

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 8 JULY 1997 (14.11)

Those present:

INDEPENDENT CHAIRMEN	GOVERNMENT TEAMS	PARTIES
Senator Mitchell	British Government	Alliance
Mr Holkeri	Irish Government	Labour
General de Chastelain		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic & Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. The Chairman convened the meeting at 14.11 and thanked everyone for attending. Turning first to the minutes of the previous two plenary meetings, the Chairman sought the approval of the draft record of 24 June. On hearing no objections, the Chairman approved those minutes as circulated. Moving on to 1 July, the Chairman said that in line with recent practice he would suggest that this record be deferred for approval until the next plenary meeting. This was agreed.

2. The Chairman then relayed to the participants that both he and his two colleagues had met with each of the other participants on at least one occasion since 1 July in an effort to solicit opinions on how best to proceed with the current business. As a result the Chairman said that a short two page paper had been prepared and distributed prior to the plenary commencing. The paper outlined a suggested timetable for handling the remainder of the Opening Plenary Session. The Chairman said that as the document was now before everyone, he would like to make some preliminary comments on

it before going through the paper on a paragraph by paragraph basis.

3. The Chairman stressed that the document was a procedural rather than a substantive paper. Its contents neither required a specific outcome to be achieved nor precluded one. It was simply a timetable which might permit the orderly discussion and resolution of an important subject. The Chairman said he wished to highlight the fact that the document not only covered agenda items 2(a)-(c) but also included an assumption, based on the completion of item 2, that agenda items 3, 4 and 5 could also be reached within the timescale.

4. The Chairman emphasised that the inclusion of this assumption didn't compel a result to be determined on the previous issues. With this the Chairman then read through the document on a paragraph by paragraph basis. On completion of this, he asked for comments on the normal tour de table basis.

5. The DUP intervened to ask for an adjournment since the document had only just been received at the beginning of the meeting and stated that there appeared to be some surprises in it which had not been previously put to the party. In particular the party said it was concerned with the apparent launch of the 3 stranded process immediately after the discussion on decommissioning had finished. The Chairman asked whether a 20 minute adjournment was agreeable. The DUP asked for 30 minutes. With this the Chairman adjourned the meeting at 14.20 until 14.50.

6. The Chairman reconvened the meeting at 14.54 and asked that each participant provide comments or views on the two page proposal. The British Government, Irish Government, Alliance,

Labour, NIWC, PUP, SDLP and UDP said they accepted and fully supported the Chair's proposal.

7. The DUP said there were a number of issues it wished to raise. The party said that what was being proposed in the Chairman's document represented a departure from the agreed agenda for the remainder of the Opening Plenary session. The party said that up until today, and in fact including today, the process had been dealing with item 2(a). Since nobody had indicated any contrary view on this position, the party had assumed that the completion of item 2(a) would be followed by 2(b) and then 2(c). The DUP said that the Chairman's proposal appeared to lump 2(a) (b) and (c) together thereby following the intention of at least two of the participants (the two Governments) who wished to see these items taken together. This course of action, in particular, seemed to afford item 2(b) little importance. The party said it didn't wish to make a big issue of this but it hoped that any amendments being made to the Governments' paper would cover items 2(a) (b) and (c). Moving on, the DUP said that in studying the Chairman's paper in respect of Friday 11 July, the timetable called for "a noon deadline for submissions in writing to the Chairmen and circulation to the participants of any further requests for clarification of the Governments' proposal." The party said it wished to raise issues, though not for clarification purposes, but rather to confirm its understanding and position on the contents of the Governments' document.

