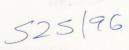
Office of the Independent Chairmen

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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.

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?