers, but they are for the meeting on Monday to decide on and then only after the voting criteria is agreed upon. He rejected Mr Mallon's point as nonsense. We are bound by our own decisions in this matter and we have to abide by them. He asked whether the Chairman agreed with his interpretation of the position.

20. The Chairman said he was not prepared to take a view until he heard from all parties on the issue. He wanted the parties now to express their views on the rules so that he can get an indication of where we stand on them.

21. The Minister of Justice said that the Irish Government agreed with the comments and the Secretary of State in recognition of the work of the Chairmen over the past forty days or so which have been spent in discussing the rules of procedure in the most detailed way. She said that we all know the issues involved and where compromises have been made. The 44 rules contained in the document now before us are a reasonable compromise on the positions held by all the delegations. They represented a skilful and careful attempt to find the widest possible basis for agreement. People may have worries on certain points in the rules of procedure, but the document is a result of a good process of democratic debate. We should make progress to get the rules agreed and ratified by the plenary session so that we can move on to the substantive issues that are involved. She agreed further with the Secretary of State and said that the Irish Government accepts the draft rules of procedure. As to the earlier discussions on 12 June she said that the meeting decided to try to obtain comprehensive agreement on the rules of procedure by

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mandating this informal grouping to bring forward a composite paper for ratification of the final plenary session. The areas of disagreement in the rules will be dealt with at the plenary session.

22. Mr Close said that his party want the rules to be broadly acceptable and they are happy that they are and accordingly they will vote for their adoption. Mr Curran paid tribute to the Chairman and his staff for the kindness and courtesy shown to them he was impressed by the good will shown by participants over the past 48 hours. His party accepts the draft rules of procedure now proposed. Ms Hinds said that she was pleased at some of the work done and displeased with other aspects. They take the spirit and content of the rules of procedure and will accept them having checked them against previous text and earlier amendments. They do not want to see the rules of procedure amended further.

23. Mr Ervine said that his party accepts the rules as given. Mr Mallon referred to the Secretary of State's earlier comments that "enough is enough and credibility demands we make a decision". These rules represent one paragraph per day of discussion. He supports the compromise text and will vote for it. Every opportunity for amendment was given by the Chairman. They want to vote for the rules of procedure immediately and will oppose any amendments. It is simply not valid not to proceed now on the basis of the draft rules put forward. The participants agreed that delegations here should be empowered to speak for their parties and that principle should be upheld now and that the rules of procedure should be put to the meeting. Dr Paisley wondered whether this is an ad hoc plenary session and were all our previous sessions such.

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24. The Chairman said that he was now looking at the document agreed by the parties on 12 June last to characterise the nature of this group. Mr Robinson had suggested that it be called an informal working group and he has used that terminology without objection by anyone so far. He has been tolerant with speakers on that basis. The documents refer to it as a consultation group.

25. Mr McMichael said that he didn't get the compromise text earlier today. He paid tribute to the work put in by everyone in difficult and frustrating conditions. The views of all participants have been aired. He said that he would debate the contents of the current text on the basis that the decision would be taken on Monday in plenary session. He agreed with Dr Paisley that we agree how to agree first thing on Monday morning. His party accepts the text as it stands even though others have amendments to it.

26. Mr Robinson said that a common thread in the statements made so far is that decisions have to be taken - not so much when as how. Thirty-five of the rules of procedure can be agreed by his party but they do have a problem with nine others. The question is how this informal gathering can decide on how differences should be resolved and the mechanism needed for this purpose. The plenary meeting provides that mechanism. That section in the draft rules dealing with decision making (paragraphs 30-36) is not contentious. Those paragraphs should be adopted on their own by the plenary group and then we should come back into this gathering to provide a basis for a decision on the rest of the rules of procedure and the agenda.

27. He said he had heard a whisper that this is part of a filibuster to delay progress. But he is content to time limit any

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debate on the disputed rules that remain. If his party had ever intended to block the process they could have done it easily enough before now. The participants should attempt during the course of tomorrow to identify the amendments to the comprehensive text (which clears up several of their points of contention) for resolution of the issues on Monday. He felt that we should also look at the opening plenary agenda as well as issues of disagreement to be dealt with in the same way. The Chairman responded to the fact that Mr Robinson had said that there was no disagreement with paragraphs 30 to 35 on the rules of procedure on decision making, and he wondered whether there was any disagreement on that. He thought that there was not. So, accordingly, they could be promptly approved at the meeting on Monday.

28. Mr Roche said that his party will be putting down an amendment to paragraph 35. They have 10 amendments to the document in all which are matters of substance. The Chairman asked why the amendment to paragraph 33 couldn't be dealt with on Monday. Mr Roche said that he would like to think over this. The Chairman said that it seemed to him that if a single party objects to a single point in a single rule that this could end up blocking all agreement. In the context of Mr Roche's proposed amendment he wondered whether Mr Robinson was correct in saying that the action of the plenary session is to adopt the rules in paragraphs 30-36 on the decision making process and that that mechanism could then be used to decide on amendments including the proposed amendment by the UKUP to paragraph 33. Mr Roche said he wanted to reserve his position on that point. Their amendment in relation to the former rule 27A was never discussed with them.

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29. The Chairman pointed out that that particular matter was discussed at some length in the earlier discussions of the group. It was even suggested that it be dealt with as a resolution and a resolution was drafted to that effect. There was agreement on this not to deal with the matter in the rule itself. Mr Roche said that that was not reflected in the compromise text. The Chairman said the proposed amendment was taken out of the compromise text because it was decided to deal with it by way of a resolution for adoption at the Plenary session. It is important now to settle this question once and for all.

30. The Chairman then outlined Mr Robinson's suggestion again and said that if that procedure can't be followed the prospect of never making a decision arises. He questioned Mr Roche directly and asked if he agreed that the adoption of paragraphs 30-36 on the decision making rules at the plenary session on Monday is the mechanism for making progress and that there was no disagreement on that. Accordingly, couldn't the UKUP amendment be dealt with under that procedure? Mr Roche said he wanted an adjournment consider the matter.

31. Mr Robinson said before the compromise text was produced, the earlier decision making provisions were outlined in paragraphs 23-28. Paragraph 27 was not an amendment as such it was a new rule. The agreement on paragraphs 30-36 now does not prejudice anyone's position. He felt that the sight of the text of the proposed resolution might help the delegation to decide on the question. The Chairman said 9 delegations had agreed to the proposed rules with some reserving a right to consider amendments. He will allow

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the adjournment so that Mr Roche could consider the matter and give a response to his question.

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