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5. REPORT OF THE INTERNATIONAL BODY

22 January 1996

I. INTRODUCTION

- 1 On 28 November 1995, the British and Irish Governments issued a Communiqué which announced the launching in Northern Ireland of a " 'twin track' process to make progress in parallel on the decommissioning issue and on all-party negotiations."
- 2 One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent". This has become known as the political track.
- 3 The other track concerned the decommissioning of arms and was set forth as follows in the Communiqué:

"5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

6. Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last

Summer and Autumn by those organisations that previously supported the use of arms for political purposes.

7. In particular, the two Governments will ask the Body to: - identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and - report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve that.

8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits".

- 4 We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgement. We are unanimous in our views. There are no differences of opinion among us.
- 5 To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15 through 18 December 1995; the second, 11 through 22 January 1996. In addition, we held an organisational meeting in New York on 9 December 1995.
- 6 In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and

telephone calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.

II. DISCUSSION

- 7 Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.
- 8 That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts of Prime Minister John Major and Taoiseach John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.
- 9 We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

- 10 For nearly a year and a half, the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part. That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.
- 11 Notwithstanding reprehensible "punishment" killings and beatings, the sustained observance of the cease-fires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to "work constructively to achieve" full and verifiable decommissioning.
- 12 Since the cease-fires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists -- so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.
- 13 No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.
- 14 In paragraph five of the Communiqué we were asked "to provide an independent assessment of the decommissioning issue." It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

- 15 But a resolution of the decommissioning issue -- or any other issue -- will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.
- 16 We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.
- 17 Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context -- indeed, those differences led to the creation of this Body -- but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.
- 18 However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE

- 19 To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and non-

violence. Participants in all-party negotiations should affirm their commitment to such principles.

- 20 Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:
 - a To democratic and exclusively peaceful means of resolving political issues;
 - b To the total disarmament of all paramilitary organisations;
 - c To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
 - d To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
 - e To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
 - f To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.
- 21 We join the Governments, religious leaders and many others in condemning "punishment" killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.
- 22 Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, or threaten to use force, to influence the

negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

- 23 These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

IV. COMMITMENT TO DECOMMISSIONING

- 24 The second of the specific questions in paragraph seven of the Communique asks us "to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve" full and verifiable decommissioning.
- 25 We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.
- 26 After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not

decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

- 27 Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the cease-fires were announced and should not now be able to avoid that requirement.
- 28 In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the cease-fires, and that had it been, there would have been no cease-fires; that those who entered into cease-fires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the cease-fires were declared, is merely a tactic to delay or deny such negotiations. In this view, the cease-fires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

- 29 We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.
- 30 Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.
- 31 Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.
- 32 Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS

- 33 One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.
- 34 The parties should consider an approach under which some decommissioning would take place during the process of all-

party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

- 35 In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.

VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING

- 36 The first of the specific questions in paragraph seven of the Communiqué asks us "to identify and advise on a suitable and acceptable method for full and verifiable decommissioning".
- 37 We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.
- 38 Decommissioning should receive a high priority in all-party negotiations. The details of decommissioning, including supporting confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

- 39 The cease-fires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

- 40 The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process.
- 41 The Commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.
- 42 In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

- 43 The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.
- 44 The decommissioning process could encompass a variety of methods, subject to negotiation, including:
- the transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction;
 - the provision of information to the commission or to designated representatives of either Government, leading to the discovery of armaments for subsequent destruction; and,
 - the depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government. Parties should also have the option of destroying their weapons themselves.
- 45 Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

- 46 Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.

- 47 The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the Garda Síochána and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

- 48 Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.
- 49 Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

- 50 Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations. This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

VII. FURTHER CONFIDENCE-BUILDING

- 51 It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.
- 52 Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.
- 53 Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.
- 54 Different views were expressed as to the weapons to be decommissioned. In the Communiqué, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communiqué, "to continue to take responsive

measures, advised by their respective security authorities, as the threat reduces".

- 55 We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.
- 56 Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communiqué to "whether and how an elected body could play a part". Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.
- 57 Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

VIII. CONCLUDING REMARKS

- 58 Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the "peace line", is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.

