

Office of the Independent Chairmen

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

SUMMARY RECORD OF LIAISON SUB-COMMITTEE MEETING ON CONFIDENCE BUILDING MEASURES ON TUESDAY 13 JANUARY 1998 (1110)

CHAIRMEN: Senator Mitchell
Mr Holkeri

THOSE PRESENT: British Government
Irish Government

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

1. The Chairman convened the meeting at 1110 and moved to the approval of the record from the previous session on 15 December.

Amendments to previous minutes

2. The UUP raised three amendments. On page 12, paragraph 20 and subsequent references "Moldavia" should read "Moldova". On page 12, paragraph 21, line 7, the text should read "...opportunity to increase the manufacturing base in Northern Ireland lay not in exporting to"..... On page 16, para 28, line 10 should read "...what was so unique about a divided

Northern Ireland, offering”.... The NIWC also raised an amendment to paragraph 23, line seven with the word “quality” being replaced with “equality”. On hearing no further comments, the Chairman approved the 15 December record subject to the above changes.

3. The Chairman then recapped on the format for conducting the business in the session as indicated at the close of the last meeting - namely that both Governments would respond to the points already put forward by the participants on the prisoners issue, followed by questions and comment from the floor thereby completing the prisoners issue today and moving on to complete the discussion on social and economic issues. Hearing no objections to this, the Chairman asked the British Government to proceed before opening the session into a tour de table.

4. The British Government said it welcomed the opportunity to be represented at the Sub-committee at ministerial level. It hoped this underlined the importance which it attached to confidence building and the work of the Sub-committee. The British Government said that, in dealing with prisoner issues, it had been conscious of its duty to protect the public and to maintain public confidence in the criminal justice system. It was also very aware of the concerns of victims and their families. Nevertheless it also understood the real concerns felt by many that there were unique circumstances in Northern Ireland which had led to many people being in prison who might otherwise not have been. The British Government said it

believed that it had already taken major steps which recognised this point. These included the early release of over 250 scheduled offenders and the more liberal life sentence review arrangements which operated.

5. The British Government said it wished to make clear that it was committed to building confidence throughout the community in Northern Ireland. Confidence building was crucial. It was an important issue and important to different groups in different ways. The British Government said it had already publicly stated that it would bring confidence building issues to the Sub-committee rather than deal with these outside the process. It had to be remembered, however, that the Government still had to govern on the basis of fairness, equality and justice. There were other issues under consideration, including three pieces of legislation being worked on, which were connected to its manifesto commitments. The British Government said these would not be brought before the Sub-committee.

6. The UUP intervened with a point of order. The party said it welcomed ministerial presence from the British Government but asked whether more details could be given on what these other issues were. The British Government said it couldn't provide a comprehensive list at that time but it would be happy to do so at a future point. As it had mentioned earlier, the nature of government was to govern on a daily basis and it was impossible to recall all these issues. It did, however, highlight the SACHR report on employment and the interface between TSN and PAFT as one such matter

which it would be progressing outside the Sub-committee. The British Government said it had raised this point since it didn't wish to mislead people.

7. Returning to the theme of prisoners and to confidence building, the British Government said it believed the biggest boost to confidence would come through agreement in the talks. It had, however, always recognised the importance of prisoner issues on both sides. They too had to be resolved. The British Government said it was prepared to work in the Sub-committee to discuss the parties' concerns on the issue and to work on an account of what would happen in respect of prisoner releases in the context of a peaceful and lasting settlement being agreed. It wished to make clear, however, that there would be no significant changes to release arrangements in any other context. Nor would there be changes for prisoners associated with any paramilitary organization actively engaged in terrorist activity. In conclusion, the British Government said it would welcome views from the parties on these issues, as well as comments on the paper tabled for the meeting.

8. The Irish Government said it welcomed the opportunity to have a ministerial presence at the Sub-committee. It said it was an indication of the importance of the Sub-committee's role. The Irish Government said it was anxious to hear the views put forward by the participants on its statement which would last some five/seven minutes. The Irish Government added

that while it saw an important role for the Sub-committee in discussing broad policy across the range of prisoner issues, any operational decisions were for it alone, in much the same way as the British Government had indicated earlier.