9. The DUP then moved on to Wednesday 23 July on the timetable. The party noted the order of voting as outlined. The DUP continued, referring to Monday 28 July and the assumption made in the Chairman's document that item 2 would be completed. The party said that one assumption was being made here, but no assumption was

being made to the effect that other proposals had actually been negatived by the voting process. The DUP said that in other words if one assumed that the first element would be voted down (parties' proposals), and the Governments' document was amended and agreed, would this position be sufficient for all participants to agree that decommissioning had been properly "addressed"? The party said that another related factor in all of this appeared to be the assumption in the Chairman's document of the completion of item 2. This was a logical position on the one hand but where were the alternatives to it if item 2 was not completed? On the timetable itself, the DUP said that it was present and quite prepared to vote on proposals today. If anyone therefore wished to tighten up on the Chairman's suggested timetable, then the party would be pleased to support such a proposal.

10. The UKUP said it endorsed the comment and queries presented by the DUP. The party said it did accept that procedures were required to address the decommissioning issue but it had also, in previous Plenaries, highlighted its opinion about putting down any sort of timetable for progress beyond 23 July. The party said it also wondered that if the process went ahead, at this stage, beyond that date on the basis of the assumption made in the Chairman's document, where was the alternative position if item 2 had not been completed by 23 July? Furthermore the party said it was perhaps not a good idea, for a number of reasons, to state what the process would be doing beyond 23 July. The UKUP said that in determining the fate of the proposals, one could see "sufficient consensus" being obtained against the wishes of substantial parts of the unionist population. One could see the other side of the coin too whereby the present street disturbances could seriously affect the loyalist cease-fire and this position could become more acute in the days which lay ahead. The DUP and UKUP views on

decommissioning were crystal clear and it was also reasonably clear what the UUP was going to do on decommissioning since to gain "sufficient consensus" that party would require support from one or other of the two loyalist parties.

11. The UKUP said that if there was a breakdown in the loyalist cease-fire, caused by the present unrest, the two Governments could be placed in a position whereby in hoping to achieve "sufficient consensus" this could only be realised through parties who had lost all valid claims to their commitment to exclusively peaceful means. The party said that if this position was arrived at before 23 July then it left the issue of "sufficient consensus" on a very questionable basis. Furthermore it was likely to create a situation in which it would be difficult to obtain political efficacy - an issue which others around the table had expressed a desire in achieving on more than one occasion. The UKUP said it couldn't see how it was possible to put forward such a lengthy timetable in the current circumstances and for the prior reasons stated. The party had a great deal of sympathy for a timetable being constructed so that a decision on decommissioning could be taken one way or the other. However there were good political and pragmatic reasons for taking the Chairman's proposal up to 23 July, dispose of decommissioning and at that point set out what was required for the next stage of the process. The party said it believed it was too dangerous, in the current climate, to be more definitive on future business beyond that date. The UKUP said its preference would be to limit the schedule to July 23, review the situation at that time, and proceed as the facts suggest at that time.

12. The UUP said the structure of the Chairman's proposal was sensible. The party's only concern was whether the structure was

"doable". For example, the UUP said that on page one of the Chairman's proposal, the timetable stated that on Wednesday 16 July, the plenary would meet "for further discussion of proposals on decommissioning and clarification by the Governments in response to requests by participants." The UUP wondered whether, given other events and business in the Governments' schedule, whether this was "doable". The party said it had some reservations about this but the Chairman's proposal was a working document. Now it was a case of working with it.

13. The Chairman said he wished to respond to the point raised by both the DUP and UKUP about their being no alternative "assumption". The Chairman said that all the participants had adopted the agenda for the remainder of the Opening Plenary the previous October. That particular route had been laid out by the participants. The Chairman said the wording of the proposal now before the participants simply reflected the wording of the agenda agreed the previous October. The participants had not yet reached the point of expressing what they wished to do after 23 July if decommissioning hadn't, in their opinion, been "addressed". The Chairman added that he didn't honestly believe that an analysis of that position could have been covered by him and his two colleagues in any case since no one knew what lay ahead. There was therefore no ulterior motive to not putting in an alternative assumption. The Chairman recalled his opening remarks when he stated that participants' agreement to the procedural timetable didn't necessarily mean approval to anything in the document. The Chairman asked whether the UKUP's suggestion about not going beyond 23 July should be put to everyone in the form of an amendment to the document. There was agreement to do this. The Chairman said he would put it to the participants now.

