

Draft Rules of Procedure (27 June 1996 Text)

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**The placing of paragraph numbers within square brackets indicates that the paragraph in question has not yet been agreed. Paragraphs not so indicated are understood to have been agreed.**

Legend:

New, agreed text

~~Agreed deletions~~

[Text still under discussion]

*Compromise language proposed by participants*

~~Proposed deletions~~

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- [1]. These rules of procedure are adopted for the substantive 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.


## 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.
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.
- [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

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- [12]. The Business Committee shall comprise [up to two] representatives of each participating delegation.

- 12A. The Business Committee 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.
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.
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

- [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)
- 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.
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.
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.

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.
19. All remarks shall be addressed through the Chairman, who may time-limit interventions at his discretion.
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.
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.
22. Any written submissions which may be received from other groups or individuals will have no status.

#### 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. 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.

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.
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 27.
- ✓ [26]. Sufficient consensus may apply to all decisions taken in <sup>any format</sup> ~~[Plenary], Strand One, Strand Two and the Business Committee, and in any committee or sub-committee of the aforementioned. (25)~~
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.

**(N.B. The U.K.U.P. subsequently raised a question as to whether a higher standard than a majority should be required for final action on a comprehensive agreement).**

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.

## 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.

## 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

- [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)

old  
shall be  
new rule  
in addition

- [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.
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.