9. The Irish Government said discussions to date had demonstrated that there was a general recognition of the importance of prisoner questions and of the need for the outcome of the peace process to address the situation of all those, whether Loyalist or Republican, who had been imprisoned as a result of the conflict in Northern Ireland. Many of the parties around the table had submitted papers containing specific proposals and suggestions to achieve this aim. Others had expressed their views orally at earlier meeting. The Irish Government said it had studied these various suggestions with interest, and looked forward to further discussions of them in the Sub-committee with a view to considering whether and how to incorporate them in the agreed outcome of the process.

10. At the same time, the Irish Government said it had not felt it to be either necessary or desirable to await the finalisation of the process before taking action on prisoners in the context of the Republican and Loyalist cease-fires. It considered that the cease-fires were a critically important confidence building measure in themselves. A peaceful atmosphere was an essential foundation on which to develop further measures to increase reconciliation and trust. It considered that the important contributions made

by both Loyalist and Republican prisoners to bringing about and maintaining the cease-fires in Northern Ireland should be recognised through the implementation of tangible measures.

11. The Irish Government said it had made no secret of the fact that it considered the early release of prisoners, on a case by case basis, as one of the measures which it could take, in its own jurisdiction, as part of a constructive and generous approach to prisoner issues. Between August 1994 and February 1996, it released 36 prisoners who had been imprisoned in connection with the Northern Ireland conflict. These included all Loyalist prisoners held in its jurisdiction. On July 24, 1997 the Taoiseach emphasised that early release would form part of the Government's response to the restoration of the IRA cease-fire. The position on early releases was set out clearly in the paper that was presented to the Sub-committee in November, and was underlined in its introductory statement at the meeting of 1 December. In referring to the prisoners already released, it indicated that it was reviewing the situation to see what further measures might be taken in this area.

12. The Irish Government said the policy for selection of prisoners for release was to deal with each case individually and on its own particular merits. In assessing whether a person would benefit from early release, a primary consideration was the potential threat to the public which might be occasioned by this release. It believed that in the context of a continuing and

effective cease-fire, the potential threat to the public posed by the release of paramilitary prisoners would be greatly reduced.

13. In its view, such measures should apply to Loyalist as well as Republican prisoners. Since there was now no Loyalist prisoners in its jurisdiction, it was unable itself to consider early release for such prisoners. However, it had urged the British Government, including in this Sub-committee, to give consideration to similar measures. It had reiterated the need for an even-handed approach to this question in recent weeks and it looked forward to a more active role for the Sub-committee in discussion of this issue and other confidence issues.

14. The Irish Government said that in recent days a number of suggestions have been made by interested persons, including the Reverend Roy Magee and Professor Brendan O'Leary, concerning the principles and modalities for a more generalised approach to early releases. It said it would welcome further discussion in the Sub-committee of these and other aspects of the question. At the same time, it had to be appreciated that it would not be appropriate for the Sub-committee to enter into negotiations or discussions of individual cases. As was made clear last week, and again today, operational decisions would remain a matter for the Irish Government.

15. The Irish Government said in advocating these measures, that it was not in any way suggesting that the situation of victims of violence should be

forgotten. On the contrary, it believed that the Sub-committee should give full attention to the concerns of victims, and as was suggested on 1 December, it considered the views put forward by the NIWC on this subject to be particularly relevant. In its approach, the Irish Government said it had also emphasised the importance of the transfer of eligible prisoners from Britain to Ireland. Such transfers were governed by the European Convention on the Transfer of Sentenced Persons, an international instrument drawn up under the auspices of the Council of Europe. The Convention provided the framework for the transfers of prisoners between those states, including Britain and Ireland, which were parties to it. The Convention was primarily humanitarian in its purpose. It was based on the recognition that furthering the ends of justice and the social rehabilitation of sentenced persons could best be achieved by having them transferred to their own country.

16. The Irish Government said that since November 1995, 10 Republican prisoners had been transferred from Britain, and two from the United States, to Ireland under the provisions of this instrument. It would be seeking to complete the transfer of all prisoners who had applied for transfer under the Convention. In this regard, it was expected that seven other persons would be transferred shortly, and it hoped that the remainder would take place as soon as possible thereafter.

