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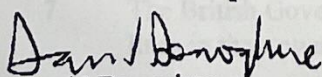
Summary Report (27 June 1996)

1. Today's proceedings were disappointingly unproductive. Hopes of building on the modest degree of progress achieved in yesterday's informal consultations on the amendments to the draft rules of procedure were not realised.
2. An effort by Robert McCartney to reopen the position agreed yesterday on "sufficient consensus" (para 27 of the draft) dominated the morning session. David Trimble, in turn, rowed back this afternoon on an understanding which seemed to have existed with the UUP yesterday regarding the role of the parties in Strand Three.
3. The Chairman circulated this morning updated drafts of, respectively, the rules of procedure and proposed amendments to them. McCartney circulated informally a proposed addition to the key "sufficient consensus" paragraph, under which this rule would govern all decisions made during the negotiations but there would be a higher standard for the measurement of agreement on the final outcome of the negotiations. This threshold was not defined but would entail "such a substantial level of consensus as will give political efficacy to any final action on a comprehensive agreement".
4. At the outset of the morning session, the Chairman invited delegations to comment on this issue. There followed a protracted discussion which ran perilously close to reopening the carefully agreed formula on "sufficient consensus". Most delegations suggested that, while there was indeed an issue for consideration here, it did not need to be expressed in terms of a procedural rule at this stage but would be a matter for political judgement at the time. In practical terms, the contingency flagged by McCartney (an outcome which would only barely clear the "sufficient consensus" tests) was deemed very unlikely to arise. Seamus Mallon warned against the dangers of two different approaches to the measurement of consensus.
5. Unionist support for the amendment was muted. Robinson saw it as essentially applying a test of political reality and not necessarily requiring a procedural rule. Trimble regarded it as unhelpful and suggested that the language chosen did not serve McCartney's own purposes.
6. The Government delegation steered the debate towards a conclusion by noting the common ground which existed and suggesting that, when the Plenary resumed, a statement reflecting this point as well as the comment made by Robinson and others might be read formally into the record. This found general favour.
7. A DUP suggestion to amend para 26 of the draft rules to provide for "sufficient consensus" as the basis for all decisions in any format was accepted.
8. The afternoon session began with a half-hour delay (which strained the patience of delegations, given that the culprits were the DUP who had pressed hard yesterday for today's 3pm adjournment). The Chairman turned to the additional amendments



proposed for the rules of procedure.

9. On the first of the amendments tabled by the two Governments for the purpose of incorporating a number of procedural ground-rules, David Trimble renewed his objections to the role envisaged for the parties in Strand Three. He challenged the restriction of this Strand to the two Governments, claiming that this position is contradicted by the objective mentioned in para 1 of the ground-rules ("a new beginning for relationships..... between the peoples of these islands"). His approach contrasted sharply with Reg Empey's indication yesterday that the UUP could accept the amendments agreed by the two Governments in the relevant section of the draft rules.
10. In an unhelpful intervention, the British Government suggested that the scope of the Strand could be broadened to conclude relationships between the two Governments "and between the peoples of these islands". We intervened to point out that Strand Three involves business between the two Governments and that almost any relationship which could be imagined between the peoples of these islands already falls within the competence of the two Governments. Matters are either the responsibility of Governments (and can therefore be negotiated) or are not. We would need to be very clear that any proposed widening of the remit for Strand Three would not have consequences in terms of the participation in Strand Three (by, for example, prompting demands from a whole range of parties in several jurisdictions for inclusion in the Strand).
11. Trimble said that the most important issue for Unionists in this process was to find a replacement for the Anglo-Irish Agreement and that, accordingly, they were not prepared to be spectators in Strand Three. In response, Minister Coveney emphasised the meaningful role which the Governments envisage for the parties in relation to Strand Three.
12. The question of the status of the ground-rules was not broached today. At a meeting with the two Governments this morning, the Chairman provided a draft of a memorandum which he proposes to issue to delegations at the conclusion of the debate on the rules of procedure. This draft follows closely the suggestions which we conveyed to him yesterday. Copies of the submissions made by six of the parties on this subject were circulated later today.
13. The Chairman also told the Governments that, along with the memorandum, he would like to provide the parties (by way of response to a DUP request for a paper on the ground-rules) with a short analysis of the document which would segregate the rules into different categories. We advised him against this course, pointing to its various risks, and he agreed, albeit reluctantly, not to pursue it.
14. The consultations concluded at 3pm. They are to resume next Monday at 1pm, to continue on Tuesday and Wednesday and to conclude at 2pm on Thursday.

  
David Donoghue  
27 June 1996