

Office of the Independent Chairmen

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SUMMARY RECORD OF REVIEW PLENARY SESSION - MONDAY 30 MARCH 1997 (10.30)

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 10.42, stating that the session was a continuation of the discussions on 24 March. The Chairman said he intended to conclude the session by 12.30 or whenever the debate had finished, whichever was the sooner. The Chairman then asked the British Government to make a statement.

2. Following a brief intervention from the PUP, the British Government said it wished to clarify its position on decommissioning. The British Government said it wanted to see some decommissioning during the course of the negotiations. All the necessary machinery was now in place to effect this and it was the British Government's view that it should commence now. The decommissioning issue had to be addressed in any overall agreement. The "Propositions" paper had referred to effective and practical measures to establish and consolidate an acceptable peaceful society, dealing with issues such as

prisoners, security in all its aspects, policing and decommissioning of weapons. Therefore effective measures and provisions had to be in that agreement which everyone was trying to achieve. It was clearly important that the decommissioning issue was resolved to the satisfaction of all participants as an indispensable part of the process of negotiation leading to agreement. While the British Government believed that decommissioning should commence now as a major confidence building measure, the further challenge everyone now faced was to determine how the issue should be addressed in the overall settlement. The British Government said it was considering further options which might help to resolve the issue. In addition any suggestions from the parties would be welcome since it was an issue that all had to resolve together.

3. The UUP said events over the past few days had brought home to it the difficulties of attempting to design a political process, involving parties who were associated with paramilitary groups, which would provide an opportunity for negotiations to be conducted in a totally peaceful atmosphere. Incidents in the last few days had shown that splinter groups were now well established and were perhaps being assisted by some of those associated with parties inside the process. There was now a higher level of violence than that which occurred in the months immediately after Canary Wharf.

4. The UUP said just because decommissioning hadn't been adequately addressed didn't mean that it shouldn't be. That was exactly the reason why effective provisions were required. If present society was to be built up into a peaceful one, was it going to be possible to do this if the current level of violence was accepted by the British Government? The UUP said the present violence prevented confidence being built across the communities and furthermore it was impossible to properly address levels of social and economic deprivation. There was therefore clearly a lot at stake. Supporters of the party were looking to the process to deliver them from the fear and anxiety in which they were living. Decommissioning had to be addressed as an indispensable part of the process. The UUP said it was looking to the Heads of Government to honour their commitments to this issue for the sake of all the people of Northern Ireland. The party said it would scrutinise the Government's further effective measures closely when they were released to ensure that it meant what it had said.

5. The British Government said it shared many of the UUP's concerns regarding the present level of violence and the perpetrators. It had done its best to address the problem regarding these groups outside the process. The British Government said the best way of trying to reduce the present situation was to help the RUC in any way possible. In addition to this the participants needed to think about measures to resolve the

decommissioning issue and again welcomed proposals from them.

6. The Irish Government said it also agreed with many of the UUP's comments regarding the culture of violence in society here. With this in mind it strongly condemned the murder of the former RUC constable in Armagh on Friday past. The Irish Government said this was a mean and cowardly attack on an individual who was accompanied by his wife and who had been recovering from a recent heart attack and was therefore a "weak" member of the community. As regards its position on decommissioning, the Irish Government said it wished to restate what it had said the previous Tuesday. It said it wanted decommissioning as soon as possible and it viewed a resolution of the issue as an indispensable part of the negotiations leading to an agreement. The Irish Government said it recognised that decommissioning needed to be addressed as part of the outcome of the process to the satisfaction of all concerned. The Liaison Subcommittee had met last week at which note had been taken of what the IICD had established, based on the possible input of paramilitary groups to the whole process. Both Governments now had to wait for others to decommission. The regulations and schemes were available to permit decommissioning to take place almost immediately and the Irish Government was very serious and committed to resolving the problem.

7. Alliance said the idea of conducting negotiations in a peaceful atmosphere was certainly attractive but always a fantasy. Any notion to the contrary was simply unrealistic. The party said even if decommissioning had taken place it wouldn't have affected the present level of violence since the organisations carrying it out were not associated with participants round the table.

