

FROM: D J R HILL  
CPL DIVISION  
5 JUNE 1996

cc PS/Michael Ancram(L+B) -B  
PS/PUS(L+B) -B  
PS/Sir David Fell -B  
Mr Thomas -B  
Mr Leach -B  
Mr Bell -B  
Mr Watkins -B  
Mr Steele -B  
Mr Stephens -B  
Mr Maccabe -B  
Mr Lavery -B  
Mr Currie -B  
Mr Whysall -B  
Miss Harrison -B  
Ms Mapstone -B  
Ms Checksfield -B  
Mr Campbell-Bannerman -B  
Mr Lamont, RID -B  
HMA Dublin -B  
Ms Collins, Cabinet Office

PS/Secretary of State(L+B) -B

TALKS: AGENDA AND PROCEDURAL RULES

For the record, I attach the draft agenda and procedural rules as they currently stand.

2. The agenda has been amended in the light of last night's Ministerial discussion but not yet formally cleared with the Irish side. [We will in any event need to look again at the wording of paragraph 4 as it will need to reflect the fact that the agenda for Strand 1 is only being proposed by HMG.]

3. The procedural rules represent a conflation of the British and Irish drafts by Mr Cooney and myself. The meeting with Irish officials this morning had cleared the text down to paragraph 21 before it broke up. The rest (which retains the original paragraph numbering and therefore commences at paragraph 24) should be capable of being cleared rapidly, all, ad referendum to Ministers. There is

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an ambiguity in the second sentence of paragraph 31 which needs to be nailed down: it was intended to allow either Government to meet other delegations to discuss Strand 3 issues; but the Irish might well construe it as allowing any or all of the parties to request a meeting with both Governments.

4. We will pass copies of these texts to the Irish side to facilitate a resumption of our discussions with them, and report further once those have been completed.

5. We will also discuss with them the terms of the draft covering letter, circulated on 3 June by Mr Whysall, under which the opening scenario paper and these documents might be sent to the parties.

(Signed)

D J R HILL  
CPL DIVISION  
EXT OAB 6591

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DRAFT - 5 JUNE 1996  
(9.00am)

## DRAFT AGENDA FOR SUBSTANTIVE ALL-PARTY NEGOTIATIONS

1. Paragraph 14 of the Ground Rules for Substantive All-Party Negotiations provides that the opening plenary session of the negotiations will adopt a comprehensive agenda for the negotiations which will:

- be in accordance with the necessity for confidence building measures as spelt out in paragraph 12 of the joint Communiqué adopted by the two Governments on 28 February 1996;
- provide reassurance, both in terms of addressing the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered; and
- include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for an agreement.

2. Paragraph 3 of the Ground Rules provides that any participant in the strand in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter it considers relevant.

3. The attached draft agenda is intended to be compatible with the requirements of paragraph 14 of the Ground Rules and is without prejudice to the provisions of paragraph 3. Consideration of the agenda, therefore, is not at this stage intended to determine whether or not a particular matter should be on the table, but rather to facilitate agreement on an efficient structure for discussion of all the relevant issues which does not prejudice a fair hearing for any of them.

4. A preliminary list of issues which the two Governments consider it necessary, as a minimum, to include on the agenda is attached.



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THE BUSINESS COMMITTEE

1. Consideration of any proposed changes to the rules of procedure drawn up by the two Governments for adoption in plenary. *tal aspects of the problem; underlying realities; identity; allegiance; constitutional.*
2. Adoption of an indicative calendar for the negotiations.
3. *Common interests (including matters such as economic* Possible consideration of draft agenda. *co-operation and law enforcement co-operation) and themes.*
4. Decisions on venues of Strand Two meetings.
3. *The question of institutional arrangements and any other practical implications to meet agreed requirements (including principles to govern any such arrangements).*
4. *Relationship of such new institutional arrangements to other structures - eg: UK Government and Parliament; Irish Government and Parliament; Northern Ireland structures; Irish-UK intergovernmental structures; the European Union.*
5. *Measures for the guarantee and protection of rights.*
6. *Consequential measures needed to implement, support and underwrite such new structures.*
7. Report to Plenary.

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STRAND TWO ISSUES

1. Opening presentations by the two Governments.
1. Discussion of requirements for a new beginning for relationships within the island of Ireland, including fundamental aspects of the problem: underlying realities; identity; allegiance; constitutional.
2. Common interests (including matters such as economic co-operation and development, security co-operation and law enforcement co-operation) and themes.
4. Principles and criteria which should underpin new
3. The question of institutional arrangements and any other practical implications to meet agreed requirements (including principles to govern any such arrangements).
4. Relationship of such new institutional arrangements to other structures - eg: UK Government and Parliament; Irish Government and Parliament; Northern Ireland structures; Irish-UK intergovernmental structures; the European Union.
6. new agreement or structure.
5. Measures for the guarantee and protection of rights.
7. Constitutional issues.
6. Consequential measures needed to implement, support and underwrite such new structures. for the protection of rights.
7. Report to Plenary. the approval and implementation of a comprehensive agreement.
10. Report to plenary.