- 59 Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.
- 60 This is a critical time in the history of Northern Ireland. The peace-process will move forward or this society could slip back to the horror of the past quarter century.
- 61 Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the "peace line" requires a willingness to take risks for peace.
- 62 The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.

George J. Mitchell
John de Chastelain
Harri Holkeri

22 January 1996

6. JOINT COMMUNIQUE

28 February, 1996

- 1 The Taoiseach and the Prime Minister had two hours of talks at No.10 Downing Street today. The Taoiseach was accompanied by the Tánaiste, Mr. Dick Spring, T.D., and by the Minister for Justice, Mrs. Nora Owen, T.D. The Prime Minister was accompanied by the Secretary of State for Northern Ireland, the Right Honourable Patrick Mayhew, MP, and by his Ministers of State, the Right Honourable Michael Ancram, MP, and the Right Honourable Sir John Wheeler, MP.
- 2 The Prime Minister and the Taoiseach noted with profound regret the statement announcing the ending of the IRA ceasefire and called for its immediate and unequivocal restoration.
- 3 They unreservedly condemned the murderous IRA attack in London's Docklands and subsequent acts of terrorism, for which there can never be any justification. They expressed sympathy for the victims and their common resolve to bring the perpetrators to justice, to do everything possible to protect the public from further such atrocities, and to co-operate intensively at all levels to these ends.
- 4 The Taoiseach and the Prime Minister confirmed the utter repudiation by the Irish and the British people of the use of violence for political ends. They re-affirmed their common

determination that those who use or support such methods would not succeed in derailing the peace process which belongs to all the people of these islands. They resolved that neither violence, nor the threat of violence, would be allowed to influence the course of negotiations, or preparations for negotiations, leading to a lasting peaceful settlement.

- 5 The Prime Minister and the Taoiseach agreed that the IRA's abandonment of its announced cessation was a fundamental breach of the declared basis on which both Governments had engaged Sinn Fein in political dialogue. Accordingly, both Governments are agreed that the resumption of Ministerial dialogue with Sinn Fein and their participation in negotiations requires the restoration of the ceasefire of August, 1994.
- 6 The Taoiseach and the Prime Minister reaffirmed their commitment to work for a lasting peace and a comprehensive settlement on the basis of the fundamental principles shared by their two Governments and set out in the Downing Street Declaration and in the Joint Framework Document. They affirmed the fundamental priority they attach to securing the earliest possible inclusive negotiations to address comprehensively all the relevant relationships and issues in an inter-locking three-stranded process. They confirmed that such negotiations should include all relevant parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process. Having undertaken the intensive consultations and the elective process as set out below, all-party negotiations will be convened on Monday, 10th June, 1996.
- 7 The two Governments recalled that, as set out in the 28 November Communiqué, there had been intensive discussions among the two Governments and the Northern

Ireland parties, in various configurations, on the basis, participation, structure, format and agenda of substantive all-party negotiations. The Prime Minister re-affirmed the British Government's view that, having taken account of the differing positions of the parties and the view of the International Body, an elective process would offer a viable direct and speedy route to all-party negotiations. The Prime Minister and the Taoiseach agreed that an elective process would have to be broadly acceptable and lead immediately and without further preconditions to the convening of all-party negotiations with a comprehensive agenda.

- 8 The Prime Minister and the Taoiseach agreed that details of an elective process were for the parties in Northern Ireland, together with the British Government, to determine. The Prime Minister confirmed that the necessary legislation for a broadly acceptable elective process would be processed as rapidly as possible.
- 9 The Taoiseach, for his part, while noting that the question of an elective process and its nature were primarily a matter for the parties in Northern Ireland to determine, indicated that the Irish Government would support any proposal of that kind which, it was satisfied, was broadly acceptable to those parties, had an appropriate mandate and was within the three-stranded structure.
- 10 The Prime Minister and the Taoiseach agreed that the two Governments would conduct intensive multi-lateral consultations with the relevant Northern Ireland parties in whatever configuration was acceptable to those concerned, beginning on Monday 4 March and ending on Wednesday 13 March. The purpose of the consultations will be to:

