

# Office of the Independent Chairmen

Castle Buildings Stormont Belfast BT4 3SG Northern Ireland  
Telephone 01232 522957 Facsimile 01232 768905

## SUMMARY RECORD OF LIAISON SUB-COMMITTEE MEETING ON CONFIDENCE BUILDING MEASURES ON MONDAY 15 DECEMBER 1997 (1500)

**CHAIRMAN:** Senator Mitchell

**THOSE PRESENT:** British Government  
Irish Government

Alliance

Labour

Northern Ireland Women's Coalition

Progressive Unionist Party

Sinn Féin

Social Democratic and Labour Party

Ulster Democratic Party

Ulster Unionist Party

1. The Chairman convened the meeting at 1510 and said that, in keeping with the agenda decided upon at the meeting of 18 November, the session was scheduled to discuss economic and social development issues, and 3 participants had submitted papers on this topic. However, 4 parties had indicated to the Chair that they felt the discussion on prisoners' issues had not been exhausted at the meeting on 1 December and should be continued. The Chairman asked the participants if they wished to continue the discussion on prisoners, go directly to economic and social issues, or speak to either as they wished.

2. The UUP said that it was best to follow the structure and format already agreed. The minutes of the 1 December meeting said that the UUP had asked the British Government to come to the meeting prepared to answer questions on economic and social matters: in fact the Government had offered this and the party had simply noted that offer. If the Government had come prepared to answer questions on economic and social matters, it should be given the courtesy to do so. Sinn Féin remained concerned at the objection raised at the previous meeting by the UUP to the eligibility of one of the party's delegation to speak at the meeting, and how this matter was handled by the Chair. The party had been prevented from making its points and fully addressing the issue. The issue of prisoners was a highly relevant one, which had not been fully discussed. The party proposed spending the rest of the session on prisoners.

3. The Chairman confirmed that the UUP member who raised the objection had not himself been on the list of delegates to the Sub-committee which had been circulated. Questions had been raised as to entitlement to attend meetings, speak etc, and the Chair had therefore referred the matter to the Business Committee, which had considered it and urged the participants to use common sense and good judgement in treating such disagreements. He then read out the relevant paragraph from the report of the 8 December meeting of the Business Committee. The Chairman then proposed that before the next meeting of the Sub-committee, each participant submit a list of 4 names (5 for Governments) of persons who would be entitled to act as representatives at future meetings ie: 2 members of the Sub-committee and 2 support staff. Parties could make subsequent changes to this list of nominated persons, in writing to the Chair before the meeting in question. This proposal was accepted and the Chairman said he would enforce this decision beginning at the next meeting. He



clarified that there was no objection to a nominated support staffer replacing a member of the Sub-committee who had left the room and that a maximum of 4 (5 for Governments) could speak at any one meeting.

4. The UDP said the Sub-committee had not dealt adequately with prisoners' issues at the last meeting, and should do so now. This was a very important issue, and one that had potential to destabilise the situation. The British Government said it had no objection to a further discussion on prisoners, but felt that it might be better for today's meeting to stick to the agenda topic of economic and social issues. An attempt to agree a statement on prisoners at this stage could prove difficult and might not be of any help to the Strand talks. The British Government said it would envisage returning to prisoners at a later stage. The NIWC said it had understood the Sub-committee would be discussing prisoners today: the discussion on it should be completed before moving on. This was not a question of altering the agenda but of timing everyone's progression through it. Prisoners was an important issue and it would be dangerous not to discuss it fully. Alliance agreed that prisoners was a core issue, but felt today's meeting should stick to the agreed schedule.

5. The SDLP said it would have been better to have had a discussion of economic and social issues today, as projected, but if a number of parties were not ready to do so this would be difficult. There was certainly a need for further discussion on prisoners, although hopefully a more focused one. The party had also been disappointed at the contribution of the Governments at the previous meeting, and hoped they would be able to reflect on what they had heard and come back with more substance. The agreed agenda should not prevent discussion of any other matters: the Sub-committee

had to be able to react to the flow and development of issues as they arose. It was understandable in the circumstances that there was some confusion as to what the meeting would be discussing today, but this was no way to be proceeding, and should be avoided in future.