Alliance said for everyone present to continue to talk about decommissioning was just a waste of time. Some parties present could tender views on the issue but that was all they could do. Three other parties had links with paramilitary organisations and only they could make any real difference. The party proposed, given that the talks were moving to a different phase, that Sinn Fein, UDP and PUP meet to talk about decommissioning. The remaining parties had no further contribution to make on the issue. These three parties needed to meet.

8. Alliance said if decommissioning couldn't be addressed in advance of an agreement then this situation created other problems. The weapons still in circulation could be used for other activities such as organised crime. There was historical evidence of this from previous conflict situations and it was a terrible prospect. No agreement on decommissioning also made it extremely difficult for the negotiations themselves since its absence affected models of political structures being established. The party said all of this would be in the minds of the public and the issue couldn't be ignored. However, prolonged discussion in the present format was

not going to get anyone any further. It was up to the three parties now. Alliance suggested that if the three parties were meeting directly, the public would be encouraged by such a development and greater confidence might be gained from this as opposed to continuing to discuss it here and getting nowhere as a result.

9. The UDP said it didn't have the power to deliver decommissioning. A public message that it was meeting with Sinn Fein on the issue would also be unhelpful. Such an event might even suggest that flagging up the issue in this way was the party's only role in the process and this clearly wasn't the case. The party said it was committed to the removal of all illegal weapons but it was not something it had the ability to do within the timescale of the talks process but rather over a much longer period of time.

10. Alliance asked who was supposed to be delivering the peace in Northern Ireland. The public knew the score on this and until the three parties sat down together then it didn't believe there was a "peace process" as such. Addressing the three parties, Alliance said they had the ability to make a positive contribution on the issue. In the UDP's case, it wasn't the only reason for its presence in the process, but it was in a position to make that contribution which Alliance could not. The party appealed to the UDP on this basis to take the difficult step of meeting the others.

11. The SDLP said it had listened carefully to the opening remarks from both Governments. The British Government had spoken of "effective provisions" in any agreement. Could it elaborate on these and what might they be? The party said it was asking this in the context of there being only eleven days left and many other decisions had to be made in that time. Turning to the Irish Government, the SDLP said it had spoken about decommissioning being an indispensable part of an agreement. What did it mean by the word indispensable? The party said some reply to the questions would help everyone along the path of the next number of days.

12. The British Government said "effective provisions" reflected that fact that it believed the issue was important to the process and it had to be dealt with effectively and not just on paper. It was looking at a number of different options in parallel with the negotiations but if April 9 appeared and no decommissioning had occurred it would put these other issues on the table then. The Irish Government agreed with the previous comments. It was difficult to give the clarity which the SDLP desired but its view of "indispensable" was that the resolution of the issue should be set out in the agreement along with where the process was coming from on decommissioning. The Irish Government said it also wished to highlight the voluntary nature of decommissioning. An undertaking to work in good faith to decommission all illegal weapons within a

limited period might also be a possibility in an agreement if decommissioning didn't occur by 9 April.

13. The SDLP thanked both Governments for their comments. Given the difficulties each faced in relation to the issue there was no point in pushing it further at this stage. The party said it didn't believe that "some" decommissioning, as outlined in the Report of the International Body, would have saved the life of Mr Stewart or those who were murdered in Poyntzpass or stopped the bombs placed in Markethill, Moira and Portadown. The SDLP said it didn't have access to the detailed security information which others had but if it was the case, then everyone was looking at something different in that decommissioning equalled the end of violence and by definition this would mean no more killing.

14. The SDLP, in relation to the three parties highlighted by Alliance, said that the concept of "some" decommissioning during the talks was a fairly generous stake out, both in terms of time and content. The party asked them, on this basis, to seriously consider whether or not they had the power to ensure both these aspects were met. The party appreciated that such intervention might not stop the killings but it could give enormous impetus to what was going on here as well as in the communities. The SDLP emphasised that this would be a substantial step and hoped that the parties could respond to it.

