

# Office of the Independent Chairmen

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## SUMMARY RECORD OF REVIEW PLENARY SESSION - TUESDAY 24 MARCH 1997 (15.11)

Those present:

INDEPENDENT CHAIRMEN	GOVERNMENT TEAMS	PARTIES
Senator Mitchell Mr Holkeri General de Chastelain	British Government Irish Government	Alliance Labour Northern Ireland Women's Coalition Progressive Unionist Party Sinn Féin Social Democratic & Labour Party Ulster Democratic Party Ulster Unionist Party

1. The Chairman convened the meeting at 15.11 and sought approval for 15 sets of Plenary minutes beginning 23 September 1997 and ending Wednesday 18 February 1998. A full list is enclosed at Appendix A. The UUP said although it didn't foresee any problems with these, a little more time was needed before giving its approval. The party said it would respond before the meeting was concluded. The Chairman then asked the Irish Government to make a short statement.

2. The Irish Government said it wished to express its deep sorrow at the passing of Hugh Coveney, the former Minister who had made an enormous contribution to the talks process during his period of office. He had been a man of many outstanding qualities, too numerous to mention, and it wished to offer its sincere condolences to his wife and

seven children. The British Government added its condolences to the previous comments. The Chairman said he would ask his staff to prepare an appropriate letter on behalf of all the participants to Mrs Coveney and circulate this at a later date.

3. Moving on, the Chairman stated that, as this session was a review Plenary, he would ask the responsible Chairmen to provide progress reports on each Strand. He said he recognised the certain awkwardness this presented, given that Plenary membership was broadly the same as that in each of the Strands, and would therefore ask for brief but accurate comments from each. Following the delivery of these reports, the Chairman said he would move to period of general debate before outlining some proposals, for the participants' consideration, on how business should be handled in the following two weeks. Hearing no objections, the Chairman asked for the Strand One report.

4. The British Government stated that since the last review Plenary on 2 December, a number of useful round table discussions had occurred which addressed the whole range of issues facing the participants. A series of papers had been tabled which had addressed both the main institutional issues and a range of other matters including, in particular, policing and criminal justice. The parties had set out their own positions fully and had commented on both these and on those held by others. An introductory



discussion on policing had occurred and the Strand was scheduled to debate policing and criminal justice matters further at a meeting the next day.

5. The British Government continued and stated that in recent weeks Strand One had discussed two synthesis papers on institutional issues assessing the areas of convergence and divergence. That process had now been concluded and the participants, it believed, shared its view that everyone now needed to move into a different format to reach an agreement. It was the British Government's firm belief that all parties wished to reach an agreement and that on Strand One, as elsewhere, it was possible to achieve this within the remaining time frame. Concluding its remarks, the British Government said it might be helpful for the review Plenary if it set out what it believed to be the crunch issues facing Strand One. These were the extent of the powers of an Assembly and whether those should include legislative as well as executive responsibility, the way in which executive authority was exercised, checks and balances, future policing arrangements in Northern Ireland and future criminal justice arrangements in Northern Ireland. There were other elements related to the workings of an Assembly, but the five areas above were fundamental to securing an agreement.

6. The Chairman provided a report on Strand Two business. He stated that at a Strand Two meeting in London in January

both Governments had tabled a discussion paper which presented a series of questions to participants. On 23 February, following agreement from the participants, a synthesised paper was produced by his staff reflecting the views of participants on each of the questions. The paper was then discussed on 24 February and 3 March and at the latter meeting it was agreed that a further synthesis paper be provided which outlined the areas of agreement and disagreement based on the participants' views. This document was circulated on 10 March and a series of meetings and detailed exchanges had occurred which had been completed earlier today. The Chairman said there were still many areas of disagreement but the discussions had been very helpful and useful in identifying the reasons lying behind party positions. This information hopefully would also be useful in future discussions. The Chairman said he wished to commend the participants for their approach and their endeavours since Strand Two contained some of the most difficult issues in the process. The discussions had been very informative.

7. The Irish Government said that both Governments had circulated a paper on Strand Three issues to the participants on 11 March. A further paper on constitutional issues would be circulated today. Following this, officials would be in contact with the parties to take each of them through the latter paper and seek their views and comments on it and how best to proceed. The Chairman then asked for



reports from the Liaison Sub-committees on Decommissioning and Confidence Building Measures.