6. The Chairman suggested that, without creating a precedent, he would try to accommodate both sets of views which had been expressed. He proposed a further discussion on prisoners, with each of the 4 parties who had preferred to stick with this issue speaking for up to ten minutes, following which the meeting would move on to economic and social issues. The UUP said it could agree to this compromise, and added that the Sub-committee was not precluded from coming back to prisoners' issues again.

7. The SDLP said that although it had submitted a paper on economic and social issues, it recognised that only a minority of parties had done so. It did not like to open a division where parties in the Sub-committee were addressing different issues, nor did it think a further discussion of prisoners could be limited only to the 4 parties who had expressed a preference to hold such a discussion now. The SDLP said it was content to hold over the discussion on economic and social issues.

8. The PUP said there should be no implication that the 4 parties who wanted to continue with prisoners' issues did not want to discuss economic and social issues. The PUP said it had begun consulting community groups to determine their views and concerns in this area. It had done the same on prisoners' issues, and there were still issues to be discussed on that subject. It was not a question of negotiating the release



of prisoners - that was a matter for the Strands and in any case was surely a given - but of preparing the community for releases. The UDP said it was reluctant to get involved in a process where only 4 parties would be talking. This was a very important issue. It was important that the Sub-committee was more than just a talking shop. The party did not agree that everyone was not present to discuss releases. Before the Sub-committee was set up, the party had been talking directly to the British Government on prisoners' issues, but was now told the matter had to be dealt with here. The UDP wanted real debate and proposals on dealing with prisoners' issues. Parties also had to put forward proposals in this area: it could not just be left to the Governments.

9. The Chairman said that the 1 December meeting had discussed the remit and authority of the Liaison Sub-committee, which was clearly set out in the Procedural Motion, at paragraph 2(c)(2). The Sub-committee was to consider issues and draw their implications to the attention of the Strand Chairs, but was not empowered to negotiate with the Governments. Nonetheless, the Chairman felt that the Sub-committee could have a significant impact if it chose to. The Chairman then invited the 4 parties he had indicated to speak on the issue of prisoners.

10. The NIWC said that a problem on prisoners was that there were 2 Governments dealing with the issue separately and in different ways. It would be good if the Governments could work more closely together in this area. The Governments had highlighted improvements, such as transfers and increased Christmas leave. It was unfortunate that such movements were taking place, and seen to take place, outside the talks process. Confidence would be derived from such movements being seen to



originate in the process. It would improve transparency for people to know where these developments were coming from, without getting into a “tit for tat” view of “concessions”. It was important to recognise the nature of the conflict and the existence of politically motivated prisoners. The question of whether the Sub-committee should discuss releases had been raised; there were also the questions of support for victims and reintegration of released prisoners. This was an issue of importance to all, even those without personal connections to prisoners, because of its importance for the peace process and potential for destabilisation.

11. Sinn Féin said that there had been a discussion at the last meeting over the term political prisoners, which Alliance for one had objected to, but there was general consensus that people were in jail as a result of the conflict. This was a critical issue which affected many people, and it was important that everyone looked for common ground on it. The Sub-committee had to signal to the Plenary that this was an issue that needed to be resolved. Sinn Féin had been dissatisfied with the response of the British Government, which had not responded to many of the points put to it. The British Government still characterised the issue as concerning people convicted of criminal acts. There was a feeling in the community that conditions in the prisons had disimproved rather than got better since the cease-fire. The party said that most people accepted that prisoners were a central issue, and did not understand why the British Government was dragging its heels. There was also clearly a double standard in operation for British soldiers who killed nationalists. Sinn Féin said that the positive contribution of prisoners to the peace process should be recognised. The Irish Government had addressed the issue, but needed to move more quickly. The party felt the issue needed to be addressed at the Plenary.