- a reach wide-spread agreement on proposals for a broadly acceptable elective process leading directly and without preconditions to all-party negotiations on 10 June, 1996.
 - b reach wide-spread agreement on the basis, participation, structure, format and agenda of substantive all-party negotiations; and
 - c consider whether there might be advantage in holding a referendum in Northern Ireland with a parallel referendum held by the Irish Government in its own jurisdiction on the same day as in Northern Ireland. The purpose of such a referendum would be to mandate support for a process to create lasting stability, based on the repudiation of violence for any political purpose.
- 11 The two Governments will work to ensure that the consultations on the matters identified in paragraph 10 will lead to a fair and acceptable basis for the early launch of substantive all-party negotiations. The Taoiseach and the Prime Minister agreed that the two Governments would review the outcome of these consultations immediately after their conclusion on 13 March. Following that, the British Government will bring forward legislation on the elective process, based on a judgement on what seems most broadly acceptable, and decisions will be announced, as appropriate, on the other issues referred to in paragraph 10.
- 12 In the absence of the cessation of violence for which both Governments look, the two Governments affirmed their determination to continue to work in partnership with those parties which are exclusively committed to peaceful methods to secure a comprehensive negotiated settlement. The Taoiseach and the Prime Minister expressed their hope that all parties with an electoral mandate would be able to

participate in all-party negotiations. They recognise that confidence building measures will be necessary. As one such measure, 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. The two Governments called upon Sinn Fein and the IRA to make Sinn Fein's participation in the process of such negotiations possible.

7. GROUND RULES FOR SUBSTANTIVE ALL-PARTY NEGOTIATIONS

16 April 1996

In their Joint Communique of 28 February 1996, the Prime Minister and the Taoiseach confirmed that all-party negotiations will be convened on Monday 10 June 1996 following intensive consultations with the relevant political parties and the completion of a broadly acceptable elective process. Following consultation with the political parties this paper sets out the best judgement of the two Governments on the most suitable and broadly acceptable ground rules for the basis, participation, structure, format and agenda of all-party negotiations, beginning on 10 June 1996.

THE BASIS, PARTICIPATION, STRUCTURE, FORMAT AND AGENDA OF ALL-PARTY NEGOTIATIONS

BASIS

- 1 The purpose of the negotiations will be to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands, and to agree new institutions and structures to take account of the totality of relationships.

AGENDA

- 2 The negotiations will, therefore, in a full and comprehensive fashion, address and seek to reach agreement on relationships

and arrangements within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.

- 3 Any participant in the strand in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. While no outcome is either predetermined or excluded in advance, and while participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful and democratic means of its own preferred options, it is common ground that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of all three relationships.
- 4 Both Governments, as signatories of the Anglo-Irish Agreement, reaffirm that they would be prepared to consider a new and more broadly based agreement, if that can be achieved through direct discussion and negotiation between all the parties concerned. The two Governments, for their part, have described a shared understanding of the parameters of a possible outcome of the negotiations in "A New Framework for Agreement".

STRUCTURE

- 5 The negotiations will be structured so as to ensure that all issues will be addressed in a coherent and efficient manner in three interlocking strands, reflecting the three key relationships at issue, with appropriate distinctions as to participation and procedural arrangements. Strand One will cover relationships within Northern Ireland; Strand Two will

cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments.

- 6 If appropriate, committees and sub-committees may be established by agreement.
- 7 The conduct of the negotiations will be exclusively a matter for those involved in the negotiations. Any reference to, or interaction with, the forum to be convened following the elective process held to determine which parties will participate in the negotiations may take place solely by agreement among the negotiating teams to this effect and only at their formal instigation.

PARTICIPATION

- 8 Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communiqué of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process: //
- 9 In the Communiqué of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994.

