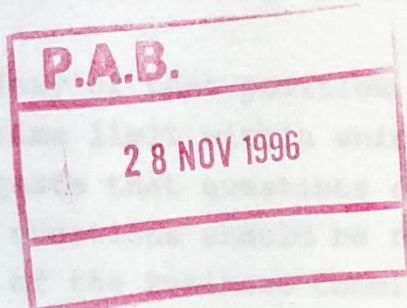
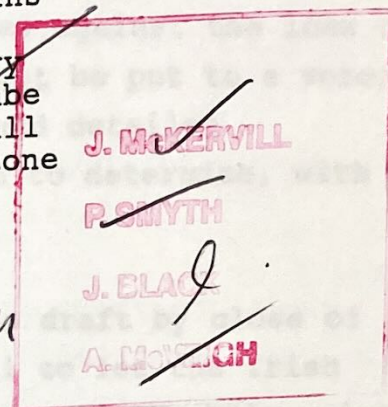


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FROM: D HILL
Political Development Team
28 November 1996



cc Mr Watkins
Mr Bell
Mr Lavery
Mr Maccabe
Mr Whysall
Ms Mapstone



Mr Stephens

TALKS: RESPONSE TO CHAIRMAN'S QUESTIONS

We need to let the Chairman have, by 10 am on Monday, a written response to the questions he posed in plenary yesterday after the debate on Mr McCartney's attempt to table a motion for discussion.

I aim to put advice to Ministers during the course of tomorrow.

The essential political requirements are to:

- preserve the right of each participant to raise any issue of concern to them and receive a fair hearing for those concerns
- avoid a situation (which Mr McCartney is trying to achieve) in which the UUP can be subjected to political pressure on key issues by being forced to declare a formal position prematurely. Even abstention could be used against them by the DUP and UKUP; and if they vote for a DUP/UKUP motion on the basis that it won't get sufficient consensus they reduce their room for manoeuvre in future and could damage any remaining chance of developing an understanding with the SDLP.

The attached draft reply picks up the line which Mr Thomas took in the plenary yesterday by distinguishing between each participant's

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right to raise an issue and the right of the participants as a whole to determine how the talks process should be conducted, especially in relation to the timing and handling of formal decisions.

As a corollary of that position the draft argues against the idea of setting a time limit within which any motion must be put to a vote; and it suggests that questions of "relevance" and detailed procedural questions should be for the Chairman to determine, with the advice of the Business Committee.

It would be helpful to have any comments on this draft by close of play today. I would then propose to ask Mr Bell to let the Irish side have a copy of our draft reply, as a courtesy and to help point them in the right direction.

(Signed)

D J R HILL

Political Development Team

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J. McKERVILL

~~P. SMITH~~
INDEPENDENT CHAIRMEN

J. BLACK

A. McVEIGH

P.A.B.

28 NOV 1996

DRAFT REPLY TO THE

From: The British Government Delegation

In response to your memorandum of 27 November the British Government delegation would like to make the following points:

- we believe it is vital that during the negotiations every participant should be able to raise any significant issue of concern to them and receive a fair hearing for those concerns. Rules 17 and 18 are relevant to this point;
- it does seem to us, however, that there is a distinction between the protection of this right and the question whether and if so when any issue thus raised should be put to a vote. The conduct of the negotiations is a matter for those involved in the negotiations and while there should be no unreasonable restriction on any participant's right to raise an issue, it is for the participants as a whole to determine - if necessary by sufficient consensus - whether and when it should be put to a vote;
- the safeguard for all participants is that discussions can only proceed from one agenda item to the next by agreement; and that conclusions on each agenda item will need to be reached by agreement. Once the participants have decided to move towards the formal determination of any particular agenda item, each participant will be able to table its proposals, or amendments to others' proposals, and to have them voted upon as part of the process of reaching a determination on that issue;

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- accordingly we see no case for introducing the idea that a particular motion must be voted upon within a specific time limit. That would enable the proponents of any motion to dictate the talks agenda which would be inconsistent with the principle that the conduct of the negotiations are a matter for the participants as a whole;
- any delay in putting a motion to the vote would not be a denial of the any participant's rights. Each participant has full rights to express their concerns and receive a fair hearing for those concerns; and the knowledge that they will be able to formulate their proposals and have them voted upon as and when the agenda item is brought to a determination;
- as and when the talks participants agree to move to the determination of a particular issue any relevant proposition, amendment or motion should be considered and taken fully into account during any decision making process, including any votes. The question of whether a particular proposition, amendment or motion is relevant to the issue under consideration must be a matter for the Chairman to determine, if necessary with the advice of the Business Committee;
- on the third point in your memorandum, we take the view that these procedural issues should be for the Chairman to determine, taking account of the views of the Business Committee.

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