

Northern Ireland Women's Coalition

1. What is the status of the Ground Rules in relation to these Negotiations?

The basis and the overarching remit for the Negotiations are contained in the Act and in the Command Paper. The reference in the Act to the Command Paper gives the Command Paper extra weight and validity. We accept that some political parties, by virtue of being in the debate in Parliament, disagreed with the aspects of the Command Paper. Nevertheless the Command Paper was published in its current form, supported by an act of Parliament, thus securing its implementation as a Command Paper of the British Government. The Command Paper defines the nature and the character of the Negotiations on which the election was based and to which parties agreed to seek election. The Command Paper may be enlarged upon or developed but cannot be reversed or frustrated.

2. How is that status affected by or given further effect by paragraph 7 of the Command Paper where it refers that "The conduct of the Negotiations will be exclusively be a matter for those involved in Negotiations."

First and foremost paragraph 7 makes it explicit that there is a difference between the Negotiations and the Forum, with the Negotiations being a matter entirely for those involved in the Negotiations and not for those in the Forum; as per section 2 of the Act versus section 3 of the Act. In our view this is the first and foremost intention of paragraph 7.

Secondly in that the first sentence of paragraph 7 appears (as above), it could be flexibly interpreted to empower participants to determine matters in relation to the conduct of the Negotiations. By conduct we would understand issues of process and procedure. There could be substantive development of the basis and over-arching remit of the Negotiations ~~as indicated~~ ^{as indicated} in the Act and the Command Paper; for example, determining from scratch the operating procedures of the Negotiations as per Rules of Procedure.

The flexible interpretation of paragraph 7 in the Command Paper cannot extend to negating the intention or the meaning of the whole or part of the Command Paper. It can allow a full and substantive development of the Command Paper as the Negotiations are operationalized and this may include some amendment to words or phrases but it can not change purpose and intention.