- 10 There will be no limit on the overall size of the negotiating teams of the political parties and the two Government(hereafter collectively referred to as "the participants"). However, for any one meeting, unless there is agreement otherwise, participants will generally be limited to teams of three, plus three in support (five in support in the case of the two Governments).
- 11 The negotiating team of each political party will be designated by the party leader from among the elected representatives. These teams may be supported in meetings by researchers and others who are not elected.

OPENING OF NEGOTIATIONS

- 12 Negotiations will begin on Monday 10 June 1996 with an opening plenary session involving all the participants in the negotiations. Each delegation would have the opportunity to make an opening statement setting out its approach to the negotiations and its position on key issues.
- 13 In their Communiqué of 28 February, the Taoiseach and the Prime Minister said:

"They recognise that confidence building measures will be necessary. As one such measure, 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". ~~XXXX~~

- 14 The agenda for negotiations will be in accordance with this and therefore the opening plenary session will need to ensure that priority is given to these confidence building issues. The opening plenary session will also adopt, and commit the participants to negotiate, a comprehensive agenda which provides reassurance, both in terms of addressing the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered. ~~X~~ This agenda will include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for agreement. The plenary session would also decide how to deal with any procedural issues which may require resolution in the negotiations.
- 15 Both Governments are determined that the structure and process of the negotiations will be used in the most constructive possible manner in the search for agreement. They will use their influence in the appropriate strands to ensure that all items on the comprehensive agenda are fully addressed in the negotiating process and commit themselves, for their part, to doing so with a view to overcoming any obstacles which may arise.
- 16 All participants in the negotiations will take part in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.
- 17 If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy

and non-violence set out in the report of the International Body by, for example, resorting to force or threatening the use of force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so, it would no longer be entitled to participate in the negotiations.

FORMAT

- 18 Negotiations will address all three interlocking sets of relationships as a totality. Negotiations in each of the three interlocking strands will open on the same day and will proceed in parallel. However, unless otherwise agreed by the Business Committee, negotiating sessions in different strands, or within strands, will not be held simultaneously, to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.
- 19 Negotiations on Strand One issues will involve the British Government and the political parties:
 - negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
 - formal meetings will be chaired by the British Government operating procedural rules, agreed by the participants;
 - the Irish Government will be kept informed of the progress achieved in Strand One through liaison arrangements agreed between the two Governments following consultations with the parties.
- 20 Negotiations on Strand Two issues will involve both the British and Irish Governments and the political parties:

- negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
- formal meetings will be chaired by an independent Chairperson operating procedural rules, agreed by the participants.

21 Negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations:

- ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion;
- meet the political parties at their request for further discussion of Strand Three issues. The outcome of Strand Three will be considered by all the participants alongside the outcome of the other two strands.

22 In addition to plenary sessions of the negotiations, some practical arrangements will be needed for liaison between the different elements of these complex negotiations. While the management of each strand is for its participants, a Business Committee 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, will be established to coordinate the progress and the procedures of the negotiations. The Business Committee would not deal with the substance of the negotiations but would address unresolved procedural issues. It could also determine the

modalities for dealing with any issue which does not fall exclusively within any of the three strands.

- 23 The negotiations will proceed on the principle that nothing will be finally agreed in any strand until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible, solely on the basis of consensus among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.
- 24 The negotiations will operate on the basis of consensus. However, if in Strand One or Two it should prove impossible after determined efforts to achieve unanimity, the Chairperson may, without prejudice to the provisions of the previous paragraph, operate on the basis of sufficient consensus among the political parties to allow negotiations to proceed. (The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland). Additionally, as regards Strands Two and Three, both Governments would have to endorse a particular proposition for it to be deemed to have achieved sufficient consensus. The overall outcome across all three strands would also need to attract a sufficient consensus from the participants.

VENUE

- 25 Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast,

Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its meetings.

VALIDATION

- 26 Both Governments respectively reaffirm their intention that the outcome of negotiations will be submitted for public approval by referendums in Ireland - North and South - before being submitted to their respective Parliaments for ratification and the earliest possible implementation.

