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## Office of the Independent Chairmen

NEG-50/96

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Donlon & Dalton; Ambs.  
London and Washington; Joint  
Secretary; Counsellors A-I.

30 September 1996

VE/p.

TO: ALL PARTICIPANTS

Please find attached the Revised Paper on Confidentiality for discussion at the Plenary Session which is to take place on Tuesday 1 October at 11.00.

The Irish Government suggests that the Government should, in the course of the negotiations, maintain confidentiality except that it will be permitted to make use in public of any statement of a party in any enquiry relating to its position or any other information. It is doing so the public or parties of any other party would not be made public.

The rule of confidentiality applies to the Irish Government and the Independent Chairmen, as well as to the participants in the negotiations.



## CONFIDENTIALITY: POINTS OF AGREEMENT AND QUESTIONS FOR DISCUSSION

(Circulated September 29. Changes based on written submissions.  
Differences from September 23 version noted in *italics*.)

### POINTS OF AGREEMENT

1. In accordance with rules 16 and 43 of the Rules of Procedure, records of formal meetings will not be distributed or in any way conveyed to non-participants in the multi-party talks unless participants agree to their release, or if required to do so by a judicial or police proceeding.
2. The contents of the minutes, including words, phrases, and viewpoints, will not be passed to non-participants in the multi-party talks unless participants agree to their release, or if required to do so by a judicial or police proceeding.
3. Documents produced by the Office of the Independent Chairmen at the behest of the participants will not be distributed or in any way conveyed to non-participants in the multi-party talks unless participants agree to their release, or if required to do so by a judicial or police proceeding.
4. (British Government suggestion) *Documents produced by participants in the course of the negotiations will be subject to the rule of confidentiality except that it will be permissible for any participant to make use in public of any statement of its policy, or to respond in public to any enquiry relating to its position, on any matter relating to the negotiations. In doing so the policy or position of any other participant would not be made public.*
5. The rule of confidentiality applies to the two Governments and the Independent Chairmen, as well as to the participating political parties.



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## QUESTIONS FOR DISCUSSION

1. **Regular briefings of the media:** Should regular briefings take place? Who would brief? How often would briefings take place? How would briefings be prepared and agreed by participants?

DUP suggestion: *At periodic intervals the Chairmen separately or collectively, when they feel the degree of process made in negotiations merits it or when they believe it is in the interests of the Process generally, may produce for the consideration of the Business Committee a Press Update. The Chairmen should not feel constrained in answering press and media questions of fact arising from the Update or relating to the mechanics of the Talks Process but will want to avoid responses that might amount to political comment or conjecture about the actual negotiations.*

2. **Length of period of confidentiality:** Should the period of confidentiality extend beyond the period of talks? If so, how long?
3. **Breach of confidentiality: First strike:** If a party is seen to have breached confidentiality, are other parties entitled to respond without further ado?
4. **Breach of confidentiality: Consequences:** Who determines whether confidentiality has been breached? How is such a determination to be made? What practical effect should a breach of confidentiality have?
5. **Third party response to accusations of breaches of confidentiality:** Should parties have the option/requirement to refer media requests for comment/clarification of statements to the Independent Chairmen for appropriate handling?
6. (DUP suggestion) **Definitions:** *What is the meaning of "negotiations in regard to interpreting the present law? What is the distinction between Talks Process and the "negotiations?" Which documents are actually in*



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*the public domain? Are negotiations between governments and other parties, to which a third party has no place, to be reckoned to be beyond the scope of comment by that outside party because of the Confidentiality Rule?*

September 20, 1996

The political talks in Stormont have most of the ingredients necessary for success - save one. They lack the political will to make them work. Three and a half months after their launch we have not begun substantive negotiations. We have not even agreed an agenda for the opening plenary, not to speak of the negotiations themselves.

It is a matter of fact and record - and not of any polemics - that this delay is due overwhelmingly to the position taken by the three unionist parties. It is they alone who block the route to substantive negotiations.

There are many reasons for this, some perhaps understandable, others less than admirable. Unionist leaders have always competed to own the fears, rather than the hopes of their community. The challenge of the talks process is bringing this discrediting spectacle sharply to the fore, to the point where it threatens to eclipse everything else on the unionist political agenda. The rest of the population are its victims.

In one respect, however, the unionists are struggling with a difficulty not entirely of their own making. The "decommissioning issue" was honed to its full obstructive capacity in London. Intended as a device to help elements of the British establishment to check the momentum of the peace process, it worked all too well. It now threatens to undermine political negotiations as well. Not for the first time, a tactical expedient from Westminster has taken on a malign life of its own in Northern Ireland.

The decommissioning issue is so potent because it touches such a deadly serious issue - illegal weapons and the havoc they have wrought. To question the decommissioning issue, or even the way it has been tactically manipulated, is to