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Confidential

Summary Report (19 June 1996)

1. The Plenary met at 12 noon, as scheduled, but adjourned after a few minutes following a brief report by the Chairman. Senator Mitchell reported that, while considerable progress had been made in the informal consultations on procedure and agenda over the last few days, no recommendations had yet been made. The Plenary remains adjourned, subject to recall by the Chairman.
2. Meetings in the conferring format took place this morning and, more briefly, this afternoon and this evening. Informal consultations among delegations have been scheduled for tomorrow. The next meeting in the conferring format is planned for 10am next Monday.
3. The Government were represented today by the Tánaiste, the Minister for Justice, the Minister for Social Welfare, the Minister for Equality and Law Reform, the Attorney General and Minister of State Coveney.
4. The day was dominated by a Unionist challenge to the status of the ground-rules paper. This issue, which had been lurking in the wings for a number of days, was brought into the open by the DUP (Robinson) during this morning's discussion - shortly before the conclusion of what promised otherwise to be a constructive meeting in terms of agreeing the rules of procedure document. The DUP and the UKUP mounted a sustained assault on the status of the ground-rules as the basis for the negotiations after the British Government (Ancram) had proposed that the ground-rules and the rules of procedure currently under negotiation would together form this basis.
5. The UUP had skirted around this issue during earlier discussions (effectively reserving their position on a document which they regarded as outside the scope of the present exercise). They joined more guardedly with the other parties in this campaign, which would not have been their chosen platform from a tactical point of view.
6. In response, the Attorney General underlined the legal force of the ground-rules, which were published as a Command Paper, as a statute of the Westminster Parliament. The British Government (Ancram) also defended the status of the document, though with noticeably less firmness.
7. In this evening's resumed session, McCartney challenged the case made by the Attorney General. In a highly effective intervention, Robinson claimed (with extensive Hansard quotations) that Ancram had conceded during the Parliamentary debate on the Bill that the ground-rules would have no statutory force. In private, however, Ancram had earlier upheld the accuracy of the Attorney General's presentation.

8. The SDLP registered vehement opposition to any departure from the ground-rules.
9. During the day, the British side canvassed privately the possibility of incorporating the operational elements of the document (which would amount to some 15-20 of the 26 rules) in the rules of procedure. The Government delegation emphasised the strong public presumption in favour of this agreed position of the two Governments (which had informed the recent election campaign). Ministers pointed to a number of difficulties which would arise if efforts were made to transpose sections of it into the rules of procedure, not least the significant risk that the Unionists would seek amendment of the individual rules (the subject of prolonged negotiation between the two Governments).
10. As of this evening, the issue has not been resolved and can be expected to feature prominently during tomorrow's bilaterals.
11. The Chairman's intention is to resume the work on the rules of procedure at next Monday's meeting and to guide that towards a conclusion. No further progress was made today in relation to the agenda, which will also need to be addressed early next week. A theme of today's exchanges was the linkage between all three matters and the likelihood that delegations will make final agreement in each area contingent on satisfactory outcomes in the others.
12. The Government delegation had bilateral meetings today with the SDLP and the UUP. Further bilaterals are being arranged for tomorrow.