

Consultation Paper: Ground Rules for Substantive All-Party Negotiations issued by the British Government on Friday 15 March 1996

In their Joint Communiqué 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. This paper sets out proposals drawn up by the British and Irish Governments aimed at securing widespread agreement between the two Governments and the relevant political parties on the basis, participation, structure, format and agenda of all-party negotiations.

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, among the people of 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 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. They envisage that such an agreement would develop and extend their cooperation, reflect the totality of relationships between the two islands, and

be dedicated to fostering cooperation, reconciliation and agreement in Ireland at all levels.

Structure

5. Negotiations will be structured through a coordinated and interlocking three-stranded format. 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.

Participation

6. 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 communique of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

7. In the communique of 28 February, both Governments expressed the hope that all 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 Fein, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994.

8. The two Governments may agree, following consultations with the political parties who have obtained representation at the negotiations, that a political party which has failed to obtain a mandate in the elective process may be offered observer status at the negotiations. Such observer status would involve participation in negotiations subject to the same conditions applying to other political parties but would not confer the right to take part in formal decisions relating to the negotiations.

Opening of Negotiations

9. Negotiations will begin on Monday 10 June 1996 with an opening plenary session involving the negotiating teams of 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.

10. In their Communique 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."

11. 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 adapt, 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. 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 deal with any procedural issues which may require resolution in the negotiations.

12. 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. 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.

13. If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy and non-violence 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

14. Negotiations in the three interlocking strands will commence on the same day, although not necessarily simultaneously, and will proceed in parallel.

15. Strand One negotiations 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;

they will be chaired by the British Government operating agreed procedural rules; the Irish Government will be kept informed of the progress achieved in Strand One through agreed liaison arrangements.

16. Strand Two negotiations 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;

they will be chaired by an independent Chairperson operating agreed procedural rules.

17. Strand Three negotiations will involve the two Governments and will involve appropriate consultation and liaison arrangements with the political parties.

18. In addition to plenary sessions of the negotiations, some practical arrangements will be needed for liaison between the different strands of these complex negotiations. While the management of each strand is for its participants, a Coordination Committee composed of representatives of the two Governments and of the political parties, chaired by the independent Chairperson of Strand Two (or in her/his absence, by a person agreed by the participants) will be established to coordinate the progress and the procedures of the negotiations across the three strands. The Coordination Committee would address unresolved procedural issues and could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.

19. The negotiations will proceed on the shared understanding that nothing will be finally agreed in any strand until everything is agreed in the negotiations as a whole. It would nevertheless be possible solely on the basis of consensus among the participants to reach contingent agreement on individual aspects.

20. 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

21. Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin or London, as agreed by the Coordination Committee. Strand Three meetings will take place wherever is mutually convenient to the two Governments. The Coordination Committee shall determine the venue of its meetings.

Validation 22.

Both Governments 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.