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8. SCENARIO FOR THE OPENING PLENARY SESSION

6 June 1996

INTRODUCTION

- 1 The communiqué issued by both Governments on 28 February agreed that an elective process “would lead immediately and without further preconditions to the convening of all-party negotiations with a comprehensive agenda”. The two Governments agreed that, following consultations, substantive all-party talks would be convened on Monday 10 June.
- 2 The Ground Rules paper published in April set out the two Governments’ intention that the all-party negotiations should start 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.

- 3 In accordance with these undertakings, this paper sets out in more detail the scenario the two Governments propose for the opening plenary session.

CHAIRMAN AND PROCEDURES

- 4 The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. The two Governments have decided to invite a group consisting of Senator George Mitchell, General John de Chastelain and Mr. Harri Holkeri to play a role in chairing various aspects of the negotiations which require independent chairmanship. They have agreed to invite the chairman of the group, Senator Mitchell, to chair the plenary sessions, to which the various strands and any sub-committees which the plenary may establish will report, and which will periodically review progress across the entire spectrum of the negotiations. The two Governments will also invite Senator Mitchell, with the help of his colleagues, to assist them in giving effect to their joint commitment under paragraph 15 of the Ground Rules. They have also agreed to invite General de Chastelain to provide the independent chairmanship in Strand Two. He would also chair the Business Committee, unless the participants in the negotiations, in accordance with the Ground Rules, were to decide otherwise. They have agreed to invite Mr. Holkeri to act as alternate Chairman in any of the independent chairmanship roles. They agree that it will be open to the group to propose alternative options to the two Governments in the light of the requirements of the negotiations or as

circumstances warrant.

- 5 The opening plenary session will be conducted by the Independent Chairman in accordance with rules of procedure drawn up by the two Governments for adoption in plenary. The rules drawn up by the governments will operate unless and until amended by the participants, on the recommendation of the Business Committee.

BUSINESS OF THE OPENING PLENARY

- 6 The proposed agenda for the opening plenary session is attached at Annex A. At the start of the session, the leader of each of the negotiating teams will be asked to make a formal declaration making clear their party's 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 public statement on behalf of all the participants. 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.
- 7 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 Chairman 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. (It will be open to the parties to agree that certain over-arching issues - for example, human rights - could usefully be addressed in plenary format.)

- 8 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.
- 9 As set out in the agenda for the opening plenary, it will subsequently, 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 shall satisfy himself 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.
- 10 The opening plenary will also address the International Body's proposals on decommissioning. In this context, both Governments confirm their commitment to all aspects of the report of the International Body including their support for the compromise approach to decommissioning set out in paragraphs 34 and 35 which state:

“ The parties should consider an approach under which some decommissioning would take place during the process of all-

party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.”

Both Governments agree with the International Body that this approach provides the opportunity to move forward, and that it is on the basis of working constructively to implement this and all other aspects of the Report that the negotiations should be advanced.

They will therefore work with all the participants to implement all aspects of the Report.

- 11 The two Governments have accordingly agreed to invite the Independent Chairman, after open discussion in the plenary, to satisfy himself that there are clear indications of good intent on the part of all the participants to work constructively and in good faith to secure the implementation of all aspects of the Report in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues.
- 12 Once the Independent Chairman has reported that he is so satisfied, the two Governments will propose that a sub-committee of the plenary, representing all the participants

and chaired by the Independent Chairman of the plenary, be established with the attached terms of reference.

- 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 negotiations on the issue in the three strands and the sub-committee will then proceed alongside each other. The Independent Chairman may periodically brief the plenary on the progress made in the sub-committee.
- 14 The two Governments will also propose that a meeting of the plenary should be held at a suitable date, about 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, and the progress which has been made across the entire spectrum of the negotiations.

ATTACHMENTS

Annex A. Agenda for opening plenary.

Annex B. Terms of reference for proposed sub-committee on decommissioning.

ANNEX A

OPENING PLENARY SESSION 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 Public statement on behalf of all participants recording total and absolute commitment to principles.
- 5 Appointment of Business Committee.
- 6 Opening statements by the participants.
- 7 Discussion of comprehensive agenda for negotiations.
- 8 Discussion of International Body's proposals on decommissioning.
- 9 Adoption of comprehensive agenda for negotiations and procedural rules.
- 10 Report of the Chairman for the purpose set out in paragraph 12 of "Scenario for the Opening Plenary Session"; Governments' proposal to establish a sub-committee on decommissioning.
- 11 Concluding statement by the Independent Chairman.

