

Confidential

Summary report 25 June 1996

1. Five sessions of the informal consultations were convened during the day. The early sessions were chaired by Mr Holkeri. The first of these adjourned after a few minutes, but there were substantial exchanges between 11am and 1pm and again between 2.30 and 4pm. Discussions resumed briefly at 5.15 with Senator Mitchell in the chair, following his return from the US, and reconvened again between 6pm and 7.15pm. The two Governments met jointly with the Chairman on three occasions and the Irish Government had two bilateral discussions with the SDLP.
2. The discussions are due to resume tomorrow with a session scheduled for 10am to 12 noon. The Chairman proposes to resume again in the afternoon and to convene further sessions on Thursday.
3. Prior to the commencement of business this morning, the Chairman circulated a slightly amended text of the draft rules of procedure tabled on 19 June, together with a series of amendments tabled by a number of participants (the British and Irish Governments jointly, the DUP and UKUP jointly, the SDLP, and the UUP) designed to take account of the perceived need to incorporate procedural elements of the Ground Rules into the Rules of Procedure. The proposals submitted by the two Governments were the most comprehensive by some way, but it is clear that the DUP regard those elements of the Ground Rules contained in its proposal of 14 June as being already on the table. Furthermore a number of proposals submitted earlier by the UUP have already been annexed to the Chairman's draft.
4. Discussion began, following an adjournment for three-quarters of an hour to allow parties more time to study the new proposals, with opening statements by the two Governments presenting their proposals. This was followed by a table-round seeking the views of the parties. The SDLP (Mallon) made it clear that they would insist on the inclusion of their sole amendment, asserting the primacy of the Ground Rules over the Rules of Procedure, if there was any attempt to undermine the status of the Ground Rules. However the DUP (Paisley) and the UKUP (Cedric Wilson) concentrated on identifying what they claimed were differences of emphasis between the two Governments as regards the status of the Ground Rules. They demanded, and were given, the written text of the intervention by the two Governments. The UUP (Trimble) were more constructive and while begrudging in respect of the Government's proposals, did seek to highlight certain amendments, such as those relating to the role of the parties in Strand 3 which had been put forward for their benefit.
5. Unfortunately, despite the best efforts of the Chairman, the two Governments and a number of parties, further discussion of the proposals was blocked by the continued insistence of the DUP and the UKUP on prolonging the debate on the status of the

Ground Rules. While the UUP did make a number of tentative efforts to move the debate back onto the proposals, they were persistently hauled back into the mire by Paisley, Robinson, McCartney and Wilson.

6. The early stages of the debate were enlivened by instances of black comedy. Cedric Wilson (UKUP) complained at the indignity inflicted on him by, amongst other things, having to sit through the Taoiseach's opening address and having to listen to Seamus Mallon, who he described as a spokesman for Sinn Féin/IRA. Wilson also complained about the influence achieved by those who were soft spoken, "preferably with an Irish lilt" and talked constantly of compromise. Paisley rowed in with a vintage performance in which he assured the Irish Government delegation that not only would they not see a united Ireland, but neither would their children, their grandchildren or their great grandchildren.
7. While subsequent discussion lost its early sparkle and became somewhat repetitive, there was a robust exchange between the Attorney General and McCartney on the legal status of the Ground Rules which appeared to confirm to many around the table that, whatever their views on the Ground Rules, their legal standing could not be questioned.
8. Lines were drawn as to whether those who wished to preserve the status of the Ground Rules should be obliged to explain what elements over and above the purely procedural they felt it necessary to retain, or whether those who refuse to accept the continued relevance of the Ground Rules should explain precisely what is in the Ground Rules which they find so objectionable.
9. During the afternoon, Robinson (DUP), supported by McCartney, asked the Chairman if he would produce a paper identifying which elements of the Ground Rules were (a) purely procedural, and therefore amendable, (b) matters exclusively for the Governments (interestingly, Robinson accepted that paragraph 26 dealing with validation of the outcome through referendums, fell into this category), and (c) in the words of the Irish Government's intervention earlier in the day, were "so important to one or other delegation that, in practice, no negotiating process could be envisaged without them".
10. The Chairman, following consultation with the two Governments resisted this demand. However, following repeated calls for such a paper and counter-demands from the SDLP, Alliance, Labour and the Women's Coalition that those with objections to the Ground Rules should put them in writing, the Chairman concluded by inviting all participants to provide him with written answers to three questions by 2 pm tomorrow. The questions were:
 1. What is the status of the Ground Rules in relation to the negotiations?
 2. How, if at all, is that status affected by the sentence in paragraph 7 of the Ground Rules which reads: "The conduct of the negotiations will be

exclusively a matter for those involved in the negotiations”?

3. Either,

- (A) what are the provisions of the Ground Rules to which you object, or
- (B) what about the Ground Rules are so fundamental to this process that they should have this continuing status?

11. This suggestion won widespread support, including congratulations from McCartney. Robinson was unimpressed, however, and complained that the Chairman had refused his request. The Chairman assured him that this was not the case, and that it was being met in a slightly different form. He did, however, accede to a further request from Robinson to provide a table cross-referencing the proposed amendments to the draft Rules of Procedure with the Ground Rules.
12. Earlier in the afternoon, the British had suggested that the impasse on the Ground Rules might be broken by the two Governments tabling a statement making clear that, while they were committed to the Ground Rules, no party was being asked to sign up to them. However, when Irish Ministers sought the views of the SDLP on a significantly stronger draft than that proposed by the British they were informed that even a draft along those lines would not win the support of the SDLP. The idea was not pursued further.
13. A further point to emerge during contacts with the British was that, despite earlier assurances, they are looking at the possibility of inserting into the Rules of Procedure arrangements whereby participants could seek to trigger a process leading to the expulsion from the negotiations by the Governments of any participant which dishonoured the Mitchell principles. They announced their intention to provide us with a text, but this has not as yet been received.

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