14. The DUP intervened and recalled the Chairman's previous comments regarding the assumption in the document and the fact that no alternative position had been offered because the Chairmen didn't know what lay ahead. The party asked why the Governments' proposal was being taken as a whole and not the subject of a paragraph by paragraph voting procedure. The DUP asked why should the Governments' motion receive all the advantages in this process. It would be very much better for the participants to be allowed an opportunity to decide on the Governments' proposals in the manner proposed by the party. The Chairman reminded everyone that all proposals would be treated in exactly the same way. The voting procedure to decide on the participants proposals would be identical to that which underpinned the decisions on the Governments' proposals.

15. The DUP returned to the point and said that surely the Governments' proposals had to be decided upon on a paragraph by paragraph basis. If this was not possible then the Governments' proposals would be treated like an Order in Council and therefore participants would be faced with taking all the contents or none at all. The party said this was an important issue and therefore every effort had to be made for an opportunity to be given to go through the Governments' proposals in detail.

16. The Chairman reiterated his earlier comments regarding voting procedures. He continued saying that the DUP's suggestion that the Governments' paper be voted on section by section had been considered but the Chairmen had judged that it was better to go forward in the manner suggested and the DUP's suggestion was therefore not included in the timetable paper. The Chairman stressed, however, that the DUP proposal could be tabled as an amendment to the document thereby allowing all participants to

decide on its merits. The question remaining was how one defined a paragraph or section for voting purposes. The DUP said the Chairman might have to do this if the proposal was agreed.

17. The UUP asked what procedures had been followed during voting on previous occasions. In particular, it asked what had been the practice when the Rules of Procedure had been agreed.

18. The Chairman said that both of the procedures instanced had been followed when agreeing the Rules of Procedure. Participants had considered each rule individually, and many had been approved without objection. Where an objection had been raised, those rules were set aside for discussion. Participants had then voted on those sections in which objections had been raised, following which delegates voted on the Rules of Procedure as a whole.

19. The UUP asked whether this procedure was identical to that being proposed by the DUP. The Chairman said it was not identical, as delegates had not been required to consider each rule individually. The DUP said that it still believed that the rules had been decided upon on a rule by rule basis and therefore a section by section approach might serve the participants well, as each part of the various decommissioning proposals would be considered separately.

20. The Chairman said the Rules of Procedure had been agreed in the manner described. There had been a substantial body of rules to which no objection had been raised, and these had been agreed together. Participants had then discussed and voted on those rules to which objections had been raised, following which agreement had been reached and a vote taken on the rules in their entirety.

21. The DUP again asked whether it would be able to deal with each paragraph separately. It said that where no objection was raised to a particular paragraph, nor any amendment proposed, participants could proceed to the next paragraph. It stated its belief that, where an amendment was proposed to a particular paragraph, and that amendment was defeated, participants should still be able to vote on the paragraph in its original, unamended form.

22. The Chairman asked whether there were any further comments, or proposals to table further amendments to the timetable. If there were none, he suggested participants proceed to a vote on the amendment tabled by the UKUP.

23. The DUP said participants could not vote on the UKUP amendment until they had first disposed of the DUP amendment, which referred to an earlier passage of the timetable. The party asked why item 2(b) of the agreed Agenda for the opening Plenary was not catered for in the timetable proposed by the Chairman.

24. The Chairman said the timetable under consideration assumed completion of items 2(a), 2(b) and 2(c) of the Agenda for the Opening Plenary. Item 2(b) was an affirmation by participants of their commitment to work constructively to implement agreements on decommissioning. This could be done at any time of the participants' choosing once the proposal had been approved, if it were approved. The DUP said that, as item 2(b) was important enough, collectively, to warrant a separate heading in the Agenda, it was disappointed to see no mention of it in the timetable which they were being asked to approve.