8. On decommissioning, General de Chastelain stated that the mandate of the International Independent Commission on Decommissioning had been fourfold - to consult, to propose schemes, to execute these and to report. Three of these had been completed but no execution of the schemes themselves had occurred. The IICD had put two schemes to the Governments, following consultation with the parties and the Governments had, in turn, put in place the necessary legislation to support both these. The IICD had completed its Standing Order procedures and had held discussions with commercial sources for vehicle and equipment suppliers and forensic scientists in both jurisdictions. It had also completed arrangements for establishing two operational centres, one in each jurisdiction. General de Chastelain said that almost all the methodology and mechanisms were now in place to permit decommissioning to take place.

9. On Confidence Building, Mr Holkeri stated that since its inaugural meeting on 8 October 1997, the Liaison Sub-committee on Confidence Building Measures had met on a regular basis. Participants in it had made general statements on confidence building measures, many based on papers submitted on an optional basis, and addressed, in mostly biweekly and later on in weekly meetings on an issue per session basis the broad subjects of the agreed agenda:

prisoners; economic and social development including cultural issues as well as justice and community development issues; paramilitary activity; security issues and policing issues. Mr Holkeri stated that policing issues were scheduled to be discussed at the next meeting of the Sub-committee. The Sub-committee would also return to the prisoners issue, perhaps at that same meeting.

10. The Chairman indicated that the floor was now open for general discussion. The UUP said the review Plenary was being held under the terms of the Procedural Motion dated 24 September and its purpose was "to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being sustained". The party said the purpose of the review Plenary also included making affirmative decisions on how to proceed. The party said there had been progress in the discussions, citing in particular the tabling of the "Propositions" paper as a measure of such progress. The confidence building aspect of the discussions was fraught with difficulties, not least because of the decommissioning issue and meetings had generated little progress to date. But there had been no progress made at all on actual decommissioning.

11. The UUP continued, recalling paragraph 2(b) of the Procedural Motion which described the resolution of the decommissioning issue as an "indispensable" part of the



process of negotiation. The party said everyone around the table, with one exception, had signed up to the Procedural Motion, yet this issue had not progress satisfactorily at all. The UUP said it therefore wished to raise some questions with both Governments as to what steps they were going to take to ensure that decommissioning actually occurred during the negotiations and, if it was not achieved, what did they envisage occurring as a consequence of this failure?

12. The British Government stated that it fully supported the compromise approach to decommissioning as outlined in the Report of the International Body. As the two Prime Ministers had stated on 15 September 1997, the resolution of the decommissioning issue was an "indispensable part of the process of negotiation" and "both Governments would like to see the decommissioning of some paramilitary arms during negotiations, as progress was made in the political talks, and believed this could be a major contribution to confidence building and momentum towards agreement". The British Government said it agreed with the UUP's point regarding the confidence aspect of the issue. It said it had worked closely with the Liaison Sub-committee and the Irish Government and the IICD to enable decommissioning to occur in a safe and orderly manner. Schemes with supporting legislation had been drawn up to prepare for it and there was now no obstacle to stop it happening once those who held the weapons were brought to realise the need for

decommissioning. There was no disguising the fact that decommissioning was as important as any other issue in the final weeks of the negotiations. The British Government urged the UUP not to underestimate the significance of the work to date. Further discussions on the issue would occur at the Liaison Sub-committee tomorrow. It would also come back with further comments later in the debate once other parties had presented their views.

