

Office of the Independent Chairmen

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SUMMARY RECORD OF LIAISON SUB-COMMITTEE MEETING ON CONFIDENCE BUILDING MEASURES ON WEDNESDAY 25 FEBRUARY 1998 (1040)

CHAIRMAN: Mr Holkeri

THOSE PRESENT: British Government
Irish Government

Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Social Democratic and Labour Party
Ulster Democratic Party
Ulster Unionist Party

Meeting of
MAROTT
10th.
8 11th.

1. The Chairman (Mr Holkeri) convened the meeting at 10.40 and asked participants whether they had had sufficient opportunity to review the minutes of the meeting on 4 February which had been circulated the previous day. The UUP said it had not yet received its copy, therefore deferring approval might be the best approach. This was agreed. The Chairman said that at the last meeting on 10 February, there had been an initial round of comment on item 3 - Paramilitary Activity. The PUP had produced a paper on this issue at that meeting and the British Government had submitted a paper on the subject yesterday. Furthermore Alliance had submitted a paper that morning. The Chairman proposed that the initial round of discussion on this issue continue.

2. The SDLP raised a point of order. The party asked whether certain social issues such as the diversity in society, culture and heritage and so on, would be returned to in the Sub-committee. The Chairman said it was his intention to cover these issues in future meetings. He understood that cultural issues had not been debated at all and a future meeting would return to this issue. Moving on the Chairman asked the British Government for its further comments on paramilitary activity.

3. The British Government began by responding to the SDLP point of order. It said it would offer a paper on cultural identities for future reference if participants thought this would be helpful. On the paramilitary activity paper, the British Government said it had to be remembered, as it had previously stated, that confidence building was a two way street. All participants had to do all they could to take steps to build confidence throughout the process and the paramilitaries and all those associated with them had to play their part also. Reflecting on the business of the previous meeting the British Government said it had met with the PUP that morning to discuss some of the issues it had raised on social and economic deprivation and the Government's use of the Robson indicator. The British Government said it had subsequently agreed with those responsible for the 2001 census that consultation should take place with the participants regarding the format of questions and measurements to be included. It hoped that this facility to input comment at this point was a positive and speedy response to matters previously raised in the Sub-committee.

4. Returning to paramilitary activity, the British Government said the best thing to do in order to highlight the need for such activity to stop and hence build confidence was to quote from paragraph 52 of the Report of the International Body which stated "the early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population". The British Government said the obverse of this was also true. Such continuing levels of activity had a destructive impact, not just on individuals but on whole communities as well as having a damaging influence on the political process. The British Government said that in relation to specific incidents, it would inform the participants about any information which it received on these. Moving on the British Government said its paper addressed a number of points - punishment attacks and disappearances were two such aspects. The FAIT database had now been placed in front of everyone in relation to activities in these categories. In addition the PUP had submitted a paper to the Subcommittee at the last session. The British Government said that in that document the PUP had suggested that the discussion of paramilitary activity was in some way an indulgence in the politics of condemnation. It didn't go along with this thesis but it did believe that the action by paramilitary groups in the areas outlined in the International Body's Report would have a real and lasting effect on building confidence and supporting the political process. It was important that everyone played their part in building a society free from murder, threats and intimidation by concentrating on the task in hand.

5. The Irish Government said the Sub-committee was considering paramilitary activity in the aftermath of the appalling bomb attacks of recent days. It strongly condemned the bombings of Moira and Portadown and the attempted bombing at Dromad. These actions had caused severe damage to the towns of Moira and Portadown. Thankfully there were no serious injuries and no loss of life, but this was no thanks to the perpetrators who knew that their actions and all such actions carried that risk. The bombings were also a deliberate attempt to destroy the process in which everyone present was engaged. This had to be resisted.

6. The Irish Government said that the security forces on both sides of the border were co-operating fully to counter the enemies of peace and democracy. In doing this they had the full support of the two Governments and the people of these islands who wished to see an end to all violence. In its statement to the meeting of the Sub-committee on 10 February, the Irish Government said it placed on record its condemnation of abhorrent practices such as so-called punishment beatings and the intimidation of people out of their homes and neighbourhoods. These practices were repugnant and ran contrary to the Mitchell Principles of democracy and non-violence to which all parties in the process had signed up. The ending of these practices would represent a significant confidence building measure. It recognised that the best way to eradicate violence, and the threat of such violence, was for the process in which all were engaged to succeed in achieving a comprehensive political settlement.