25. The Chairman said he was not opposed to an amendment to the timetable which included the affirmation envisaged in item 2(b) of

the Agenda. He proposed that delegates deal with item 2(b) after the vote on decommissioning proposals scheduled for 23 July or, alternatively, at the start of business on 28 July. For procedural reasons he would prefer the latter date. He then asked whether there were any objections to amending the document under consideration to include item 2(b). Upon hearing none, the Chairman amended the timetable under consideration to include item 2(b). He then proposed that delegates vote on amendments in the order that they had been tabled, rather than in the order they would appear on the paper. This was agreed.

26. Moving on, the Chairman asked participants to vote on the UKUP amendment which proposed that the last two paragraphs of the timetable, namely those marked 28 and 29 July, be deleted. The DUP and UKUP voted for the amendment; the British Government, Irish Government, Alliance, Labour, NIWC, PUP, SDLP and UDP voted against the amendment; the UUP abstained. The Chairman ruled that the amendment had not secured sufficient consensus and therefore lost.

27. The Chairman then invited participants to vote on the DUP's amendment which proposed that delegates vote on the decommissioning proposals section by section. The DUP, UKUP and UUP voted for the amendment; the British Government, Irish Government, Alliance, Labour, NIWC, PUP, SDLP and UDP voted against the amendment. The Chairmen ruled that the amendment had not secured sufficient consensus and was accordingly lost.

28. The UKUP asked why the timetable did not contain a proposed course of action in the event that the address to decommissioning was not completed. The party wondered what the Chairman's mind was in such a scenario. It noted that the SDLP had told the press that the multi-party negotiations would come to an end if the

decommissioning issue was not resolved by the end of July. The UKUP asked if this was the Chairman's view, and enquired whether the negotiations would continue if some parties withdrew. It wondered whether an adjournment might be appropriate during which the Chairmen might draw up proposals on how to proceed in the event of the outcome the party had outlined.

29. The Chairman said he would be pleased to grant a request for an adjournment should he be presented with one. He said it was not the intention of the Chair at this time to present alternative scenarios if participants were unable to conclude consideration of item 2 on the agenda. In all sincerity he did not know what would transpire in this eventuality; it would be up to the two Governments and the participants to make a judgment on how best to proceed under such circumstances. If asked by the participants to draw up proposals, the Chairman said he would. However, he was unable to do so at this point in time. He said there had been no discussion with any of the parties or Governments on this issue, and there was insufficient time available to them in which to adequately engage in such a process.

30. The UKUP said there was no point in continuing with its suggestion. The party stated its belief that there was an attempt on the part of some participants to equate agreement on the proposed timetable with an endorsement of the outcome envisaged by the timetable.

31. The Chairman made clear what was before them was a procedural paper which did not imply in any way a specific outcome. That decision remained to be made by the participants. The Chairman said there was no attempt to preclude or exclude any outcome. The paper was before participants for presentational purposes only, and

its contents derived from the Agenda for the remainder of the Opening Plenary.

32. The DUP said the proposed timetable assumed completion of item 2 of the agenda. It said the voting procedure scheduled for 23 July made the same assumption, regardless of the result of any voting on the decommissioning proposals. The Chairman replied that if the participants considered the decommissioning proposals but did not come to any agreement on them, they would in effect have made a determination that agreement on how to proceed with decommissioning was not possible at that stage. The DUP then asked whether agreement on part of the decommissioning proposals would constitute completion of the address to decommissioning? The Chairman said that if a particular proposal was endorsed, surely the participants would have endorsed the course of action contained therein.

33. The DUP challenged this statement. It said the two Governments' proposals could be accepted in part, without this necessarily constituting a completion of the address to decommissioning. The Chairman observed that there were an infinite number of possibilities, and said he was unable to respond to them all. It would be up to the participants to make a decision in light of the prevailing situation.

