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NEG 44/96

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Secretary, Counsellors A-I.

60
25/1

24 September 1996

MEMORANDUM

TO: All Participants

FROM: The Independent Chairmen

SUBJECT: Confidentiality: Points of Agreement and Questions for Discussion

Attached is a paper listing points of agreement and questions for discussion that emerged from the 23 September discussion in plenary of the subject of confidentiality.

CONFIDENTIALITY: POINTS OF AGREEMENT AND QUESTIONS FOR DISCUSSION

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. Documents produced by participants as part of the talks process (except those that state or reaffirm positions in the public domain and/or make reference to positions of other participants that are also in the public domain) will be subject to the rule of confidentiality.
5. **The rule of confidentiality applies to the two Governments and the Independent Chairmen, as well as to the participating political parties.**

NEG-44A/96

-2-

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?
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?