7. Alliance said it had circulated its paper earlier that morning and had also been asked by FAIT to circulate its dossier. The party said it wished to commend the Garda Siochana for its endeavours the previous evening in County Cavan and it welcomed the evident co-operation between the security forces on both sides of the border. Alliance said it welcomed the paper from the British Government as it dealt directly with the issues involved. The party continued saying that, prior to the current talks process beginning, those parties who had associations with paramilitary groupings had said they were unfairly excluded from the political process. Both Governments had then made a fresh start and ten parties were included in and committed to a process underpinned by the principles of democracy and non-violence. A line was therefore drawn in so far as those who were present at the table had committed themselves to the Mitchell Principles.

8. Despite this position and declared cease-fires etc, Alliance said that not only had punishment beatings and shootings continued, they seemed to be getting even worse. Only the previous evening in the Short Strand area a punishment attack had occurred. Some members of the party were able to witness at first hand the physical and psychological effects of such attacks and perhaps, somewhat paradoxically, it believed the effects of punishment beatings appeared to be worse than punishment shootings. Alliance said that, despite the Mitchell Principles, it recognised that parties who were associated with groups carrying out these attacks were not going to be excluded from the political process on the strength of such activities. This meant it was doubly important that these acts were highlighted as being unacceptable and were dealt with as

firmly as possible. Alliance said it believed more activity was needed from the Governments on this aspect such as continually raising the issue with those parties who had associations with paramilitary groupings. The Taoiseach had met with FAIT last week. This was an important step in keeping the issue highlighted in a major way and this type of high profile activity had to continue.

9. Alliance said it wanted to be able to say that the UDP, PUP and Sinn Féin wanted to end the violence in society. The party did indeed welcome the clear commitment of many in these parties who were actively engaged in this objective but there were others connected to these parties who still engaged in acts of violence. The problem was that actions often spoke louder than words and therefore proper democrats still viewed these parties as having a cloud over them. The party said it expected these other parties to morally support the Mitchell Principles and stop this type of activity. It was simply not good enough to say that they were not in favour of such activity.

10. Turning to the issue of prisoners and their families and the potential for any early release following a settlement, Alliance said it welcomed the current arrangements under which 50% remission was granted. However it said that while paramilitary organisations continued with their activities it was not, in its view, appropriate for consideration to be given to the early release of prisoners. The party said it was also concerned with expulsions and the cases of those who had disappeared. Alliance said it welcomed the progress made in the Sub-committee on the issues discussed thus far. But it had to be remembered that

paramilitary activity continued and the Governments needed to keep this uppermost in its mind since it remained a major issue of concern.

Labour said it totally and absolutely condemned all paramilitary activity including the assumption of a policing role and attacks on individuals by these groups.

11. The NIWC said the Report of the International Body had highlighted policing issues in paragraph 55 in terms of further confidence building. The party asked whether people wanted paramilitary activity to end or whether they simply wanted to use it as a political battering ram.

The NIWC said it supported the PUP position that the politics of condemnation was occurring. This tactic delayed addressing the real issues. There was no point in parties battering others over the head with the issue. The problem of paramilitary activity needed to be addressed in the talks process because it was tied up with the issue of policing and so on. The NIWC said greater confidence for the wider community would be generated if the process engaged in a meaningful way on this issue rather than simply using it to attack one another.

13. The PUP referred to Alliance's remarks regarding its doubt about some parties commitment to peace and the use of the phrase "actions speak louder than words". The party asked what more could it do to stop paramilitary activity. Its representatives were working 50/60 hours per week on this issue. The party was totally committed not only to speaking out against violence but also had a number of projects on the ground actively working to reduce it. The party said it had to be remembered that society had seen over 27 years of violence. It couldn't be turned off

like a tap. The PUP said it was working day and daily on this and was at a loss as to know what more it could do in the circumstances. The UUP recalled earlier comments regarding the politics of condemnation and the systematic nature of the violence. It accepted the latter analysis but said it wanted to ensure that the perception did not prevail by which constitutional politicians who only condemn paramilitary activity were seen to be doing more than those parties, with associations with paramilitary groups, that were actively seeking to reduce and remove such unacceptable violence from society.

