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POLITICAL AFFAIR
DIVISION
14 JUN 1996
N.I.O. BELFAST

DESK IMMEDIATE

FROM: D A LAVERY
Central Secretariat
14 June 1996

cc PS/Secretary of State (B&L) -B
PS/Michael Ancram (B&L) -B
PS/PUS (B&L) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Bell -B
Mr Leach -B
Mr Watkins -B
Mr Steele -B
Mr Wood (B&L) 4/✓ -B
Mr Mascabe -B
Mr Stephens -B
Mr Beeton -B
Mr Perry -B
Mr Currie -B
Ms Harrison -B
Mr Whysall -B
Mr Lamont, RID -B
HMA Dublin -B
Miss Collins, Cab Office

J. McKILL ✓

~~D. CHITTY~~

J. DILLON

A. McVURCH 18/6.

Mr Hill - B

SCHEDULING TALKS NEXT WEEK

1. This is to flag-up a possible difficulty with the programme of work you envisage for the latter part of next week as outlined in your submission of 12 June (which I have only just received).

2. I think you are quite right to assume that we shall have further work to do after next Wednesday's Plenary meeting in order to arrive at an agreed set of procedural rules (and Agenda).

3. You have suggested that one way forward would be to remit outstanding issues for further consultations with a view to a report back to a reconvened Plenary on Monday 24 June. You envisage these consultations taking place next Thursday and Friday (ie 20 and 21 June).

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4. However, we must not lose sight of the Forum in all of this. In his submission of 13 June Mr Watkins invited the Secretary of State to agree that meetings of the Forum should not be held on 17, 18 or 19 June as these are dates on which negotiations are intended to take place [see paragraph 2(4) of Schedule 2 to the Northern Ireland (Entry to Negotiations, etc) Act 1996].

5. At first blush, it was not immediately clear to me how one could differentiate between the work which will be transacted at Castle Buildings on Monday-Wednesday next week (ie days on which the Forum will be prevented from sitting) and the work which you now envisage being undertaken on Thursday and Friday (days on which, without more, the Forum would be able to sit). I would have thought that others (including the Unionist parties who wish to maximise the time available to the Forum) would not be slow to point out this apparent contradiction.

6. Much of this turns on the meaning of the word "negotiations" as used in the Act. This term is not defined. In practice, its meaning may be informed both by the substantive nature of the work being undertaken and also the format (Plenary, Committee, sub-committee etc) in which that work is transacted.

7. It will clearly be important to arrive at a satisfactory basis for co-ordinating the work at the Talks and the Forum. It would not be satisfactory to have the Forum inhibit the work of the negotiations. Equally, however, it would cause great Unionist resentment if the Forum were not to be given its place also.

8. Although I do not have an immediate solution to this conundrum, I thought I should at least alert you to these considerations especially as there are, I suspect, among the Unionist parties those who would wish to exploit any lack of clarity about our thinking.

9. So far as the arrangements for next week are concerned, we shall not be in a position to reach an informed view until the

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sub-group which is considering the procedural rules and agenda reports back to Plenary at lunchtime on Wednesday. If Plenary remits further work to the sub-group we shall have to consider whether the Secretary of State should be asked to agree that meetings of the Forum should not be held on 20 and 21 June (we shall, of course, know by then whether the Forum in fact intends meeting on either of those dates). If we then face a potential clash of dates between the sub-groups's deliberations and a meeting of the Forum we shall have to consider whether this justifies directing the Forum not to meet (an unattractive prospect likely to lead to Unionist objections). My own reading of the legislation is that it does not require the Secretary of State to direct the Forum not to meet when negotiations are taking place. Rather, it merely enables the Secretary of State to do so when, in his discretion, he considers "it would not be appropriate for the Forum to meet because negotiations... are intended to take place". It is conceivably possible that we would wish to advise the Secretary of State that it is appropriate for the Forum to meet notwithstanding some negotiations are taking place.

10. We may need to discuss this next week once we know when the Forum next intends to meet.

[Signed DAL]

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