13. The UUP said it was glad the British Government had added the last few comments since it had not answered either question raised by the party. The party said it required fuller answers to both questions from both Governments before it could regard itself as being satisfied on this issue. The UUP said it also wished to raise the issue of the adherence of parties at the talks to their commitment to the Mitchell Principles and the inconsistent position adopted by the two Governments in this area. The party read from paragraph 17 of the joint Governments' determination on 20 February excluding Sinn Féin from the process and quoted that " both Governments conclude that there was IRA involvement in the murders" and "they noted that the IRA did not in explicit terms deny involvement in the killings". The party also highlighted paragraph 18 of the same document which referred to a previous indictment of Sinn Féin and quoted that the Governments "said on that occasion that they found it hard to conceive of circumstances where, after a group with a clear link to any party in the negotiations had



used force or threatened to use force to influence the course or the outcome of the all party negotiations, the relevant party could be allowed to remain in the talks". The UUP also referred to a parliamentary answer given by the NIO Security Minister on 11 March regarding the murder of Kevin Conway at Aghalee and quoted that "it is the RUC's view that local IRA elements were involved". The party said that when pressed in the House of Commons, the Secretary of State had said there was no action to be taken against Sinn Féin because the evidence was inconclusive as to whether the Conway murder had been authorised by the IRA leadership.

14. Continuing, the UUP said in the Governments' determination of 20 February, neither had made reference to this factor of authorisation. The party said it couldn't understand why the British Government now required evidence of authorisation in the Conway murder when prior to this such a requirement had not existed. This was where the inconsistency lay. The UUP said it didn't recall the IRA confirming that it had authorised the killings of Dougan and Campbell, nor did it recall the IRA saying that it wasn't involved in the Conway murder. The party wished to hear a response from the British Government on this. Why was it now looking for authorisation of such actions when it apparently wasn't required in the cases of Dougan and Campbell?

15. The UUP moved on to more recent events such as the bombs in Moira and Portadown and the fortunate interception of other devices by the Irish security forces. The party said there was evidence of IRA involvement in these incidents yet the British Government was saying there was no conclusive evidence of authorisation being given. This position was to be contrasted by a recent Irish Times article which had stated that "a group of PIRA members was ignoring orders and associating with members of the CIRA". The party asked whether a breach of the Mitchell Principles was only effected when it had been authorised by the leadership of the organisation in question. Such a factor hadn't been raised by the British Government when the UDP had been expelled in London in January. The question therefore was had the British Government changed the rules and if so when did this change occur? Furthermore why was the British Government now interpreting the Mitchell Principles in such a narrow way? The UUP said the belief on the streets was that the IRA was involved in these attacks and murders and this belief was held at the highest levels in the security forces.

16. The UUP once again reminded the British Government of the contents of paragraph 17 of the 20 February determination on Sinn Féin and in particular the view that there was "IRA involvement in the murders and this constitutes a clear infringement of the Mitchell Principles". Why then was it ignoring the evidence of IRA



involvement in other attacks, even when such attacks included those referred to by the NIO Security Minister? The party asked what was meant by the term "IRA leadership"? Who were they? Were they some of those presently in the room or others? Did the British Government have any evidence that the IRA leadership disowned or repudiated these incidents? If the British Government was unable to answer this, perhaps the political representatives of the IRA could? The UUP said this was another issue which could not be swept under the carpet and it wished to hear from the Governments on it. The party then referred to the five brief reports presented at the beginning of the meeting. It said it was extremely relieved that the public had not heard their contents since the only one which appeared to give any hope was that delivered by the Irish Government. There was some progress on other areas, but also a great deal of pessimism. The UUP said it wished to ask the Irish Government when it last met Sinn Féin/IRA on the issue of decommissioning and what happened at that meeting.

17. The Irish Government said it didn't accept the term Sinn Féin/IRA. Sinn Féin was a political party in its own right. The Chairman intervened at this point to propose that any side conversations be carried on outside the conference room thereby allowing every speaker to be properly heard. The Irish Government said the matter was far too serious to be drawn into the type of debate presently underway. There was an urgent need to get into

bilaterals and trilaterals so that every chance of reaching an agreement was used. The Irish Government said it had met Sinn Féin but had not raised the issue of decommissioning. Moving on from this, there was a need to get on with the business in hand. In relation to the UUP's two questions, the Irish Government said it understood that a Liaison Subcommittee on Decommissioning was scheduled for the following day. The Minister for Justice would be present and the meeting provided an opportunity to raise proposals on how decommissioning could be achieved. In relation to the second UUP question, the Irish Government said it hoped the issue could be solved based on the work and expertise of the IICD and the support and influence of all the parties. The question was a speculative one and this was not the time for speculation.

