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Confidential

Summary Report (3 July 1996)

1. This morning saw a continuation of the debate on the status of the ground-rules. Following a brief resumption of this debate after lunch, the Chairman adjourned the proceedings to facilitate a series of bilaterals.
2. A composite draft of the rules of procedure as agreed to date was circulated by the Chairman and will be the point of departure for further exchanges on this subject tomorrow.
3. There were two developments today which may assist towards a resolution of the current difficulties. At the very least, they provide the UUP with clear options in terms of demonstrating constructive engagement in the process and independence of the DUP/UKUP alliance.
4. First, the British Government tabled, with our support, a proposed introduction to the rules of procedure which would offer all sides an honourable way out of the impasse over the status of the ground-rules. The amendment in question makes clear that the conduct of the negotiations is exclusively a matter for those involved in the negotiations, that the rules are being adopted as the single set of rules of procedure for the conduct of the negotiations and that they can only be amended by agreement, in accordance with the agreed decision-making process.
5. The SDLP can live with this text, as it relates solely to the conduct of the talks and does not impinge on the wider issues covered by the ground-rules (such as participation). Seamus Mallon had private reservations about the phrase "the single set" but is unlikely to press these. He will, however, maintain the SDLP's own amendment for the time being.
6. Initial indications are that the UUP, though it has some reservations, will go along with the British Government amendment. While David Trimble's somewhat begrudging response called into question Michael Ancram's confidence that he and the UUP could be "delivered" with this amendment, he did not directly challenge it.
7. Reg Empey made clear this morning that his party were essentially seeking a commitment on the part of all participants to the negotiation of a single document of reference. He suggested that this issue need not be a crunch issue (as Ian Paisley had warned yesterday). While the UUP could not endorse the ground-rules, they were willing to park the matter for now and to move on. They could not reach a final judgment on it until the present phase of negotiations had ended and, in particular, until the agenda for the opening plenary had been agreed. A linkage between these various issues has, of course, been recognised by all participants.
8. The DUP and the UKUP welcomed the direction of the amendment but held that their fundamental concerns about the ground-rules had still not been met. Among the exchanges worth noting was an attempt by McCartney this morning to contrast the presentations made by the two Governments on this subject. Minister Coveney reiterated the Irish Government's position as set out by Minister Taylor recently.

9. This afternoon, Conor Cruise O'Brien (making a rare appearance) pressed the British Government to say whether the "single set" phrase precluded a role for the ground-rules as relevant to the decisions to be taken by the Chairmen in respect of participation in the talks. When we asked him to indicate where he saw provision (whether in the ground-rules or the draft rules of procedure) for the Chairmen to play such a role, Dr. O'Brien declined to do so.
10. Interventions by the Government delegation, the SDLP, the Alliance Party and several other delegations underlined the need for delegations to recognise in the British Government amendment a carefully constructed compromise on this issue which could not be used as a starting-point for a fresh round of textual negotiation.
11. A further development today was a useful bilateral between the SDLP and the UUP at which Trimble confirmed that he was interested in doing a deal with the SDLP on the various outstanding issues. Compromise formulations were provisionally agreed in relation to a number of points which remain for resolution in the composite draft of the rules.
12. The Chairman, having initially proposed a short adjournment this afternoon (at the SDLP's request) to facilitate these and other bilaterals, was sufficiently encouraged by the report he received of this meeting to prolong the period for bilaterals into this evening. He privately remarked to the Government delegation that he saw value at this stage in promoting the resolution of outstanding difficulties through bilateral meetings, as the plenary sessions are increasingly being used by McCartney and the DUP as a platform for filibustering and a means of destabilising Trimble. While agreeing with this logic, we suggested that it would be difficult to stifle altogether the debate on the ground-rules which the DUP and the UKUP are determined to have.
13. The Chairman also circulated for comments a note proposing the following work programme. Negotiations will take place on 9-10, 16-18, 22-25 and 29-31 July, after which there will be a summer break until 9 September. The objective between now and 31 July will be to agree the agenda for the opening plenary as well as the rules of procedure "and related issues, including the status of those rules"; to appoint the Business Committee; and to have opening statements delivered.
14. Most delegations were happy with the proposal. However, the two Loyalist parties and the Women's Coalition pleaded for some negotiations to continue over August (whether for financial reasons or because the Loyalists wished to have the appearance of negotiations to buttress their ceasefire). We are at present discussing with the British whether the castle building could be open and a very limited provision for bilaterals in August could be conceded.
15. Tomorrow's proceedings (which will conclude in the early afternoon) are likely to involve parallel consideration of the status question, on the basis of the British Government amendment, and of the outstanding points in the composite draft of the rules (hopefully facilitated by firm SDLP/UUP agreement on these).