

Draft Rules of Procedure (25 June 1996 Text)

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Legend:

New, agreed text

~~Agreed deletions~~

[Text still under discussion]

*Proposed compromise language*

~~Proposed deletions~~

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1. These rules of procedure are adopted for the substantive all-party negotiations and can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 23 through 28. (17)

## Structure of Negotiations

2. Negotiations will be organised so that issues are discussed in the following formats:
  - [Plenary];
  - Strand One;
  - Strand Two;
  - Strand Three; and,
  - a Business Committee. (3)
3. The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. Senator George Mitchell, General John de Chastelain and Prime Minister Harri Holkeri will chair the various aspects of the negotiations which require independent chairmanship, as follows:
  - Senator Mitchell (Plenary);
  - General de Chastelain (Strand Two and the Business Committee); and
  - Prime Minister Holkeri (Alternate Chairman for the Plenary, Strand Two and the Business Committee). (3)
4. Where appropriate, other committees and sub-committees of the negotiations may be established among the participants in the format to which the sub-group relates. Committees and sub-committees shall be chaired by the relevant Chairman or, by agreement among the participants in that format, by a person nominated by the Chairman. (6)



### Role and Responsibility of Chairmen

5. The designated Chairmen shall preside over all the business of the negotiations and will exercise their functions impartially at all times. (9)
6. The Chairmen will moderate in all meetings to allow an opportunity for full discussion of issues on the agenda, guided by the aim of securing agreement of as broad a spectrum of participation as is possible, and doing so as expeditiously and efficiently as possible. (9)
7. All Chairmen will operate within these rules of procedure, [~~and will consult with~~] *having due regard to the views of the Business Committee* on the arrangement of business and the exercise of their functions. (9)
8. The Chairmen will be bound by the same requirement for confidentiality as participants. (9)
9. The Chairmen may bring forward specific suggestions, but only [after consultation with] the relevant delegations to establish that it would be regarded as helpful. (9)

### Sequence of the Negotiations

10. Following the conclusion of the Opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and any *committees and/or* sub-committees established ~~within the Plenary~~ subject to [co-ordination with] the Business Committee. (7, 15)
11. [The Independent Chairman of the Plenary may convene further meetings of the Plenary if he considers such meetings to be necessary in the light of developments across the negotiations as a whole. He shall, in addition, convene further plenary meetings at the request of the Business Committee]. (16)

### Business Committee

12. The Business Committee shall comprise up to two representatives of each participating delegation. (19)



13. The Business Committee shall establish and maintain an indicative calendar for the negotiations as a whole and within the various formats. The timing and duration of meetings in the various formats shall be determined by the relevant Chairman [~~in consultation with~~ *the participants, having due regard to the views of the participants,* in accordance with this calendar. (19)
14. The Business Committee will be available to advise the Chairmen on the day-to-day exercise of their responsibilities and to facilitate communication between participating delegations and the Chairmen. (19)

#### Conduct of the Proceedings

15. Participants will negotiate in the various formats, committees and sub-committees, on the basis of the comprehensive agenda for the negotiations as a whole, adopted in the Opening Plenary, as it relates to their area of competence. They may, by agreement, develop or refine it. (18)
16. The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, [~~in consultation with~~ *the Business Committee or, as appropriate, with the relevant participants, having due regard to the views of the Business Committee or, as appropriate, of the relevant participants.* It is understood, however, that any delegation may request an adjournment of up to 20 minutes at a time and the Chairman shall refuse such requests only if they are made with unreasonable frequency. (7)
17. The agenda for each meeting of the negotiations shall be settled by the participants on the basis of proposals put forward by the Chairman in accordance with the overall agenda in the relevant format, and taking into account the indicative calendar and the advice of the Business Committee. (20)
18. Where any negotiating team does not attend at a previously agreed time and fails to provide notice of their inability to attend, the Chairman of that meeting and the remaining participants may proceed to conduct the meeting in the absence of that team or teams. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the Chairman and the remaining participants will be free to proceed with business with the remaining participants, notwithstanding such withdrawal. (8)
19. All remarks shall be addressed through the Chairman, who may time-limit interventions at his discretion. (10)



20. The Chairman's ruling on individual procedural matters shall be binding. In arriving at such rulings, the Chairman may apply the rules for determining sufficient consensus as set out in paragraphs 30 and 31. (11)
21. The Chairman may at any time seek a meeting or accede to a request for a meeting with any participating delegation or group of delegations. (12)
22. Any written submissions which may be received from other groups or individuals will have no status. (12)

#### Decision-Making

23. The negotiations will operate on the basis of consensus. If it appears to the Chairman, after a reasonable period of discussion, that there is no unanimity, he may follow one or more of the courses of action set out below:
  - a. consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or,
  - b. invite the participants to set up a broadly representative working group, including nominees of both Governments (or of the British Government alone in the case of Strand One issues); and/or,
  - c. ~~seek~~<sup>obtain</sup> the agreement of the participants to refer the matter to an <sup>agreed</sup> group of experts for advice, requesting a report within an agreed specified period. (21)
24. It will also be open to the participants, acting solely by agreement and only at their instigation, and subject to the provisions set out in paragraph 34 below, to refer the matter to the forum for consideration, requesting a report. (22)
25. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, there is no unanimity on a particular point, the Chairman may propose that negotiations proceed on the basis of sufficient consensus, as defined in paragraph 27. (23)
26. Sufficient consensus may apply to all decisions taken in Plenary, Strand One, Strand Two and the Business Committee, and in any committee or sub-committee of the aforementioned. (25)