18. The Irish Government referred to the Joint Statement of 15 September 1997 and in particular the phrase "successful decommissioning will depend on the co-operation of the paramilitary organisations themselves and cannot in practice be imposed on them". It went on to quote "both Governments would like to see the decommissioning of some paramilitary arms during negotiations, as progress was made in the political talks, and believe this could be a major contribution to confidence building and momentum towards agreement". The Irish Government said it firmly believed in this position. It wanted to see decommissioning take place as soon as possible. The Republic's legislation had been



enacted and the Irish Government was prepared to bring its regulations into force the moment decommissioning started. The Irish Government said evidence of its commitment on the issue could be found in its jointly setting up of the IICD. Furthermore it had circulated draft regulations at the last Liaison Sub-committee to allow participants the opportunity to study these and raise any issues of concern and clarification. Another discussion was planned for Wednesday and it might therefore be better to await the outcome of this before considering whether changes to the draft regulations were required. The regulations were available, everything else was in place, but decommissioning could only take place on a voluntary basis. The Irish Government said it fully recognised that decommissioning had to be part of an overall agreement. It wasn't saying otherwise but it urged that the debate move on from this to enable bilaterals and other meetings to take place thereby maximising the opportunity remaining to reach that agreement.

19. The UUP said the Irish Government had not answered either question to its satisfaction. The British Government reminded the meeting that it would make further comments later on this issue and any other aspects of the debate.

20. Alliance said it had some questions regarding the operations of the IICD. The party said it was grateful for the earlier report and for the evidence of the work undertaken by the Commission which resulted in all

arrangements now being in place. It was, however, not yet clear that any contact had been made between the IICD and those who controlled the weapons. Alliance said it was on record as stating that if the two Governments only engaged with the two loyalist parties and Sinn Fein then those parties could say "we don't have any weapons" and in such circumstances intermediaries would be required. The party said there were parties around the table who knew something about the control of weapons and it understood that legal protection was available under the legislation being brought forward by the two Governments. So if immunity was available and the IICD was ready to progress decommissioning the question for Alliance was whether the IICD had been in contact with anyone who knew or was in control of caches of weapons on either side?

21. The party said it needed an answer to this. If no contact had been made then the participants needed some understanding from those parties mentioned above as to how they could contribute to resolving the whole issue by generating genuine contacts. Alliance recalled statements made by some of those parties that no decommissioning would take place until an agreement was reached. If these parties were saying that they had no control over weapons then they must, by definition, have some knowledge of how all this panned out.



22. Alliance then turned to security and paid tribute to the RUC and particularly the Garda Siochana for its recent successes against terrorists in the Republic. The party said it had to be a matter of great concern to the Irish Government that people in its jurisdiction were moving around willing to blow up their own people as well as members of their security forces. Given this, Alliance said it needed to have some view from both Governments as to what protective measures for both individuals and the wider political system would be made available if agreement was reached but no decommissioning actually occurred. The party said this was not a hypothetical point since there was presently little evidence of decommissioning happening and it was quite possible for the process to reach an agreement which might not be supported by three parties or one which everyone supported but in which no decommissioning occurred.

23. Following an intervention from the PUP, the Chairman of the IICD confirmed that legal protection was available and the IICD wished to make contacts with the proper representatives or intermediaries within the three groups (IRA, UVF and UDA). The IICD had made this request known on numerous occasions through the participants themselves, the security forces and at its Press Conferences. The Chairman of the IICD said contact with such individuals would have proved useful in discussions about the kinds of methods which should be used to decommission arms as well as determining who those individuals wished to deal with. The



IICD had, however, not been approached by anyone from these groups. The Chairman of the IICD said that it had met with the intermediary nominated by the UVF and had also received answers to the issues above from the other two groups. As yet, however, there appeared to be no willingness on the part of those holding the weapons to decommission them. The IICD had introduced two schemes and had interacted with the Governments and the security forces. In attempting to move the issue forward it was dealing with one representative of a political party and, with the other two groups, it believed it was dealing with those who it thought able to provide the specific information.

