

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 29 OCTOBER 1996 (10.10)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
Mr Holkeri	Irish Government	Labour
General de Chastelain		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 called the meeting to order at 10.10am and raised the question of the approval of the minutes of the meetings circulated by the Chairman's office on 25 October, 1996. While the matter was subsequently dealt with after the presentation of opening statements by the Irish Government and Labour and a discussion on the numbers in the Irish Government's delegation (following a question by the DUP,) it is convenient to deal with approval and amendment of the minutes at this point in the record.

Previous Minutes

Session on 14 October, 1996 (19.28)

The DUP drew attention to the references to the SDLP in line 2 of paragraph 3, line 13 of paragraph 5 and line 3 of paragraph 7 and pointed out that these should be references to the UKUP. The DUP also referred to the sentence at lines 6 and 7 of paragraph 9

which should read: "The DUP responded to this saying that it was necessary to have the matter properly presented." and the sentence at lines 10 to 13 of paragraph 27 which should read: "The DUP pointed out that in relation to the decommissioning item its proposal had included a requirement that that agreement should be reached and that participants work constructively to implement the agreements". This record was approved with these amendments.

Session on 21 October, 1996 (16.30)

On line 9, paragraph 5, the DUP said that the reference to the election of Gerry Adams to the Forum in Dublin was incorrect and the sentence should read: "He had been elected to the Northern Ireland ForumIRA" and the words "in Dublin" should be deleted. The record was approved with this amendment.

The remaining records 14 October, (22.41), 16 October, (10.10), 16 October, (12.34), 21 October, (12.08), 21 October, (14.37), 22 October, (10.11), 22 October, (11.08), and 22 October, (14.37) were approved without amendment.

2. On a point of order raised by the DUP, the meeting discussed the numbers present on the side of the Irish Delegation. The Chairman said that in relation to matters such as this he had previously resolved them privately. He proposed to adopt that approach on this occasion also and he would make the necessary enquiries. The Irish Government asked what Rule was applicable in the circumstances, to which the DUP replied that Rule 28 was relevant and that the meeting should be in order and in accordance with that Rule. At that point the Chairman said he would adjourn the meeting for 30 minutes to resume at 11.40am so that he could consider the matter.

3. The meeting resumed at 11.49am. The Chairman said that during the break he had investigated the matter and had requested the two Governments to identify the people who were present on each delegation and that had been done. It transpired that in addition to the respective delegates seated at the table, there were nine additional support staff present on the Irish Government's side and seven on the British Government's side. All the persons who were so present had been formally accredited to the talks by the two Governments.

4. The Chairman then read out the provisions of Rule 28 in its entirety. He also read paragraph 1 of the NI (Entry to Negotiations etc.) Act, 1996. The Chairman said that the Rule, by its own terms, in referring to political parties and delegates (meaning those persons elected under the 1996 Act), applied to the political parties present at the talks and not to the Governments. The Rule had not been violated, therefore, and the question of representation on the Governments' side was a matter for them to decide.

5. The DUP responded by saying that it wanted to make it clear that if the position was that the Governments could bring in as many people as they liked, then the DUP would not be present. It was not right that the Governments could fill the room with supporters, especially given their significant advantage in having back up teams. To allow a further nine people to be present in addition to three delegates was not satisfactory. The UKUP said it accepted the Chairman's analysis of Rule 28, but the original provisions were laid down in the Ground Rules, and they provided that the Governments were to be backed up by five people. Both Governments, the party said, had a legitimate interest and an

agenda of their own. That was not necessarily the same as that of the pro-union parties, but the presence of so many supporters was excessive and the UKUP supported the position adopted by the DUP in the matter. The UKUP would not be present either if this situation were to continue.

6. The British Government said that it was grateful to the Chairman for his interpretation of Rule 28. Its approach in the matter was to limit the number of supporters on its side to not more than five behind the three delegates at the table. The Irish Government also thanked the Chairman for his clarification of the Rule. The position was that the Governments were not limited by Rule 28 as to the number of supporters. The Irish Government had taken the view that because of the importance of the matter being dealt with - the outline of its stance on the decommissioning question - it was possible that interventions might be made by other delegations during the course of its contribution. It was disappointed therefore that there seemed to be a lack of understanding that a slightly larger back-up team might have been justified in these circumstances. If the opposite had been the case and particular interventions had been missed due to a lack of staff, the Government would have been open to criticism. It was also relevant, the Government said, that on previous occasions it was obvious that the number of supporters helping the political parties around the table had been exceeded. The Government said that it too would be willing to keep the numbers to a reasonable level in the future and it hoped that the delegations would accept that the particular occasion warranted the larger numbers.

7. The UUP said that it was its understanding that the participants at the table were present as equals irrespective of electoral strength. The Irish Government had twelve people

present in all and that was overkill; it was outrageous. The UUP did not accept the argument by the Irish Government that the numbers were necessitated by the occasion. It should confine the numbers of back-up staff to five as the British Government were prepared to do. The party felt that the matter should be referred to the Business Committee.

8. The DUP said it was fine for the Irish Government to say that it made a very worthy contribution; other parties had the same opinion on their contributions but they did not bring in such large numbers of people in support. The Irish Government should not even be present so why did it think it should be in a more favoured position than any of the parties present, the DUP said. It also suggested that the Rules of Procedure would need to be amended to deal with the situation or the Business Committee would have to come to agreement on the matter.