14. The PUP said paramilitary organisations were evil per se. Constitutional politicians did condemn the violence but was this enough? The party said it would like to see FAIT redoing its database to show such information as the number of attacks carried out by loyalist paramilitaries; how many of these were internal disciplinary matters and how many attacks continued to occur in areas where projects undertaken with the support of the PUP and UDP were ongoing. The party said it was quite happy to invite anyone to visit its alternative initiatives such as the one located in the Shankill area. Visitors should be encouraged to talk to the RUC since it was able to validate the performance of the initiative which some politicians could not do.

15. The PUP said it might take five/ten years to eradicate the culture of violence from society but there was no point in beating people over the head for failing to stop it when others had failed in this regard already. The party said condemnation on its own would not solve the problem. Attempting to translate words into actions required everyone's help. The

party was trying to address the problem on a daily basis. Some of its members also lived in fear for condemning drug dealers and other anti-social behaviour. But what more could it do if it was failing in the eyes of others?

16. The SDLP said that in relation to beatings, bombings and murders, there was a great deal of concern in relation to paramilitary organisations and who in fact was carrying out what actions. Clearly punishment beatings were savage and barbaric practices which were going unheeded in the communities. There were those who might consider that some form of tolerance was creeping into a society that permitted these attacks to occur on a regular basis but they were nonetheless clear transgressions of basic human rights. Those who were looking to establish and support a proper peaceful society had to uphold such rights and clearly these practices were unacceptable.

17. The SDLP said it condemned all these activities and believed that everyone round the table had a duty to spell out in clear terms that such activity was unacceptable. The party said it looked forward to returning to debate the issue of education since it believed one way of resolving this activity was to incorporate a human rights element in the education system. Moving on to the recent bombs and murders, the party said it wished to acknowledge the dangers and difficulties which confronted those involved in security at this time. There had been bombs recently and prior to this a whole series of shocking and brutal murders. The SDLP said it believed there had been a noticeable increase in security activity since the bombings had occurred and the nationalist community

viewed this as a distinct and different response by the security forces to the earlier campaign of murders. The party said it hoped the British Government would take note of these comments.

18. The party continued saying that one of its members who lived in a nationalist area where a recent murder of a Catholic had taken place had witnessed the security forces stopping people going to mass. The party wondered whether there wasn't a more imaginative response by the security forces to this murder. The party said the experience of many nationalists was that the Government responded by to significant security incidents in a broad brush manner by closing towns and roads. The nationalist community did not view this as an appropriate response from Government. The party said it hoped it wouldn't be a case that many nationalists, who themselves categorically opposed violence, would be caught up in such inconvenience. Referring to the British Government's paper on paramilitary activity and in particular paragraph 5, the party said there was a real crisis of confidence in the nationalist community regarding security policies as well as the need for far reaching changes in policing to enable that confidence to be restored.

19. The UDP said it was very concerned about the recent spate of violence and it was trying to do all it could to stop this. It had of course also tried to encourage the UFF not to go down this route and while that organisation had been involved in recent violence, it hoped that its efforts were now having an effect and achieving support and that these efforts would be recognised. The party said it believed the UFF was committed to peace. The party said it was also grateful to see the talks process

redoubling its efforts in an attempt to reach a solution. There was no doubt that violence had been around for a long period and it would therefore take time to eradicate. The party said it hoped others would recognise the role of it and the PUP in halting the recent violence. With reference to punishment beatings the reality was that communities would go to the paramilitaries to get certain activity stopped. This was not an excuse for the continuation of paramilitary organisations or justification for their actions but reflected the situation on the ground over many years.

