

Democratic Unionist Party (DUP)

DRAFT RULES OF PROCEDURE

Agenda for remainder of Opening Plenary session

1. Adoption of rules of procedure.
2. Approval and endorsement of independent chairman under the rules of procedure.
3. Acceptance by independent chairman of the rules of procedure.
4. (a) Discussion of decommissioning proposals, and determination of time of commencement, duration and completion of its implementation.

(b) Determination of the circumstances in which failure by any participant to both meet and honour:-
 - (i) the Declaration making clear their total and absolute commitment to the principles of democracy and non-violence; and,
 - (ii) the terms of 4(a) above;will result in the exclusion of such participant from any negotiations.
5. Discussion of the circumstances in which a Party not eligible to participate in the negotiations *ab initio* subsequently claims to have qualified for participation.
6. Appointment of Business Committee.
7. Opening statements by the leaders of participatory delegations.
8. End of Opening Plenary.

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Agenda

1. The negotiations will address and seek to reach agreement on relationships and arrangements within Northern Ireland, including the relationship between any new Northern Ireland institution and the Westminster Parliament; between Northern Ireland and the Irish Republic; and between the United Kingdom and the Irish Republic.

Structure

2. The negotiations will be structured so as to ensure that all issues will be addressed in a coherent and efficient manner in three strands, with appropriate distinctions as to participation and procedural arrangements. Strand One will cover relationships within Northern Ireland; Strand Two will cover relationships between Northern Ireland and the Irish Republic; and Strand Three will cover relationships between the United Kingdom and the Irish Republic.

Participation

3. Negotiations will involve the participation, in the appropriate strands, of representatives of Her Majesty's Government and the Government of the Irish Republic and all those political parties operating in Northern Ireland which have achieved representation through the election of 30 May 1996 and which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.
4. The initial entry of Sinn Fein/IRA into the process requires an unequivocal and permanent cease-fire by the IRA.
5. At the Opening Plenary participants must agree the time of commencement, duration and completion of the implementation of decommissioning illegal terrorist weapons.
6. There will be no limit on the overall size of the negotiating teams of the participants. However, for any one meeting, unless there is agreement otherwise, participants will generally be limited to teams of three negotiators (elected delegates), plus three in support.
7. The negotiating team of each political party will be designated by the party leader from among the elected representatives. These teams may be supported in meetings by researchers and others who are not elected.
8. All participants in the negotiations will take part in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.

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9. 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 the use of 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.

Format

10. Negotiations will be organised in the following formats, with appropriate distinctions as to participation and procedural arrangements:

- Opening Plenary
- Strand One
- Strand two
- Strand three
- The Business Committee

11. Negotiations in each of the three strands will proceed in parallel. However, unless otherwise agreed by the Business Committee, negotiating sessions in different strands, or within strands, will not be held simultaneously, to allow participants, if they wish, the option of fielding the same negotiating team throughout the negotiations.

12. Negotiations on Strand One issues will involve the British Government and the political parties:

- negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
- formal meetings will be chaired by the British Government operating these procedural rules.

13. Negotiations on Strand Two issues will involve both the United Kingdom and the Irish Republic's Government and the political parties:

- negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
- formal meetings will be chaired by an independent Chairperson operating these procedural rules.

14. While the management of each strand is for its participants, a Business Committee composed of representatives of Her Majesty's Government and the Government of the Irish Republic and of the political parties, chaired by the independent Chairperson of Strand Two or, otherwise, by any person agreed by the participants, will be established to co-ordinate the progress and

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the procedures of the negotiations. Those parties with more than 2 delegates shall be entitled to 2 representatives, and other parties shall be entitled to 1 representative. The Business Committee would not deal with the substance of the negotiations but would address unresolved procedural issues. It could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.

15. The negotiations will proceed on the principle that nothing will be finally agreed in any strand until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible on the basis of consensus (or sufficient consensus) among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

Chairmanships

16. The appointment of Chairpersons for any position within the Talks process must be agreed and endorsed by the Delegations participating in the Talks process. Individuals who are invited to be Chairpersons must indicate their willingness to abide by these rules of procedure.

Role of Chairpersons

17. Independent Chairpersons will preside over such business relating to the negotiations as agreed by participating Delegations. They will exercise their functions in an impartial and even-handed manner.
18. Chairpersons will be responsible for the orderly conduct of business. Each will conduct the relevant proceedings which fall within the scope of his/her responsibility so as to allow an opportunity for full discussion of the issues, and will be guided by the objective that the outcome should be agreed by all participating delegations. To this end, but only by the agreement of the participating Delegations to establish that it would be regarded as helpful, Chairpersons may bring forward specific suggestions.
19. Chairpersons will consult with participating Delegations on the exercise of their functions through the Business Committee.
20. At all times, Chairpersons will confine their consultations in relation to this process to the negotiators of those groups participating. Any written submissions which may be received from other groups or individuals will have no status.
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.