15. The UUP said it wished to underline the SDLP's final comments. There was a challenge here and it wondered whether others could rise to it. The party recalled that, during the previous Tuesday's session, it had pointed to the fact, in its view, that no confidence building or decommissioning had occurred. The party had noted what the Irish Government said about decommissioning being an indispensable part of the process. This was indisputable. The joint statement on 15 September and the Procedural Motion on 24 September, endorsed by all the participants except one, had outlined it as such, yet it still hadn't happened. The provisions in the Procedural Motion had therefore been ineffective and had failed but there was still a need for decommissioning to occur.

16. The UUP said the Irish Government had urged everyone to undertake to work constructively to achieve decommissioning. Some of the parties around the table had the power to do this but hadn't taken that opportunity. These parties had dishonoured their word and the failure of the Procedural Motion was evident. The UUP had listened to the British Government's comments and said the issue needed to be addressed more successfully now than before. The party said it hoped this position would be reflected in future discussions. It had also heard the Irish Government saying it was very serious and committed to resolving the issue. So was the UUP. The recent bombs and murder in Armagh reinforced

this need. Such incidents were carried out by republicans and while the party welcomed the Irish Government's condemnation of the Armagh murder, it asked why there had been no disowning comments from Sinn Fein or any evidence that it was actively working to oppose other groups carrying out these attacks - both activities being Mitchell Principles which that party had only recently re-affirmed.

17. On a different point the party said there was another confidence problem. The UUP viewed what the participants needed to do over the next 11 days and then raised the issue of British Government leaked material. The party recalled that on the day that the paper on constitutional issues was being distributed to the participants, a copy of it had appeared in Belfast Telegraph that same afternoon. The UUP said there were clearly serious problems within the NIO with some elements in it not wanting any agreement to emerge from the current process. With regard to the "constitutional issues" paper, the UUP said the only source who could have leaked this was from within the NIO. Following on from this was the discovery of cynical plans to manipulate public opinion and use information gathered by opinion polls on a selective basis. The UUP quoted from the leaked strategy document and in particular the section dealing with opinion polls where it stated that "not all the results should be placed in the public domain".

18. The UUP said there was a paucity of opinion polls in Northern Ireland and it was in favour of everything being placed in the public domain. The party had heard the British Government saying since the leak that all information should be placed in the public domain, but this clearly hadn't been the earlier view of some senior officials. It hoped the British Government would put this right. On another point regarding data protection, the UUP said another senior official in the NIO was co-ordinating a database of "movers and shakers". The party said it would dearly love to see such a database and questioned the Government's legal position under the Data Protection Act in holding such information on individuals who had no knowledge of this occurring. The party said all this flood of information was unhelpful. Furthermore the British Government being seen in this light was also unhelpful.

19. The British Government acknowledged leaks were difficult to deal with. There could be more as the process neared a settlement and this position wasn't just restricted to the civil service. It was a case of having to live with this. On the specific issue of the leaked media strategy, the British Government said that the document itself was not confidential since it was an internal memo. Such papers were produced to develop different ideas and views within a large Department. That was the nature of how things occurred and the British Government had to be organised by 9 April to have a referendum campaign ready. The British Government said

the media strategy was an effort to ensure that people turned out to vote and to achieve this it had a duty of service to inform. It said it would put polling information in the public domain but as and when it was considered helpful although it recognised that not everybody would find such a decision as being of assistance to them.

20. The British Government said it wanted a yes vote though it recognised that encouraging the electorate to vote yes placed it in a somewhat difficult position. On "movers and shakers" the British Government said it had computer lists to enable it to improve communications, both in terms of policy statements and documents being released, but also in attempting to inform the relevant people of its intentions across all policy areas. There was nothing malicious in having such lists.

21. Sinn Fein expressed its sorrow at the death of Mr Stewart. Its party leader had publicly said that the group responsible for it should disband. However, everyone had to face reality and over the last six months, 85% of people killed had died as a result of loyalist death squads. Some of these incidents had occurred since the party's expulsion from the process in mid March and one only had to look at those charged with the two murders in Poyntzpass to reinforce what it was saying. All four charged after Poyntzpass were ex members of the UDR/RIR. Sinn Fein said it had also seen reports in the media recently that elements in the

British Military establishment had been involved in the killings of Catholics in the north. The political representatives of the British Army were at the negotiating table so it wondered whether it should ask questions of the British Government on whether it was asking these groups to disband.

