

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
MONDAY 14 OCTOBER 1996 (18.09)

Those present:

Independent Chairmen	Government Teams	Parties
Mr Holkeri	British Government	Alliance Party
General de Chastelain	Irish Government	Labour
		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. The Chairman said that at the earlier session a discussion had taken place on the need for further bilaterals. These seemed to have borne fruit and it was possible to table a draft agenda for the remainder of the opening plenary session. This draft was a proposal based on the discussions which had taken place between the parties involved and the Chairman. He invited comments on the draft.

2. The DUP wished to know which parties had agreed the document. The Chairman said that several parties had had discussions with him, some were involved more than others but most of the parties were involved. The UKUP said that it had no discussion in the matter and neither had the DUP, so far as it was aware. It seemed to the UKUP that the independence of the Chairman was in doubt. It appeared that the Chairman had had discussions with the two Governments; the SDLP and the UUP. It wondered if that was all the consultation that was required simply because the parties consulted

constituted a majority. It seemed that the pro-unionist parties were of no account. The SDLP pointed out that it had sought meetings with the Chairman, it was not the other way around. Any party could ask for such a meeting including the UKUP. The UKUP replied that if confidence was lost in the Chairman, confidence would also be lost in the proceedings. The Chairman said he wanted to be neutral as possible and that he was acting in accordance with the wishes of the majority in conducting the meeting.

3. The UUP said it was surprised at the discussion, because the proposals should not have come as a surprise to anyone. They were shared previously. The UUP and the SDLP had approached the Chairman in the matter. The UUP had bilaterals with the DUP and the UKUP as well as the SDLP on the proposals. It had informed the DUP about developments. The DUP said it was surprised too because it believed that on the basis of an agreement earlier in the day between the DUP/UKUP and the UUP, there was to be an adjournment of the meeting until the next day. That had been changed. It had never been suggested that the Chairman was to table an agreed agenda at the resumed meeting. On the subject of bilaterals, the DUP said that the SDLP indicated that it would not change its proposals. As far as the UUP were concerned, the DUP said that it seemed to favour some of the DUP proposals, but it deferred to the SDLP. The DUP believed that the Chairman was being forced into the position of tabling the agenda which was in turn being forced on the delegations. The Chairman seemed to have sided with the two Governments, the UUP and the SDLP.

4. The UUP said it had no discussions with the two Governments on the paper which had come about as a result of meetings with the SDLP. Following discussions with the DUP, the UUP drew the attention of the SDLP to that party's proposals and one of the

DUP's amendments had been adopted. It seemed to the UUP that it was a matter of convenience to have the Chairman table the proposals, but it was amenable to table them in another way.

5. Alliance said that the matter of the draft agenda had been discussed for weeks. It welcomed the developments. No one had raised any question about the content of the paper, just the process. The question is one of content - whether to accept the agenda or not. Alliance accepted it. Because of the tragic events in Lisburn the parties should be encouraged to move as vigorously as they can to show the way forward through the political process. The meeting should agree the agenda to illustrate that it can do something constructive.

6. The UKUP said it wanted to know why the request by the three pro-unionist parties for an adjournment had not succeeded. It said that the UUP did not inform them that it had changed its plans. The Chairman said it was true that he met the three parties involved and an adjournment was requested. However, he decided to reconvene the meeting and leave it up to the parties to decide whether to adjourn or not. At that point, the UKUP formally proposed an adjournment until 10.00am on the following day.

7. The UKUP said that when a matter of substantial interest was last on the agenda - the Chairmanship of Senator Mitchell - it was pushed through at midnight. It was inappropriate after such a long adjournment since midday for the Chairman to table the motion on the agenda. The first sight the UKUP had of the document was when it was distributed at the meeting. Discussions had been promised by the UUP with the UKUP in the matter, but the UKUP was being presented with a fait accompli. The UKUP did not believe that the paper had come about as a result of detailed discussion with the

SDLP. It was apparent that the document as presented contained only minimal changes from the SDLP draft. It was not fair or proper to insist on having the matter dealt with at the meeting. In accordance with principles of equity and justice, the parties should be allowed to consider it overnight. The UKUP would wish to table amendments to the motion. It also said that it was wrong for the Chairman to table the motion; the UUP should have done it.