24. The Irish Government said it would provide a brief answer to the earlier UUP question regarding meetings with the IRA. It stated that it had not been in touch with that organisation or any other illegal group. With regard to the second part of the UUP question, the Irish Government said it was grateful for Alliance's remarks in relation to the performance of the Irish security forces. The Irish Government said it was outrageous to think such a bomb could be discovered in Dundalk. The Garda Siochana's record was exceptional. Continuing it said that in the event of there being no decommissioning, the forces of law and order would be present to ensure that extreme organisations would be exposed. The Irish Government said it would do its best to ensure that incidents like Dundalk did not occur in future and would continue to run with the rule of law.



25. The British Government said it had always urged those groups to decommission now since this would provide an excellent confidence building measure. If everyone accepted that it wouldn't occur in the next three weeks, then decommissioning would have to be resolved to the satisfaction of all the participants. How this was achieved was a matter for discussion in the conference room.

26. The PUP said it was not ambivalent to decommissioning despite what others might infer. The party had worked constructively with the IICD to create the circumstances where decommissioning could be possible. The PUP said it was determined that someday everyone would live in a society devoid of illegal weaponry.

27. Sinn Fein welcomed the opportunity of a review Plenary despite the UUP's apparent wish to be negative. The party said it had a number of issues to raise and would be guided by the chair as to when to introduce these but first wished to respond to the UUP. Sinn Féin said it wanted to see the total decommissioning and demilitarisation of all weapons. The party had engaged fully with the Commission and the Liaison Sub-committee on the issue. It also wished to see the end of all armed actions. This required everyone to cease such activity. Sinn Féin said it didn't want to get into the double standards of the UUP but wished to ask it whether it had had any ongoing contact with those loyalist

organisations which were currently in breach of cessation. Had the UUP asked them to decommission their weapons?

28. The UUP referred to the Irish Government's comments on the use of the term Sinn Féin/IRA. The party said it had thought that the previous position of the Irish Government was that both organisations were inextricably linked. Had this position changed? In relation to Sinn Féin's earlier question, the UUP said it was totally opposed to all illegal activity and asked all paramilitary groups to decommission as soon as possible. Sinn Féin inquired whether the UUP had directly asked one particular paramilitary group and specifically its leader to decommission when it last visited the Maze. The UUP said it couldn't answer the specific point since its leader was not now present but it had regularly asked those affiliated to the UVF and UDA to decommission and desist from violence. Sinn Féin then asked, given the apparent response by some of those groups to the UUP request, why had that party (the UUP) entered the conference building flanked by the representatives of those same paramilitary groups?

29. The UUP said it wasn't prepared to be questioned further on such an issue. It had no hesitation walking in with the PUP and UDP and would do so again. Alliance wished to point out that it hadn't suggested that the Irish Government had been in touch with the IRA. It was more the fact that it hadn't which had led to the party raising the



earlier questions. In terms of contacts between the IICD and paramilitary groups, Alliance said the IICD had confirmed what it already thought. Moving on Alliance said that Sinn Féin had raised an interesting question regarding prisoners and had implied that there was a tight link between prisoners and paramilitary groups. The party suggested therefore that when one was dealing with prisoners, one was actually dealing with paramilitary organisations and as a direct consequence of this it therefore wondered whether the IICD should speak to prisoners in relation to decommissioning, given the apparent difficulties experienced so far.

30. The SDLP asked Alliance whether it was seriously suggesting that the IICD went to the Maze to seek facilitation for the disposal of arms and munitions. The party pointed up the implications in promoting this approach given the position and integrity of one of the co-Chairmen of the talks who was also the Chairman of the IICD. The SDLP suggested that it would be better to avoid public controversy and think about this again.

31. Alliance said it was precisely because of the implications that it was proposing this. The Chairman of the IICD didn't have to go to the prisons. He had other colleagues and there was no reason why they couldn't go and see the prisoners in their den. The party said all the undertakings on the issue of decommissioning had been a

fraud so it was putting forward alternatives. Another proposal was related to how the issue would be addressed after an agreement. The party said in terms of north/south co-operation thought should be given to looking at an RUC/Garda Siochana unit with a specific remit to deal with terrorists, drug dealers and organised crime with the freedom to travel anywhere in the island and arrests being made by the relevant person in the jurisdiction accompanied by others. Alliance said it seemed to be a reasonable proposal for north/south co-operation, particularly in light of the Irish Government's earlier comments on the rule of law. The SDLP said it was still disturbed by the prisoner proposal. The PUP said it was disturbed by the other Alliance proposal.