12. The UDP said the potential of prisoners' issues to destabilise society had been well demonstrated in the past, and it was a very important area. It was also a very sensitive area, especially for victims. The party had put forward proposals 3 years ago, and had not suggested an amnesty because it had recognised this would be insensitive to victims. Instead it had proposed a phased release programme. The British Government had outlined changes in the regime for prisoners convicted of scheduled offences, such as the restoration of 50% remission, but those in this category serving life had not yet received such restoration. The Life Sentence Review Board (LSRB) had been in place for over a decade, and there had been many anomalies in its operations, especially in relation to the security forces. There had been three cases of soldiers sentenced to life who only served 3-4 years. Prisoners belonging to the Official IRA had received reductions because that organisation called a cease-fire. It had been said that these reductions were in line with judges' recommendations, but similar recommendations had been ignored where they related to loyalist prisoners. The LSRB, at the time of the policy of criminalisation, had granted reductions of one year to prisoners moving into ordinary prisons. Special category prisoners had got a special review after moving from the Maze compounds to the H Blocks. As a result of these practices, persons on the periphery of a case often ended up serving more time than the prime mover.

13. The UDP said it was clear from this that exceptional and special circumstances had been recognised on many occasions. There had now been a loyalist cease-fire in place for over 3 years, without producing any marked change in the attitude of the LSRB to loyalist prisoners, who continued to serve long sentences. This created



frustration and was beginning to alienate people from the process, and cause problems for a party which was present to negotiate a settlement and was representing an organisation deeply concerned with prisoners' issues. The cease-fires should be given due recognition. This was an area that could make a real contribution to the process.

14. The PUP said it had to be recognised that there had been a political conflict and that there were politically motivated prisoners as a result of that. It was unhelpful and arrogant of (some) parties who claimed they had no involvement with violence to dispute this. If everyone had not been through a conflict, but just an upsurge in criminal activity, why was everyone now involved in negotiations? The party understood its purpose in the Sub-committee as being to help prepare its community for the implications of a settlement.

15. Some parties indicated they wished the Governments to respond now to points made during the discussion at the 1 December meeting, but the Chairman said the Governments needed time to reflect on the moving and persuasive arguments made today, and it made obvious sense to respond to the 2 meetings which had now considered prisoners' issues on a single occasion, which he proposed should be the beginning of the next meeting. Alliance responded to an earlier point by Sinn Féin to say that while it did not consider the term "political prisoners" appropriate in the Northern Ireland context, the party clearly accepted that persons were in jail because of political motivations and a conflict arising from the failure to resolve political problems. Sinn Féin reiterated its concern that the Sub-committee needed to be more than just a talking shop. Parties made submissions and arguments which were left hanging there. The group had no decision making powers, but if it could not get



responses from Governments what was its purpose? The Chairman said that if the working of the Sub-committee was not satisfactory, the recourse was to the Plenary, and he repeated that the Governments would be asked to be ready to respond at the beginning of the next meeting.

16. The British Government said that it would be ready to do so. Some points had already been addressed at the last meeting or in papers, and there had been further developments in the meantime, for instance on transfers. The Government wished to assure the Sub-committee that Ministers put considerable weight on the discussions here. At the same time, however, developments in relation to prisoners must not undermine the criminal justice system: the recent escape exploiting a gesture of goodwill had been most unfortunate. The Irish Government also said it would be happy to respond at the next meeting to points made during this and the previous discussion. Ministers were kept closely informed of the views expressed here, and placed great importance on the question of prisoners, transfers etc. The Chairman said that concluded the discussion on prisoners at this meeting, and called on the parties to address the agenda item on economic and social issues.

