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FROM: QUENTIN THOMAS  
POLITICAL DIRECTOR (L)  
30 May 1996  
QT/MR/67246

PS/SECRETARY OF STATE (L&amp;B)

cc

PS/Michael Ancram (L&B)  
PS/Sir John Wheeler (L&B)  
PS/PUS (L&B)  
PS/Sir David Fell  
Mr Legge  
Mr Steele  
Mr Brooke  
Mr Bell  
Mr Leach  
Mr Watkins  
Mr Stephens  
Mr Perry  
Mr Beeton  
Mr DJR Hill  
Mr Lavery  
Mr Maccabe  
Ms Checksfield  
Mrs Mapstone  
Ms Harrison  
Mr Whysall  
Mr Budd Cab Office-FAX  
Mr Lamont RID/FCO  
HMA Dublin  
Mr Campbell-Bannerman

1) The  
y File

#### THE OPENING PLENARY SESSION

Following discussions with the Secretary of State, I attach a revised version of the paper "Scenario for the Opening Plenary Session" which Mr Leach submitted with his minute of 29 May.

2. If the Secretary of State is content, Mr Bell should arrange for the paper to be handed to the Irish side for discussion at tomorrow's Liaison Group meeting. In handing it over he should emphasise that tomorrow's discussion will be very much ad referendum - in effect a discussion preparatory to the Adare meeting next Tuesday.

3. For the benefit of copy recipients I should mention that changes have been made:

- to paragraph 3;

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- to paragraph 5, to reflect Mr Trimble's desired way of dealing with the commitment to the Mitchell principles. As the Secretary of State knows we may have a tussle with the Irish side about this. They will rely on paragraph 12 of the Ground Rules for the view that commitment to the principles should be part of a wider opening statement;
  - there is also a minor change to paragraph 4 and paragraph 7 to create the expectation that if there is any substantive discussion of agenda or Ground Rules it should take place in the Business Committee;
  - to paragraphs 10 and 11 to toughen the text, to give us something to negotiate down from;
  - Procedural Rule 2 has been re-written to reflect the change made in paragraph 5 about the procedure to be adopted if a party fails to sign up to Mitchell principles;
  - there are consequential changes to the agenda at Annex B.
4. Those attending the Liaison Group meeting should keep a note of the original language in paragraphs 10 and 11 since the Secretary of State is content that we allow ourselves to be pushed back to that.
5. If the Secretary of State is content, please inform Mr Bell that the paper may be handed to the Irish side.

[SIGNED]

QUENTIN THOMAS  
PD(L)  
OAB 6447



Draft: 30 May 1996

SUBSTANTIVE ALL-PARTY NEGOTIATIONS

SCENARIO FOR THE OPENING PLENARY SESSION

PAPER BY THE UK AND IRISH GOVERNMENTS

**Introduction**

1. The Ground Rules paper published in April set out the two Governments' intention that the all-party negotiations should start on 10 June with an opening plenary session. The Governments are agreed that at this session the requirements of paragraph 12 of the 28 February Communiqué must be fulfilled - that is:

- all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body;
- they would also need to address, at that stage, its proposals on decommissioning;
- confidence building would also require that the parties have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

2. This paper sets out in more detail the scenario the two Governments propose for the opening plenary session.



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Chairman and Procedures

3. The negotiations will be formally opened on 10 June by the two Governments, who will then invite [...] to act as Independent Chairman for the opening plenary session and any subsequent plenary sessions. The two Governments have also decided to invite [...] to chair meetings on Strand Two issues. Depending on the agreement of the participants, who might agree on another Chairman, he would also act as Chairman of the Business Committee. The two Governments will also invite [...] to be an Independent Vice-Chairman, to serve as may be agreed by the Business Committee.

4. The opening plenary session will be conducted by the Independent Chairman in accordance with initial rules of procedure drawn up by the two Governments. These initial rules (which are attached at Annex A) will be superseded by procedural rules for the negotiations as a whole once these have been agreed by the participants, if necessary following consideration in the Business Committee.

Business of the Opening Plenary

5. The draft agenda for the opening plenary session is attached at Annex B. At the start of the session, the leaders of each of the negotiating teams will be asked to make a formal declaration making clear their and their parties' total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body. The commitments will then be confirmed in a joint public statement. In the event of any participant failing to make this clear commitment, the Independent Chairman will report this to the two Governments for their consideration and, after consultation with the other participants, any appropriate action. There will then be a round of statements which, as the Ground Rules envisage, will give each delegation the opportunity to set out its approach to the negotiations and its position on key issues.



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The plenary session will then move to the appointment of a **Business Committee**. As envisaged in the Ground Rules paper, the Business Committee would be composed of representatives of the two Governments and of the political parties, chaired by the independent Chairperson of Strand Two or, otherwise, by any person agreed by the participants. Its purpose would be to coordinate the progress and procedures of the negotiations. The Business Committee would not deal with the substance of the negotiations but would address unresolved procedural issues. It would therefore be available to meet during the opening session to provide advice on any such unresolved issues to the plenary. It could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands. (In this context, the two Governments believe that "overarching" issues of this nature, which could include matters such as identity, allegiance and human rights, could advantageously be addressed at further meetings of the plenary.)

7. The opening plenary will then, if necessary after consideration by the Business Committee, adopt and commit the parties to negotiate a **comprehensive agenda** for the negotiations. A separate consultation paper is being issued to take the views of parties on the elements of this agenda. The Independent Chairman will aim to ensure that the agenda provides all the participants with reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

8. The opening plenary will then adopt **procedural rules** for the negotiations as a whole. A further consultation paper is being issued containing the two Governments' proposals for these rules.



