

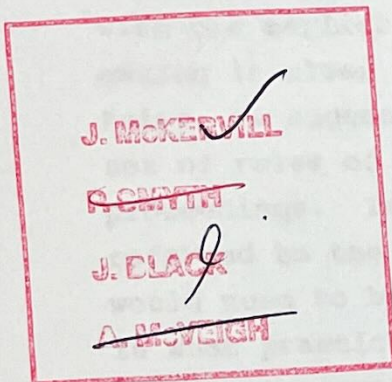
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POLITICAL AFFAIR
DIVISION
04 JUL 1996
N.I.O. BELFAST

FROM: MISS G HARRISON
POLITICAL DEVELOPMENT TEAM
3 JULY 1996

cc PS/Secretary of State(L+B) -B
PS/Sir John Wheeler(L,B+DFP) -B
PS/Michael Ancram(L,B+DENI) -B
PS/Malcolm Moss(L,DOE+DHSS) -B
PS/Baroness Denton(L,DED+DANI) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Thomas(L+B) -B
Mr Bell -B
Mr Legge -B
Mr Leach(L+B) -B
Mr Steele -B
Mr Watkins -B
Mr Wood(L+B) -B
Mr Beeton -B
Mr Currie -B
Mr Hill(L+B) -B
Mr Lavery -B
Mr Maccabe -B
Mr Perry -B
Mr Stephens -B
Ms Checksfield -B
Miss Harrison(L+B) -B
Ms Mapstone -B
Mr Whysall(L+B) -B
Ms Collins, Cab Off (via IPL) -B
Mr O'Mahony, TAU -B
Mr Lamont, RID -B
HMA Dublin -B
Mr Westmacott, (via RID) -B
Mr Campbell-Bannerman -B
Mrs McNally(L+B) -B



File Note

TALKS: MORNING AND EARLY AFTERNOON OF WEDNESDAY 3 JULY 1996

Summary

- Michael Ancram held a constructive bilateral discussion with Mr Empey, during which he outlined the Government's current thinking on a possible amendment to the rules of procedure. Mr Empey raised some issues which we were able to reflect in a revised draft amendment tabled later in the day.

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- A constructive, but inconclusive discussion in conferring plenary, concluding yesterday's debate on the status of the Ground Rules and their relationship with Rules of Procedure.
- Mr McCrea began by quoting Michael Ancram's speech to the House of Commons on 22 April 1996, when he rejected Mr Wilshire's amendment proposing that Ground Rules be incorporated into the Northern Ireland (Entry to Negotiations etc) Bill and alleged that the Government was now saying something different.
- Reg Empey made a helpful contribution which was consistent with his earlier discussion with Michael Ancram. While making it clear that the UUP would not sign up to Ground Rules, he suggested that the aim should be to agree a single set of rules of procedure as the sole text for the conduct of proceedings. In the event of any dispute, these should be referred to the Business Committee to resolve. Any changes would need to be arrived at by agreement. But the real issue is what practical effect Ground Rules will have on the ability to negotiate and achieve an outcome.
- Michael Ancram suggested that the participants might aim to agree the following points
 - (i) Ground Rules is the document by reference to which the negotiations are taking place
 - (ii) the two Governments have said that the participants are not required to sign up to Ground Rules.
 - (iii) Those who regard Ground Rules as providing enduring principles do not ask others to accept their view; and vice versa.

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(iv) It would be sensible to agree a single set of self-contained rules of procedure which avoided gaps.

- To replace current Rule 1:
- On behalf of the British Government Michael Ancram offered to table an amendment to Rule of Procedure No 1 (copy attached - as circulated to participants at 1.20pm)
 - Several contributions from Mr McCartney and also the DUP. Gregory Campbell, said that while the DUP was willing to consider the Government's amendment, he regarded the proposal to set aside the status of Ground Rules as untenable in circumstances when the Government regarded them as a key foundation of the negotiations.
- The meeting adjourned at 12.30 to resume at 2.00pm.
- The British Government amendment was welcomed by Mr Trimble, who reserved his position, but spoke in such a way as to suggest he would go along with it.
 - The amendment was welcomed by the DUP, and the Irish Government expressed agreement. But clarification on the meaning of certain words and phrases was sought by the DUP and UK UP.
 - Following a suggestion by Seamus Mallon, the meeting was adjourned at 3.30pm subject to recall by the Chairman for bilaterals to take place between the parties to establish a basis of trust on which to move forward.

Signed.

MISS GILLIAN HARRISON
Political Development Team

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BRITISH GOVERNMENT'S PROPOSED AMENDMENT TO RULES OF PROCEDURE

To replace current Rule 1:

1. The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are, as provided for by Section 2(1) of the Northern Ireland (Entry to Negotiations, etc) Act 1996, the negotiations referred to in Command Paper 3232 (Ground Rules for Substantive All-Party Negotiations) published on 16 April 1996.
- 1A. The conduct of these negotiations is exclusively a matter for those involved in the negotiations. These rules of procedure are adopted for that purpose as the single set of rules of procedure for the conduct of the negotiations. These rules can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 23 through 28, following discussion in the Business Committee.

2. We today debated a possible procedural rule, reflecting Ground Rule 17 to this effect:

"If, during the negotiations, a formal representation is made that a participant is no longer established to participate in the negotiations on the grounds that they have demonstrably dishonoured the principles of democracy and non violence, the Independent Chairman will refer this representation to the two Governments for their consideration and, having due regard to the views of the participants, appropriate action."

3. In debate it was suggested that action shall be taken only in response to evidence. BMO argued that this did not need to be stated expressly but was implicit in the word "demonstrably".

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