17. The Irish Government said it continued to believe that further measures relating to prisoners could serve to promote the successful outcome of the peace process. It considered that discussions and exchange of views in the Sub-committee would contribute to a better understanding among all parties of the issues involved and the measures that could be implemented. It trusted that this statement would help to make its views better known to all.

18. Alliance said it had already set out its key principles on the issue; the rule of law must be adhered to and no arbitrary decisions should be taken. There was no doubt that the prisoners were a product of the conflict, but they could not be regarded as "prisoners of war". Alliance also recalled the fact that it had stressed the importance of the linkage between the prisoners and the fact that they were members of paramilitary organisations. It was therefore appropriate, in Alliance's view, that the conduct of those organisations had to be taken into account in assessing the position of prisoners. There were a number of other issues which the party wished to flag up. Firstly the Irish Government had released a number of republican prisoners prior to Christmas. This had been done without any reference to the Sub-committee and together with the loyalists viewing such a move as unequal treatment of their prisoners and the talks themselves ending with no agreement at Christmas, all this had led to a destabilisation of the process.

19. Alliance continued, referring to the Wright murder in the Maze, which had come about as a result of the lax regime in the prison and a break down in the fundamental rules such as ensuring that prisoners were protected from each other. The Wright murder was of course only one of a series of incidents at the prison in the last 12 months; a tunnel had been discovered and a prisoner had escaped before Christmas. There was then the issue of the Secretary of State's visit which the party regarded as a profound misjudgement since it undermined the talks process and set an ominous precedent. Alliance said all of this created a vision that if you made threats then you got attention. The party said no one doubted that there would be further situations like this again when the pressure was really on and what was going to happen then? It simply represented a very unsatisfactory state of affairs.

20. The party said there were two broad positions to consider with regard to the release of prisoners. Either they should be regarded as ordinary prisoners or "prisoners of war". If one considered the latter category then they only got out when the war was over and not before. The party said one needed to think about the logic of this. As to the other position, the party repeated its view that the future of the prisoners was linked to their organisations. Those organisations still had the capacity to resume violence and this factor had to govern any releases. It had to be remembered that paramilitary activity continued with targeting, racketeering and beatings occurring, thus providing the view that these organisations still continued to

exist as military operations. At present and in terms of confidence building across the whole community, the intention of these organisations with regard to the cease-fires seemed very low indeed.

21. Turning to the British Government's paper, Alliance said it was good and responsible, especially paragraph 11. The party said it was content that the British Government had made clear that things could happen in the context of a lasting peace. The vital point was that the British Government had outlined that there would be no significant changes to release arrangements in any other context. Alliance said this was absolutely fundamental and people needed to appreciate this. The party said if paramilitary organisations could convince people that there would definitely be no return to violence, then the prospects for releases increased; but if the other activity continued, there could be no question of releases. This linkage was vital. Alliance said it regretted the Irish Government's policy on the release issue and its clear divergence from that of the British Government. This different approach had led to the destabilisation over the Christmas break.

22. Labour said it welcomed both Governments' statements. With regard to the Irish Government's remarks, the party said it welcomed information being brought to the Sub-committee. Labour referred to the Irish Government's sovereign position and its comments about taking operational decisions. The party suggested that it should be possible to combine

sovereignty and consultation; asking the Sub-committee for an opinion didn't mean that it (the Sub-committee) could tell the Irish Government what to do. It was the same with the British Government position, though the party questioned why this couldn't be put in a more equal manner as part of building a new way of approaching the issue during a period of transition.

23. Labour referred to the Wright murder and said it confirmed that the extremes on both sides wouldn't go away. The violence was still present. The party said it also regretted that the UUP was not talking to Sinn Féin since this was undermining confidence in the whole process. It was also fostering the wrong attitude in the Protestant and unionist community and creating a lack of trust in the nationalist community. This situation needed to change. The UUP raised a point of order who said that Labour's comments were to its disadvantage since it had implied that the UUP's relationship with the IRA was similar to its relationships with other republicans. The UUP said it had a relationship with the Irish Government and other nationalist parties around the table.