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1. Opening presentations by the two Governments.
2. Establishment of necessary mechanisms to provide a meaningful role for the political parties in respect of Strand Three issues.
3. Examination of the causes of the conflict in Northern Ireland, its impact and its implications for the two Governments.
4. Principles and criteria which should underpin new arrangements, including requirements to acknowledge and recognise the rights of the two major traditions that exist in Ireland.
5. The question of institutional arrangements and provisions of any new agreement or structure.
6. Arrangements needed to implement, support and underwrite any new agreement or structure.
7. Constitutional issues.
8. Consideration of arrangements for the protection of rights.
9. Arrangements for the approval and implementation of a comprehensive agreement.
10. Report to plenary.

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CONCLUDING PLENARY SESSION

DRAFT 5 JUNE  
(11 22)

PROCEDURAL GUIDELINES FOR THE CONDUCT OF  
SUBSTANTIVE ALL-PARTY NEGOTIATIONS

1 Consideration of outstanding issues arising from the three strands and the sub-committee on decommissioning.

2 Consideration of arrangements for the approval and implementation of a comprehensive agreement.

It is proposed that the Ground Rules and the Procedural Guidelines 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 the participants in the negotiations. Subject to this, and with the exception of the provision in paragraph 25 of the Procedural Guidelines, which has the effect of specifying the scope of application of sufficient consensus as laid down in paragraph 24 of the Ground Rules, the Ground Rules should be taken as the authoritative text in the case of any difference of interpretation between the two documents.

Format

1. According to the Ground Rules, negotiations will be organised so that issues are discussed in the following formats, with appropriate distinctions as to participation and procedural arrangements:

- Plenary
- Strand One
- Strand Two
- Strand Three
- the Business Committee.



DRAFT 5 JUNE  
(11 am)PROCEDURAL GUIDELINES FOR THE CONDUCT OF  
SUBSTANTIVE ALL-PARTY NEGOTIATIONS

The following "Procedural Guidelines for the Conduct of Substantive All-Party Negotiations" (hereafter referred to as the "Procedural Guidelines" are intended to supplement the "Ground Rules for Substantive All-Party Negotiations" (hereafter referred to as the "Ground Rules"), published by the two Governments on 16 April 1996. It is proposed that the Ground Rules and the Procedural Guidelines 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 the participants in the negotiations. Subject to this, and with the exception of the provision in paragraph 25 of the Procedural Guidelines, which has the effect of specifying the scope of application of sufficient consensus as laid down in paragraph 24 of the Ground Rules, the Ground Rules should be taken as the authoritative text in the case of any difference of interpretation between the two documents.

Format

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- Plenary

- Strand One

- Strand Two

- Strand Three

- the Business Committee.



### Chairing the Negotiations

2. As stated in paragraph 4 of the "Scenario for the Opening Plenary Session", [.....]
3. All formal meetings in Strand One format will be chaired by a representative of the British Government.
4. The two Governments will co-chair their negotiations in Strand Three format. Meetings between the two Governments and the political parties to discuss Strand Three issues would also be co-chaired by the two Governments.

### Committees and Sub-Committees

5. Where appropriate, other committees and sub-committees of the negotiations may be established by agreement 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.

### Conduct of Proceedings

6. The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, in consultation, as he considers appropriate, with the relevant participating negotiating teams. However, any negotiating team may request an adjournment of up to 10 minutes at a time and the Chairman shall refuse such requests only if they are made with unreasonable frequency.
7. Where any negotiating team does not attend a meeting at a previously agreed time and fails to provide notice of their inability to attend, the Chairman of that meeting may proceed to conduct the meeting in their absence. If a delegation should withdraw temporarily or permanently from any aspect of



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the negotiations, the Chairman will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.

8. The Chairman of each meeting will be responsible for the orderly conduct of business and will conduct the proceedings so as to allow an opportunity for a fair hearing of all the issues.
9. All remarks shall be addressed through the Chairman. Time limits on interventions may be imposed at the Chairman's discretion.
10. The Chairman's ruling on questions of procedure and order shall be final. In arriving at such rulings the Chairman may apply the rules for determining sufficient consensus set out in paragraphs [25] and [26].
11. The Chairman may at any time ask one or more of the participating negotiating teams to meet him; and will accede to any reasonable request for a meeting from any negotiating team(s).

Opening of the negotiations

12. Paragraph 12 of the Ground Rules specified that negotiations will begin on Monday 10 June with an opening Plenary session. Arrangements for the opening Plenary are set out in the "Scenario for the Opening Plenary Session".
13. Following the conclusion of the opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and in the Sub-Committee of the Plenary established to carry forward work on decommissioning.

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14. The Independent Chairman of the Plenary may convene further meetings of the Plenary as he considers necessary, in the light of developments across the negotiations as a whole.

Agenda

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 session of the Plenary, as it relates to their area of competence. They may, by agreement, develop or refine it.
16. 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 in accordance with this indicative calendar.
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 for the relevant format, and taking into account the indicative calendar and the views of the Business Committee.

