

C O N F I D E N T I A L

FROM: MISS G HARRISON
POLITICAL DEVELOPMENT TEAM
25 JULY 1996

cc: PS/Secretary of State (B&L)
PS/Sir John Wheeler (B,L&DFP)
PS/Michael Ancram (B, L&DENT)
PS/Malcolm Moss (B, DHSS&DOE)
PS/Baroness Denton (B, DOE&DANI)
PS/PUS (B&L)
PS/Sir David Fell
Mr Thomas (B&L)
Mr Bell
Mr Legge
Mr Leach (B&L)
Mr Steele
Mr Watkins
Mr Wood (B&L)
Mr Beeton
Mr Currie
Mr Hill (B&L)
Mr Lavery
Mr Lindsay
Mr Maccabe
Mr Perry
Mr Stephens
Ms Checksfield
Miss Harrison (B&L)
Ms Mapstone
Mr Whysall (B&L)
Ms Collins, Cab Off (via IPL)
Mr O'Mahony, TAU
Mr Lamont, RID FCO
HMA Dublin
Mr Westmacott (via RID)
Mr Campbell-Bannerman
Mrs McNally (B&L)

I also attach a Joint Paper by the
Governments enclosing a revised agenda
plenary. This has been circulated to
morning, with a view to discussion in
course of today.

(Signed)

Miss G Harrison
Political Development Team
CB x 32281
25 July 1996

FILE NOTE

RULES OF PROCEDURE AND AGENDA FOR RESUMED OPENING PLENARY

I attach a copy of the Chairman's compromise text of the Rules of Procedure that were circulated to the talks participants at 6.00 pm yesterday evening. These were discussed in a conferral session yesterday evening and will be subject to debate, as a prelude to adoption, at the resumed Opening Plenary Session planned to take place on Monday 29 July 1996.

C O N F I D E N T I A L

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24 July 1996

Rules of Procedure: Chairman's Comprehensive Text

1. (UK 1) The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are provided for by Section 2(1) of the Northern Ireland Act 1994, the negotiations referred to in Command Paper 9233

CONFIDENTIAL

2. I also attach a Joint Paper by the British and Irish Governments enclosing a revised agenda for the resumed opening plenary. This has been circulated to the other delegates this morning, with a view to discussion in a conferral session during the course of today.

(Signed)

Miss G Harrison
Political Development Team
CB x 22281
25 July 1996

Negotiations will be organised so that issues are discussed in the following forums:

- Plenary;
- Strand One;
- Strand Two;
- Strand Three; and
- a Business Committee.

Strand One will cover the relationships within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; Strand Two will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments. Negotiations on Strand One issues will involve the British Government and the political parties. Negotiations on Strand Three issues will be between the two Governments. Negotiations in all other forums will involve the British and Irish Governments and the political parties.

4. (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 Jean de Chastelain and Prime Minister David Miliband will chair the various aspects of the negotiations which require independent chairmanship, as follows:

24 July 1996

Rules of Procedure: Chairmen's Compromise Text

1. (UK 1) The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are, as provided for by Section 2(1) of the Northern Ireland (Entry to Negotiations, etc) Act 1996, the negotiations referred to in Command Paper 3232 published on 16 April 1996.
2. (UK 1A) The conduct and outcome of these negotiations is exclusively a matter for those involved in the negotiations. These rules of procedure are adopted as the single set of rules governing the conduct of the negotiations. These rules can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 30 through 35, following discussion in the Business Committee.

Structure of Negotiations

3. (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.

Strand One will cover the relationships within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; Strand Two will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments. Negotiations on Strand One issues will involve the British Government and the political parties. Negotiations on Strand Three issues will be between the two Governments. Negotiations in all other formats will involve the British and Irish Governments and the political parties.

4. (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).

5. (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.

Role and Responsibility of Chairmen

6. (5) The designated Chairmen shall preside over all the business of the negotiations and will exercise their functions impartially at all times.
7. (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.
8. (7) In their conduct of these proceedings, all Chairmen will be governed by these rules of procedure, having due regard to the views of the Business Committee on the arrangements of business and the exercise of their functions.
9. (8) The Chairmen will be bound by the same requirement for confidentiality as the participants.
10. (9) The Chairmen may bring forward specific suggestions if it is regarded as helpful by the relevant delegations.

Sequence of the Negotiations

11. (10) Following the conclusion of the Opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and any committees or sub-committees subject to their having regard to the views of the Business Committee. Negotiations in each strand will open on the same day and proceed in parallel, consistent with the provisions of paragraph 14.