32. Alliance pointed out that a precedent for its police unit proposal could be found with the Revenue authorities. The SDLP again asked whether Alliance was serious about the IICD visiting prisons. If it was, the implications were immense in terms of the decommissioning issue and the approach to it. Alliance said it had thought through the implications. In particular if one looked at prisoner issues then one started by looking at release policy. The party was not prepared to sanction the release of murderers, many of whom remained members of paramilitary organisations, when arms belonging to those same groups were still in circulation. These arms could be used by other groups or for organised crime that was why the party was putting



forward its proposal. In addition, it was impossible to let murderers out in these circumstances while at the same time petty thieves were kept in jail.

33. The SDLP said it had some sympathy with the other Alliance proposal though it was unsure about the "hot pursuit" element. It also had some sympathy with its comments on prisoner releases. However, the party said it still couldn't understand why the IICD should visit and make representations to the prisoners on decommissioning when the body politic as represented by the talks process couldn't deal with the issue. Sinn Féin referred to Alliance's remarks on the release of murderers and asked whether they should include those members of the security forces who had committed murder.

34. Alliance said it looked at all categories of prisoners in the same light. The party said it was not proposing arrangements for "hot pursuit" so much as "cold pursuit". There would be a body of officers who would be free to travel throughout Ireland in the course of their investigations. It was surprised objections were being raised on the grounds of jurisdiction, as Alliance had previously proposed a Department of Justice to oversee such issues. The SDLP said the idea was appealing but it was against the idea that members of the IICD should consult with prisoners on decommissioning. Alliance said the reason it put the proposal was that democratic politicians had not

made any progress on this issue. The parties representing paramilitary organisations said that they did not control the weapons and were thus unable to insist that it happened. People outside the process regarded decommissioning as a joke, but if they saw the IICD asking serious questions about the issue this might change. Alliance said prisoners could not be released while paramilitary arms remained in circulation because of the possibility of their use by splinter groups and in organised crime. The PUP pointed out that the overwhelming majority of prisoners released to date had not re-engaged in paramilitary or illegal activities. Alliance countered that circumstances would be different and that that, in a post-terrorist campaign scenario, weapons might conceivably be used for criminal purposes.

35. The Chairman of the IICD said that it had made contact with paramilitary organisations through representative intermediaries, such as the UVF/PUP's nominee. The IICD took steps to ensure that the intermediary was representative and would be happy if the other paramilitaries were to follow the example of the UVF. Despite the fact that it had, as yet, not done so, the IICD was satisfied that the information provided to date was both representative and useful. The Irish Government said the Alliance proposal on a joint police unit should not be dismissed and undertook to examine the suggestion if there was agreement. It expressed appreciation for the co-operation between the Gardaí and the RUC, and noted the



close co-operation that existed between the Garda Commissioner and the RUC Chief Constable under the Anglo-Irish Agreement. The Irish Government said it was unhelpful to use labels in the talks, and said that its views on relationships in the republican movement were well known. The UUP said it was disappointed with the Irish Government's unwillingness to reaffirm previous statements that Sinn Féin and the IRA were inextricably linked. The Chairman said it was for each party to determine who responded to questions put to it.

36. The UUP were sorry that the Irish Government was not more forthright in its comments at this meeting. The party contended that the Irish Government's response to the suggestion of a single police unit was conditioned more by issues of jurisdiction than law enforcement. The UUP asked the Irish Government whether it would agree to a political settlement involving those parties with paramilitary connections without these parties or organisations being committed to the Mitchell principles or demonstrable progress being made along the parallel track which deals with decommissioning. The party said it also wished to address its question to the British Government.