20. The party added that it was disappointed by the previous SDLP response. It seemed as though the SDLP was getting involved in police bashing. The party said everyone had to recognise the difficult job which faced the RUC in attempting to police a divided society. When there was an upsurge in violence there had to be a corresponding response in security terms. It was therefore somewhat annoying to hear what the SDLP had said and hoped that that party could be more understanding of the policing difficulties in a divided society.

21. The UUP said it wished to acknowledge the contribution of the Garda Siochana in preventing the bomb found in County Cavan from making its way to what was likely to be a County Fermanagh destination. The party said it hadn't gone unnoticed that the most recent series of attacks had all occurred in the constituencies of Ulster Unionist MPs. The party was very clear about the purpose of these attacks and very sure that these had been well planned and co-ordinated, not for twisted reasons, but for very destructive reasons since it wasn't just the physical

effects of bombing that counted but the psychological effects on the community. The party said there was a perverse reality when a community developed a focus of sympathy towards a killing or death and the psychological impact of such an incident was contained in the desire to express that sympathy. However when disruption occurred it was strange that the impact on the community went more deeply and lasted for longer in society as a whole. The UUP said the people detonating the bombs knew exactly what they were doing. They were undermining confidence as a whole and constantly reminding society as a whole that it was a target for attack. The party said one of the difficulties facing it was that it had witnessed the erosion of the Mitchell Principles. Small matters had been left unattended. The Principles had been distorted and put on the back burner by the Governments for the sake of convenience. The Governments had turned a blind eye to certain issues or the participants had turned a blind eye to what the Governments had done. It was only when one viewed matters over several months that one could detect a whole series of erosions thereby making society at large uncomfortable with the present political process.

22. The UUP said this erosion was happening at present. In terms of confidence building measures it was time to get back to basic principles. The party said Governments should react to paramilitary activity along the following lines. The UUP said it had sympathy with the PUP's comments earlier even if it had a degree of frustration with them as well. The party said there was a degree of self-congratulation on this issue in so far as people were saying "we've come as far as we can on this" without actually looking at the trail behind them. Messages such as "not

being in the business of condemnation” and “condemnation achieves very little” were well understood positions. However condemnation was essential because it provided a link between those who were concerned with ongoing terrorism and violence and those who were trying to move the terrorists away from such activity. If condemnation was such a difficult word, the party suggested the adoption of the word “disowning”. People had to therefore disown the threat or the actuality of violence from their associates.

23. The UUP said it hoped no one underestimated the task of those who were working to end the violence. Perhaps people could be got off the violence but one then had to consider whether it was also possible to ensure that these same people didn't go into other organised crime etc. The party understood the difficulties of this but said no one could be satisfied with self-congratulation even though there were those who might congratulate themselves for not being touched by terrorism to the same extent as others.

24. Returning to confidence building measures and the role of Governments, the party said the real lack of confidence in society was directly related to what happened on a day to day basis. It was, for example, to do with the sequence of events in Dublin the previous week and the fact that the party had participated in a frustrating exercise which was no more than a charade. The party said it noted the careful steps taken to ensure that Sinn Féin was not removed from the process while it was in Dublin. The UUP said it had spoken to people who had been disgusted by its performance in Dublin since they viewed the party as

being manipulated for the comfort of the Irish Government. Then there was the whole episode of Sinn Féin going to the Courts without a justifiable case, then walking away from this on the basis of a joint Government decision to embark on other activities such as street demonstrations etc.

25. The UUP said such activities constituted an infringement of the Mitchell Principles. Then Sinn Féin had made its position clear when it decided to blackmail both Governments in relation to getting a return date of 9 March and then saying that it wouldn't return unless it was seen by the Taoiseach and the Prime Minister during the period of its suspension. Then, despite the information to hand regarding the murder of Mr Conway and the two bombs in Moira and Portadown, the Irish Government said it would meet Sinn Féin.

26. The UUP said this decision was contrary to the principled stand taken up to now by the Irish Government. The Taoiseach had been strong when previously he had said he would not speak to Sinn Féin while that organisation was implicated in violence. The party said it believed people had been let down, in terms of the standards of both Governments, by the Irish Government. It hoped very much that the British Government would not follow suit and no convenience meeting would be held between Sinn Féin and the Prime Minister before 10 March, while incidents in the interim were totally and completely ignored and the basis for the process was further eroded.

