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PROCEDURAL GUIDELINES FOR THE CONDUCT OF SUBSTANTIVE ALL-PARTY NEGOTIATIONS

The following "Procedural Guidelines for the Conduct of Substantive All-Party Negotiations" (hereafter referred to as the "Procedural Guidelines" are intended to supplement the "Ground Rules for Substantive All-Party Negotiations" (hereafter referred to as the "Ground Rules"), published by the two Governments on 16 April 1996. It is proposed that the Ground Rules and the Procedural Guidelines will together serve as the rules of procedure for the negotiations unless or until they are amended or replaced by rules of procedure adopted by agreement among the participants in the negotiations. Subject to this, and with the exception of the provision in paragraph 30 of the Procedural Guidelines, which has the effect of specifying the scope of application of sufficient consensus as laid down in paragraph 24 of the Ground Rules, the Ground Rules should be taken as the authoritative text in the case of any difference of interpretation between the two documents.

Format

1. According to the Ground Rules, negotiations will take place in the following formats:
 - Plenary
 - Strand One
 - Strand Two
 - Strand Three
 - the Business Committee.

Chairing the Negotiations

2. All formal meetings of the Plenary will be chaired by an Independent Chairperson whose identity will be announced by the British and Irish Governments after consultation with the political parties.
3. All formal meetings in Strand One format will be chaired by a representative of the British Government.
4. All formal meetings in Strand Two format will be chaired by the Independent Chairperson whose identity will be announced by the British and Irish Governments after consultation with the political parties.
5. The two Governments will co-chair their negotiations in Strand Three format. Meetings between the two Governments and the political parties to discuss Strand 3 issues would also be co-chaired by the two Governments.
6. The Business Committee will be chaired by the independent Chairperson of Strand Two or, otherwise, by a person agreed by the participants.
7. The two Governments, by agreement, may also appoint Vice-Chairpersons who, after consultation with the political parties, may be invited by the two Governments to deputise for the Independent Chairperson of the Plenary or Strand Two under her/his overall direction.

Committees and Sub-Committees

8. Where appropriate, other committees and sub-committees of the negotiations may be established by agreement among the participants in the format to which the sub-group relates. Committees and sub-committees shall be chaired by the chairperson of the format of the negotiations in question or, by agreement among the participants in that format, by a person nominated by the chairperson.

Conduct of proceedings

9. The relevant Chairperson will have responsibility for convening, re-scheduling and adjourning meetings, in consultation, as he/she considers appropriate, with the relevant participating negotiating teams. However, any negotiating team may request an adjournment of up to 10 minutes at a time and the Chairperson shall

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refuse such requests only if they are made with unreasonable frequency.

10. Where any negotiating team does not attend a meeting at a previously agreed time and fails to provide notice of their inability to attend, the Chairperson of that meeting may proceed to conduct the meeting in their absence. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the Chairperson will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.
11. The Chairperson of each meeting will be responsible for the orderly conduct of business and will conduct the proceedings so as to allow an opportunity for a fair hearing of all the issues.
12. All remarks shall be addressed through the Chairperson. Time limits on interventions may be imposed at the Chairperson's discretion.
13. The Chairperson's ruling on all individual questions of procedure and order shall be final.
14. The Chairperson may at any time ask one or more of the participating negotiating teams to meet with her/him; and will accede to any reasonable request for a meeting with her/him from any negotiating team(s).

Opening of the negotiations

15. Paragraph 12 of the Ground Rules specifies that negotiations will begin on Monday 10 June with an opening Plenary session.
16. The opening session of the Plenary will begin with a round of statements during which all participants will be required to make clear their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body. In the event of any participant failing to make such a statement, the Independent Chairman shall report this to the two Governments for their consideration and appropriate action.
17. The Business Committee shall be established. It may *inter alia* consider proposals to amend or replace the rules of procedure constituted by the Ground Rules and these Procedural Guidelines.

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18. The Plenary (if necessary with the assistance of *ad hoc* working groups established to consider the agenda of particular strands) will then adopt and commit the parties to negotiate, the comprehensive agenda for the negotiations. The Independent Chairman shall ensure that this 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.
19. Subsequent to the adoption of the agenda, the participants will address the proposals of the International Body. The two Governments shall table a joint proposal to establish a Committee of the Plenary to carry forward work on the decommissioning issue and appropriate related issues. The precise function of this Committee shall be determined by the two Governments, following discussion in the Plenary.
20. Once the Independent Chairman of the Plenary, following consultation with the participants, has satisfied himself that the International Body's proposals on decommissioning have been sufficiently addressed to allow for work on the decommissioning issue to be carried forward, and provided that he is also satisfied that participants are genuinely committed to work constructively towards the implementation of the Report, the Independent Chairperson will conclude discussion of this matter in Plenary.
21. The opening session of the Plenary will formally conclude with a statement by the Independent Chairman to the effect, assuming that this is the case, that he is satisfied that all the participants have:
 - made clear their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body;
 - addressed the International Body's proposals on decommissioning and are genuinely committed to work constructively towards the implementation of these proposals;
 - adopted, and committed themselves to negotiate, a comprehensive agenda which provides reassurance that a meaningful and inclusive

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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.

22. Following the conclusion of the opening Plenary, the appropriate Chairpersons will convene meetings of the negotiations within the three strands and in the Committee of the Plenary established to carry forward work on decommissioning.
23. The Independent Chairperson may convene further meetings of the Plenary as he/she considers necessary, in the light of developments across the negotiations as a whole.