ANNEX B

PROPOSED SUB-COMMITTEE ON DECOMMISSIONING TERMS OF REFERENCE

To secure implementation of all aspects of the report of the International Body, including:

- (a) agreement on the modalities of decommissioning on the basis of the guidelines contained in paragraphs 36 and 50 of the Report of the International Body;
- (b) advice to both Governments, in the light of those discussions, on the legislative and practical implications of the course which is recommended; and
- (c) agreement on any other arrangements necessary for implementation of the Report.

9. PROCEDURAL GUIDELINES FOR THE CONDUCT OF SUBSTANTIVE ALL-PARTY NEGOTIATIONS

6 June 1996

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 20 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 be organised so that issues are discussed in the following formats, with appropriate distinctions as to participation and

procedural arrangements:

Plenary
Strand One
Strand Two
Strand Three
the Business Committee

CHAIRING THE NEGOTIATIONS

- 2 Paragraph 4 of the "Scenario for the Opening Plenary Session" sets out the arrangements as follows:

"The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. The two Governments have decided to invite a group consisting of Senator George Mitchell, General John de Chastelain and Mr. Harri Holkeri to play a role in chairing the various aspects of the negotiations which require independent chairmanship. They have agreed to invite the chairman of the group, Senator Mitchell, to chair the plenary session, to which the various strands and any sub-committees which the plenary may establish will report, and which will periodically review progress across the entire spectrum of the negotiations. The two Governments will also invite Senator Mitchell, with the help of his colleagues, to assist them in giving effect to their joint commitment under paragraph 15 of the Ground Rules. They have also agreed to invite General de Chastelain to provide the independent chairmanship in Strand Two. He would also chair the Business Committee, unless the participants in the negotiations, in accordance with the Ground Rules, were to decide otherwise. They have agreed to invite Mr. Holkeri to act as alternate Chairman in any of

the independent Chairmanship roles. They have agreed that it will be open to the group to propose alternative options to the two Governments in the light of the requirements of the negotiations or as circumstances warrant.”

COMMITTEES AND SUB-COMMITTEES

- 3 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 relevant chairman or, by agreement among the participants in that format, by a person nominated by the chairman.

CONDUCT OF PROCEEDINGS

- 4 The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, in consultation, as he 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 Chairman shall refuse such requests only if they are made with unreasonable frequency.
- 5 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 Chairman 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 Chairman will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.
- 6 The Chairman 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.

- 7 All remarks shall be addressed through the Chairman. Time limits on intervention may be imposed at the Chairman's discretion.
- 8 The Chairman's ruling on questions of procedure and order shall be final. In arriving at such rulings the Chairman may apply the rules for determining sufficient consensus set out in paragraphs 20 and 21.
- 9 The Chairman may at any time ask one or more of the participating negotiating teams to meet him; and will accede to any reasonable request for a meeting from any negotiating team(s).

OPENING OF THE NEGOTIATIONS

- 10 Paragraph 12 of the Ground Rules specified that negotiations will begin on Monday 10 June with an opening Plenary session. Arrangements for the opening Plenary are set out in the "Scenario for the Opening Plenary Session".
- 11 Following the conclusion of the opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and in the Sub-Committee of the Plenary established to carry forward work on decommissioning.
- 12 The Independent Chairman of the Plenary may convene further meetings of the Plenary as he considers necessary, in the light of developments across the negotiations as a whole.

AGENDA

- 13 Participants will negotiate in the various formats, committees and sub-committees, 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.
- 14 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 in the various formats shall be determined by the relevant Chairman in consultation with the participants in accordance with this indicative calendar.
- 15 The agenda for each meeting of the negotiations shall be settled by the participants on the basis of proposals put forward by the Chairman in accordance with the overall agenda for the relevant format, and taking into account the indicative calendar and the views of the Business Committee.

