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From: THE PRIVATE SECRETARY

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NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 520700

John Holmes Esq
Private Secretary to the
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

// June 1996

Dear John,

NORTHERN IRELAND NEGOTIATIONS

Further to conversations between my Secretary of State, Michael Ancram and you I will try and summarise where we stand at approximately 2.00 this afternoon.

I attach at Annex A a draft paper produced overnight and agreed with the Irish this morning which was circulated round to the parties for their consideration. The SDLP after a huge row with the Irish Government have been in told in no uncertain terms that this is the only game in town and with great reluctance they would be prepared to go along with it though they would have preferred discretion of the Chairman to go rather further down the agenda pending the outcome of the Committee's deliberations than is implied in this paper. The DUP and the UKUP (Robert McCartney) have confirmed that the paper is unacceptable to them. Their concerns revolve around both the procedural rules that would apply in the interim and, much more significantly, what they regard as George Mitchell's fatally compromised status among Unionists as a result of the welcome given to his appointment by the Irish Government and Sinn Fein. They have said that if George Mitchell is appointed as Chairman of the Plenary they will not participate.

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The UUP met the SDLP and George Mitchell in the course of their consideration of this document. They have reported to us and it remains unacceptable. They are instead seeking the establishment of a Committee first before any Chairman is appointed. Another possibility would be the appointment of a pro-tem Chairman from one of the minor parties while the Committee sits. Neither of these options is acceptable to the Irish Government or the SDLP. Nor are they likely to be acceptable to Mitchell who, despite showing admirable forbearance and patience, has said, in terms, that he cannot realistically stay here much past today if he is not appointed as Chairman.

Against that background, the Secretary of State, and the Tanaiste feel that they have no option other than to reconvene the meeting at 2.30 pm and say that it is not possible to seek convergence beyond what is already set out in Annex A and the Governments intend to proceed on that basis. The Secretary of State would then say that the meeting would be adjourned for a short period to allow each party to consider its position after which the plenary session would be convened under the chairmanship of George Mitchell.

It is very likely on this basis that none of the Unionist parties will be present. This scenario has been put to Trimble whose response was 'so be it'. It has also been made clear to him that if suspension of the negotiations followed, which seems almost certain, then the forum could not take place. The UUP have also circulated their own procedural guidelines, based on those used in 1991 and 1992. These are attached at Annex B. They would of course be entirely sensible proposals to put to such a Committee but do not go round the problem of the need to appoint

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Mitchell as Chairman of the Plenary before the Committee is appointed.

The remaining card to play, as discussed between the Secretary of State and the Prime Minister, is for a direct approach by the Prime Minister to David Trimble stressing the very serious consequences of bringing this process to an end, not least if it lets Sinn Fein off the hook as opposed to the current situation where their feet are very firmly held to the fire.

A copy of this goes to Colin Budd and Jan Polley.

*Yours sincerely,
Robert Crawford*

PP MARTIN HOWARD

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BB/SSTALKS/106

11 JUNE 1996

A POSSIBLE APPROACH TO RESOLVING PROCEDURAL DIFFICULTIES

1. While a number of parties indicated at the 10 June session that they were content with the proposals for the management of business set out in the 6 June papers "Scenario for the opening plenary session", "Procedural Guidelines" and "Draft Agenda", others expressed reservations. These concerns focussed (in particular) on the "Guidelines" paper setting out the procedures which would be operated by the chair during the negotiations, but also covered the appointment of chairmen and the agenda for the opening plenary session.

2. It is believed that, for the orderly transaction of business, it would be beneficial to appoint Independent Chairmen as soon as possible. These appointments having been made, points of concern about the procedural guidelines would then be fully explored in an appropriate forum, and the agenda for the opening plenary session would also be fully considered, and pending resolution of these issues the opening plenary would not move beyond item 6 on the proposed agenda tabled on 6 June (Opening Statements).

3. This proposal is put forward in order to underline that the procedural and other arrangements for the opening plenary must be to the satisfaction of the participants. The proposed Independent Chairmen have also authorised the Governments to make clear that they recognise that ultimately agreement in these and all other matters in these negotiations is a matter for the participants.

4. It is therefore proposed that the 11 June meeting should consider the following proposal for the day's business:

1. Appointment to chairmanships of Senator Mitchell (Plenary), General de Chastelain (Strand 2 and Business Committee) and Mr Holkari (Alternate Chairman).