Agenda

24. Participants in the various formats, committees and sub-committees, will negotiate on the basis of the comprehensive agenda for the negotiations as a whole, adopted in the opening session of the Plenary, as it relates to their area of competence. They may, by agreement, develop or refine it.
25. The Business Committee shall establish and maintain an indicative calendar for the negotiations as a whole and within the various formats. The timing and duration of meetings shall be determined by the participants in the various formats in accordance with this indicative calendar.
26. The agenda for each meeting of the negotiations shall be adopted by the participants on the basis of proposals put forward by the Chairperson in accordance with the agenda agreed by the participants in the relevant format and the overall agenda adopted for the negotiations as a whole, and taking into account the indicative calendar and the views of the Business Committee.

Decision-taking

27. The negotiations will operate on the basis of consensus. However, if, in relation to issues whose determination falls outside the discretion available to the Chairperson under the Ground Rules or the Procedural Guidelines, it appears to the Chairperson, after a reasonable period of discussion, that there is no unanimity, he/she may follow one or more of the courses of action set out below:

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- (a) the Chairperson may consult with the participants, with a view to putting forward a solution that he/she believes will secure agreement; and/or
 - (b) the Chairperson may invite the participants to set up a small but broadly representative working group (the composition to be determined by the Chairperson after consultation with the participants, but which must, other than in relation to Strand One issues, include nominees of the two Governments) to investigate the specific issues in dispute within an agreed time scale and, at the discretion of the Chairperson, to recommend possible ways forward; and/or
 - (c) the Chairperson may seek the agreement of all the participants to refer the matter to a group of experts (nominated by the Governments participating in the format in question), for advice, requesting a report within an agreed specified period.
28. It will also be open to the participants, acting solely by agreement and only at their instigation, and subject to the provisions set out in paragraph 32 below, to refer the matter to the forum for investigation, requesting a report.
29. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, it appears to the Chairperson that there is no unanimity on a particular point, the Chairperson shall have the discretion to determine whether sufficient consensus, as defined in paragraph 31, exists to allow the negotiations to proceed.

Sufficient Consensus

30. The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 31 below. In addition to Strands One and Two, sufficient consensus may also apply in the Plenary and the Business Committee. Sufficient consensus may also apply in committees and sub-committees of the Plenary, Strand One and Strand Two and in sub-committees of the Business Committee.
31. [Proposed definition of sufficient consensus to follow.]

Reference to the Forum

32. The negotiating teams in any format of the negotiations, acting solely by agreement and on the formal proposal of a participant in that format, may direct the relevant Chairperson of the format in question to request the members of the forum, through the Secretary of State, to consider, investigate or discuss a specified subject and to submit a report on that subject to the negotiating teams within a specified period. Any such report from the forum may only be formally taken under notice by the negotiating teams if it has consensus support in the forum in accordance with the forum's rules of procedure.

Submissions to the negotiations

33. Written submissions which may be received from political parties, groups, or individuals not participating in the negotiations shall have no status within the negotiations, unless such a submission has been formally requested by agreement among the participants.

Liaison arrangements with the Irish Government in relation to Strand One

34. The British Government, as Chairperson of Strand One, will keep the Irish Government informed of the progress achieved in Strand One, through liaison arrangements agreed between the two Governments following consultation with the political parties.

Meetings between the Governments and the Political Parties in relation to Strand Three

35. Negotiations on Strand Three issues will be between the two Governments. The two Governments will advise the parties of the timing and venue of their negotiating sessions.
36. The arrangements by which the political parties are to be provided a meaningful role are set out in paragraph 21 of the Ground Rules. The following are the procedural guidelines will apply to these arrangements:

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(a) **regular meetings convened at the instigation of the two Governments (as defined in the first indent of paragraph 21 of the Ground Rules)**

- all the political parties shall be invited to attend such meetings;
- the timing and venue of such meetings shall be arranged by the two Governments in consultation with the political parties;
- political parties shall be entitled to send up to three members of their negotiating teams to such meetings;

(b) **meetings convened at the request of the political parties (as defined in the second indent of paragraph 21 of the Ground Rules)¹**

- such meetings may involve one or both Governments and any number of the political parties participating in the negotiations;
- the timing and venue of such meetings shall be determined by the participants;

(c) **means of communication between the Governments and the political parties**

- the two Governments will report progress on Strand Three issues orally, but will also circulate, when they decide an appropriate point has been reached, all papers which have been provisionally agreed by the two Governments in Strand Three;
- it will be open to the political parties to submit their own views, either orally or in writing, on any aspect of the relationship which are the subject of negotiation in Strand Three;
- any response that may be given by the two Governments will be given jointly.

¹ It is proposed that travel costs and loss of earnings allowance shall be payable to members of the negotiating teams of the political parties in respect of such meetings only where they involve both Governments.

Records of Meetings

37. Records of formal meetings will be prepared by note-takers under the general direction of the Chairperson of the format within which the meeting takes place. A draft record of each formal meeting will be circulated as soon as possible to the negotiating team of each Government and political party participating in the meeting and will be subject to their approval at the next meeting in that format, or earlier if appropriate.
38. The British Government will provide a team of civil servants responsible for taking the record of formal Strand One meetings. The two Governments will provide a pool of civil-servants responsible for taking the record of formal meetings in other formats. The Chairperson of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.
39. The participants in any meeting may, with the agreement of the Chairperson of the format concerned, agree to depart from the arrangements set out in paragraphs 38 and 39.