Decision-taking

18. The negotiations will operate on the basis of consensus. However, if, in relation to issues whose determination falls outside the discretion available to the Chairman under the Ground Rules or the Procedural Guidelines, 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:



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- (a) the Chairman may consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or
  - (b) the Chairman may invite the participants to set up a small but broadly representative working group (the composition to be determined by the Chairman after consultation with the participants, but which must, other than in relation to Strand One issues, include nominees of each of the two Governments) to consider the specific issues in dispute within an agreed time scale and, at the discretion of the Chairman, to recommend possible ways forward; and/or
  - (c) the Chairman may seek the agreement of all the participants to refer the matter to a group of experts for advice, requesting a report within an agreed specified period.
19. 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 [27] below, to refer the matter to the forum for consideration, requesting a report.
20. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, it appears to the Chairperson that there is no unanimity on a particular point, the Chairperson shall have the discretion to determine whether sufficient consensus, as defined in paragraph [26], exists to allow the negotiations to proceed.
21. Where it does not prove possible to achieve either unanimity or sufficient consensus to proceed, the Chairman will work, in consultation with the participating negotiating teams, to seek to remove obstacles to the reaching of agreement.

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Sufficient Consensus

25. The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 26 below. In addition to Strands One and Two, sufficient consensus may also apply in the Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.
26. [A particular proposition shall be deemed to have sufficient consensus where the Chairman is satisfied, having regard to the political parties' voting strengths according to the percentage of the valid poll each received Northern Ireland-wide at the elections on 30 May 1996, that it is supported by parties which, taken together, obtained a clear majority of the valid poll and which between them represent a clear majority in both the unionist and nationalist communities in Northern Ireland respectively. With the exception of Strand 1 issues, both Governments must also endorse the particular proposition for it to be deemed to have achieved sufficient consensus.]

Reference to the Forum

27. The negotiating teams in any format of the negotiations, acting solely by agreement and on the formal proposal of a participant in that format, may direct the relevant Chairperson 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 in accordance with the forum's rules of procedure.



Submissions to the negotiations

28. Written submissions which may be received from political parties, groups, or individuals not participating in the negotiations shall have no status within the negotiations, unless such a submission has been formally requested by agreement among the participants.

Liaison arrangements with the Irish Government in relation to Strand One

29. The British Government, as Chairperson of Strand One, will keep the Irish Government informed of the progress achieved in Strand One, through liaison arrangements agreed between the two Governments following consultation with the political parties.

Meetings between the Governments and the Political Parties in relation to Strand Three

30. As set out in paragraph 21 of the Ground rules for substantive all-party negotiations, 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;

- meet the political parties at their request for further discussion of Strand 3 issues.



31. To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party. The two Governments will also meet negotiating teams at their request, either separately or together.
32. Progress on Strand Three issues will normally be reported orally, but the two Governments will also circulate, when appropriate, papers which have been provisionally agreed between them.
33. It will be open to the parties to submit their own views, either orally or in writing on both issues under discussion in Strand Three and any other issues appropriate to Strand 3 which the parties may wish to raise. Any response that may be given by the two Governments will be given jointly.
34. The outcome of Strand Three issues will be considered by all the participants alongside the outcome of the other two strands.

#### Records of Meetings

35. Records of formal meetings will be prepared by note-takers under the general direction of the Chairperson 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 in that format, or earlier if appropriate.
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 for taking the record of formal meetings in other formats. The Chairperson of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.

37. The participants in any meeting may, with the agreement of the Chairperson of the format concerned, agree to depart from the arrangements set out in paragraphs 35 and 36.

*Joe Martin,*

CHAIRMANSHIP

As you will be aware, we reached agreement with the Irish this evening on the text of paragraph 4 of the statute paper. I attach a copy of the relevant text.

Following this the Prime Minister spoke briefly to the Taoiseach. The Prime Minister began by saying that the work of President Robinson appeared to be going very well. There had been a good atmosphere at the Downing Street lunch and she was receiving a warm reception.

The Prime Minister reviewed the latest headline IRA statement. But it was odd that it had once again gone to the BBC, not RTE. The Taoiseach said that the IRA and Sinn Féin were sending conflicting signals. One possible analysis of the latest statement might be that they wanted to make clear that, if they declared a new ceasefire, they were not using either any threat from Governments. But it was difficult to know what was going on behind the scenes.

The Taoiseach welcomed the agreement on the wording over Chairmanships. The Prime Minister said that we were likely to have serious trouble with the Unionists and some hardliners about this. It would be helpful if the Irish side could play down any suggestion that Mitchell had a "supreme" role. The Taoiseach agreed.

The Taoiseach said that he had met Trimble earlier in the day in London. His impression was that Trimble had personally and intellectually no problem with Mitchell playing an important role. The Prime Minister said that he had spent much time trying to persuade Trimble of the value of involving Mitchell. However, Trimble had problems with both his Deputy and with Paisley.