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FROM: J McKERVILL
TALKS SECRETARIAT
2 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
Mr Lamont, RID -B
HMA Dublin -B
Mr Westmacott, (via RID) -B
Mr Campbell-Bannerman -B
Mrs McNally(L+B) -B

File Note

TALKS: MONDAY 1 JULY 1996

Another day of repetitious circular argument. Despite Chairman's hopes of completing more, only amendments tabled by the two Governments considered. No proposals about scheduling aired in conferral session, but Chairman tells two Governments that he is thinking of proposing that talks should take place on three days next week; that talks should resume on 16 July after the twelfth holiday and that work should then continue until 31 July or until completion of package of work, whichever is the earlier. Talks should then

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break up until the second week in September. Following consultations with the two Governments, he agrees not to table scheduling proposals until, perhaps, Thursday.

Detail

2. Prior to the main conferral session, the Chairman had a meeting with the two Governments. He reported that his aim for the day was to invite comments on/objections to the amendments to the Rules of Procedure which had been tabled by the two Governments and the various parties. As to scheduling, his inclination was to suggest that talks should resume after the twelfth holidays on 16 July and continue until 31 July or on the completion of a package of work if that could be achieved earlier. Talks would then break for five weeks. His target was to achieve by 31 July completion of:

Rules of Procedure

Status of Ground Rules

Agenda for the Opening Plenary

Appointment of the Business Committee; and

Opening Statements.

After inconclusive discussion of the merits of setting targets, it was agreed that the Chairmen and the two Governments would meet at the end of the day to consider further. Mitchell also encouraged the British and Irish Governments to resume their contact with the UUP and SDLP respectively to address Ground Rules and see if there was a chance of proceeding on the basis of a single set of Rules which participants were currently in the process of negotiating.

3. The main conferral session began at 13.07 with the Chairman stating that he wished to continue consideration of the Additions to the Rules of Procedure which had been circulated on 27 June. Last week had ended with consideration of revised para 2 suggested by the two Governments. He proposed to continue consideration of the proposed additions beginning with revised para 10. At this stage McCartney launched into criticism of press reports of a radio interview given by the UUP leader in which the latter had accused

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McCartney of engaging in delaying tactics. If this continued he would have to go public to put matters straight and he asked for a direction to delegations on their dealings with the press. Although he did not elicit a ruling from the chair, despite gaining some support from Dr Paisley, McCartney's comments perhaps inevitably set the tone for the day's deliberations.

4. On the proposed addition para 10, Dr Paisley questioned how it could be held to be consistent with Rule 13. Para 10 envisaged negotiations proceeding "in parallel" while Rule 13 stated that meetings in different formats would not be held simultaneously. HMG and the Chairmen sought to clarify that the negotiations in the various strands would not be sequential but would proceed in parallel, although the timings of meetings would be such as to enable delegations to field the same team at each meeting if they so wished. Matters were resolved with a suggested amendment from the Chairman, which was agreed by the delegations, to insert ", consistent with the provisions of para 13" at the end of proposed addition 10. Proceedings were then adjourned for 20 minutes to enable delegations to consider the first of the 2 new amendments A1 and A2 which the two Governments had tabled shortly after the meeting began, to the mild annoyance of some of the delegations.

5. After resumption, there followed a 2 hour sterile (in the words of the Labour delegation) debate on proposed addition para 15 with the delegates rehearsing their earlier stated positions. At times the temperature became heated with noticeable angry exchanges between Mallon and McCartney. As expected, DUP objections focussed on the role of the Irish Government in agreeing a comprehensive agenda which included issues to be discussed in Strand One. And they argued that the second sentence of the paragraph created a loophole for the addition of items to the earlier agreed agenda. Dr Paisley knew what was behind this ie: to get the Union on the negotiation table. He pledged that he would not be sitting at a table where the Union was being negotiated. Attempts by HMG and others to remind Dr Paisley that the first item on the agenda in the 1991 Talks was "The Constitutional Position of Northern Ireland", and that "negotiating away the Union" was not the same as being prepared to talk about the

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issues involved, broke little ice with him.

6. The UUP picked up the DUP's concern about Irish involvement in agreeing an agenda which involved Strand One issues. Despite assurance from O hUigin that, while the Irish would expect to be at the plenary to adopt the overall agenda, they would not be at meetings which set the agenda for Strand One, Empey said further thought should be given to how this might work out in practice. Were people envisaging a two-tiered plenary.

