

## PROCEDURAL GUIDELINES FOR THE CONDUCT OF SUBSTANTIVE ALL-PARTY NEGOTIATIONS

The following "Procedural Guidelines for the Conduct of Substantive All-Party Negotiations" (hereafter referred to as the "Procedural Guidelines") are intended to supplement the "Ground Rules for Substantive All-Party Negotiations" (hereafter referred to as the "Ground Rules"), published by the two Governments on 16 April 1996. It is proposed that the Ground Rules and the Procedural Guidelines will together serve as the rules of procedure for the negotiations unless or until they are amended or replaced by rules of procedure adopted by agreement among the participants in the negotiations. Subject to this, and with the exception of the provision in paragraph 20 of the Procedural Guidelines, which has the effect of specifying the scope of application of sufficient consensus as laid down in paragraph 24 of the Ground Rules, the Ground Rules should be taken as the authoritative text in the case of any difference of interpretation between the two documents.

### Format

1. According to the Ground Rules, negotiations will be organised so that issues are discussed in the following formats, with appropriate distinctions as to participation and procedural arrangements:

- Plenary

- Strand One

### Committees and Sub-Committees

- Strand Two

- Strand Three

- the Business Committee.



## Chairing the Negotiations

2. Paragraph 4 of the "Scenario for the Opening Plenary Session" sets out the arrangements as follows:
- "The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. The two Governments have decided to invite a group consisting of Senator George Mitchell, General John de Chastelain and Mr Harri Holkeri to play a role in chairing the various aspects of the negotiations which require independent chairmanship. They have agreed to invite the chairman of the group, Senator Mitchell, to chair the plenary session, to which the various strands and any sub-committees which the plenary may establish will report, and which will periodically review progress across the entire spectrum of the negotiations. The two Governments will also invite Senator Mitchell, with the help of his colleagues, to assist them in giving effect to their joint commitment under paragraph 15 of the Ground Rules. They have also agreed to invite General de Chastelain to provide the independent chairmanship in Strand Two. He would also chair the Business Committee, unless the participants in the negotiations, in accordance with the Ground Rules, were to decide otherwise. They have agreed to invite Mr Holkeri to act as alternate Chairman in any of the independent Chairmanship roles. They have agreed that it will be open to the group to propose alternative options to the two Governments in the light of the requirements of the negotiations or as circumstances warrant."

### Committees and Sub-Committees

3. Where appropriate, other committees and sub-committees of the negotiations may be established by agreement 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.



## Conduct of Proceedings

4. The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, in consultation, as he considers appropriate, with the relevant participating negotiating teams. However, any negotiating team may request an adjournment of up to 10 minutes at a time and the Chairman shall refuse such requests only if they are made with unreasonable frequency.
5. 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 Chairman of that meeting may proceed to conduct the meeting in their absence. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the Chairman will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.
6. The Chairman of each meeting will be responsible for the orderly conduct of business and will conduct the proceedings so as to allow an opportunity for a fair hearing of all the issues.
7. All remarks shall be addressed through the Chairman. Time limits on interventions may be imposed at the Chairman's discretion.
8. The Chairman's ruling on questions of procedure and order shall be final. In arriving at such rulings the Chairman may apply the rules for determining sufficient consensus set out in paragraphs 20 and 21.
9. The Chairman may at any time ask one or more of the participating negotiating teams to meet him; and will accede to any reasonable request for a meeting from any negotiating team(s).



## Decision taking

### Opening of the negotiations

16. The negotiations will operate on the basis of consensus.
10. Paragraph 12 of the Ground Rules specified that negotiations will begin on Monday 10 June with an opening Plenary session. Arrangements for the opening Plenary are set out in the "Scenario for the Opening Plenary Session".
11. Following the conclusion of the opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and in the Sub-Committee of the Plenary established to carry forward work on decommissioning.
12. The Independent Chairman of the Plenary may convene further meetings of the Plenary as he considers necessary, in the light of developments across the negotiations as a whole.

### Agenda

13. 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 session of the Plenary, as it relates to their area of competence. They may, by agreement, develop or refine it.
14. The Business Committee shall establish and maintain an indicative calendar for the negotiations as a whole and within the various formats. The timing and duration of meetings in the various formats shall be determined by the relevant Chairman in consultation with the participants in accordance with this indicative calendar.
15. 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 for the relevant format, and taking into account the indicative calendar and the views of the Business Committee.



