

The Chair has been called upon to rule on the question of the right of participants in these talks to offer motions and to insist on debate and a vote on such motions.

During lengthy debate on the Rules of Procedure, several participants expressed their concern that action by the chair be taken only after consultation with the participants. I am mindful of that concern. On this issue, every participant has had full opportunity to express their views, orally and in writing. Several participants took part in oral debate. Eight participants submitted written comments.

The question I am called upon to decide is whether, in these talks, each participant's right to raise an issue and to insist upon and obtain a vote on that issue is a right so fundamental, or inalienable, that it must be vindicated without regard to the views of other participants, or to any other consideration.

All of the participants appear to agree on the right of each participant to raise an issue. But only two of the eleven participants argued that this includes an absolute right to have a vote taken. As

the British Government stated in its written submission: "There is a distinction between the protection of this right [to raise an issue] and the question whether and if so when any issue thus raised should be put to a vote."

Several participants stressed that these talks involve negotiation, not a legislative process.

The Alliance Party stated: "This is a negotiating body, not a legislature." The Ulster Unionist Party stated: "The Northern Ireland Political Talks Process is primarily about negotiations between two, or among more than two, of the parties involved. It is not about the provision of a debating facility." The Northern Ireland Women's Coalition stated: "The purpose of these All Party Talks is to negotiate ... it was never the intention that the All Party Talks should be a place for debating motions ... participation in negotiations is different from participation in a legislating parliamentary body." The Irish Government stated: "We are in the process of political negotiations operating on the basis of consensus or, where it is not attainable,

sufficient consensus. We are not acting as a parliament or association.”

Thus, they urge, the emphasis should be on processes which encourage consensus and which enable the negotiations to progress toward their objective.

This view is consistent with the Decision-Making process established in the Rules of Procedure. These are set forth in Rules 30 to 36, which were supported unanimously by the participants. Rule 30 begins with the words: “The negotiations will operate on the basis of consensus.”

The Rule then provides alternative courses of action which may be pursued “if it appears to the Chairman, after a reasonable period of discussion, that there is no unanimity.” Each of the alternatives is plainly intended to try to reach agreement among the participants through consultation and negotiation.

Rule 2 of the Rules of Procedure provides that: “The conduct and outcome of these negotiations is exclusively a matter for those involved in the negotiations.” As the British Government put it in its



submission: "It is for the participants as a whole to determine - if necessary by sufficient consensus - whether and when [an issue] should be put to a vote."

No evidence has been presented and no persuasive argument advanced to support the view that a participant's right to obtain a vote on a motion is a fundamental or inalienable right of democracy. As I noted earlier, several participants have stressed that this is a negotiating body, not a parliament or a legislative body. But even if it were, no such right exists.

I am not personally familiar with the rules of the British Parliament, but I have been advised that neither members of the House of Commons nor the House of Lords have an absolute right to insist upon and to obtain a vote on any matter they choose to present. I am personally familiar with the United States Congress. Similarly, no such right exists there, in either the House of Representatives or the Senate. Indeed, no example has been called to our attention of any body in any democratic society where members of that body have



an absolute right to insist upon and to obtain a vote on any matter they present

Accordingly, I conclude that

1. Each participant to these talks has the right to raise any significant and relevant issue of concern to them and to receive a fair and reasonable hearing on these issues.
2. Such right does not include the absolute right to have a vote on each issue. That is a matter for the participants as a whole to decide.

I have reviewed this matter with my colleagues, General de Chastelain and Prime Minister Holkeri, and they have authorised me to state that they are fully in accord with the view I have expressed.