

CONFIDENTIAL

LABOUR

CONSIDERATION OF THE GUIDELINES FOR THE CONDUCT OF ALL-PARTY
NEGOTIATIONS AND RELATED MATTERS

Introduction

1. Labour welcomes the opportunity to contribute a paper to discussions on the proposed Procedural Guidelines for All-Party Negotiations as suggested by Senator George Mitchell, chairman, during the opening plenary session on 12th June 1996.
2. Labour's participation in the All-Party negotiations derives from its electoral mandate obtained in the elections on 30th May conducted under the provisions of the Northern Ireland (Entry to Negotiations) Act 1996. Labour expects parity of esteem and to be treated in a similar manner to all other participants in the negotiations. Labour has conveyed to Sir Patrick Mayhew through his officials its disapproval of the discourteous and cavalier treatment of the members of its delegation by the failure to keep them informed of developments during Monday and Tuesday 10th and 11th June.
3. Labour affirms its intention to play a full and constructive role in negotiations, to take part in good faith, to seriously address all aspects of an agreed agenda and to make every effort to reach a common agreement with all participants to the negotiations.
4. Labour affirms that it will maintain confidentiality in all aspects of negotiations except where otherwise agreed with all other parties. It expects other participants in the negotiations to do likewise.

"Northern Ireland: Ground Rules for Substantive All-Party Negotiations"

5. The Secretary of State for Northern Ireland presented a Command paper - Number 3232 - to Parliament subsequently published on 16th April 1996 titled "Northern Ireland: Ground Rules for Substantive All-Party Negotiations", hereafter referred to as the Ground Rules. This document purports to set out 1. the basis 2. participation 3. structure and 4. format for the negotiations. Labour notes its entitlement under paragraph 3 of the Ground Rules to raise any matter which it considers relevant to discussions during the negotiations. Labour seeks an assurance that any matters raised by it during the negotiations will be dealt with in a like manner to that set out in paragraph 15 of the Ground Rules.

6. If words are to be given their ordinary meaning presumably the Ground Rules are to be construed as fundamental principles which are intended to govern discussions between consenting participants who seek to find some measure of agreement on whatever matters they have consented to discuss. The opening paragraph of the Ground Rules document indicates that it was produced by the Government(s) following discussions between them and relevant political parties. Labour's participation in negotiations derives from the election of its negotiators on 30th May and it has not, therefore, been consulted by the Government(s) either prior to or since the publication of the Ground Rules. It would be helpful to Labour, and possibly to other participants in the negotiations, if Government(s) representatives prior to the commencement of discussions on Procedural Guidelines on Monday next, were to -

1. explain the status, nature and purpose of Command paper 3232, and
2. indicate the degree of acceptability of the Ground Rules by those participants in the negotiations who have been consulted by the Government(s) hitherto.

Labour seeks this clarification on the grounds of an apparent ambivalence by Government(s) to the status of the Ground Rules which is discussed in paragraph 8 below relating to the opening paragraph of the Procedural Guidelines issued by Governments on 6th June.

"Procedural Guidelines for the Conduct of Substantive All-Party Negotiations"

"Scenario for the Opening Plenary Session"

7. The Secretary of State for Northern Ireland on 6th June issued the two documents listed above to the participants in the negotiations. It is apparent from comments made by some participants as well as the discussions during the opening two days of the talks that there had been no prior consultations or discussions on the subject matter contained therein prior to their publication. It seems obvious, however, from even a cursory examination that the proposals in the documents were intended to be discussed and agreed by the participants in the negotiations. Presumably this right of discussion includes the right to propose amendment or replacement of the proposals.
8. It is proposed by the Government(s) in the opening paragraph of the Procedural Guidelines that the Procedural Guidelines together with the Ground Rules will together serve as the rules of procedure for the negotiations unless or until they are amended or replaced by rules of procedure adopted by agreement among participants in the negotiations. This proposal by the Government(s) requires clarification. Labour seeks clarification of the status purpose and nature of the Ground Rules (paragraph 6 above). Are the Ground Rules fundamental principles agreed by the Government(s) following consultations with political parties or are they guidelines which may be subject to amendment or replacement by agreement among participants to the negotiations?

Appointment, Role, Duties and Powers of Independent Chairmen

9. The independent chairmen, Senator George Mitchell, General John de Chastelain and Mr. Harri Holkeri have now been appointed to play a role in chairing the various aspects of negotiations requiring independent chairmanship. Labour was impressed by their diligent care and attention together with their fair-minded, unbiassed and judicious approach in their examination of the decommissioning issue and the preparation of the Report of

The International Body and, therefore, had no reservations in agreeing to their appointment. Labour welcomes the clarification by Senator Mitchell on behalf of the independent chairmen that they see their role in relation to the negotiations as one of facilitating and assisting the participants to reach agreement through consensus on matters under consideration.

10. While Labour is generally content with the proposed role, duties and powers of the independent chairmen consideration should be given to toning down the seemingly authoritarian language in which their duties have been presented in the Procedural Guidelines. For example, in paragraph 4 - Conduct of Proceedings, arrangements for meetings consultation with members of negotiating teams is entirely at the discretion of the chairman. Labour takes the view that consultations with members of negotiating teams on this or any other subject should be a matter of course especially given the involvement of the smaller parties and the fact that most members of all negotiating teams are likely to have wide ranging commitments outside the talks process.

Agendas for Remainder of Opening Plenary and Various Formats

11. Labour is generally content with the agenda for the remainder of the Opening Plenary as set out in Appendix A of the Scenario document. Labour intends to contribute to discussions during the remainder of the Opening Plenary on the nature and content of the comprehensive agendas for the various formats.

Labour Delegation

14th June 1996