2. Introductory remarks by Chairman.
3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.
4. Public statement on behalf of all participants recording total and absolute commitment to principles.
5. Appointment of committee of plenary.

5. At this point the proposed Procedural Guidelines would be remitted for consideration in the committee of plenary formed for the purpose and chaired by the group of independent chairmen, which may also address aspects of the agenda for the opening plenary set out in the "Scenario" paper. (That agenda in any case envisaged items on the agenda and procedural rules.) While the "Scenario" paper itself sets out the approach the two Governments propose, it is acknowledged that each of the participants will wish to argue their own point of view and that on this, as on other issues, the negotiations will need to proceed by agreement.

6. It is proposed that, while the committee of plenary is deliberating, the plenary itself would move on to the opening statements by participants (item 6 on the proposed agenda). When that is concluded, the next item of business would be a report from the committee of plenary (to be submitted by lunchtime on Wednesday 19 June), which the plenary would consider with a view to reaching agreement on the procedural guidelines, the rest of the agenda for the opening plenary session, and any other outstanding points.

7. Pending the outcome of the work of the committee of the plenary, the procedural rules circulated on 6 June would operate.

PROCEDURAL GUIDELINES FOR THE CONDUCT OF MULTI-PARTY NEGOTIATIONS.

ROLE OF CHAIRPERSONS.

1. Independent Chairpersons will preside over all business relating to the negotiations. They will exercise their functions in an impartial and even handed manner.
2. Chairpersons will be responsible for the ordinary conduct of business. Each will conduct the relevant proceedings which fall within the scope of his/her responsibility so as to allow an opportunity for full discussion of the issues, and will be guided by the objective that the outcome should be agreed by all participating delegations. To this end, but only after consultations with the Delegations to establish that it would be regarded as helpful, Chairpersons may bring forward specific suggestions.
3. Chairpersons will consult with participating Delegations on the exercise of their functions. A Business Committee will be formed to facilitate such consultation.
4. The Business Committee will comprise a Chairperson and a designated member of each of the participating Delegations. The Committee will be available to advise its Chairperson on the day-to-day exercise of his/her responsibilities and to facilitate communication between their participating Delegations and the Chairperson. It is envisaged that the Committee will normally meet on days when Talks are taking place.
5. When discharging their designated functions, Chairpersons will confine their consultations to the Leaders of those groups participating or to such persons as are nominated by group leaders. Any written submissions which may be received from other groups or individuals will have no status in respect of specific suggestions which Chairpersons may bring forward.
6. For the duration of the process the Chairperson will not be expected to make any public comment. However should the need arise they will wish to seek the approval of the heads of participating Delegations before doing so.

CONDUCT OF NEGOTIATIONS.

7. The proceedings of Negotiations will be held in private.
8. The Chairperson will have responsibility for the convening, postponement and adjournment of meetings on the basis of proposals by the Business Committee and in consultation with participating Delegations. It is understood, however, that any Delegation may request an adjournment of up to 10 minutes at a time and the Chairperson shall only refuse such requests if they are made with unreasonable frequency.
9. The agenda for each day's business shall be determined by the Chairperson after considering advice from the Business Committee.
10. The location of meetings will be determined by the Business Committee.
11. In addition to the regular plenary meetings the Chairperson may, with the agreement of the Delegations, propose more meetings at which all Delegations would be represented. He/she may also at any time ask some or any of the participating delegations to meet with him/her; and he/she will accede to any reasonable request for a meeting with him/her from any Delegation.
12. Notwithstanding Guideline 11, Delegations may arrange bilateral or multilateral meetings if they wish and the Chairperson, in consultation with the Business Committee, may arrange for the proceedings to be conducted by a series of bilateral or multilateral meetings.
13. All remarks shall be addressed through the Chairperson. Time limits on interventions may be imposed at the Chairperson's discretion.
14. The Chairperson's ruling on all individual questions of procedure and order shall be final.
15. A record of the proceedings will be maintained under the general direction of the Chairperson and circulated to Delegations participating in the meeting. Approval of the records of meetings involving all Delegations will be a matter for the Business Committee.
16. Changes and additions to these rules of procedure shall be made only with the agreement of all participating Delegations.

APPOINTMENT OF CHAIRPERSONS.

17. Such individuals as may be invited to be Chairpersons must indicate their willingness to abide by the Procedural Guidelines listed above (1-16).