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FROM: D A LAVERY
CENTRAL SECRETARIAT
20 JUNE 1996

cc PS/Secretary of State(B+L)	-B
PS/Michael Ancram(B+L)	-B
PS/Sir David Fell	-B
Mr Thomas	-B
Mr Leach(B+L)	-B
Mr Watkins	-B
Mr Stephens	-B
Mr Maccabe	-B
Mr Whysall(B+L)	-B
Miss Harrison(B+L)	-B

Mr Hill (B+L) -B

GROUND RULES/RULES OF PROCEDURE

1. Thank you for letting me see the revised version of the statement you envisage HMG might make in order to explain our position on the status of the Ground Rules when the new rules of procedure are adopted.
2. I offer the following comments with due diffidence given that I have not been directly involved in these discussions for the past day and a half. I am not, therefore, fully aware of the degree to which the current text is regarded as inviolate.
3. My sole concern is that we should try to minimise the likelihood that the proposed statement will reignite an acrimonious debate about the Ground Rules. None of us would welcome this, and the UUP would be tactically disadvantaged were it to happen. To some extent it may well be unavoidable, but I wonder whether the language of the 20 June revised version might be further softened?
4. My understanding is that the UUP attitude to Ground Rules is that they can be regarded as comprising material which falls into 4 categories, namely:

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LM/DL/387

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- (a) matters which have special legal status by virtue of the references to them in the Act;
- (b) matters which relate to the Election and other steps preliminary to negotiations - these can now be regarded as spent;
- (c) matters concerning the procedural conduct of the negotiations - these are to be folded-into the new code of procedural rules; and
- (d) other matters - these are largely statements of Government policy which HMG is free to continue to assert but to which the negotiators (and, importantly, the independent chairmen) should not be subordinate.

5. Bearing this in mind, I wonder whether some or all of the following textual changes would be acceptable [I am attaching an amended text for ease of reference]:

Paragraph 1 - before "constitute" insert "will"

- delete "operational";

Paragraph 3 - delete ", in an operational sense," and "without reference to any other document";

Paragraph 4 - in the first sentence delete "essential basis for the negotiations and as" (ending the sentence before "the legal basis") and substitute any of the following

(i) "an important part of our policy in relation to these negotiations",

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(ii) "an important part of the foundations upon which the negotiations will be constructed",

(iii) "an important part of the policy framework for these negotiations", or

(iv) "one of the key stepping stones leading us into these negotiations";

- the second sentence would then begin "They also form part of the legal basis ...";

- delete "(as Mr Peter Robinson reminded us last week)";

Paragraph 5 - delete "of the character referred to in the ground rules".

6. This may all skew the text too far in the other direction, but these changes would, I think, reduce the potential for further disagreement.

[Signed DAL]

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