12. (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.

Business Committee

13. (12) The Business Committee shall comprise up to two representatives of each participating delegation. It will co-ordinate the progress and procedures of the negotiations. It will not deal with the substance of the negotiations but will address unresolved procedural issues. It may also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.
14. (13) The timing and duration of meetings in the various formats shall be determined by the relevant Chairman, having due regard to the views of the participants. However, unless otherwise agreed by the Business Committee, negotiating sessions in different formats, or within formats, will not be held simultaneously, to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.
15. (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.

Conduct of the Proceedings

16. (15A) All participants in the negotiations will negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.

21. (15B) Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its own meetings.

17. (15) The negotiations in the various formats, committees and sub-committees, will be on the basis of a comprehensive agenda for the negotiations as a whole, adopted by agreement in the opening plenary, as it relates to the participants' area of competence. Without prejudice to any participant's negotiating position, each participant will be able to raise any significant issue of concern to them and receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations. Participants may, by agreement, develop or refine the comprehensive agenda.
18. (17A) Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The conduct and outcome of the negotiations will be exclusively a matter for the relevant participants. No negotiated outcome is either pre-determined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful means of its preferred options. It is common ground that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of all three relationships.
19. (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 advice of the Business Committee.
20. (16) The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, 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.
21. (15B) Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its own meetings.

22. (15C) The negotiations shall normally occur only on Mondays, Tuesdays and Wednesdays.
23. (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.
24. (19) All remarks shall be addressed through the Chairman, who may time-limit interventions at his discretion.
25. (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 through 35.
26. (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.
27. (22) Any written submissions which may be received from other groups or individuals will have no status.
28. (20A) Participating political parties may only be represented at formal meetings of the Plenary, or to discuss Strand One, Strand Two or Strand Three issues, by elected delegates. Such delegates may be supported in meetings by researchers or others who are not elected. The numbers of delegates and supporters participating in any one meeting shall be agreed by the Business Committee.
29. (GR17) If, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence as set forth in the Report of 22 January 1996 of the International Body, this will be circulated by the Chairmen to all participants and will be subject to appropriate action by the Governments, having due regard to the views of the participants.

Decision-Making

30. (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. obtain the agreement of the participants to refer the matter to an agreed group of experts for advice, requesting a report within an agreed specified period.
31. (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 37 below, to refer the matter to the forum for consideration, requesting a report.
32. (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 proposition, the Chairman may propose that negotiations proceed on the basis that the proposition has been approved by sufficient consensus, as defined in paragraph 34.
33. (26) Sufficient consensus may apply to all decisions taken in any format.
34. (27) A proposition would be deemed to have sufficient consensus when supported by participating political parties which, taken together, shall have obtained a majority of the valid votes cast in the elections held on 30 May 1996 and which between them represent a 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.

35. (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.
36. (28A) The negotiations will proceed on the principle that nothing will be finally agreed in any format until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible, solely on the basis of agreement among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

Referral to the Forum

37. (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.

Liaison Arrangements with the Irish Government in Relation to Strand One

38. (30) The British Government, as Chairman of Strand One, will keep the Irish Government informed and will report on the status, as determined by the Strand One participants, of the Strand One negotiations.

Meetings Between the Governments and the Political Parties in Relation to Strand Three

39. (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.

40. (32) To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party.
41. (33) In addition, in relation to Strand Three issues, each political party, acting independently or in conjunction with others, may, on its initiative or otherwise, confer with either or both Governments in order to consult on issues under discussion and advance its own views, orally or in writing. In response, each Government will explain its own views and take full account of those put to it by the parties.
42. (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.

Records of Meetings

43. (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.
44. (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 Chairman of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.

**A PROPOSITION FROM THE BRITISH AND IRISH GOVERNMENTS,
25 JULY 1996**

1. It is common ground that all participants wish to see the maximum possible progress before the summer recess. The two Governments have considered how this could best be facilitated.
2. The Opening Plenary session must complete the following points:
 - (a) adoption of the rules of procedure;
 - (b) establishment of the Business Committee;
 - (c) consideration of the International Body's proposals on decommissioning, including agreement on the mechanism necessary to enable further progress to be made on decommissioning alongside negotiations in the three strands;
 - (d) discussion and adoption of the comprehensive agenda for the negotiations;
 - (e) opening statements; and
 - (f) the launch of the three-stranded negotiations in parallel with the establishment of the agreed machinery to carry forward work on decommissioning.
3. With a view to achieving the desired progress, the two Governments believe that the Opening Plenary should aim to complete its work on points (a) to (d) before the summer break.