27. The party said one had to recognise that society's perceptions were as important as the realities which existed. The perception was that the process was on the sideline of decision making, ie there was nothing that Sinn Féin/IRA demanded which would not be met by the Governments provided they could shroud it in whatever manner they could. If the Governments continued to meet the demands of Sinn Féin/IRA, then no agreement would be reached except that which was dictated by Sinn Féin/IRA. The question for both Governments and the SDLP in relation to its own personal position in the democratic process was this. Since September 1997 a whole series of incidents had occurred but there seemed to be a conscious and diligent effort to have everyone forget that both loyalist and republican activity was ongoing. The party said it had heard nothing about the escape from the Maze or the follow up to Billy Wright's murder. It seemed as though Mr Nairy didn't exist. This whole process had been pushed out of sight. Where was the Nairy Report? Was it like decommissioning?

28. The party said it would be an admirable thing if these matters actually came to a conclusion but in so far as they were difficult to handle it seemed as though the greater endeavour for Government was to put them on the back burner and reduce the embarrassment for itself. The UUP said confidence building measures were not about putting things in place for the future. It was about building on those issues which carried everyone along towards some sort of positive outcome to the current political process.

29. Referring to the SDLP's earlier contribution, the party said it was disappointed by the intellectual paucity which had been shown in relation to the duties of the RUC and the difference which was perceived in the way in which the RUC had tackled two entirely separate elements of the terrorist campaign. The UUP said that if an individual was to be protected, then that protection, by definition, had to be close. If the RUC was dealing with close threats or attacks on Roman Catholics, then the need for operating close to the potential victim could understandably give rise to some infringing of the Catholic tradition. The party said it hoped nevertheless that its analysis could be accepted as a way forward on this issue. There was of course the possibility that there could be a lack of understanding in the nationalist community regarding RUC tactics on specific and general threats and the fact that the force might need to employ both overt and covert operations to protect those under threat.

30. The UUP said it recognised the difficulties and sensitivities of mounting close attention operations. The reality was that everyone had to stop looking at the security situation in terms of "them and us". The danger of falling into the trap of articulating security situations using traditional terms was very easy. Above all else, the party said there was a need to look for immediate low level principled confidence building measures which endorsed, not undermined the Mitchell Principles. If the Mitchell Principles were infringed any further then the political process would be brought to an end because there would not be any confidence from either the unionist or nationalist community to keep it going.

31. The British Government, responding to points raised, said there was clearly a need for a Confidence Building Sub-committee meeting on policing. Perhaps the Sub-committee could hold that after the Strand One discussion on policing the following week? Operational activities of the RUC were a decision for the Chief Constable, who had very difficult judgements to make. On the one hand was a general desire for a return to normality, on the other the obvious need for a heightened alert in present circumstances. There was no question of the British Government turning a blind eye to punishment beatings. It was difficult to get evidence on attacks, but investigations continued. The British Government said it was doubtful about the message that would be sent out if it agreed to Alliance's suggestion that it state openly that punishments would not lead to an expulsion from the Talks. It did not accept that it was singing Sinn Féin's tune. The two Governments had taken action in support of the Mitchell Principles. The Prime Minister had made no decision on meeting Sinn Féin. It was hoped the Nairy Report would be out next week. The British Government had listened to what had been said about feeling on the ground. There was no doubt that continued punishment beatings and the renewed bombings had sapped public confidence in the Talks process. Everyone had not responded effectively as a collective group. The British Government said it would consider any suggestions from participants as to measures it could take to boost confidence. The UUP said it might be best to avoid the parties dumping lists of demands on the British Government. Participants would have to rely on it and its officials to show leadership and respond.