## Decision-taking

16. The negotiations will operate on the basis of consensus. However, if, in relation to issues whose determination falls outside the discretion available to the Chairman under the Ground Rules or the Procedural Guidelines, 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:

### Sufficient Consensus

- (a) the Chairman may consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or
- (b) the Chairman may invite the participants to set up a small but broadly representative working group (the composition to be determined by the Chairman after consultation with the participants, but which must, other than in relation to Strand One issues, include nominees of each of the two Governments) to consider the specific issues in dispute within an agreed time scale and, at the discretion of the Chairman, to recommend possible ways forward; and/or
- (c) the Chairman may seek the agreement of all the participants to refer the matter to a group of experts for advice, requesting a report within an agreed specified period.
17. 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 22 below, to refer the matter to the forum for consideration, requesting a report.

18. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, it appears to the Chairman that there is no unanimity on a particular point, the Chairman shall have the



discretion to determine whether sufficient consensus, as defined in paragraph 21, exists to allow the negotiations to proceed.

19. Where it does not prove possible to achieve either unanimity or sufficient consensus to proceed, the Chairman will work, in consultation with the participating negotiating teams, to seek to remove obstacles to the reaching of agreement.

#### Sufficient Consensus

20. The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 21 below. In addition to Strands One and Two, sufficient consensus may also apply in the Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.

21. A particular proposition may be deemed to have sufficient consensus where the Chairman is satisfied, having regard to the political parties' voting strengths according to the percentage of the valid poll each received Northern Ireland-wide at the elections on 30 May 1996, that it is supported by parties which, taken together, obtained a clear majority of the valid poll and which between them represent a clear majority in both the unionist and nationalist communities in Northern Ireland respectively. With the exception of Strand One, both Governments must also endorse the particular proposition for it to be deemed to have achieved sufficient consensus.

#### Reference to the Forum

22. The negotiating teams in any format of the negotiations, acting solely 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,



discretion to determine whether sufficient consensus, as defined in paragraph 21, exists to allow the negotiations to proceed.

19. Where it does not prove possible to achieve either unanimity or sufficient consensus to proceed, the Chairman will work, in consultation with the participating negotiating teams, to seek to remove obstacles to the reaching of agreement.

#### Sufficient Consensus

20. The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 21 below. In addition to Strands One and Two, sufficient consensus may also apply in the Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.

21. A particular proposition may be deemed to have sufficient consensus where the Chairman is satisfied, having regard to the political parties' voting strengths according to the percentage of the valid poll each received Northern Ireland-wide at the elections on 30 May 1996, that it is supported by parties which, taken together, obtained a clear majority of the valid poll and which between them represent a clear majority in both the unionist and nationalist communities in Northern Ireland respectively. With the exception of Strand One, both Governments must also endorse the particular proposition for it to be deemed to have achieved sufficient consensus.

#### Reference to the Forum

22. The negotiating teams in any format of the negotiations, acting solely 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,



discretion to determine whether sufficient consensus, as defined in paragraph 21, exists to allow the negotiations to proceed.

19. Where it does not prove possible to achieve either unanimity or sufficient consensus to proceed, the Chairman will work, in consultation with the participating negotiating teams, to seek to remove obstacles to the reaching of agreement.

#### Sufficient Consensus

20. The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 21 below. In addition to Strands One and Two, sufficient consensus may also apply in the Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.

21. A particular proposition may be deemed to have sufficient consensus where the Chairman is satisfied, having regard to the political parties' voting strengths according to the percentage of the valid poll each received Northern Ireland-wide at the elections on 30 May 1996, that it is supported by parties which, taken together, obtained a clear majority of the valid poll and which between them represent a clear majority in both the unionist and nationalist communities in Northern Ireland respectively. With the exception of Strand One, both Governments must also endorse the particular proposition for it to be deemed to have achieved sufficient consensus.

#### Reference to the Forum

22. The negotiating teams in any format of the negotiations, acting solely 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 only 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.

Liaison arrangements with the Irish Government in relation to Strand One

23. 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 following consultation with the political parties.

Records of Meetings

Meetings between the Governments and the Political Parties in relation to Strand Three

24. As set out in paragraph 21 of the Ground Rules for substantive all-party negotiations, 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.

25. The participants in any meeting may, with the agreement of the Chairman of the format concerned, agree to depart from the arrangements set out in paragraphs 28 and 29.



25. 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. The two Governments will also meet negotiating teams at their request, either separately or together.
26. 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 the two Governments will be given jointly.
27. 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

28. 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.
29. 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.
30. The participants in any meeting may, with the agreement of the Chairman of the format concerned, agree to depart from the arrangements set out in paragraphs 28 and 29.