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4. We welcome the independent Chairmen's decision to publish draft rules of procedure reflecting their best judgement of what is likely to prove acceptable to all delegations. We support these proposals.
5. In order to assist further progress in the negotiations, we attach a draft agenda for the remainder of the Opening Plenary for the consideration of the parties.
6. We propose that the agenda and the rules of procedure be agreed and formally adopted by the reconvened Opening Plenary on Monday 29 July.
7. We believe that it should be possible to reach agreement on the proposed rules of procedure and agenda relatively quickly. We support the proposal that the draft rules on decision making should be agreed first.
8. We would also propose, with a view to preparing the ground for next week's work in the Plenary, that the relevant participants should be invited to forward to the Chairmen of the relevant strands by 6 pm on Monday 29 July, any written additions or amendments proposed to the attached draft agendas for the three strands. (The draft agenda for Strand One issues is tabled by the British Government alone.)
9. Following ratification of the rules of procedure and the agenda for the Opening Plenary, the reconvened Plenary meeting would proceed to work through the remainder of its agenda, beginning with the establishment of the Business Committee, before moving on to consideration of the International Body's

- 2 -

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9. Following ratification of the rules of procedure and the agenda for the Opening Plenary, the reconvened Plenary meeting would proceed to work through the remainder of its agenda, beginning with the establishment of the Business Committee, before moving on to consideration of the International Body's

PROPOSED AGENDA FOR THE OPENING PLenary - 3 -

proposals on decommissioning.

10. We also take the view that, before rising for the summer break, the Plenary should consider any proposals on the agendas, if necessary in sub-committee, and proceed to the adoption of the comprehensive agenda for the negotiations.

11. Following adoption of the comprehensive agenda, we would propose that the Opening Plenary should be adjourned until 9 September, and reconvene with opening statements, followed, not later than 16 September, by the launch of the negotiations in the three strands in parallel with the establishment of the agreed machinery to carry forward work on decommissioning.

(3) Consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three strands.

5. Discussion of comprehensive Agenda for negotiations.

6. Adoption of comprehensive Agenda.

7. Opening Statements.

8. Establishment of agreed machinery to carry forward work on decommissioning, launch of three-stranded negotiations.

9. Concluding remarks by Independent Chairman.

PROPOSED AGENDA FOR RESUMED OPENING PLENARY

1. Adoption of Agenda for Opening Plenary.
2. Adoption of Rules of Procedures.
3. Establishment of Business Committee.
4. Consideration of International Body's proposals on decommissioning:
 - (a) Discussion of Proposals;
 - (b) Participants' commitment to work constructively to implement all aspects of Report of International Body;
 - (c) Consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three strands.
5. Discussion of comprehensive Agenda for negotiations.
6. Adoption of comprehensive Agenda.
7. Opening Statements.
8. Establishment of agreed machinery to carry forward work on decommissioning; launch of three-stranded negotiations.
9. Concluding remarks by Independent Chairman.

This list is not comprehensive and other issues may emerge in discussion.

Report to Plenary

PROPOSED AGENDA FOR STRAND ONE ISSUES

1. Discussion of requirements for a new beginning for relationships within Northern Ireland.
2. Consideration of possible principles and criteria for new arrangements within Northern Ireland.
3. The question of institutional and other practical implications of these discussions.

Topics likely to arise include:

- The constitutional position of Northern Ireland;
- The nature of institutional arrangements for and within Northern Ireland, which meet any agreed criteria, including, nature and extent of powers eg legislative, executive, administrative; structures for exercising these powers; safeguards to maintain cross-community confidence and financial arrangements;
- The extent to which present or proposed arrangements attract the assent and support of both sides of the community and ensure equity of treatment;
- Relationships with other institutions eg Westminster Parliament, any new North/South relationships, any new Intergovernmental arrangements and the European Union;
- Consideration of arrangements for the protection of rights;
- law and order matters.

This list is not comprehensive and other issues may emerge in discussion.

4. Report to Plenary

PROPOSED AGENDA FOR STRAND THREE ISSUES

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.

PROPOSED AGENDA FOR STRAND TWO ISSUES

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.
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.

Mr Bell - B
Mr Bostock - B
Mr Currie - B
Mr Gail (S&L) - B
Mr Gail - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Mr Checksfield - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr O'Mahony, TAU - B
Mr Lamont, RID FCO - B
RMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B