24. Moving on, Labour referred to the recent loyalist threats to the talks process which had arisen from the issue of releases. The party said releases had to be part of the total package of any solution. This point needed to be firmly and definitively stated by both Governments. Labour said it had been highly unfortunate that loyalists had withdrawn their support for the process and had made veiled threats to restore the violence. Everyone in the talks

had to be working towards undermining this situation. Labour added that it was unhappy about talk of a republican agenda being followed by the British Government. While the party believed mistakes had been made and different groupings had different views, there was no republican agenda.

The party said the idea of a "sell out" was not the case but the issue needed to be dealt with more carefully. There was nothing to substantiate this and such disillusionment had to be removed from the talks process.

25. The NIWC welcomed both Ministers and said the Sub-committee now had the status it required. The party said recent events had shown why the Sub-committee was needed. Prison issues had the potential to destabilise society in Northern Ireland. The NIWC said it also welcomed the commitment to look at such issues and it hoped the Sub-committee could become a conduit to resolve issues before they developed into destabilising influences. The party said that as a result of the work of the Sub-committee, the prison issue was now firmly rooted in the peace process and solutions had to be found to the position of prisoners, bearing in mind the role of the victims. There had been hundreds of people affected in the community by prisoners, to the degree that there was almost a sub community out there. The NIWC said that the prisoners and the issues surrounding them fed back into the community and this was where the confidence needed to be built.

26. The NIWC urged that everyone needed to proceed carefully on the matter. It was not nor should it be a political football. The party said it was

time to come away from looking at the issue of prisoners from a “them and us” perspective and alternatively build a society whereby greater integration could develop. The party said while the British Government paper recognised the unique circumstances which the prisoners presented, it did not go far enough. The party urged greater joint action from the two Governments as well as action brought to the Sub-committee thereby avoiding some of the problems which others had mentioned earlier. The party said there were many ways of increasing confidence and dealing with the prisons issue at the same time. The NIWC said it was happy to play a role in further discussions to develop the modalities etc of taking these forward since everyone in the Sub-committee had to try and build confidence for all.

27. The PUP said it was a matter of building confidence in the whole process and not just in the Sub-committee. The party said the Sub-committee had become a talking shop. Some participants had produced papers; others had not and the opportunity was there to opt out. The Sub-committee had flagged up the issue of prisoners, but it had no powers of negotiation. What was required was a Plenary to negotiate decisions on prisoners and for such decisions to be brought back to the Sub-committee to enable it to build confidence in the communities. This latter role was the proper remit for the Sub-committee. The party said it was in no doubt that prisoner releases could change attitudes in the community; ex prisoners had assisted in this very role. But the PUP said it didn't believe it was right to

suggest that prisoners could only be released when the war was over. The party also asked Labour to define its remarks on what it had meant by loyalist violence.

28. Sinn Féin said it agreed with the British Government that confidence building was best achieved by progress in the talks itself. The party said it noted the Irish Government's statement to the effect that prison releases was a matter for it. Sinn Féin said it welcomed the releases in the Republic. It also agreed with the PUP that the whole issue of prisoners had to be dealt with by the Plenary. As to the British Government's paper, Sinn Féin said the references in it to the uniqueness of the prisoner issue could be supported. The paper had also outlined the issue of fairness and balance which needed to be carefully considered, particularly when one considered the standards set in cases such as Lee Clegg and Ian Thain and the situation of other prisoners like O'Dwyer and Anderson, who had killed no one but were still in prison having served 12 years of a life sentence for conspiracy.

29. Sinn Féin said there were also inconsistent and double standards applied in the case of transfers. There were delays for republican prisoners but none for British soldiers. There was then the whole area of tariffs. In many cases these were set but none had been for Duggan, Doherty, Butler, O'Connell and Donnelly who were still in prison after 22 years. There was then the case of Roisin McAliskey. Sinn Féin said there had been much talk of concessions to republicans but was a transfer under international law a

concession? The party said it didn't see it that way. This was a humanitarian issue. The changes that were taking place were simply that but people were afraid of change; changes were not concessions. Sinn Féin said the prison issue was central to the whole peace process. The Governments needed to move speedily on it, taking on board the position of the victims. Confidence needed to be built inside and outside the process, yet the situation in the jails seemed to have disimproved for prisoners. Who was responsible for this; the British Government or the prison authorities? Sinn Féin said it welcomed the releases in the Republic at Christmas and welcomed ministerial presence at the Sub-committee today. The party hoped that the British Government would now look seriously at prisoner releases in its jurisdiction.