22. The party said it had also looked at the rise of the LVF. Where had it come from? A Mr Abernethy and a Mr Trimble plus a committee had been responsible for the activities of Billy Wright and others. The question for the party was whether unionists were concerned or interested in the LVF carrying out decommissioning. The party said it realised there were risks when it adopted the strategy of entering the negotiations when a peaceful atmosphere was absent. There was also the inevitability of certain people trying to destabilise the process if it appeared it had a chance to succeed. These people were pointing their efforts at the party being present in the talks as much as anything else. For example, CIRA had been in existence since 1987 but had yet to fire a shot at the RUC or Army. So what was its motivation - none other than to force the IRA back to war. However, despite all the provocation and opposition from unionists, the IRA, to its credit, had resisted such a move and had tried to enhance the peace process.

24. Sinn Féin said the people who had to catch themselves on at this point were those who raised decommissioning as an obstacle to progress with naïve

comments which made a bad situation a thousand times worse. The party said one had to remember that there were many groups out there who didn't want to see agreement. The leaking of documents over the last period of months was another manifestation of this. Furthermore the party knew that the British Military Establishment had many sympathisers in the unionist community who wished to bring the process down. But the question here was how to get the guns out of politics. Sinn Féin said it was up to everyone to come away from these other people and work with each other to gain overwhelming support for an agreement so that a successful outcome would grievously undermine them.

25. Sinn Féin recalled Alliance's suggestion that it, the UDP and PUP meet to talk about decommissioning. The party said it had been trying for months to meet both loyalist parties without any success. However, any such meeting needed to have a much broader agenda than decommissioning, since there were many issues on the comprehensive agenda that hadn't been addressed. Sinn Féin said there was still a great opportunity in the next 11 days to achieve something positive. But reaching this position wasn't about the personalities involved, it was time to bury the hatchet. It was also time to recognise that all had a responsibility to those who were dying in the streets to bring about an agreement which resolved the conflict and brought hope for a total peace on the island. This, however, could only be achieved through

good faith engagement. Sinn Féin said it hoped this would be possible. It was ready for it.

26. The PUP said it was still committed to achieving decommissioning, but anyone who had thought there would be decommissioning in advance of a settlement had been living in fantasy land. It was, of course, right to prepare for it to take place. But if parties took the view that it was up to the three parties with links to paramilitaries to achieve decommissioning, then it would never take place. It was necessary to create the circumstances in which the paramilitaries felt able to give up their weapons. Realistically, the smaller parties could not achieve this, but the larger parties could, principally the UUP and SDLP. It was the responsibility of all parties to work towards this. The party firmly believed that political agreement would change everything. The PUP said it was hearing comments that decommissioning had to be resolved as part of an overall package, but clearly this process could go on beyond a settlement. The Assembly and the Northern Ireland Government would have to pursue this matter. The party hoped that others were not getting cold feet now, and preparing to use this issue to walk away.

27. The NIWC agreed completely with the PUP. It was up to all participants to build the confidence which might allow decommissioning to take place. The Coalition would like to see it happening now, but there was no point getting into tit-for-tat politics about it. Everyone was

here to try to forge an Agreement to the benefit of all the people of Northern Ireland. Labour said the debate was yet again retracing old ground. The UUP was raising red herrings, for whatever reason - to stall the process or perhaps to open an escape route. The UUP had done everything possible to stop Sinn Féin entering the process and then to expel them from it. Of ten parties in the process, three had links with paramilitaries. It was pointless to reduce matters to a question of having clean or dirty hands. Paragraph 31 of the International Body's Report, from which the Mitchell Principles were derived, had said that those abandoning violence had to be reassured that a meaningful and inclusive negotiation was on offer. The UUP alone had refused to engage in an inclusive process. At this late stage, Labour appealed to all parties to make every effort to work with each other to overcome the remaining problems.