8. The PUP said that the Chairman had earlier indicated that valuable bilaterals were taking place and the meeting had adjourned accordingly. The party interpreted that as meaning that if the bilaterals bore fruit, a document would be tabled for discussion. The DUP said that it was necessary to distinguish between procedural matter and matters of substance. With regard to procedure, such as the means by which meetings were called to deal with adjournment of matters of substance, this was proper for the Business Committee to consider. With regard to the way in which the proposal was put to the meeting, the DUP understood that there were direct talks between the UUP and the SDLP in the matter. The UUP had these meetings with the DUP also. The nature and substance of the proposal were not new. But the procedure is new. The Chairman was taking ownership of the two parties' proposals and was tabling them. The proposal should have come from the proposers. As to the proposal itself, an opportunity should have been given to offer advice in relation to it. It would also have been useful to reflect on how the meeting would have wished to address the proposal and to have sought clarification on certain points as well as the consideration of possible amendments.

9. The Chairman referred to the Rules of Procedure (paragraph 30) and the procedure to be followed in the absence of unanimity on a proposal. He had been correct in following procedure and tabling

the proposal as it seemed to offer a solution. The DUP on a point of order referred to paragraph 30's requirement of prior consultation with the parties. The DUP said the Chairman had not done this. The SDLP then referred to the provisions of paragraph 10 in the Rules of Procedure which reinforced the position adopted by the Chairman in the matter.

10. The UUP, in referring to the previous SDLP comments, believed it unwise to rush into decisions on motions. The whole issue required much more careful consideration. The UUP said that the previous criticism of the actions of the chair was entirely misplaced. If the motion for the agenda proposal was going to cause so much difficulty, then the UUP would gladly re-present it as a motion proposed by it and the SDLP. The UUP continued saying that it did not believe that procedures should be abbreviated with regard to the handling of this issue. There were a number of matters regarding interpretation and content which needed to be put on the record. Furthermore the point made by the DUP, in relation to the role of the Business Committee, was a good one. The UUP said that if there were other proposals for the agenda, by way of amendments, then these should be made available and an opportunity provided for consideration. The UUP, however, stated its previous view that there were no surprises in the content of the agenda as proposed, for it was close to other participants' views.

11. The DUP said it didn't believe that the UUP was correct in its last comment. For example the motion made no references to the discussion of other participants' proposals on decommissioning, only the International Body's report, yet the DUP had proposed this in its paper. The DUP said it wasn't impressed by the comments of the chair previously when mention was made of interpreting the rules of procedure as the circumstances unfolded. The party said

it wouldn't continue to attend meetings if this was the type of view presented by the chair. The whole point at issue here was the need for the chair to consult first, before proposing any motion to the plenary meeting, but this had not happened. Furthermore it now appeared that there was not even going to be an opportunity to debate the motion as the chair seemed to be indicating that there was sufficient consensus to put the motion through. The DUP proposed that, as an alternative to the present circumstances of the chair proposing the motion, it would be better to adjourn and have the UUP/SDLP table a joint proposal for the agenda. Then time could be afforded for a series of amendments to be presented and debated before anything else occurred.

12. The UKUP agreed with the DUP comments. The proceedings were supposedly democratically based. However the party was worried about the chair's role in a situation where the two Governments and the SDLP/UUP were in agreement with any proposal. It seemed to the UKUP that the chair viewed this situation as an opportunity to push matters through to a vote, thereby suggesting that parties outside any agreement were simply a cipher in the process. The UKUP said that if this was what was going to happen, it wouldn't be remaining in the process for this was not democracy at work.

13. The UKUP continued saying that the chair had had consultations with the two Governments as well as the SDLP and UUP and had then decided, in proposing this motion, that the remaining participants were not needed. The UKUP referred to rule 30 and in particular a "reasonable period of discussions". This had not occurred, therefore there was no basis for consensus in arriving at the present situation. The upshot of what was happening appeared to be that the UKUP and DUP could only object but could not effect change to any proposed motion. Opinions therefore seemed to be of no

value and subsequently if this attitude continued, opinions would not be offered at all. The UKUP repeated their earlier comments regarding the procedures which, in its view, the chair should have followed, but didn't. It said that if anything else was followed, other than the rules, it would simply spell the death knell for the whole process.