37. The Irish Government said all the parties at the table had affirmed their commitment to the Mitchell principles of democracy and non-violence, and were entitled to be in the negotiations. The UUP said the Irish Government had avoided

its question by stating that certain parties were entitled to participate on the grounds that they had signed up to the Mitchell principles rather than that there had been any demonstrable progress on decommissioning during the talks. The Irish Government said the two Governments took the Mitchell principles very seriously, as was illustrated by the fact that on a number of occasions parties had been asked to leave the talks for a period. All the parties at the table had signed up to the Mitchell principles. This exchange was not helping to achieve a lasting peace, and they should move instead into intensive bilateral discussions. The UUP said it would submit its question in writing to which the Irish Government said it had given its final answer.

38. The NIWC said it wished to see decommissioning, and had also proposed the removal of handguns in the Northern Ireland Forum, but this had been opposed. The party agreed with the two Governments that decommissioning was a voluntary exercise, and noted that the necessary legislation and regulations were in place. The NIWC disagreed with Alliance's contention that the issue was being swept under the carpet, as there was a Liaison Sub-committee dedicated to it. Decommissioning could not be enforced as the experience of the past 27 years had shown. Labour asked whether the legislation necessary to confer immunity was in place, including the statutory instruments and commencement orders. The Irish Government said the Decommissioning Act



(1997) was in place, as were the regulations under this Act. The orders were dependent on the circumstances. Labour asked whether immunity could or had been conferred on anyone if the orders were not in place. The Irish Government responded that immunity was not in place, but could be given immediately as circumstances required on an individual basis. The British Government said that, under its legislation, it could be granted at two minutes' notice. Labour asked whether immunity existed, to which the British Government replied it could only be conferred on individuals to facilitate acts of decommissioning. There could be no blanket immunity as, were arms discovered, it might be invoked to prevent prosecution. The Chairman of the IICD said it would have to be satisfied that there was a serious proposal to decommission before it would ask the two Governments to grant immunity. The PUP reminded delegates that an individual was innocent until proven guilty. Turning to Alliance, it said that members of the PUP were examples of former prisoners who weren't involved in criminal activity, and asked Alliance what it had done to encourage decommissioning. The party wondered what was the purpose of the debate, and asked whether it was part of an exit strategy from the talks. Sinn Féin asked whether the UUP had briefed the media, to which it replied that it had not.

39. The SDLP said the IICD had been allowed discretion to talk to whom ever it wished, but it was a different thing to

recommend that it should consult with prisoners. The party was critical of preconditions, which effectively meant giving someone else a veto. There had been progress in decommissioning. The party was also critical of parties that demanded a bilateral meeting as a precondition to a settlement. It had heard five reports in the review Plenary, and the SDLP asked whether there would be an opportunity to consider the political reports. The UUP had said there was some progress, and the SDLP wished to explore this comment. So far everyone had only addressed, in a cross-strand format, rights and safeguards. The SDLP wanted to know whether the cross-strand group would also address the two remaining cross-strand issues designated in the Procedural Motion - principles and requirements for new arrangements, and arrangements for validation of an agreement.

40. Sinn Féin welcomed the UUP's request for a review plenary. The party said the Chairmen's reports had identified more areas of disagreement than agreement, and it was good that this had been identified. It said that the sovereignty and constitutional issues had not been satisfactorily addressed. The party welcomed references in the two Governments' joint paper on constitutional issues to the Government of Ireland Act and the Northern Ireland Constitution Act, and asked that time be set aside to discuss these issues. Sinn Féin also raised Rule 5 which referred to cross-strand meetings, which had not been used sufficiently. The party also referred to media reports that



the UUP had ruled out moving the talks to another venue and asked the two Governments whether this was the case. The UUP said it treated Sinn Féin differently because it was linked to the IRA and because it did not accept the principle of consent. It would not engage in bilateral contact with Sinn Féin until it did so.

