

Response by the Irish Government

1. What is the status of the Ground Rules with respect to these negotiations?

The Ground Rules Paper is the publicly stated basis and parameters of the negotiations, which both Governments agreed in the communiqué of 28 February would follow an elective process, and which are now convened.

In the British legal perspective they are the legal descriptor of the character and nature of the negotiations that are necessary as a consequence of the Northern Ireland (Entry to Negotiations, etc) Act.

The Ground Rules Paper also has a political significance, as the official description, set out publicly in advance of elections, of the basis and parameters of the negotiations to which the elections would lead. Consequently parties contesting that election were entitled to rely on the presumption that this description would remain valid and consistent after the election for which they had offered themselves had taken place.

The Irish Government remain totally committed to the Ground Rules Paper as the basic document of definition and reference for the negotiations.

2. How, if at all, is that status affected by paragraph 7?

The Irish Government believes that the Ground Rules Paper does not preclude and indeed envisages in Paragraph 7, that the negotiators, once at the negotiating table, would agree between themselves rules of procedure for the conduct of the negotiations. These rules are a matter for the participants, but parties who arrived at the table relying on the Ground Rules Paper are entitled to insist that these rules of procedure should not conflict and should be consistent with the Ground Rules Paper whose status remains unaffected by the rules of procedure.

Subject to that consideration, it is a matter for decision by the negotiators whether it is convenient to have a single integrated set of rules for the guidance of Chairmen and participants.

If a matter arose in respect of which any delegation claimed a conflict with the Ground Rules Paper, the Chairman in question would refer the matter to the two Governments.

3. What about the Ground Rules are fundamental to this process so that they should have continuing status?

We believe the Ground Rules Paper essentially seeks to protect the freedom of all negotiators to raise any significant issue of concern to them and to receive a fair hearing for those concerns, without their ability to do so being subject to the veto of any other party in the negotiations. The concept of an open agenda, with no outcome predetermined or excluded in advance, is offered in the Ground Rules as a protection to the position of all participants.

Negotiators are offered the further overarching protection of the ultimate test of democratic referendum in respect of any outcome.

It is important for those who entered the elective and negotiating process on the basis of the reassurances provided in the Ground Rules Paper that it should be maintained during the negotiating process.