DECISION-TAKING

- 16 The negotiations will operate on the basis of consensus. However, if, in relation to issues whose determination falls outside the discretion available to the Chairman under the Ground Rules or the Procedural Guidelines, it appears to the Chairman, after a reasonable period of discussion, that there is no unanimity, he may follow one or more of the courses of action set out below:
 - (a) the Chairman may consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or

- (b) the Chairman may invite the participants to set up a small but broadly representative working group (the composition to be determined by the Chairman after consultation with the participants, but which must, other than in relation to Strand One issues, include nominees of each of the two Governments) to consider the specific issues in dispute within an agreed time scale and, at the discretion of the Chairman, to recommend possible ways forward; and/or
 - (c) the Chairman may seek the agreement of all the participants to refer the matter to a group of experts for advice, requesting a report within an agreed specified period.
- 17 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 22 below, to refer the matter to the forum for consideration, requesting a report.
- 18 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 Chairman that there is no unanimity on a particular point, the Chairman shall have the discretion to determine whether sufficient consensus, as defined in paragraph 21, exists to allow the negotiations to proceed.
- 19 Where it does not prove possible to achieve either unanimity or sufficient consensus to proceed, the Chairman will work, in consultation with the participating negotiating teams, to seek to remove obstacles to the reaching of agreement.

SUFFICIENT CONSENSUS

- 20 The rules for establishing sufficient consensus as described in paragraph 24 of the Ground Rules are set out in paragraph 21 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.
- 21 A particular proposition may be deemed to have sufficient consensus where the Chairman is satisfied, having regard to the political parties' voting strengths according to the percentage of the valid poll each received Northern Ireland-wide at the elections on 30 May 1996, that it is supported by parties which, taken together, obtained a clear majority of the valid poll and which between them represent a clear majority in both the unionist and nationalist communities in Northern Ireland respectively. With the exception of Strand One, both Governments must also endorse the particular proposition for it to be deemed to have achieved sufficient consensus.

REFERENCE TO THE FORUM

- 22 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 Chairman 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.

LIAISON ARRANGEMENTS WITH THE IRISH GOVERNMENT IN RELATION TO STRAND ONE

- 23 The British Government, as Chairman 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

- 24 As set out in paragraph 21 of the Ground Rules for substantive all-party negotiations, negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations:
- ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion;
 - meet the political parties at their request for further discussion of Strand Three issues.
- 25 To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party. Such meetings will be co-

chaired by the two Governments. The two Governments will also meet negotiating teams at their request either separately or together.

- 26 It will be open to the parties to submit their own views, either orally or in writing both on issues under discussion in Strand Three and on any other issues appropriate to Strand Three which the parties may wish to raise. Any response that may be given by the two Governments will be given jointly.
- 27 The outcome of Strand Three issues will be considered by all the participants alongside the outcome of the other elements of the negotiations as a whole.

RECORDS OF MEETINGS

- 28 Records of formal meetings will be prepared by note-takers under the general direction of the Chairman 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.
- 29 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 Chairman of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.
- 30 The participants in any meeting may, with the agreement of the Chairman of the format concerned, agree to depart from the arrangements set out in paragraphs 28 and 29.

10. DRAFT AGENDA FOR SUBSTANTIVE ALL-PARTY NEGOTIATIONS

6 June 1996

- 1 Paragraph 14 of the Ground Rules for Substantive All-Party Negotiations provides that the opening plenary session of the negotiations will adopt a comprehensive agenda for the negotiations which will:
 - be in accordance with the necessity for confidence building measures as spelt out in paragraph 12 of the joint Communiqué adopted by the two Governments on 28 February 1996;
 - provide reassurance, both in terms of addressing the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered; and
 - include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for an agreement.
- 2 Paragraph 3 of the Ground Rules provides that any participant in the strand in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter it considers relevant.
- 3 The attached draft agenda is intended to be compatible with

the requirements of paragraph 14 of the Ground Rules and is without prejudice to the provisions of paragraph 3. Consideration of the agenda, therefore, is not at this stage intended to determine whether or not a particular matter should be on the table, but rather to facilitate agreement on an efficient structure for discussion of all the relevant issues which does not prejudice a fair hearing for any of them.

