

CONFIDENTIAL

FROM: MRS D E McNALLY
POLITICAL DEVELOPMENT TEAM
23 JULY 1996

PA

51/010

ASSISTANT SECRETARY
SECURITY

RECEIVED 23 JUL 1996

REF. 1195
NORTHERN IRELAND OFFICE (D)

Security Policy & Operations
Received:

23 JUL

Ref
Northern Ireland

- cc PS/Secretary of State (B&L)
PS/Sir John Wheeler (B,L&DFP)
PS/Michael Ancram (B,L&DENI)
PS/Malcolm Moss (B,DHSS&DOE)
PS/Baroness Denton (B,DOE&DANI)
PS/PUS (B&L)
PS/Sir David Fell
Mr Thomas (B&L)
Mr Bell
Mr Legge
Mr Leach (B&L)
Mr Steele
Mr Watkins
Mr Wood (B&L)
Mr Beeton
Mr Currie
Mr D Hill (B&L)
Mr Lavery
Mr Lindsay
Mr Maccabe
Mr Perry
Mr Stephens
Ms Checksfield
Miss Harrison (B&L)
Ms Mapstone
Mr Whysall (B&L)
Ms Collins, Cab Office, IPL
Mr O'Mahony, TAU
Mr Lamont, RID, FCO
HMA Dublin
Mr Westmacott, RID
Mr Campbell-Bannerman

FILE NOTE

RULES OF PROCEDURE: AREAS STILL SUBJECT TO DISAGREEMENT

Please find attached a summary issued yesterday by the Chairmen. It contains proposals made by several parties on key provisions of the Rules of Procedure which are still subject to disagreement. As the document suggests, several other paragraphs from the 3 July 1996 version of the Rules of Procedure which have yet to be agreed, are not included.

Signed.

MRS D E McNALLY
Political Development Team
CB x 22282

CONFIDENTIAL

Rules of Procedure: Summary of Key Provisions in Disagreement (22 July 1996)

This paper sets forth proposals made by several parties on key provisions of the Rules of Procedure which remain in disagreement. Several other paragraphs contained in the previous document (Composite Draft Rules of Procedure, 3 July) remain in disagreement. The fact that they are not included in this paper does not imply agreement. Rather, the purpose of this paper is to focus attention on what are believed to be the key provisions on which agreement has not yet been reached.

Legend: **Proposed additions; Proposed omissions**

SDLP	UUP	DUP and Other Parties
(SDLP 1) These rules of procedure are adopted for the substantive all-party negotiations and can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 23 through 28. In the event of any conflict of interpretation arising between the following rules of procedure and the Ground Rules Document (Cm. 3232) the relevant Chairman shall take the Ground Rules Document to be the authoritative text.	(UK 1) The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are, as provided for by Section 2(1) of the Northern Ireland (Entry to Negotiations, etc) Act 1996, the negotiations referred to in Command Paper 3232 (Ground Rules for Substantive All-Party Negotiations) published on 16 April 1996.	(DU.1) The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are those referred to in Section 2(1) of the Northern Ireland (Entry to Negotiations etc) Act 1996 (hereafter referred to as the "Act"). (DU.3) Command Paper 3232 save in so far as it identifies the negotiations to which these rules of procedure will apply (paragraph 1) and the requirements with which the respective negotiations teams must comply in order to participate (paragraphs 8 and 9) shall have no force or binding effect upon the negotiations nor shall it offer any limitations upon it as a body determining its own rules of procedure for the conduct of the negotiations and the extent of their subject matter.
	(UK 1A) The conduct proceedings and outcome of these negotiations is exclusively a matter for those involved in the negotiations. These rules of procedure are adopted for that purpose as the single set of rules of procedure for the conduct of the negotiations. These rules can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 23 through 28, following discussion in the Business Committee.	