17. Alliance said that it hadn't submitted a paper on the issue. Nevertheless it, like other parties, fully recognised the importance of the matter. Research had revealed an increasing gap between incomes of the bottom and top layer of society. Economic deprivation was a key issue in Northern Ireland associated with a terrible unemployment problem in certain areas. This had to be the top priority to be addressed in the present issue. There were other facets of economic deprivation, however, including the present imbalances in the work force, including gender

imbalance. Full employment itself might not solve the problems of Northern Ireland but it would help. In the social arena Alliance said it was particularly concerned about increasing polarisation of the 2 traditions in Northern Ireland and said that 98% of the schools remained divided on religious lines. The party considered that the recent decision by the Government not to give more funding to integrated schools was disgraceful. The party viewed with concern the continuance of polarisation; even sport suffered from it. The way forward was to work towards inclusiveness rather than separation. Everybody was entitled to be treated as individuals. Cultural issues to be resolved represented a huge challenge. The party's concern was that economic development alone would not solve the problem. It was necessary also to move away from a disastrously polarised situation, but there was also a need to address sensitive cultural issues.

18. Labour said it had not submitted a paper. It perceived a need for the parties to avoid regurgitating their manifestos. The purpose of the Sub-committee, it felt, was to prepare for a future Plenary session and to consider what measures it should be formulating. The party perceived a linkage between the economic and social issues and equality. The present legislation on equality was insufficient and the parties should be considering what special action was needed in this area. There was a need to target long-term unemployment; a massive social employment scheme was required. Presently there was a disposition on the part of young people in the ghettoised areas not to leave those areas. A question to be addressed was how to encourage such young people to leave those areas to get work. A short term confidence building measure was needed.



19. The SDLP said that its main contribution today was to table its paper on the issue which should be read as a general statement on the broad range of economic and social issues rather than as a set of specific proposals. It was readily apparent that there were areas of high deprivation in Northern Ireland; social need had to be targeted. Additional measures had to be considered in the area of fair employment. North/South economic development had to be addressed; there were disadvantaged communities in the border areas. There had to be respect for cultural differences and diversity, particularly in the matter of the Irish language. All of these issues had an impact on confidence. There had to be a programme for action within the institutions yet to be agreed.

20. The UUP said that it wished to correct Alliance's statement on divided education. In fact the 98% of pupils not educated in the integrated schools referred to were educated in either state schools for all religions which included very significant numbers of Catholics or in maintained schools which were exclusively Catholic. The party agreed with Labour that a regurgitation of manifestos was not the way forward. Its own brief paper addressed the issue of confidence building. There were 3 principal aspects. The first was to produce stability by addressing the Republic of Ireland's relationship with Northern Ireland. The Framework Document helped to perpetuate the instability arising from the Republic's claim over Northern Ireland. Throughout Europe borders were agreed by the constituent states. There was no precedent for anything like what the Framework Document proposed. In Europe, minorities flourished in states not on the basis of interference by neighbouring states but on the basis of co-operation, for example between Russia and the Ukraine in respect of a

Russian majority in a Crimean state. Austria's position vis a vis the South Tyrol, and the Russian and Ukrainian position vis a vis Moldavia were other examples.

21. The second aspect was that the 2 governments should recognise and state that co-operation does not depend upon the existence of All-Ireland institutions. Undeniably, unemployment was a problem to be addressed, but all-Ireland institutions could not help here. It was recognised that public sector employment in Northern Ireland was at the saturation point. Significant reduction in unemployment could only arise from an increased manufacturing base. The Irish market was only 5 million. The opportunity to increase the manufacturing base in Northern Ireland lay not in the Irish Republic but in Great Britain and wider afield. The proportion of Northern Ireland trade represented £120 per person in the Irish Republic compared with only £40 per person in Great Britain. The true dynamic therefore was west/east rather than north/south and the 2 governments should not continue to delude the people of Northern Ireland on that score. The true essence of the proposed north/south institutions was political and not economic. The economy would not be improved by North/South institutions as such.

