

[Editors' Note: The first 2 pages of this document are physically located in folder 01. The remaining 4 pages are physically located in folder 02. We have included a scan of the cover of folder 02 to mark the dividing line between the two folders.]

DRAFT RULES OF PROCEDURE

British Government's Speaking Note

1. We believe the Governments' amendments chart a way through the difficulties we encountered last week when our consideration of the 19 June text addressed the issue of the relationship between the rules of procedure for the negotiations and the Ground Rules document.

2. There were perhaps two different sources of concern on this subject among participants. First, there was a practical concern that, in order to function smoothly, the negotiations should have a single comprehensive set of rules within which the different Chairmen could operate.

3. Second, there was another anxiety that a document produced by the two Governments - although the parties were of course consulted - could somehow become a vehicle for the Governments to impose their own predetermined framework on any outcome which the participants might seek to negotiate.

4. The two Governments have already shown that we are anxious to facilitate the negotiations in reaching agreement on this and all other matters. We have now put forward amendments which, in our view, when incorporated into the 19 June text, would develop the rules of procedure to the point where all delegations can be satisfied that they constitute a complete and self-contained

statement; and would also clearly demonstrate that there is no restriction or limitation on the range of outcomes other than the need for agreement.

5. The basis on which we are putting forward these amendments should be clear. Ground Rules exists as a document published by the two Governments. For our part, it forms a key part of the foundations on which these negotiations rest. It is indeed the legal descriptor of the character and nature of the negotiations that is necessary as a consequence of the Northern Ireland (Entry to Negotiations, etc) Act.

6. Equally we continue to hold to the view which (as Mr Robinson reminded us last week) I expressed in the House of Commons during the debates on the Act, that, as the Ground Rules at paragraph 7 themselves state:

"The conduct of the negotiations will be exclusively a matter for those involved in the negotiations."

7. Other parties and delegations understandably will have their own individual views, but what seems to be common ground is that it would be wholly sensible to produce a single set of rules to form the operational basis for these negotiations, to fill the gaps which have been identified. That is what we believe our amendments succeed in doing.

Record of Informal Discussions on Rules of Procedure and Opening, June 12-July 2, 1996 [2/3]

The George J. Mitchell Papers

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8. The Government hopes that it will soon be possible to reach agreement on the rules of procedure before us and accordingly to proceed to conduct negotiations, of the character and nature referred to in Ground Rules, on that basis.

9. From this general approach, perhaps I could turn to explain the specific amendments we have suggested. These are by way of filling the procedural gaps which otherwise would have been left in the text of 19 June.

10. First, we need to set out who is to represent the participating parties and who is to participate in each strand. The amendments to paragraph 2 and new paragraph 20A achieve that.

11. Second, we need to set out how the strands are defined and how they proceed. The amendments to paragraph 2 and paragraph 13 achieve that - in particular, setting out the important principle that the different negotiating sessions will not be held simultaneously, so allowing participants to field the same negotiating team throughout if they wish. New paragraph 15B deals with venues.

12. Third, in the amendment to paragraph 15, new paragraphs 15A and 17A, we deal with the issues that can be raised and how they are to be approached. All of these are governed by one fundamental principle: we are all here to see if we can agree a comprehensive settlement.

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13. That must be the overriding objective and the only limitation on the outcome. We say so specifically:

"No outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement."

The Governments do not attempt to constrain the outcome - whether by "Frameworks" or any other document. Each of us - as we say in new paragraph 17A - can put our own preferred option on the table.

14. For some, that might be full integration, for others a united Ireland. Both can be put on the table, both can be argued for.

To make it absolutely clear that we are not telling participants what they can or can't raise, new paragraph 17A says:

"Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant."

There should be no fear in discussing any issue. Each of us will have issues that are fundamental to us, where we regard the scope for negotiation or compromise as very limited if it exists at all. Nothing here asks people to be prepared to abandon such fundamental principles.

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15. For the British Government, for example, the principle of 'consent' falls into that category. We are more than happy to discuss it and explain our position. Indeed, we see real benefit in doing so, because we see more consensus on this fundamental constitutional issue than ever before. And we fully expect to rise from the table at the end of negotiations, no less committed than when we started to the principle that Northern Ireland remains part of the UK unless and until a majority of its people wish otherwise.

16. Finally, if the only constraint upon us is our search for agreement, then it's clearly important that we engage in good faith and make every effort to reach that comprehensive agreement, as new paragraph 15A declares. That does not mean we have to try to agree on every issue. That would plainly be unreal and indeed impossible.

17. We are no more likely to agree on a united Ireland than on full integration. But it does mean that we come here trying to find some overall agreement on the way Northern Ireland should be governed. We shall have to address some uncomfortable issues. For each of us, there will be fundamental issues on which we cannot compromise. But what we are about is the search for an agreement which reflects those fundamental principles and aspirations each of us has, while finding an accommodation with one another where that is possible.

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18. The purpose of these rules of procedure is simply to help build the environment in which that can happen, and to provide the Chairmen with a convenient single source of reference. I hope that we can reach an early agreement on these rules, and on the opening agenda, so that we can then embark substantively on the search for that agreement.

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