

Ulster Democratic Party

Document submitted to the Chairman 26th June 1996

Status of ground rules document

1. The 'ground rules for substantive all party negotiations' published by the British and Irish governments 16 April 1996 'set out the best judgment 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'. This document was drawn up by the two Governments and as such represents their policy, but has not been agreed by the participants in the multi-party negotiations.

It is our view that the status of the ground rules is that this document outlines the nature and character of negotiations. It cannot, *in its entirety*, be superseded by another document as the Northern Ireland (Entry to Negotiations, etc.) Act 1996 specifically refers to the command paper in clause (2) and identifies paragraphs 8 and 9 of the command paper in clause (3) of the Act. It therefore enjoys a certain amount of legal status.

The ground rules document also contains purely aspirational views shared by the two governments which, quite obviously, cannot be binding on other participants to the negotiations who do not subscribe to those aspirations.

2. Paragraph 7 of the groundrules document states 'The conduct of the negotiations will be exclusively a matter for those involved in the negotiations.' It is our view that this paragraph clearly places the responsibility for defining the rules of procedure and the agenda for each strand along with the management of the process in the hands of the relevant participants.
3. It is practical that sections of the ground rules document be replicated in the rules of procedure. This does not represent an amendment to the contents of the ground rules document nor does it detract from its standing as the policy of the two Governments. There is no obligation upon any other participant to subscribe to the aspirations or views described in the document, however the document in its entirety is recognized as the position of the two Governments as participants in the negotiating process. Therefore we do not object to the contents of the document though we may object to the incorporation of specific aspects into the rules and procedures which have yet to be agreed.