- 4 A preliminary list of issues which the two Governments consider it necessary, as a minimum, to include on the agenda is attached. (The list of Strand 1 issues for inclusion on the agenda is suggested by the British Government alone.)

OPENING PLENARY SESSION

- 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 Public statement on behalf of all participants recording total and absolute commitment to principles.
- 5 Appointment of Business Committee.
- 6 Opening statements by the participants.
- 7 Discussion of comprehensive agenda for negotiations.
- 8 Discussion of International Body's proposals on decommissioning.

- 9 Adoption of comprehensive agenda for negotiations and procedural rules.
- 10 Report of the Chairman for the purpose set out in paragraph 12 of "Scenario for the Opening Plenary Session"; Governments' proposal to establish a sub-committee on decommissioning.
- 11 Concluding statement by the Independent Chairman.

THE BUSINESS COMMITTEE

- 1 Consideration of any proposed changes to the rules of procedure drawn up by the two Governments for adoption in plenary.
- 2 Adoption of an indicative calendar for the negotiations.
- 3 Possible consideration of draft agenda.
- 4 Decisions on venues of Strand Two meetings.

STRAND ONE ISSUES

- 1 Discussion of requirements for a new beginning for relationships within Northern Ireland.
- 2 Consideration of possible principles and criteria for new arrangements within Northern Ireland.
- 3 The question of institutional and other practical implications of these discussions.

Topics likely to arise include:

- The constitutional position of Northern Ireland;
- The nature of institutional arrangements for and within Northern Ireland, which meet any agreed criteria, including, nature and extent of powers eg legislative, executive, administrative; structures for exercising these powers; safeguards to maintain cross-community confidence and financial arrangements;
- The extent to which present or proposed arrangements attract the assent and support of both sides of the community and ensure equity of treatment;
- Relationships with other institutions eg Westminster Parliament, any new North/South relationships, any new Intergovernmental arrangements and the European Union;
- Consideration of arrangements for the protection of rights;
- Law and order matters.

This list is not comprehensive and other issues may emerge in discussion.

4 Report to Plenary.

STRAND TWO ISSUES

- 1 Discussion of requirements for a new beginning for relationships within the island of Ireland, including fundamental aspects of the problem: underlying realities; identity; allegiance; constitutional.
- 2 Common interests (including matters such as economic co-operation and development, security co-operation and law enforcement co-operation) and themes.

- 3 The question of institutional arrangements and any other practical implications to meet agreed requirements (including principles to govern any such arrangements).
- 4 Relationship of such new institutional arrangements to other structures - eg: UK Government and Parliament; Irish Government and Parliament; Northern Ireland structures; Irish-UK intergovernmental structures; the European Union.
- 5 Measures for the guarantee and protection of rights.
- 6 Consequential measures needed to implement, support and underwrite such new structures.
- 7 Report to Plenary.

STRAND THREE ISSUES

- 1 Opening presentations by the two Governments.
- 2 Establishment of necessary mechanisms to provide a meaningful role for the political parties in respect of Strand Three issues.
- 3 Examination of the causes of the conflict in Northern Ireland, its impact and its implications for the two Governments.
- 4 Principles and criteria which should underpin new arrangements, including requirements to acknowledge and recognise the rights of the two major traditions that exist in Ireland.
- 5 The question of institutional arrangements and provisions of any new agreement or structure.

- 6 Arrangements needed to implement, support and underwrite any new agreement or structure.
- 7 Constitutional issues.
- 8 Consideration of arrangements for the protection of rights.
- 9 Arrangements for the approval and implementation of a comprehensive agreement.
- 10 Report to Plenary.

CONCLUDING PLENARY SESSION

- 1 Consideration of outstanding issues arising from the three strands and the sub-committee on decommissioning.
- 2 Consideration of arrangements for the approval and implementation of a comprehensive agreement.