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Northern Ireland: Ground Rules For Substantive All-Party Negotiations

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Secretary of State for Northern Ireland
by Command of Her Majesty
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GROUND RULES FOR SUBSTANTIVE ALL-PARTY NEGOTIATIONS

In their Joint Communiqué of 28 February 1996, the Prime Minister and the Taoiseach confirmed that all-party negotiations will be convened on Monday 10 June 1996 following intensive consultations with the relevant political parties and the completion of a broadly acceptable elective process. Following consultation with the political parties this paper sets out the best judgement of the two Governments on the most suitable and broadly acceptable ground rules for the basis, participation, structure, format and agenda of all-party negotiations, beginning on 10 June 1996.

The Basis, Participation, Structure, Format and Agenda of All-Party Negotiations

Basis 1. The purpose of the negotiations will be to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands, and to agree new institutions and structures to take account of the totality of relationships.

Agenda 2. The negotiations will, therefore, in a full and comprehensive fashion, address and seek to reach agreement on relationships and arrangements within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.

3. 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 which it considers relevant. While no outcome is either predetermined or excluded in advance, and while participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful and democratic means of its own 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.

4. Both Governments, as signatories of the Anglo-Irish Agreement, reaffirm that they would be prepared to consider a new and more broadly based agreement, if that can be achieved through direct discussion and negotiation between all the parties concerned. The two Governments, for their part, have described a shared understanding of the parameters of a possible outcome of the negotiations in A New Framework for Agreement.

Structure 5. The negotiations will be structured so as to ensure that all issues will be addressed in a coherent and efficient manner in three interlocking strands, reflecting the three key relationships at issue, with appropriate distinctions as to participation and procedural arrangements. Strand One will cover relationships within Northern Ireland; Strand Two will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments.

6. If appropriate, committees and sub-committees may be established by agreement.

7. The conduct of the negotiations will be exclusively a matter for those involved in the negotiations. Any reference to, or interaction with, the forum to be convened following the elective process held to determine which parties will participate in the negotiations may take place solely by agreement among the negotiating teams to this effect and only at their formal instigation.

*not including status
i.e. internal matters etc*

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 (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communiqué 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 Communiqué of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, 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 (hereafter collectively referred to as "the participants"). However, for any one meeting, unless there is agreement otherwise, participants 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. These teams may be supported in meetings by researchers and others who are not elected.

Opening of negotiations

12. Negotiations will begin on Monday 10 June 1996 with an opening plenary session involving all the participants in the negotiations. Each delegation would have the opportunity to make an opening statement setting out its approach to the negotiations and its position on key issues.

13. In their Communiqué of 28 February, the Taoiseach and the Prime Minister said:

"They recognise that confidence building measures will be necessary. As one such measure, all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body. They would also need to address, at that stage, its proposals on decommissioning. Confidence building would also require that the parties have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify."

14. The agenda for negotiations will be in accordance with this and therefore the opening plenary session will need to ensure that priority is given to these confidence building issues. The opening plenary session will also adopt, and commit the participants to negotiate, a comprehensive agenda which provides 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. This agenda will include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for agreement. The plenary session would also decide how to deal with any procedural issues which may require resolution in the negotiations.

15. Both Governments are determined that the structure and process of the negotiations will be used in the most constructive possible manner in the search for agreement. They will use their influence in the appropriate strands to ensure that all items on the comprehensive agenda are fully addressed in the negotiating process and commit themselves, for their part, to doing so with a view to overcoming any obstacles which may arise.

16. 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.

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 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

18. Negotiations will address all three interlocking sets of relationships as a totality. Negotiations in each of the three interlocking strands will open on the same day and 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 so wish, the option of fielding the same negotiating team throughout the negotiations.

19. 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 procedural rules, agreed by the participants;
- the Irish Government will be kept informed of the progress achieved in Strand One through liaison arrangements agreed between the two Governments following consultation with the parties.

20. Negotiations on Strand Two issues will involve both the British and Irish Governments 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 procedural rules, agreed by the participants.

21. 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 Three issues.

The outcome of Strand Three will be considered by all the participants alongside the outcome of the other two strands.

22. In addition to plenary sessions of the negotiations, some practical arrangements will be needed for liaison between the different elements of these complex negotiations. While the management of each strand is for its participants, a Business Committee composed of representatives of the two Governments 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 coordinate the progress and the procedures of the negotiations. 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.

23. 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, solely on the basis of consensus among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

24. The negotiations will operate on the basis of consensus. However, if in Strand One or Two it should prove impossible after determined efforts to achieve unanimity, the Chairperson may, without prejudice to the provisions of the previous paragraph, operate on the basis of sufficient consensus among the political parties to allow negotiations to proceed. (The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland.) Additionally, as regards Strands Two and Three, both Governments would have to endorse a particular proposition for it to be deemed to have achieved sufficient consensus. The overall outcome across all three strands would also need to attract a sufficient consensus from the participants.

Venue 25. 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 meetings.

Validation 26. Both Governments respectively reaffirm their intention that the outcome of negotiations will be submitted for public approval by referendums in Ireland—North and South—before being submitted to their respective Parliaments for ratification and the earliest possible implementation.

16 April 1996