30. The SDLP welcomed the ministerial presence. This created a degree of certainty for the community rather than doubt. The party said it noted the comments of the British Government earlier in respect of other business being taken forward later in the parliamentary term. The resolution of such social and economic issues would be the stuff of real political debate and it looked forward to this. The party said the maintenance of the cease-fires was what built confidence. In recent days there had been an odd sense in West Belfast following the Enright murder and the events of yesterday at the talks had passed right over that community. That community had suffered an overwhelming sense of loss, but continuing cease-fires should not put the

talks process in jeopardy. It was important to concentrate on certain principles which needed to be reaffirmed and rededicated.

31. The SDLP said these principles were as follows. Confidence building measures to support the political process could not be determined on a stand and deliver basis. This was not good for the process. The issue of building confidence in each community needed to be considered rather as confidence building between the communities. Responsibility for confidence building had to be shared collectively, individually and equally. This was not being fully faced up to in the manner outlined in the Report of the International Body. In terms of the PUP's proposal to have the prisoner issue negotiated at a Plenary, the party cautioned against this since it believed such an approach would breach understandings already in place, not least remarks made earlier by both Governments in relation to Governments' governing.

32. The SDLP said there were other principles but these were the important ones. The party said it hoped the events of the last few weeks could clarify what the clear understandings were in relation to building confidence, otherwise the principles underlying confidence building would not be operated in a fair way to all parties. The party then referred to the British Government's paper and in particular the reference in paragraph 11 to "no change". The party asked what this meant and what did the word "significant" mean in the same phrase? The SDLP said it believed the community accepted the need for change in general and this acceptance

extended to prisoners and prison issues. In moving such change forward it was a question of demonstrating sensitivity on some issues which would not conflict with the "significant" qualification used.

33. The UDP welcomed both Ministers and welcomed the British Government's comments regarding the role of the Sub-committee and its recognition of the part the prisons issue had within the whole process. The party said its policy on prisoner releases had always been based on maintaining confidence in the criminal justice system and this was why it had called for a program of phased releases. The UDP said it also welcomed the Irish Government's views on prisoner releases. This particular policy had been flagged up when the party assisted in brokering the loyalist cease-fire. The party said the prisoner issue needed to be addressed. It was in no doubt that loyalist releases would have a positive effect on the paramilitaries.

34. The UDP said it still was unsure as to what the Sub-committee was about. Surely the Sub-committee needed to be thinking about proposals on prisoner releases following an agreed settlement. The party said it was also very disappointed with Alliance's earlier comments on the situation at the Maze. The party had never said it was withdrawing from the process. The UDA prisoners did say that they were withdrawing their support but there had been no threats to call off the loyalist cease-fire and the UFF prisoners had made no comment at all. The UDP said the crisis over Christmas had developed because the participants in the process couldn't agree on key

issues despite almost two years of debate and negotiation. The party said it welcomed the Secretary of State's visit and discussions with the prisoners. It had been unable to convince the prisoners of the benefits of staying with the talks but it had been helpful to hear the Secretary of State's views on both this and the apparent imbalance of treatment issue. The UDP said it strongly believed the Sub-committee should convene at a later date to discuss prisons and to develop proposals in relation to the release of loyalist and republican inmates in the event of a successful outcome to the talks.

35. The UUP welcomed both Ministers. It accepted that Government must govern, but noted that the British Government had espoused a policy of open government. The party, in criticising the British Government for its lack of openness, was not attacking the Secretary of State personally, though it was critical of British Government civil servants. The UUP felt the British Government was prone to knee-jerk reactions on some issues. It said that the issue of confidence-building measures had been misunderstood and was moving in the wrong direction. If it was to contribute to the peace process it would have to affect a greater number of people than was presently the case. It should not become a vehicle for securing concessions, as was the current perception. The UUP said it believed the two Governments were trying to placate those whose presence in the negotiations was least justified and, accordingly, most at risk. It cited, as an example, the Irish Government's release of prisoners, which had not been flagged in advance. It was pleased that the Irish Government had now flagged the subject of prisoner transfers.