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The opening plenary will then move on to address the International Body's proposals on decommissioning. In this context, both Governments confirm their commitment to the report of the International Body and, in particular, their support for the compromise approach to decommissioning set out in paragraphs 34 and 35 of the report, under which some decommissioning would take place during the process of all-party negotiations, rather than before or after. Both Governments agree with the International Body that this approach provides the opportunity to move forward, and that it is on this basis that the negotiations should be advanced. They will therefore work with all the participants to give effect to this approach.

10. The two Governments have accordingly agreed that, at the opening plenary, the Independent Chairman shall be invited to secure from all participants a clear indication of intent to implement this compromise approach leading, in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues, to some decommissioning taking place during the negotiations.

11. Once the plenary has agreed that these indications have been given, the two Governments will propose that a sub-committee of the plenary, comprising all the participants and chaired by the Independent Chairman of the plenary, be established to take forward arrangements for the implementation of the compromise approach, including the modalities of decommissioning on the basis of the guidelines contained in the report of the International Body, and to advise the Governments on the legislative and practical implications of the recommended arrangements. The Independent Chairman will periodically brief the plenary on the progress made on decommissioning. The sub-committee and the substantive political negotiations will operate alongside each other.



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12. The two Governments will also propose that a meeting of the plenary should be held not later than the end of September to take stock of progress in the negotiations as a whole, including the work of the sub-committee. At this meeting, all participants will review the position, including the progress which has been made in implementing the compromise approach on decommissioning, and will decide in the light of this how the negotiations should proceed. Any agreed adjustments may be made at this stage to the format of the negotiations.

13. Once the decommissioning issue has been addressed in this way, the Independent Chairman will make a concluding statement and the opening plenary session will come to an end. The sub-committee on decommissioning and negotiations on the issues in the three strands will then proceed as soon as may be alongside each other.

2. Should the leader of any participating negotiating team fail to make clear, when called on by the Chairman to do so, his and his party's total and absolute commitment to the principles of democracy and non-violence set out in the report of the

Attachments  
ional Body, the Chairman will report this to the two governments for their consideration and, after consultation with

Annex A. Initial rules of procedure. Private action.

Annex B. Draft agenda for opening plenary. orderly conduct of business and will conduct the proceedings so as to allow an

Annex C. Draft terms of reference for proposed sub-committee on decommissioning.

4. The timing and duration of the Opening Plenary will be determined by the Chairman, after consultation, as he considers appropriate, with the relevant participating negotiating teams.



INITIAL PROCEDURAL RULES FOR THE OPENING PLENARY SESSION

[Text as given to Irish side on 16 May, subject to amendments to para 2]

1. The Chairman of the Opening Plenary Session, appointed by the two Governments, is responsible for the conduct of business. Until procedural rules for the conduct of the negotiations as a whole have been adopted by the participants, the Chairman will operate in accordance with the following procedures:
2. Should the leader of any participating negotiating team fail to make clear, when called on by the Chairman to do so, his and his party's total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body, the Chairman will report this to the two Governments for their consideration and, after consultation with the other participants, any appropriate action.
3. The Chairman will be responsible for the orderly conduct of business and will conduct the proceedings so as to allow an opportunity for full discussion of the issues.
4. The timing and duration of the Opening Plenary will be determined by the Chairman, after consultation, as he considers appropriate, with the relevant participating negotiating teams.



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The Chairman will have responsibility for convening, postponing and adjourning the Opening Plenary Session in consultation, as he considers appropriate, with the relevant participating negotiating teams.

6. All remarks shall be addressed through the Chairman. Participants may only intervene when called upon by the Chairman.
7. The Chairman's ruling on questions of procedure and order shall be final.
8. Negotiations in the Opening Plenary Session will be conducted in private and subject to strict confidentiality except where the participants may, from time to time, agree to publicity.

9. Agreement to Joint Statement by all participants regarding total and absolute commitment to International Body's principles of democracy and non-violence.
10. Opening statements by the participants
11. Appointment of Business Committee.
12. Adoption of representative agenda for the negotiations
13. Adoption of procedural rules for the negotiations
14. Addressing of the International Body's proposals on demilitarization (including proposal to establish a sub-committee on demilitarization)
15. Concluding statement by the Independent Chairman



Opening Plenary Session  
Draft Agenda

1. Formal opening by two Governments and hand-over to Independent Chairman.
2. Introductory remarks by Chairman.
3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.
4. Agreement to Joint Statement by all participants recording total and absolute commitment to principles.
5. Opening statements by the participants.
6. Appointment of Business Committee.
7. Adoption of comprehensive agenda for the negotiations.
8. Adoption of procedural rules for the negotiations.
9. Addressing of the International Body's proposals on decommissioning (including proposal to establish a sub-committee on Decommissioning).
10. Concluding statement by the Independent Chairman.



PROPOSED TERMS OF REFERENCE OF SUB-COMMITTEE ON DECOMMISSIONING

- (a) To secure agreement on the modalities of decommissioning on the basis of the guidelines contained in paragraphs 36 to 50 of the Report of the International Body.
- (b) To advise both Governments, in the light of those discussions, on the legislative and practical implications of the course which is recommended.
- (c) To take forward arrangements for the implementation of the compromise approach to decommissioning set out in paragraphs 34 and 35 of the Report, under which some decommissioning would take place during the process of all-party negotiations.