27. A proposition [~~may~~] *would* be deemed to have sufficient consensus when supported by participating political parties which, taken together, shall have obtained a [~~clear~~] majority of the valid votes cast in the elections held on 30 May 1996 and which between them represent a [~~clear~~] majority of both the unionist and nationalist communities in Northern Ireland respectively [and which also constitute a majority of the participating political parties]. With the exception of Strand One, both Governments must endorse the particular proposition for it to be deemed to have sufficient consensus. (26)
28. Where it does not prove possible to achieve either unanimity or sufficient consensus, the Chairman will work, [in consultation with] the participants, to remove obstacles to the reaching of agreement, or, with the agreement of the participants, may decide to move on to the next item on the agenda. (24)

#### Referral to the Forum

29. The negotiating teams in any format of the negotiations, by agreement and on the formal proposal of the participants in that format, may direct the relevant Chairman of the format in question to request the members of the forum, through the Secretary of State, to consider, investigate or discuss a specified subject and to submit a report on that subject to the negotiating teams within a specified period. Any such report from the forum may only be formally taken under notice by the negotiating teams if it has consensus support in the forum according to the forum's rules of procedure. (27)

#### Liaison Arrangements with the Irish Government in Relation to Strand One

30. The British Government, as Chairman of Strand One, will keep the Irish Government informed of the progress achieved in Strand One, through liaison arrangements agreed between the two Governments, *having due regard to the views of following [~~consultations~~] with the political parties.* (28)

#### Meetings Between the Governments and the Political Parties in Relation to Strand Three (Version One of paragraphs 31-34)

31. [Negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations]:



[ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion]; and,

[meet the political parties at their request for further discussion of Strand Three issues]. (29)

32. [To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party. Such meetings will be co-chaired by the two Governments.] (30)
33. [It will be open to the parties to submit their own views, either orally or in writing, both on issues under discussion in Strand Three or on any other issue appropriate to Strand Three which the parties may wish to raise. Any response that may be given by the two Governments will be given jointly]. (31)
34. [The outcome of the Strand Three issues will be considered by all the participants alongside the outcome of the other elements of the negotiations as a whole.] (32)

Meetings Between the Governments and the Political Parties in Relation to Strand Three (Version Two of paragraphs 31-34, as proposed by the UUP)

31. [*With a view to providing a meaningful role for the political parties in negotiations on Strand Three issues purely between the two Governments, they will, during the course of the negotiations:*]

[ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion]; and,

[meet the political parties at their request for further discussion of Strand Three issues]. (29)(formerly para. 31)

- 32A. *Other Strand Three issues relating to relationships between the peoples of these islands shall be considered in the same way as Strand Two issues.*



33. [It will be open to the parties to submit their own views, either orally or in writing, both on issues under discussion in Strand Three or on any other issue appropriate to Strand Three which the parties may wish to raise. Any response that may be given by the two Governments will be given jointly] (31)
34. [The outcome of the Strand Three issues will be considered by all the participants alongside the outcome of the other elements of the negotiations as a whole.] (32)

#### Records of Meetings

35. Records of formal meetings will be prepared by note-takers under the general direction of the Chairman of the format within which the meeting takes place. A draft record of each formal meeting will be circulated as soon as possible to the negotiating team of each Government and political party participating in the meeting and will be subject to their approval at the next meeting of that format, or earlier if appropriate. (33)
36. The British Government will provide a team of civil servants responsible for taking the record of formal Strand One meetings. The two Governments will provide a pool of civil servants responsible to taking the record of formal meetings in other formats. The Chairman of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments. (34)
37. Note taking arrangements for meetings falling outside the above shall be at the discretion of the relevant Chairmen. (34)



*Proposed additions:*

A. *Language Proposed by the UUP*

*Language drawing on paragraphs 8 through 11 and 17 of the Ground Rules:*

*Participation*

8. *Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland ... which achieve representation through an elective process and which, as set out in the Communique of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.*
9. *In the Communique of 28 February 1996, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Government are also agreed that the resumption of Ministerial dialogue with Sinn Fein, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994.*
10. *There will be no limit on the overall size of the negotiating teams of the political parties and the two Governments.... However, for any one meeting, unless there is agreement otherwise, participation will generally be limited to teams of three, plus three in support (five in support in the case of the two Governments).*
11. *The negotiating team of each political party will be designated by the party leader from among the elected representatives. Those teams may be supported in meetings by researchers and others who are not elected.*
- ...
17. *If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy and non-violence set out in the report of the International Body by, for example, resorting to force or threatening to use force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so, it would no longer be entitled to participate in the negotiations.*



B. *Language Proposed by the DUP*

*Language reflecting paragraphs 21 and 22 from the DUP submission:*

*Role of Chairpersons*

21. *For the duration of the process, Chairpersons will not be expected to make any public comment. However, should the need arise they shall obtain the approval of the heads of participating Delegations before doing so.*
22. *The role and function of the Independent Chairpersons shall not extend beyond that set out in these rules of procedure.*