7. Not surprisingly, the longest and least constructive intervention came from McCartney who argued once again that if Ground Rules were retained, they would have superior status and consequently the nature of the agenda would be beyond the reach of the participants. Referring to Cyril Ramapahosa and Roelf Meyer's address on Friday evening at the Europa, he said that they had maintained that the most important aspect of the South African negotiations had been that the parties themselves had control over the negotiations. With Ground Rules in place, that could not be said of these negotiations. He maintained that para 15 could only be debated in the context of the primary question - "what is the status of Ground Rules?".

8. Mallon, for the SDLP, said that he saw his delegation not as "participants" but as having responded to an invitation to negotiate. The diminution from "will negotiate" through "to be addressed" to "receiving a fair hearing" was, to put it mildly, disappointing. The SDLP would not accept anything other than the requirement to "negotiate". He would not accept semantic changes to allow his party's position to be diluted. Bronagh Hinds supported Mallon's concern about the dilution of the requirement to negotiate. On the general debate, she claimed that what was missing was "a dose of common sense" which sadly, but inevitably, prompted criticisms from both the DUP and UK UP.

9. After a break of 55 minutes the meeting resumed at 17.00 with Casey (Labour) regretting that the earlier debate had degenerated into "cataastrophe" and that the smaller parties were still being

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denigrated. He suggested that the DUP and UUP, with their relative strengths, could afford to be magnanimous rather than acting akin to McCarthyism with fears of "reds under the bed". Sadly McCartney took this as offensive and as a personal attack in that his surname could be associated with McCarthy because they shared the first four letters (five if the small c is included!). McCartney, repeating remarks earlier in the day, said he had only addressed the arguments and suggested names and personal abuse be left out of the equation.

10. With the departure of Casey, who had another engagement, things calmed down with even Mallon and McCartney giving way to each other in debate. With the Chairman's undertaking to try to attempt a rephrasing of the first sentence of para 15 and promising a review of the second part, the remaining amendments of the two Governments were considered.

11. On 15A, Dr Paisley objected on the grounds that this was asking for a blank cheque which he could not sign. He could not commit himself to "seriously address" all aspects of the agreed agenda until he knew what the agreed agenda was.

12. On 17A, delegations agreed to the insertion of the first sentence of UUP amendment UU1 (with "those involved" replaced with "the relevant participants") after the first sentence of proposed 17A. Eventual agreement on this however depended on resolution of the status of Ground Rules argument. (NB: Later, the Irish delegation informed the British of Mallon's anger about the use of the word "exclusively" in the first sentence of UU1, fearing it might blow Ground Rules out of the water. Both Governments agreed further discussion would be possible when the revised rules were revisited).

13. The DUP lodged their long-standing objection to use of the term "plenary" as opposed to "opening plenary" in para 20A. Accepting that the first sentence of the para had no application to the two Governments, the meeting moved on to discussion of para 28A, which was agreed subject to "consensus" in the second sentence being replaced by "agreement". The two Governments' amendment A2 on para 30 was considered and redrafted as "The British Government, as

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Chairman of Strand One, will keep the Irish Government informed and will report on the status, as determined by the Strand One participants, of the Strand One negotiations." Parties resumed the right to return to this paragraph when the Rules were revisited.

14. Finally, given the assurances that both Governments had provided the parties that issues such as Articles 2 and 3 of the Irish Constitution could be raised in Strand Two as well as Strand Three, paras 32 and 33 were agreed subject to a suggestion from the Chairman that "In addition" at the beginning of para 33 should be deleted. The meeting adjourned at 19.05.

15. As agreed earlier in the day, the Chairmen met with both Governments over the plenary to discuss scheduling. Michael Ancram registered a concern that adoption of the Chairman's target would mean that discussion of decommissioning would take place in July with discussion of the comprehensive agenda being deferred to September. This would upset the balance and would probably come under criticism from the SDLP and presumably, the Irish Government, who agreed. As in the morning, no agreement was reached on scheduling targets with Minister Coveney arguing that setting a high and likely unattainable target would leave the process open to criticisms of lack of credibility. It was left that the Chairmen would not table a scheduling paper until they saw how events developed the next day.

16. The Chairman once again hoped that HMG could liaise with the UUP over the status of Ground Rules. A brief exchange between the Chairman, Irish and Mallon immediately after the conferral session had failed to resolve the problem. It was, however, recognised that little could be done before Trimble's return on Wednesday.

(Signed)

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