32. The UDP took exception to Alliance's reference to the party's "self proclaimed" commitment to peace, which clearly implied ambiguity. The party should not have to repeat *ad nauseam* its unequivocal commitment to ending violence. It also rejected the UUP's suggestion that it resisted the use of the word "condemn". The party did consider that continual use of condemnatory language, not followed up by action on the ground, was exploiting what was happening for political ends. The UDP said it had held a press conference on punishment attacks over two years ago, saying that it was opposed to them, that paramilitaries should not carry them out, and calling on the community to take problems to the police rather than the paramilitaries. It was easy to indulge in highlighting the issue, but only hard work on the ground would stop the attacks. In some areas a culture had developed over many years which bypassed the normal justice system. When the police were forced by circumstances to put ordinary crime lower on their list of priorities, people went to the paramilitaries for redress. Those people had to be shown that it was worthwhile again going to the police. The paramilitaries had to be convinced to stop responding to this community pressure. The UDP said it was not being self congratulatory about this, but it had been asked what it was doing. The party preferred quiet work on the ground rather than the highlighting of FAIT and others. Alliance said it recognised the hard work being done to move things on. The paramilitaries were the product of a sick society. The term "punishment beatings" was regrettable, implying some justification. Many victims had done nothing at all.

33. The NIWC had seen the difference in security presence in nationalist areas, and felt many in the Protestant community had never seen this and had no idea what nationalists were talking about. The UUP had made good points about the operational response to bombings etc. It was notable, however, that in some of the recent killings of Catholics in Protestant areas the killers had not bothered to wear masks, and had walked away from the scene rather than fleeing by car. How could they be so confident that they could do this? Saturation policing was used to deter the IRA on occasion, but the equivalent was not found on the other side. It was wrong to heavily police nationalist areas when the threat came from the IRA, and not to do the same when the threat came from loyalists. The NIWC had opposed the expulsion of the UDP and welcomed them back, and had also opposed the expulsion of Sinn Féin. By allowing the process to be convulsed by the actions of its opponents, it had played into their hands and reduced confidence. The party repeated a point it had made before: that joint statements from the process instead of party spins might help

34. The PUP also said it was not being self congratulatory, but others had said they were not doing enough. The party took the point on disowning. They did disown acts of violence, but were not prepared to disown the community from which they came. The young men involved were just what the party's own members had been like 30 years ago. Alliance had said the parties associated with paramilitaries were not doing anything to stop the violence. The PUP was involved in projects on the ground to help reduce violence and build confidence. Other parties should come and see this work, and get involved. One project

had been working for two years with police, community workers, paramilitaries and the victims of crime and of beatings, to try to develop a community response to punishment beatings. It was hoped to launch a pilot programme in Wheatfield by Easter. The paramilitaries did not wish to be engaged in punishments, and the public had to stop asking them to do so. The UUP said this was very interesting work, as long as it was clearly in co-operation with the police rather than a partnership with them.

35. The UUP agreed that one had to be aware of the context of paramilitary activity. To view it as a problem only of violence was to oversimplify and mislead as to the true nature of the problem. The violence was fuelled by political instability. To see paramilitary violence as a symptom was not of course to excuse it, nor did it mean that strong security measures were not appropriate during this period of trying to reach a settlement. The party noted the reference to targeting and surveillance in the British Government's paper (paragraph 8) and asked if it was saying this was still going on? Labour said it would be useful to go out and look at the projects being mentioned. Punishments were taking place in a slightly different context in the two communities. The party believed in the nationalist community there was also a political agenda of separate development.

36. The British Government agreed with the UUP that a mini conference on CBMs would not be a good idea, but it was receptive to ideas on how to build confidence on the ground. There had also been talk of the need for ownership of CBMs by the parties round the table. A

number of people had said the necessary changes would take some time, and many could only come after a settlement. Would there be value in putting out a list of the measures being considered, without a timetable? The British Government said it was cautious about visiting outside groups. Participants were already heavily burdened, and there would be an expectation created among other groups. On targeting, the British Government believed the cease-fires were holding, but there was continuing paramilitary activity by groups not on cease-fire. It noted that the Sub-committee was still to discuss policing, security and cultural matters.

37. The Chairman noted that there were two items remaining on the agenda of the Sub-committee. In addition to which cultural matters remained from Item Two and the Sub-committee wished to return to prisoners' issues. The next meeting could be held in the week beginning 9 March, subject to the decision of the Business Committee. The Chairman adjourned the meeting at 12.55.

Independent Chairmen Notetakers
11 March 1998