SDLP	UUP	DUP and Other Parties
<p>(15A) All participants in the negotiations will negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.</p>	<p>(15A) All participants in the negotiations will negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.</p>	<p>(15A) All participants in the negotiations will negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity. For the duration of the process, Independent Chairmen will not be expected to make any public comment relevant to the talks unless requested to do so by the participants.</p>
<p>(15) The negotiations in the various formats, committees and sub-committees, will be on the basis of a comprehensive agenda for the negotiations as a whole, adopted by agreement in the opening plenary, as it relates to the participants' area of competence. To ensure a meaningful and inclusive process of negotiations, this agenda will be such as to allow each participant to raise any significant issue of concern to them and for that issue to be fully addressed in the negotiations without their ability to do so being subject to any veto of any other party to the negotiations, and without prejudice to the position of any participant on the issue in question or, other than by agreement of the participants, to the outcome of the negotiations. Participants may, by agreement, develop or refine the comprehensive agenda.</p>	<p>(15) The negotiations in the various formats, committees and sub-committees, will be on the basis of a comprehensive agenda for the negotiations as a whole, adopted by agreement by the relevant participants in the opening plenary, as it relates to the participants' area of competence. Participants may, by agreement, develop or refine the comprehensive agenda.</p>	<p>The DUP propose that paragraph 15 be deleted.</p> <p>British and Irish Governments: The negotiations in the various formats, committees and sub-committees, will be on the basis of a comprehensive agenda for the negotiations as a whole, adopted by agreement in the opening plenary, as it relates to the participants' area of competence. Without prejudice to any participant's negotiating position, that agenda will be such as to enable each participant to raise any significant issue of concern to them and to receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations. Participants may, by agreement, develop or refine the comprehensive agenda.</p> <p>NIWC: The negotiations in the various formats, committees and sub-committees will be on the basis of the comprehensive agenda for the negotiations as a whole, adopted by agreement in the Opening Plenary, as it relates to their area of competence. They may, by agreement, develop or refine it.</p>

<p>SDLP</p> <p>(17A) Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The procedures and outcome of the negotiations will be exclusively a matter for the relevant participants. No outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participants' commitment to the achievement by exclusively peaceful means of its 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.</p>	<p>UUP</p> <p>(17A) Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The procedures and substance [or proceedings and outcome] of the negotiations will be exclusively a matter for the relevant participants. No outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful means of its 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.</p>	<p>UDP:</p> <p>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 by agreement in the Opening Plenary, as it relates to their area of competence. That agenda will, by agreement, include all the significant items which the participants consider relevant and which will, therefore, have to be addressed in the search for agreement. Participants may, by agreement, develop or refine it.</p>
<p>SDLP</p> <p>(17A) Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The procedures and outcome of the negotiations will be exclusively a matter for the relevant participants. No outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participants' commitment to the achievement by exclusively peaceful means of its 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.</p>	<p>UUP</p> <p>(17A) Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The procedures and substance [or proceedings and outcome] of the negotiations will be exclusively a matter for the relevant participants. No outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful means of its 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.</p>	<p>DUP and Other Parties</p>

SDLP	UUP	DUP and Other Parties
(UK-amended GR.17) If, during the negotiations, a formal representation is made that a participant is no longer entitled to participate in the negotiations on the grounds that they have demonstrably dishonoured the principles of democracy and non violence, the Independent Chairmen will refer this representation to the two Governments for their consideration and, having due regard to the views of the participants, appropriate action.	(GR.17) If, during the negotiations, a formal representation is made that a participant is no longer entitled to participate in the negotiations on the grounds that they have demonstrably dishonoured the principles of democracy and non violence, by for example, resorting to force or threatening to use force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so , the Independent Chairmen will refer this representation to the British Government for their consideration, and having due regard to the views of the participants, appropriate action.	(DU.2) The teams of delegates participating in such negotiations shall be those who from time to time comply with the requirements of Section 2(3) of the Act, as defined in paragraphs 8 and 9 of Command Paper 3232.