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Conduct of Negotiations

23. The proceedings of Negotiations will be held in private.
24. The Chairperson will have responsibility for the convening, postponement and adjournment of meetings on the basis of proposals from the Business Committee or by the agreement of participating Delegations. It is understood, however, that any Delegation may request an adjournment of up to 10 minutes at a time and the Chairperson shall only refuse such requests if they are made with unreasonable frequency.
25. The agenda for each day's business shall be determined by the Chairperson with the agreement of the Business Committee. In relation to Strand 1 matters the representatives of the Irish Republic Delegation shall have no role in decision making.
26. If the location is other than Castle Buildings it shall be determined by the Business Committee.
27. In addition to the regular plenary meetings the Chairperson may, with the agreement of the participating Delegations, propose setting up committee or subcommittee meetings at which Delegations would be represented. He/she may also at any time ask some or appropriate of the participating delegations to meet with him/her; and he/she will accede to any reasonable request for a meeting with him/her from any participating Delegation.
28. Participating Delegations may arrange bilateral or multilateral meetings and the Chairperson, with the agreement of the Business Committee, may arrange for the proceedings to be conducted by a series of bilateral or multilateral meetings. If participating delegations agree, they may invite the appropriate Chairperson to preside at such bilateral or multilateral meetings.
29. If at any time a Chairperson fails to retain the sufficient support amongst participating delegations, the matter of his/her replacement will be referred to the Business Committee.
30. An agreed record of the proceedings will be maintained under the general direction of the Chairperson and circulated only to Delegations participating in the meeting. Approval of the records of meetings involving all participating Delegations will be a matter for the Business Committee.
31. Changes and additions to these rules of procedure shall be made only with the agreement of all participating Delegations.
32. 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 meeting only after agreement may proceed to conduct its business in their absence. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the meeting, by agreement, may proceed with its business with the remaining participants, notwithstanding such withdrawal.

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33. Following the conclusion of the opening plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and such meetings shall be managed by the Business Committee.

Reference to the Forum

34. The negotiating teams in any format of the negotiations, by agreement and on the formal proposal of a participant 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 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. The forum may from time to time submit a report on subjects it believes would be of value to the negotiations. Such reports will only formally be lodged with the agreement of the Business Committee.

Decision Making

35. The negotiations will operate on the basis of consensus. However, if in relation to any issue it appears that there is no unanimity the issue may be resolved on the basis of sufficient consensus.
36. The rules for establishing sufficient consensus are set out in paragraph 37 below. In addition to Strands One and Two sufficient consensus may also apply in the Opening Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Opening Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.
37. A particular proposition may be deemed to have sufficient consensus where it gains the support of participating delegations whose voting strengths at the elections held on 30 May 1996 show that they have the support of at least 75% of the valid poll.
38. Before operating on the basis of sufficient consensus the chairman may, with the agreement of participating delegations,

Records of Meetings

45. (a) consult with the participants with a view to putting forward a proposal which he believes may secure agreement; and/or
- (b) Invite the participants to set up a small but broadly representative working group to consider the specific issues in dispute; and/or
- (c) seek the agreement of all the participants to refer the matter to a group of agreed experts for advice requesting a report within a specific period; and/or
- (d) refer the matter to the Forum for consideration requesting a report.

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39. 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 matter shall be determined on the basis of sufficient consensus as defined in paragraph 37.

Liaison arrangements with the Irish Republic's Government in relation to Strand One

40. At a meeting of the Business Committee, Her Majesty's Government as Chair of Strand One, will provide the Irish Republic's Government with an agreed statement of progress achieved in Strand One.

Meetings of Her Majesty's Government and the Irish Republic's Government with the participating Delegations in relation to Strand Three

41. With a view to providing a meaningful role for the political parties, Her Majesty's Government and the Government of the Irish Republic will, during the course of their negotiations:

- ensure that at the Business Committee the participating Delegations 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;

42. To this end, Her Majesty's Government and the Government of the Irish Republic will convene regular meetings involving up to three members of the negotiating team of each political party. Such meetings will be co-chaired. Her Majesty's Government and the Government of the Irish Republic will also meet negotiating teams at their request, either separately or together.
43. 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 and on any other issues appropriate to Strand Three which the parties may wish to raise. Any response that may be given by Her Majesty's Government and the Irish Republic's Government will be given jointly.
44. The outcome of 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

45. 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 in that format, or earlier if appropriate.
46. The outcome of negotiations will be submitted by referendum for the approval of the people of Northern Ireland before being submitted to Parliament for ratification and the earliest possible implementation. Those matters relevant to the jurisdiction of the Irish Republic will be submitted by referendum for the

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approval of the people of the Irish Republic before being submitted to the Dail for ratification and the earliest possible implementation.

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14th June 1996

Senator George Mitchell
3rd Floor
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Belfast

Dear Senator Mitchell

I enclose a proposed agenda for the remainder of the opening plenary session and proposed procedural rules to replace procedural guidelines.

I assume that notwithstanding the deadline this afternoon you will be open to second thoughts and better thoughts next week as well as amendments prompted by consideration of the papers submitted by other parties.

The paper agreed on 13th June related specifically to "the procedural guidelines". We have interpreted these as being the "Proposed Guidelines for the Conduct of Substantive Multi-Party Negotiations" in pages 8 to 16 of the paper annexed to the Secretary of State - letter of 8th June. Those guidelines are founded on the Command Paper 3232 known as Ground Rules. The latter appears to be outside the review we will conduct next week but within the Agenda for the remainder of the opening Plenary Session. We consider the Ground Rules to be defective with regard to the so-called Third Strand and we will be seeking amendments there, together with a re-structuring of the way the issues covered by the three strands are dealt with. We have not introduced these matters at this stage, as they will be considered later in Plenary. But if the changes we have in mind for Ground Rules are adopted there will then have to be some consequential changes to the procedural guidelines particularly with regard to the liaison arrangements for Strand Three.

I am content for you to copy this letter to other parties.

Yours sincerely,

David Trimble

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