22. The third aspect related to the United Nations publication of 14 December, paragraph 9 which expressed concern about the rate of unemployment of Catholics in Northern Ireland, stating that Catholics were twice as likely to be unemployed as Protestants. The report drew the conclusion (paragraph 24) that the State should take steps to combat de facto discrimination. It gave the impression that if discrimination was combated there would be work in Northern Ireland for everybody on an equal basis. The party had been requesting the Secretary of State to correct this



misapprehension. Nevertheless, while both the Queen's Speech and the Labour Party conference had underscored the Government's intention to combat discrimination in the workplace, no attempt had been made to justify the unproven relationship promulgated in the UN report. The party awaited the 2 Governments comments on these 3 aspects.

23. The NIWC said that it intended to submit a paper on economic and social development. It said there was a very economically depressed society in Northern Ireland with massive levels of deprivation. The party agreed with the UDP that economic progress would flow from political stability. The party would dispute the UUP's position on integrated education. The party would like to see a Bill of Rights with economic and social provisions. Government proposals in this area should be quality proofed and the needs of all disadvantaged and minority groups should be taken into account such as ethnic minorities, women and the disabled. The party was aware of the debate on Peace and Reconciliation Funding in the matter of community development in Protestant areas. It was deeply conscious of the fact that one in 3 children in Northern Ireland was living in poverty.

24. The PUP said that it had not presented a paper but that it was still in the process of consulting within the community. The party agreed with a lot of the points made by the NIWC and Labour. The general party feeling was that the economic and social development area was so vast. It needed to be broken down into education, social welfare and other components. There was a need to examine the underlying causes of social deprivation. The education system, which was abysmal in certain areas, needed special attention.

25. Sinn Féin said that it intended to present a paper. It believed that social and economic inequalities permeated society. Successive British Governments had propped up an unequal system which affected small farmers, the sick, and others and long-term unemployment. Injustice had been created by Partition and a single democratic island would present the best framework for addressing the problems, an island which would also represent a good economic base if unified. The party said that 30 years after the Civil Rights Movement had been launched inequality and injustice still prevailed. The willingness of the British Government to address these matters was questionable. Investigation of several cases had been prevented by the Government's use of P11 certificates. The nationalist cultural tradition was continually undervalued and ignored. The failure to provide for education in the Irish language was the most obvious example. On the health and social fronts in matters such as ill health and indebtedness the north of Ireland was in the worst position in Europe. It was reprehensible that single parent families were now to be singled out. It was time for the British Government to end the war economy in this part of Ireland.

26. The UDP said that it would be presenting a paper on the economic and social development issue in which the matters of violence and the economic situation would be addressed. The Chairman then invited the British Government to speak. As the British Government began the UUP asked whether the Government was making a response to what had been said or if it was speaking to its own paper. The British Government said that it would endeavour to respond to some of the matters raised at the present session. The economic and social development issue was a vast and complicated area. A broad framework for action had been set out in the Governments



manifesto and this would be implemented. However, it was appreciated that there were special needs to be addressed in Northern Ireland and to this end an extra review was in progress which was due to be completed early in the new year. Insofar as rights were concerned, these meant different things to different people. The Government's policy was to encourage confidence and self esteem in all sections of the community, the Government's position was different from that of the other participants in that it had a functional responsibility for many of these issues. Insofar as the 3 points raised by the UUP were concerned, the British Government said it was considering the introduction of individual rights beyond those incorporated in the European Convention on Human Rights. The position on cross-border links was set out clearly in the Framework Documents. Insofar as the UN Committee's report was concerned the British Government said it understood that this Sub-committee's remit was to make comment upon such things but not to deliver judgement. The recent SACHR report on employment was currently being considered.

27. The Irish Government said that it was grateful for the 3 papers it had received on other parties' views on the economic and social issue. It regarded the area as one of enormous potential for confidence building. It intended to submit a paper for consideration by the other parties.

