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ANNEX B

(19 July)

TALKS, [22 JULY]: POINTS TO MAKE IN SUPPORT OF RULES OF PROCEDURE
PUT FORWARD BY SENATOR MITCHELL

- The situation in Northern Ireland demands an act of collective political leadership;
- as the Prime Minister said last Thursday, we must move the talks process decisively forward into a discussion of substantive issues;
- welcome/support/propose that the draft rules [put forward by Senator Mitchell] should now be adopted as a package;
- every delegation has had full opportunities to explain its position on the issues raised by the rules and proposed possible amendments. Senator Mitchell and his colleagues have gone to enormous trouble to ensure that everyone's concerns had been fully identified and addressed and to reduce the number of outstanding points of difficulty to a minimum;
- I have no desire to downplay the significance of these rules of procedure or of the debates they have engendered. People who dismiss such debates as "procedural wrangling" miss the point that it is essential to establish a negotiating framework which does not prejudice any participants position in the negotiations. However, I do believe that we have got to the point where the remaining areas of difficulty can be resolved on a basis which everyone can at least live with.

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- the text before us represents the best judgement of of Senator Mitchell and his colleagues of what is likely to be acceptable to all delegations. I welcome and endorse it as such. The British Government is ready to adopt these rules and I call on all other delegations to do likewise. I believe the proposed rules are fair, balanced and comprehensive. They do not prejudice anyone's position. They deserve unanimous support;
- [• so far as the relationship with Ground Rules is concerned, the British Government is content to rest on the analysis circulated by the Independent Chairmen on 27 June. We remain committed to the Ground Rules and Command Paper 3232 of 16 April continues to be the legal descriptor of these negotiations. However, we accept that not all delegations will wish to sign up to or endorse the Ground Rules and see no reason why they should do so. We have cooperated in the development of these free-standing rules of procedure for the negotiations which will allow them to be taken forward successfully and efficiently without reference to any other document.]

ANNEX C

(19 July)

POINTS TO MAKE IN SUPPORT OF AGENDA PUT FORWARD BY [THE TWO GOVERNMENTS]

- We valued the earlier round table discussions of the agenda for the rest of the opening plenary session and the opportunities there have been to hear views from each of the parties in bilateral discussions;

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- it is clear that the agenda originally proposed by the two Governments was unlikely to secure general support and we are happy to [join with the Irish Government] in proposing the agenda tabled [this morning];
- it will be immediately clear that this takes account of a number of the concerns expressed in relation to the original agenda. It gives all delegations the opportunity to argue, at the appropriate point, for their preferred way forward; and it does not prejudice the achievement of any delegation's objectives. It does not imply any particular role for the Independent Chairman in determining whether participants have given adequate commitments in relation to the decommissioning agenda. I trust it will secure general support on that basis;
- happy to develop the rationale behind the proposed agenda if that would be helpful [further notes attached];
- meanwhile, I would like to signal the British Government's belief that we should aim, if at all possible, to complete this opening agenda before we break for the summer. Any prevarication at this stage would be very dangerous. We need to register a decisive move forward. I propose that as soon as the Business Committee has been established it should review the proposed schedule of meetings with this objective in mind and provide immediate advice on what should be done to ensure that it is achieved.

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APPENDIX TO ANNEX C

(19 July)

RATIONALE FOR THE AGENDA FOR THE OPENING PLENARY SESSION

1. Apart from the procedural elements of the draft agenda, the British Government continues to believe that it would be desirable to provide an early opportunity for participants to make **formal opening statements**, setting out their general approach to these negotiations.
2. Beyond that we need to address the proposals of the International Body on the **decommissioning** of illegal weapons, and discuss and adopt a **comprehensive agenda** for the negotiations.
3. This reflects the Joint Communique issued by the two Governments on 28 February. That Communique identified three elements which the Governments believe are essential to the negotiations. These are:
 - all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body.

(That stage has, of course, now been completed in respect of the parties participating here.)

 - They would also need to address, at that stage, its proposals on decommissioning; and
 - confidence building would also require that the parties have reassurance that a meaningful and inclusive process of

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negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

4. Mr Chairman, I have already referred to the Report of the International Body which you and your colleagues submitted in January. Without in any sense wishing to **anticipate** the **substantive discussion** of the issues which we shall have at the appropriate point, I should make clear that the British and Irish Governments accept that Report in its entirety. In particular, we accept the **compromise approach to decommissioning** set out at paragraphs 34 and 35 of the Report. Under this - and I quote - "some decommissioning would take place during the process of all-party negotiations, rather than before or after". The Report goes on to say that this approach of decommissioning **during** negotiations

"offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence".

5. The agenda for the opening plenary must facilitate the implementation of this compromise approach. We believe that the best way of establishing the **necessary balance of confidence** in the reality of mutual progress on both decommissioning and in the wider negotiations is to have an arrangement under which confidence is built through the participants addressing constructively and in good faith the International Body's proposals on decommissioning while, at the same time, agreeing and adopting a comprehensive agenda which will clearly enable a meaningful and inclusive process of negotiations to proceed.

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6. However it will be necessary at an early stage to establish that there are clear indications of good intent on the part of all the participants to work constructively and in good faith to secure the implementation of all aspects of the Report, in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues.
7. One criticism of the 6 June "Scenario" paper was its proposal that the **Independent Chairman** should be invited to report to the Plenary on the question of the constructive intent and good faith of participants in this area. With great respect to colleagues who have voiced these concerns, I believe that there may have been some misunderstanding. It was never suggested that the Chairman should make a private and unaccountable judgement which would somehow be binding on the negotiations. As the "Scenario" paper made clear, the Chairman would report his view "after open discussion in the plenary", and it would then be for the Plenary itself to consider and approve what further steps might be taken.
8. Nonetheless, because this feature of the 6 June draft agenda has been a source of controversy in our discussions, and because we do not believe it essential, the British Government is happy that the agenda should simply identify the requirement to find some way - acceptable to all - of establishing everyone's commitment and good faith, without giving any particular role to the Independent Chairman.
9. Once there **is** satisfaction on the commitment of all participants, the next step would be to identify appropriate machinery for securing the implementation of the Report, including agreement on the modalities of decommissioning on the basis of the guidelines contained in paragraphs 36-50 of the Report. Those guidelines include the principle that decommissioning should be **mutual**, - in the sense that decommissioning should take place on the basis of the mutual

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commitment and participation of the paramilitary organisations.

10. To sum up, we believe that the balanced and appropriate procedural expression of the International Body's compromise approach lies in providing a full opportunity for participants to discuss and address the International Body's proposals on decommissioning **and** similarly to discuss and agree a comprehensive agenda. The adoption of a comprehensive agenda for the negotiations, followed by the establishment of appropriate machinery to take forward the issue, would allow negotiations on the issues in the three strands to be taken forward at the same time as work proceeds to implement a start to decommissioning **during** the negotiations. This **parallel progress** offers the best route forward. [In our view, to seek to provide that negotiations in the strands could not **begin** until decommissioning had started would depart from the compromise approach set out by the International Body - an approach which the British Government has accepted - and would in reality imperil rather than facilitate the goal of actual decommissioning which we all seek].

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