14. The Chairman said he had three names on his list and also recognised that a proposal had been made to adjourn the session until 11.00am the following day. He therefore wished to hear the three speakers before taking the adjournment proposal. Following a brief intervention by the UKUP, the SDLP said that, under the rules, any party could ask for a 20 minute adjournment. However this proposal focused on a much longer adjournment. The SDLP wondered why this was the case. The UKUP referred to the fact that the SDLP did not apparently have such a problem with the adjournment called before lunchtime which, in effect, lasted six hours. The SDLP said it believed there was a draft agenda on the table and nothing new was contained in it. It believed it was right to test opinions on it around the table now so that everyone would be clear about the business for the following day. The Chairman indicated that a decision should now be taken regarding the adjournment proposal. Before doing so he asked for any further comments.

15. Alliance said that it believed the UKUP to be mistaken on a number of issues. This draft agenda was not a surprise. Agendas have been under discussion since June. No-one should be surprised that a particular formulation of previously circulated material should appear now as a proposal for an agenda. Furthermore the UKUP had failed to persuade Alliance to change its position by any of the arguments it had put forward. That also meant that the UKUP

were wrong in another assumption - that Alliance always agreed with anything that everyone else agreed with! Alliance stated there was no purpose in adjourning now, for this provided the opportunity for the UKUP and DUP to produce further amendments which would then simply go over the ground already covered. On this occasion the boot was on the other foot - the UKUP was now not agreeing when everyone else had agreed. Alliance reiterated its view that the UKUP had failed to persuade it with any of the arguments presented. The issue of the proposal needed to be dealt with now and participants needed to decide on the contents of it. The DUP queried the Alliance view, suggesting that normal business, according to the rules, did not go beyond 19.00. It continued saying that it could produce its amendments straight away but how long were the other parties prepared to sit and debate these?

16. The DUP referred to those engaged in other commitments away from the process that evening and the fact that earlier consultations with the SDLP/UUP seemed to indicate then that the plenary would not be taking such business now. Continuing on was likely to inconvenience several members and consideration had to be given to this situation. As to the issue of the chair proposing the original motion, the DUP sought clarification as to who would provide further analysis of the document if this was required. Did the party ask the Chairman for this information, and if so, did this not affect the independence of the chair in the proceedings?

17. The Chairman returned to the earlier proposal that the meeting adjourn until 11.00am the next day, indicating that the decision was in the hands of the meeting. He then asked participants to vote on the adjournment proposal. In favour were the UKUP and DUP. Voting against the proposal were the two Governments, Alliance,

Labour, NIWC, PUP, SDLP, UDP and UUP. The Chairman then declared that the plenary session would continue. The DUP again raised the point concerning normal business not going past 19.00. The Chairman indicated that this was not a formal rule. The UUP formally proposed that the plenary session continue. The SDLP seconded this proposal. The Chairman asked for participants' agreement to this. The UKUP stated that the SDLP needed to be careful about making arrangements with the UUP, as today's evidence had shown that it (the UUP) had reneged on an earlier agreement made with it (the UKUP). The DUP asked the chair what document was now in front of the meeting as it thought the agenda motion was going to be proposed by the UUP and SDLP. It also reminded participants of the previous question raised in terms of who was going to answer detailed questions on the current motion - was it going to be the Chairman? The DUP continued saying that the document being proposed was clearly not the chair's. There was therefore a need for a new document to be produced and a requirement for a 20 minute adjournment to be given in order to consider this new situation.

18. The Chairman said that if it helped the proceedings, he would withdraw the original motion circulated some 60 minutes previously. He would then ask the staff to circulate a new document proposed by the UUP/SDLP. (At this point a new proposed agenda, on these lines, was distributed). The DUP asked about its proposal for a 20 minute adjournment. The Chairman indicated that he would accede to that request. The UUP stated that a vote should have taken on its proposal first (to continue with the meeting). The Chairman indicated that he would consider this point after the adjournment. The UUP stated that it was not disappointed by this ruling but felt

that a vote should have been taken first on its proposal. At this point the Chairman called an adjournment for 20 minutes at 19.04.

Independent Chairmen Notetakers
17 October 1996

OIC/PS22