28. Alliance acknowledged that some state schools had up to 30-40% Catholic students, but contended that most children attended schools with overwhelming majorities of either major tradition. The party affirmed its support for integrated schools. It also drew attention to the question of financing additional programs to alleviate economic and social problems. It asked whether people were prepared to be

more heavily taxed to pay for such programs. The UUP stated that Alliance had very substantially qualified its original statement on education and then referred to paragraph 27 of the British Government's paper in which the phrase "the unique problems of a divided Ireland" appeared. The party asked the British Government what was so unique about a divided Ireland, offering as a similar example the inclusion of Ukrainians in Moldavia. A second question for the British Government was for it to provide an explanation of the implications of signing the Council of Europe Charter (paragraph 12).

29. The British Government said that the UUP had already acknowledged that the Northern Ireland problem was unique, to which the UUP responded that it acknowledged that the characteristics of Northern Ireland were unique, but not the problem. The British Government said that other parties considered that Northern Ireland problem to be unique. The UUP said that the British Government had not been asked to report on the views of others but to explain why it considered the Northern Ireland problem to be unique.

30. At this point the PUP said that it had not been given the British Government's paper. The Chairman said that he had been advised that the paper had been distributed to all parties. The PUP said that it hadn't received the UUP paper either. Only the SDLP paper had been received. The UUP said it had received 2 papers in the morning. Several other parties said that they hadn't received their papers. The Chairman asked the parties concerned to check with their offices. In the meantime he proposed to continue the discussion because the points at issue were reasonably clear and he advised against a deferment of the matter.



31. The UUP said that it awaited response from the British Government to its question. Sinn Féin said that they and other parties were being treated as observers to a bilateral in the absence of the papers in question. The Chairman said that the UUP and the British Government papers had been distributed first thing this morning. The SDLP paper had been distributed separately. He established that 5 parties had presently acknowledged receipt of the papers and 4 hadn't. The NIWC asked if the matter should not be deferred in the circumstances. The Chairman suggested that to avoid a logjam in the Sub-committee it should press on with the present discussion in that the matter in hand was nearly completed and the points at issue were explicit.

32. The SDLP challenged the UUP analysis of the Northern Ireland situation. The 60/40% community division gave rise to instability. Minorities on the European continent were much smaller. The parallels were therefore rather false. Furthermore, the point was not directly material to the economic and social development issue. Sinn Féin said that because it didn't have the British Government paper, it felt uncomfortable in continuing the discussion and suggested that it be deferred. The UUP said in response to the SDLP that it was attempting to ascertain what the British Government meant by the word "unique". Insofar as minority sizes were concerned some of the European "minorities" were quite sizeable, for example 60/70% in the Crimea and 60/70% in South Tyrol.

33. At this point the PUP conceded that the missing paper had been in its mailbox. Sinn Féin said that it had not had an opportunity to check its box. The Chairman explained that the closing date for receipt of the papers from the parties had been

Friday. The earliest they could be circulated was this morning. He understood that this had been done. For future occasions he would consider having a time and date placed on circulated material. He also pointed out that the parties had now been in session for 168 minutes and that most of that time had been devoted to discussion of the process itself rather than the substance.

34. The British Government said that it was not anxious to get into semantic debate on the economic and social development issue in the present context and proposed to await the papers promised by the other parties. The UUP said that its question to the British Government about use of the word "unique" had been unanswered and that the general response of the Government to its questions was pathetic. The British Government said that the question from the UUP which it had not had the opportunity to answer when originally raised related to the implications of signing the Council of Europe Charter. The previous government in 1996 had decided not to sign it. The matter had now been reopened. The Charter was very much a pick and mix document and it wasn't known how long it would take to reach conclusions on the completed issues arising from it.

35. Labour said that the British Government's paper was disappointing. There was no proposal to address the needs of the deprived in Northern Ireland, nor did it address the issue of long-term unemployment. On the contrary, the progressive elimination of ACE which, in spite of its faults as a scheme, did make a contribution towards resolving unemployment, demonstrated a lack of concern about the problem. The party asked what innovative proposals the Government would be making in relation to unemployment. These were necessary if confidence building was to occur. The



British Government referred to SACHR's comprehensive report and the present government review of the problem as evidence that the Government did recognise the problem and would be responding.