34. The UKUP took up the point made by the DUP. It said the issue in hand was the circumstances and criteria for deciding whether or not the issue of decommissioning had been addressed in accordance with the rules setting up the multi-party negotiations. The party asked whether, in the event of a negative response to the Governments' joint proposals as amended, the participants could take it that decommissioning had not been addressed in a manner

sufficient to allow the negotiations to proceed to the three strands. The UKUP said that, in the event of there being some agreement on how to proceed with decommissioning, but one which did not fully dispose of the issue, this might be construed by some participants to mean that the address to decommissioning had been completed. The party observed that, if the participants were unable to reach sufficient consensus, the issue of addressing decommissioning would remain. This would mean that the multi-party negotiations could not to proceed to substantive discussion in the three strands.

35. The Chairman said he would not make a ruling on a hypothetical or abstract basis. He said that if no plan was approved after a vote, it would be clear that participants had not reached agreement on decommissioning. The UKUP contended that it was not a question of whether or not agreement was reached on decommissioning, but rather whether a partial agreement on decommissioning constituted completion of the address to decommissioning. It said the voting credentials of some parties necessary to make up the requisite sufficient consensus might be open to some doubt in the current volatile situation. The UKUP asked whether, in the event of a patent breakdown of the CLMC cease-fire, a participant could apply for a ruling from the Chair on whether another party could remain in the multi-party negotiations.

36. The Chairman said there was a specific rule governing this point. Adoption of the proposed timetable would neither negate nor over-rule any other rule. The UKUP said it was grateful for this assurance.

37. The DUP referred to comments made earlier by the UUP leader that he hoped the two Governments would be able to meet the deadline of 16 July for providing clarification on any points raised by the parties. The party asked whether the Governments would have all the necessary clarification available by that time. The Chairman said he could not speak for the UUP leader, but understood him to have meant that the two Governments' wide-ranging responsibilities might make it difficult for them to meet the commitments set out in the proposed timetable. The DUP asked whether some slippage would be allowed if the two Governments were unable to provide the necessary clarification by the date envisaged in the timetable. The Chairman said that was not what he was saying. He said the expectation was that the timetable would be met, and assumed the UUP leader had made an innocent remark.

38. The UKUP then asked whether the two Governments were going to honour the deadlines contained in the timetable, and whether they intended to reply to the participants' points. The party asked whether the Governments' proposals were open to amendment. It stressed that it was not asking whether they were technically capable of being amended, but whether the Governments were willing to see their proposals amended. The UKUP said it had been suggested that they were not open to amendment, and stated its belief that this was the position of the Irish Government. The party said there was a suggestion that amendments would be considered if they were 'reasonable,' describing as 'absolute nonsense' the fact that the two Governments would be the sole arbiters of what constituted a reasonable amendment. The UKUP said that the DUP had made the point that, once points of clarification had been put by the parties, the two Governments should be in a position either to answer or not answer them. It said they should not be able to 'pansy about' and further delay the proceedings.

39. The Chairman reiterated that the timetable was presented with the expectation that it would be met. The British Government said the purpose of the document was to keep to the programme outlined in it. It said that it could not be expected to accept amendments with which it did not agree. The Irish Government said it intended to meet the timetable, and would be willing to entertain proposed changes which would represent genuine improvements and could attract broad support without losing the essential balance.

40. The PUP asked why participants were being asked to anticipate events at this stage. It was critical of some participants, whom it accused of waiting for the breakdown of the loyalist cease-fire. It contrasted this with the efforts made by members of the PUP over the previous few days to avert an escalation of violence. The DUP asked the PUP to state any comment it had made about the loyalist cease-fire. The PUP replied that it had not accused the DUP of making any such comment.

41. Moving on, the Chairman proposed a vote be taken on the proposed timetable for the remainder of the Opening Plenary as earlier amended. The British Government, Irish Government, Alliance, Labour, NIWC, PUP, SDLP, UDP and UUP voted for; the DUP and UKUP voted against the proposal. The Chairman then ruled that sufficient consensus had been secured and that the timetable had been agreed to.

42. With no further comments, the Chairman adjourned the Plenary at 15.45 until 14.00 on Wednesday, 16 July.

Independent Chairmen Notetakers
16 July 1997

OIC/PS70