

Confidential

Summary Report (1 July 1996)

1. Today's proceedings were characterised by extremely slow progress, with at most atmospheric improvements towards the end of the day.
2. The key point at issue was continued inter-unionist skirmishing as to whether "the union was on the table" and the forbearance of other delegations while this subtext was being worked through.
3. The session opened at 1pm and, with a number of adjournments, continued until 7pm. Delegations resumed, and brought to a conclusion, their initial discussion of the amendments proposed in the "additions" document. The Chairman recorded possible compromise approaches in a number of instances and is to produce language reflecting these.
4. The most canvassed discussion related to the position of the Irish Government vis-a-vis Strand One. The Unionists, in particular Paisley and McCartney, contended that the present draft would allow an involvement for the Irish Government in Strand One insofar as the comprehensive agenda for the talks would be adopted by agreement in the opening plenary.
5. We made clear that it would be for the participants in Strand One to decide the format in which they would wish to negotiate the agenda for that Strand. We would, however, expect to be represented at the opening plenary which would adopt the comprehensive agenda for the talks.
6. Reg Empey, probably recognising that this was a tactical rather than a substantive issue, suggested that the matter could be resolved through drafting and that delegations might reflect on it overnight. This was agreed.
7. A further difficulty arose in the same paragraph (para 15) from a perception on the part of the SDLP that successive proposed amendments to it, including one tabled by the two Governments today, involved a dilution of the requirement on participants to negotiate. This led the Unionists into lengthy and heated assertions that the Union would not be open to negotiation. Paisley underlined his electoral mandate in this respect and his refusal to be part of any talks process which might be open to such an interpretation.
8. Mallon pointed out that the consent principle, to which his party is fully committed, has two sides to it. If nationalists have a responsibility to ensure that any possible change in the status of Northern Ireland would come about only by peaceful and democratic means, it is the corollary responsibility of Unionists to ensure, inter alia, that nationalist concerns can be freely negotiated. In one of the more telling exchanges, Mallon challenged McCartney to say whether he accepted Art 1^o of the Anglo-Irish Agreement - a challenge which McCartney ducked.

9. A further Unionist theme of today's discussion was the need for collective ownership of the process. In this context, the UUP pressed one of their amendments which stipulates that the procedures and substance of the negotiations will be exclusively a matter for those involved. Mallon privately conveyed afterwards his concern that the combination of the words "substance" and "exclusively" threatens to side-line the ground-rules in cases of conflict.
10. Today's discussion also continued last Thursday's exchanges on Strand Three involvement for the parties. Empey said that the UUP could not agree that Strand Three would be the exclusive preserve of the two Governments until they saw a Strand Two agenda which would accommodate their desire to raise issues such as the Anglo-Irish Agreement. Paisley and McCartney supported him. However, they appeared ready to accept assurances from the two Governments that matters such as the review of the Anglo-Irish Agreement and Articles 2 and 3 could be discussed in Strand Two, as well as in Strand Three.
11. In a subsequent meeting with the Government delegation and Seamus Mallon, the Chairman floated the idea of referring conflicts about the ground-rules not to the two Governments but to the Business Committee. We did not oppose a tactful attempt to avoid confronting any potential conflict between the two sets of rules in this way, but queried whether it would be permitted in practice by the Unionists.
12. There was some informal discussion with the Chairman and the British Government about the schedule for the coming weeks. It is generally accepted that there would be an interruption next week to accommodate the Twelfth (and pre-Twelfth) parades. The British are floating the possibility of meeting at least for the first couple of days next week. We made clear our willingness to work on these days, but suggested that a decision on whether this would be sensible would depend on the extent to which the Unionists demonstrate a willingness to make progress during the remainder of this week.
13. More generally, Senator Mitchell indicated the he would like to agree with the delegations a series of target dates for the completion of work between now and the summer recess (likely to be the end of July). He envisages proposing that five points would be resolved in that period - the rules of procedure, the status of the ground-rules, the agenda for the opening plenary, the establishment of the Business Committee and the opening statements. However, following discussion with the Governments, he is to reflect further on the wisdom of target dates (which might spark a Unionist counter-reaction) as against open-ended approach (which might lead to totally inconclusive palavers).
14. The consultations are to resume tomorrow from 10am - 7pm.

David Donoghue
1 July 1996