36. The NIWC said that it would like to leave its questions until the next meeting. The PUP's preference was to defer discussion until the next meeting. The party wished however to make it clear at this point that it deplored the Governments proposed action against single parents. Sinn Féin said that it wished to defer discussion until the next meeting. The SDLP agreed to deferment but commented that the rhetoric on the part of some of the participants was not in keeping with reality. As to the overall economic and social scene many things were wrong, but many things were moving in the right direction. The UDP said that it agreed to deferment. Alliance agreed to deferment. The UUP sought clarification as to whether discussion of the economic and social issues would resume at the next meeting. The Chairman said that the next meeting would begin with a report by the Governments on prisoners. The British Government said that the area of economic and social development was complex and wide ranging. It was impossible for individual government participants to be expert on all areas. It was the Governments intention to respond to all of the papers submitted and to be submitted. Advance notice of any specific issues to be raised at specific meetings would be helpful.

37. The Chairman proposed that the meeting would, subject to some other matters, now adjourn until Tuesday 13 January at 1500. The session would begin with response by the 2 Governments to papers on the prisoners issue. There would then be 30 minutes for questions, followed by resumption of the discussion on economic and

social development. There would be no attempt to address the next topic of paramilitary action at that meeting. No objection to this proposal having been made, the Chairman emphasised the need to complete deliberation of both the prisoners and the economic and social issues by the end of that meeting. He reminded participants that the minutes of the meetings of 18 November and 1 December had yet to be approved. No objection being raised, these were approved.

38. The Chairman then raised a matter arising from the meeting on 18 November. Following a ruling made by the Chairman at that meeting, the UUP had asked if his ruling embraced the British Government's position as set out in their written submission of 22 October 1997. The Chairman presented to participants a written ruling dated 15 December 1997. A copy is attached.

39. In response to a request from Alliance, the Chairman said that he would not fix a date at this point for the meeting after 13 January because of complications arising from the need to fix dates for other talks groups with the resumption of the talks in January.

40. The Chairman adjourned the meeting at 1810.

### **Independent Chairmen Notetakers 6 January 1998**



**Ruling by Senator George J. Mitchell**  
**Liaison Sub-Committee on Confidence Building Measures**  
**December 15, 1997**

At a meeting of this Sub-Committee on 18 November 1997, I concluded that Rule 17 of the Rules of Procedure did not override the Procedural Motion adopted by the Plenary on 24 September. That Motion created this Sub-Committee and defined its remit.

In paragraph 5 of a written submission dated 22 October, the British Government stated:

We accept that there may be issues not mentioned in the Report of the International Body which could nonetheless legitimately be considered as areas for confidence building. In such cases we should be happy to participate in discussion. However, if an issue were raised which we believed was genuinely inappropriate for the Sub-Committee, we would reserve the right to request the application of the sufficient consensus test to its tabling. Some issues, for example the institutional or systemic aspects of policing, more properly belong to Strand 1, and we would want to ensure issues were covered in the arena most appropriate for them.

Following my ruling on 18 November, the UUP asked whether the ruling embraced the British Government's position as quoted above. I reserved judgement on the UUP's request, pending a review of paragraph 5 in light my prior ruling.

I have now completed that review. The UUP request is a logical follow up to the previous question and is relevant to the work of this Sub-Committee. But it is

premature in the sense that no issue has been raised by a participant to which another participant has objected.

Indeed, at the meeting on 18 November, the participants unanimously agreed to an agenda for the next five meetings of this Sub-Committee, with each of the following issues to be taken up, in the order listed, by the Sub-Committees, with a separate meeting for each issue: (1) Prisoner Issues, (2) Economic and Social Development, (3) Paramilitary Activity, (4) Security Issues, and (5) Policing Issues.

If and when a participant objects to an issue presented by another, so that an actual as opposed to a potential dispute exists, I will rule on this question. However, as I said in making my ruling on 18 November, it is my hope that these questions can be resolved in a reasonable and flexible way that makes formal objection and rulings unnecessary.