41. The Chairman said that this phase of the review Plenary was concluded. The British Government said that the Rules of Procedure made clear that agreement and decision taking were matters for all participants. Clear evidence was required if a party were to be excluded for breach of the Mitchell Principles. In the case of the Campbell and Dougan murders there had been clear evidence of IRA involvement and Sinn Féin had been suspended. There was insufficient evidence in the case of the Conway murder, the Moira and Portadown bombs and the Armagh mortar attack. If others had evidence it was for them to act. Everything was in place for decommissioning to occur. They would review progress at the Liaison Sub-committee the next day, as well as consider what would happen if there were no decommissioning in three week's time. It was for those with arms to give them up, and the British Government urged the paramilitaries to do so. In the meantime the Gardaí and the RUC had made remarkable progress in combating terrorism. Decommissioning was part of a settlement, and was described in the Procedural Motion as an indispensable part. It was also cited as an integral part in the Propositions paper. How

decommissioning was achieved was part of the process, just as policing and rights issues were also indispensable parts of an agreement. It was for the participants collectively to decide the context on which the decommissioning agenda should take place. The British Government said it understood there was no agreement in the Business Committee on moving the talks outside Stormont.

42. Sinn Féin said the British Government had yet to release a sentenced prisoner other than members of the Crown forces. The Equality White Paper showed no substantive movement on some issues, and the approach to the Irish language was still one of non-recognition, nor had there been any advance on policing. It was raising Rule 16 not to complain, and dismissed the UUP response as an excuse. The UUP leader had said in 1996 that there had to be elections to negotiate, now this had changed. It was for the two Governments to review this situation and to look at the cross-strand format. The British Government said parties kept saying the two Governments had to act, yet none of them wanted an imposed settlement. Prisoner releases would form part of a settlement. On the equality agenda it had gone further than the SACHR report, and asked what had not been included. It had produced a paper on cultural issues and policing was a Strand One issue. The British Government did not accept that these issues had not been covered. It endorsed what the SDLP had said - they must build consensus, but no participant should have a veto over agreement.



43. Alliance said there were four other reports. On the strands, the party said it would have liked to have seen more movement but some understanding had emerged. Sinn Féin was keen on the cross-strand format, but had been absent of its own volition at the last meeting on 11 March. Referring to confidence building, it asked how such issues were to be delivered in a referendum. The Liaison Sub-committee on Confidence Building Measures was all about prisoner issues, but the majority were not prisoners and did not support these demands. They also needed to have their confidence built. On-going violence was damaging confidence, but there had been no developments on subjects such as punishment attacks. The PUP said Alliance was either mischievous or ill-informed as they had dealt with other issues. Alliance responded by asking what progress had been made on punishment beatings. The PUP said Alliance was being mischievous, as it had done much to try and prevent such beatings. Alliance said that other issues had been rushed through to clear the way for prisoner issues. There was no evidence of change, decommissioning, or confidence being built among ordinary people. In the Forum for Peace and Reconciliation, they had left the subject of consent until Sinn Féin was at the table but there was still no movement on this. The party said that no community could survive without the rule of law being upheld, and the PUP would need the law after an agreement to protect them from the extremes on their own side as would everyone else.

44. Sinn Féin said that if this was to be a review of decommissioning or an indictment of Sinn Féin then it should have been clearly stated. This was a review Plenary. It said there had been no progress on policing or demilitarisation, and the British Government had not followed the Irish Government in releasing prisoners. The Secretary of State had said that there would be no imposed settlement, but the status quo was imposed without nationalists' consent. The UUP said that when the British Government had responded to its question, it had indicated that the Secretary of State might wish to add some comments. This had not occurred. The British Government said that it had no further comment to make. The PUP said the number of punishment beatings might have been doubled were it not for the efforts of the PUP and UDP, and they were repeatedly called on to intervene to prevent street disturbances. Both parties were on record as longing for the day when all arms would be taken out of Northern Ireland politics, but they had to be realistic as the RUC, with a budget of millions, had tried for thirty years and failed. The party was convinced that the only way was through voluntary decommissioning.

45. The UUP said it was unhappy with the British Government response and requested an adjournment to allow the British Government to reflect. Alliance said there were armed police in all societies; it was a pretence to claim



otherwise. The PUP said it desired a society without guns, to which Alliance said everyone was living in the real world where the problem was nothing was being delivered and arms were still in circulation. These issues could no longer be ignored. The Chairman adjourned the Plenary at 18.05 to reconvene at 19.15. In the intervening time he would consult his colleagues on the remaining business before them, which was how they would proceed in the weeks ahead. On a lighter note he also ruled that, henceforth, a delegate could not address the floor from behind the newly installed screens!

Independent Chairmen Notetakers  
31 March 1998