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FROM: P MAY
Talks Secretariat
21 June 1996

cc PS/Secretary of State (L&B) - B
PS/Sir John Wheeler (L,B&DFP) - B
PS/Michael Ancram (L,B&DENI) - B
PS/Malcolm Moss (L,DOE&DHSS) - B
PS/Baroness Denton (L,DED&DANI) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas (L&B) - B
Mr Bell - B
Mr Legge - B
Mr Leach (L&B) - B
Mr Steele - B
Mr Watkins - B
Mr Wood (L&B) - B
Mr Beeton - B
Mr Currie - B
Mr Hill (L&B) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Checksfield - B
Miss Harrison (L&B) - B
Ms Mapstone - B
Mr Whysall (L&B) - B
Ms Collins, Cab Office via IPL-B
Mr O'Mahony, TAU - B
Mr Lamont, RID - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (L&B) - B

FILE NOTE

MEETING WITH JOINT DUP AND UKUP DELEGATION: 20 JUNE 1996

Michael Ancram met a joint DUP/UKUP delegation on the afternoon of 20 June for an hour and a quarter as part of a series of bilaterals. The Minister was supported by Messrs Leach and Hill. The DUP were represented by Messrs Robinson, McCrea and Gibson. The UKUP were represented by Messrs McCartney, Wilson and Cobain.

Comment

A calm and reasoned meeting in which there was not meeting of minds. There was general agreement on only one thing - that the meeting had gone round in circles - but the key concerns of the DUP and UKUP were not

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answered to their satisfaction, and they will be writing to the Government to ask whether the powers of the Chairmen would be imposed on the parties if no agreement were reached, in the same way that Senator Mitchell was imposed as Chairman.

Key Points

- Mr McCartney started by saying the Groundrules would have to go because they set a parameter to which the Unionists did not agree and had been promulgated by the two Governments without consultation. The Minister sought to distinguish between the character and nature of negotiations and their conduct. The Groundrules concerned the former, and were important because of the statutory reference to the command paper setting out the Groundrules. The latter (as set out in paragraph 7 of the Groundrules and as pointed out by Peter Robinson previously) were matters for the Rules of Procedure.
- Both Messrs McCartney and Robinson then asked whether the Groundrules could be amended. If they could, they were clearly not inviolable, and if they could not, then that was unacceptable because they set the parameters for the talks. If they could be amended both wished to see the rules deleted rather than changed. The Minister explained that the Groundrules were needed because they define the character and nature of negotiations and governed the existence of negotiations, the payment of negotiators and arrangements for the Forum. Mr Robinson said that only paragraph 1, 8 and 9 of the Groundrules were necessary to meet statutory obligations and to set the character and nature of the negotiations. Mr Leach explained that the Groundrules were contained in the command paper which had been published, and to that extent were historical reality. Nonetheless the Rules of Procedure which were being worked on in committee would determine the conduct of negotiations.
- Mr McCartney continued to argue that Groundrules were not needed other than for the paragraphs referred to by Mr

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Robinson. The negotiating body should set its own rules and agenda under the direction of the Chairman. One composite set of rules was needed, and these should be agreed by the body. That would allow the body to decide what elements, if any, to include of both the Groundrules and the paragraphs 9 to 13 of the 6 June paper setting out the Chairman's powers. Mr Robinson asked and received confirmation that the 6 June paper had no legal standing. The Minister explained it was intended the Rules of Procedure and agenda should be addressed by the first Plenary. Mr McCartney said that it was necessary first to address the Mitchell's six principles and decommissioning. The Minister noted meaningful and inclusive negotiations also had to be addressed in the context of the first Plenary. Mr Robinson said that would be addressed after the items raised by Mr McCartney.

- Mr McCartney said his concern about the proposed 6 June powers for the Chairman was that it would allow Sinn Fein to enter talks without decommissioning. The Minister disagreed nothing that would conflict with the Mitchell approach. Mr McCartney said he did not believe the Government, and that his confidence in the process had been severely dented by the announcement on 11 June that Mitchell would be the Chairman of Talks in spite of Unionists disagreement.
- Mr McCrea argued that Mitchell had deliberately misled earlier meetings by saying there was a blank piece of paper to determine the conduct of negotiations. Messrs McCartney and Robinson disagreed saying the Senator Mitchell really did not understand the full position.
- Both Mr Robinson and Mr McCartney asked what relevance various elements of the Groundrules had to the Rules of Procedure, and whether they ought not therefore to be disregarded for the purposes of talks. Mr Leach agreed not all elements of the Groundrules would be needed in the Rules of Procedure, but that did not take away from the fact that Groundrules had been published as a command paper and therefore existed. Mr

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McCartney asked why such importance was placed upon some features of the Groundrules which had been described by the Minister as historical facts, when there were innumerable other historical facts which were not included in the Groundrules paper.

- Mr McCartney then changed tack and asked whether the proposals for the conduct of negotiations would be imposed upon the participants anyway even if there was not consent from the Unionist (he stressed in the broadest sense) community. Mr McCrea noted that the Secretary of State had told them the Government was merely one of a range of participants once the chairmanship issue had been resolved, and therefore the Government should claim no residual powers. The Minister noted that, as for the chairmanship issue, the absence of representatives of one community would lead to a collapse in the process. Both Mr Robinson and Mr McCartney argued it would only lead to the ending of a particular process and not of the talks itself, as another Chairman or set of rules could be found which would be more acceptable.
- Ultimately, Mr McCartney said he would submit an open question to the Government to resolve the matter of whether powers for the conduct of negotiation could be imposed. He said the issue surrounding the Groundrules was so important that it might be necessary to suspend the talks and hold a construction summit to the High Court to determine the legal position with regard to the statutory basis of talks and the potential for amendment of the Groundrules as a result.

Signed

PETER MAY

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