9. The UKUP said that the number of Government supporters on the Irish side was almost double the number originally outlined in the Ground Rules. There was no foundation for the Irish Government's exculpatory statement about possible interruptions or interventions which would require support from the back-up team present. A senior representative from the Irish Government was present during the previous day's proceedings and he was aware that the matter being dealt with at this stage was the presentation of papers. The question of interventions and debate had been reserved for the following week and the Government could have been presumed to know this and that it would not be questioned on its outline presentation. A protocol had been established which made that impossible and the explanation given by the Irish Government had no basis in fact.

10. The UKUP also said that the delegates needed to be reminded that the Irish Government had no jurisdiction in Northern Ireland. The people outside were still angry that the Irish Government was involved in the talks to support the SDLP. There was also an imbalance in that the Irish Government had a disproportionate vote on matters which were properly the concern of the United Kingdom and the Government of the United Kingdom.

11. The SDLP said it was happy to accept the Chairman's ruling on Rule 28. It was both surprised and disappointed at the remarks made and the fact that the issue had been raised at all. Flexibility had been shown up to now in relation to the numbers in support of delegations and, curiously enough, this applied to the delegations which were raising the present objections. It was notable that the British Government had only two fewer people in support and similar comments were not being directed at it. The fact was that all the people present had been identified on a list supplied to Chairman's office. The party said that the matter was rather inflated and inappropriate. It was time to draw the discussion to a conclusion.

12. Alliance said it found the intervention of the British Government to be helpful. It accepted the suggestions made by both Governments as to numbers. As regards the proposal that the Rules be amended, it did not think that that was a good idea and the party referred to the length of time it took to agree the Rules in the first place. It also felt that there was no need to consult the Business Committee in the matter. The PUP said that both the UKUP and the DUP had agreed that the Rule had not been broken whereupon the UKUP said that the point was not about the interpretation of the Rule but the need to examine the representation of certain groups. The PUP continued and said that

no Rule governed the matter. The Governments were free to bring in as many people as they wished. The party agreed with the DUP that the Business Committee should consider the matter. There were occasions on which the PUP would have wished to have more than three supporters present, particularly during important stages such as the previous week when the issue of decommissioning was dealt with by the UKUP and the DUP.

13. The SDLP said that it was notable that a couple of parties had referred back to provisions in the Ground Rules in conjunction with the Rules of Procedure and yet they were the parties who had earlier rejected the notion of the Ground Rules being used as a reference. They now seemed to want to use the Ground Rules to support their arguments on numbers in delegations. It was clear that individual parties had exceeded the permitted levels of representation, including the SDLP itself as did the UKUP and the DUP on occasion.

14. The UDP said that it did not think that there was a need to have a meeting of the Business Committee on the issue. It was just necessary to apply common sense. There was a need for flexibility and yet at the same time it was not helpful to have any party represented disproportionately with an oppressive number of supporters. What was required was self discipline by the parties themselves.

15. The UKUP said that it could only assume that the SDLP chose wilfully to misrepresent its position. Under the British constitution matters which were not subject to Rules were subject to convention. The reference to the Ground Rules by the UKUP was made in that context as supporting the convention that the parties could have three delegates supported by three people and the

Governments could field three delegates with five in support. That was broadly accepted. There were occasional breaches of the convention. On one occasion only, the UKUP support consisted of four members and one had been asked to leave by the leader of the party. However, there was no precedent which allowed a Government party to bring in nine supporters when five was the norm. The UKUP said there was no need to draw up a Rule in the matter or seek the involvement of the Business Committee.

16. The DUP said that at no time did it rely on the Ground Rules for its argument. Many of the Ground Rules had been incorporated into the Rules of Procedure. It seemed that either there should be a convention with an upper limit of representation or that the Rules of Procedure should be amended. It was clear that the former solution might be preferable but would the Governments accept this? The British Government said that it did not feel that the Business Committee was needed to resolve the issue. A convention could be operated to govern the numbers in delegations applicable both to the political parties and the two Governments. The British Government said that it would operate within that convention.

17. Labour said that all agreed that the Irish Government had erred in having too many people present that morning. Such issues as this as had arisen in the past had been dealt with on the basis of undertakings given by the Governments. The Irish Government said its delegation at twelve in total was only slightly larger than the eight originally envisaged under the Ground Rules. It had no difficulty in accepting the convention that the Governments should try to limit its delegations to three delegates and five supporters. It was perfectly willing to give a commitment on the issue as the British Government had done. The DUP said that that

approach was useful and it required the other political parties to accept a conventional limit of three supporters.

18. The Chairman said two matters were clear. Firstly, Rule 28 by its terms clearly applied to political parties and not the two Governments. Secondly, the Governments had been forthcoming in their discussion. Accordingly, the Chairman formally put the issue of the approval of a convention that from that time on all the parties present agreed to adhere to a practice that the political parties would not have more than three supporters and the Governments would have no more than five and that these who could be present were those persons who were named on the list previously supplied to his office. That proposition was agreed.

19. The DUP said that the need for some flexibility would also have to be borne in mind, for example, when there was an overlap due to members coming and going into the room. The Chairman said that all Rules had, of necessity, to be applied with common sense. It was the responsibility of the head of each delegation to ensure that the convention was properly applied and adhered to. The UDP said that there was also a need to apply flexibility to the list of accredited participants submitted by the delegations as there may have been changes in personnel since they were originally submitted. The Chairman said that that was clearly understood. There would be no further business that day. The schedule for the following day would begin at 10.00am with presentations by Alliance and possibly the UUP, which had reserved its position, and then the British Government. That would conclude the presentations on decommissioning. Beginning on Monday 4 November, 1996, there would be an open discussion on the subject. Each delegation was invited to submit to the Chairman's office a document on decommissioning, either its original, an updated

version, or a proposal which would be circulated to the other parties. The meeting adjourned at 12.29.

Independent Chairmen Notetakers
29 October 1996

OIC/PS36