28. The PUP said they were very irritated with the moralising, chastising tone of others. Some moralists leaked like a sieve and then preached to others about it. The reality was that lives had been saved because of the PUP, UDP and Sinn Féin. Parties should work to create the conditions for decommissioning, rather than working to make it a barrier. This had been done before, and the public had not approved. With only two weeks available, meetings like this one were wasting time.

29. The SDLP said it was a good job this meeting could not be seen by the public, who were under the impression

that parties were now engaged in round-the-clock negotiations, rather than just repeating past debates. Obviously the vast majority of people wanted to see an end to guns in politics. This debate on decommissioning - or even the word itself- had not been a feature of any other conflict resolution process. Any organisation which decommissioned could rearm tomorrow. The important question was whether organisations were sincere in moving away from violent activities. In the 1920's the armed parties in Ireland had not given up their guns. The guns had nonetheless disappeared.

30. The UUP said this discussion was not a waste of time. Decommissioning was part of the process which the parties had voted for on 24 September. The party had listened to others talking about issues, such as prisoners, which were important concerns for those parties. The UUP, in the same way, was flagging that this was a vital issue for it. The purpose of the Review Plenary was to establish confidence that the necessary momentum was being maintained across the whole negotiations. It might therefore be necessary to return to this issue. It hoped that all issues could be resolved in the time remaining, including ones which the party found distasteful. The party did not intend to block progress, but nor would it let this issue drop.

31. Alliance said Sinn Féin had made some interesting comments, which it would like to explore bilaterally. The party did not appreciate the dismissive tone which

some parties had used about "legalist" or "moralist" concerns of others. Alliance had no interest in a settlement that allowed the law of the jungle to continue to operate in society. Organisations which had brutalised society without justification could not pass the buck to everyone else and say "you must create the conditions where we don't have to kill people". Decommissioning had indeed been ignored in other conflict resolutions, to the great cost of their gun-ridden societies afterwards. It was true in the South in the 1920's the guns had been taken out of politics, but this had been achieved by the Government hanging suspects until those in arms abandoned violence. No one wanted to resort to those methods.

32. The SDLP said the negotiations may agree a whole paraphernalia of structures, legislation, commissions, etc, followed by referenda and implementation, but nothing devised on paper would have the capacity to inspire the people and convince them that a new era had arrived. Decommissioning of weapons was one area that could do that, and all parties should give very serious consideration to that fact. The UUP, in an admittedly pedantic note, said there was a precedent for voluntary decommissioning, in fact in advance of an Agreement. In the summer of 1916 Lord Carson's original UVF had decommissioned 25,000 firearms.

33. The Chairman said all participants had agreed last week to the deadline of 9 April, and it was important to

maintain a level of activity that enabled them to achieve that. Parties would be back at 14.00 for a cross-strand meeting and also later on to discuss the schedule. The Chairman hoped all parties were ready to participate on a full-time basis. It would involve intensive bilaterals and multilaterals, and some sessions in larger formats. He stressed that it was in the authority of those present to reach an Agreement which would not totally end violence - which was sadly impossible anywhere - but would drastically reduce it.

34. The UUP recalled its earlier flagging that this issue might have to be revisited in Plenary, and wondered how the Chair would receive requests for further Plenaries. The Chairman said it was in his authority to convene Plenary meetings. Everyone could agree there had been insufficient progress on this matter so far, but one hoped that would change. He could not say in advance that he would agree to a further Plenary, but any such request would be given serious, careful and fair consideration. The SDLP asked at what point the various formats in which participants were meeting would become redundant? The Chairman felt that moment would arrive very soon, although there would still be a need for some discussions focused on particular Strands. He observed that the 14.00 cross-strand meeting might not be very long. He wished to invite party leaders, with one colleague each, to a meeting at 16.00, at which time he would suggest and get thoughts on the proposed process

for the next two weeks. The Chairman adjourned the meeting at 12.18.

Independent Chairmen Notetakers
1 April 1998