

Summary Report of Informal Contacts

20 June 1996

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PSS

MR. P. TEAHON

MR. S. DONLON

MR. T. DALTON

1. We had informal contacts with Michael Ancram and British officials on a number of occasions, and bilaterals with the SDLP, the Womens Coalition, Alliance, the PUP and UDP. A request for a bilateral with the UUP went unanswered, while Ian Paisley jr explained that because of work on drafting a bilateral with us would not be possible before Monday.
2. At our meeting with Ancram and subsequently we explored the problem of the relationship between ground-rules and procedural paper. We said an approach needed to satisfy three contradictory requirements; (a) that the ground-rules paper continued in force (b) that the Unionists could say they had not formally accepted it and (c) that the Chairmen should have clarity about the basis of their operation.
3. We asked whether these criteria might be reconciled by drawing a clear distinction between two different dimensions. The foundation and basis of the negotiations was ultimately a matter for the Governments and they would make clear that these were as defined in the GRP which they would confirm was fully in force for them. A second dimension was the internal procedures adopted for the conduct of business within that overall envelope and these could be the rules of procedure as adopted by the participants. The Chairman would operate in accordance with these rules and if conflict arose between these procedure and the ground-rules they would remit the matter to the two Governments, as the custodians of the GRP. We emphasised to the British that this rationalisation would require, in addition to the unequivocal commitment by the two Governments to the GRP that only those elements of that paper which dealt with the internal procedures of the negotiations should be inserted into the procedure paper (i.e., no cherry picking of "macro" provisions)
4. On this basis we worked up with the British a version of the procedural paper which we agreed they would show (but not give) to the UUP in the hope that this might reconcile the positions. We stressed that this was without political clearance on our side and would in all events be the outside limit of what might be done to get the UUP out of the hole.
5. It is envisaged that the informal Plenary would reconvene Monday at 10 and that if soundings had been productive the Chairman might indicate that on the basis of informal consultations he was proposing to circulate a redraft of the procedures paper and adjourn until delegations had time to consider it.
6. We also got a slightly revised draft agenda from the British side.
7. In the bilaterals we sketched out in broad terms the possibility of such a presentation. Fuller reports on these meetings will follow. The significant point to arise with the two loyalist parties was their determination to resist any Unionist proposal for a

notional bench marking for decommissioning, which might be activated on grounds of mutuality if SF ever joined the negotiations. The UDP also stressed the volatility of the loyalist paramilitaries. The PUP said there would never be decommissioning, that they would not wish the door to be slammed on Sinn Fein, and they deplored Annesley's remarks today about loyalist violence (fuller reports of these meetings will follow in due course).

Sean O hUiginn
20 June 1996

3. The Government were represented today by the Taoiseach, 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 (Antram) 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 (Antram) 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 Antram had conceded during the Parliamentary debate on the Bill that the ground-rules would have no statutory force. In private, however, Antram had earlier upheld the courtesy of the Attorney General's presentation.