36. The UUP said it had no serious objection to prisoner transfers within the United Kingdom, or between the UK and the Republic of Ireland. It wished to know on what basis prisoners could be released early from Irish prisons having been transferred from the UK, and asked whether the Irish Government could alter the terms of detention of transferred prisoners. It said that the release of 250 scheduled prisoners, as stated in the British Government's paper, was a lot, and asked what was the difference in conditions of release, and whether release occurred on license, for those serving life sentences and those who were not. It said the wider community had no understanding of the reasoning behind prisoner releases.

37. The UUP said its position was that prisoners were in prison for the crimes they had committed, and not for the beliefs that they held. If an agreement was reached and there was a permanent cessation then prisoner issues would have to be addressed on a wider scale. The party could not agree with the Irish Government that prisoners should benefit from early release irrespective of the outcome of negotiations. The UUP referred to comments made by a member of Sinn Féin that participation in the talks was a tactic. It said the IRA was aiming to achieve concessions and then return to a policy of armalite and the ballot box. It said the IRA had been whingeing inside the chamber since September. It said no self-respecting prisoner of war, and it did not subscribe to this designation, would take advantage of humanitarian concessions.

38. The UUP said those who lectured about the fear of change had done nothing to condition their own supporters to move away from violence. It said Sinn Féin had spent a year in the Forum for Peace and Reconciliation talking to parties that shared the same political aspiration, but it could not accept that there would not be a united Ireland or that the principle of consent was a fundamental democratic essential. The UUP said the difficulty was that they could not be sure that prisoners, if released, would forsake the use of violence. The UUP did not have a solution to this, but noted recent activity by the LVF, the Continuity Army Council and the INLA, which it did not believe could take place without the accommodation of the other paramilitary groups.

39. The PUP asked if the UUP was suggesting that there had been collaboration. The UUP said there had undoubtedly been collaboration, officially sanctioned or otherwise, between paramilitary organisations on cease-fire and those involved in recent attacks and killings. As an example, it cited the vehicle which had been stolen in Belfast, driven to South Armagh and subsequently left in Banbridge containing a bomb. The party believed this could not have happened without someone in the IRA having become aware. The UUP believed there were some members of both loyalist and republican paramilitaries who were disenchanted with the peace process. This must be borne in mind when making decisions with regard to prisoner issues. The UUP recommended that the Liaison Sub-Committee concern

itself instead with those more mundane matters that would serve to build confidence in the wider community.

40. On a point of information, Sinn Féin said there were no members of the IRA in the room despite UUP statements that there were. It said members of Sinn Féin had been killed because of similar remarks in the past, and called for the UUP to withdraw the remarks and to apologise. The party also called on the Chair to rule the UUP out of order for these comments.

41. The UUP said it had no response to make to this charge, and would not waste time discussing the relationship between Sinn Féin and the IRA. Sinn Féin repeated that there were no members of the IRA in the room, and that Sinn Féin was a democratically mandated participant in the negotiations. The Chairman explained that it had been his practice in the past to allow participants the fullest possible latitude in their comments at meetings. At various times, all of the parties had objected to remarks made by another participant. It would be neither practicable nor desirable to censor comments made by participants, though he would call upon each of the parties to refrain from making comments which had the opposite effect to building confidence. Ultimately this depended on the individual judgment of each participant.

42. The British Government said it would respond to a number of the points that had been raised. While it had not had an opportunity to consider

the proposals of Reverend Roy Magee or Professor Brendan O'Leary, it felt that a mechanism should be available to allow consideration of the comments and suggestions of individuals and organisations not involved in the negotiations. The British Government referred to an offer made before Christmas by the G7 organisation to offer the expertise of its members to parties to assist them in preparing papers. Responding to Alliance, it said progress had been achieved when the two Governments worked together, and that they continued to do so. However, the participants would have to bear in mind that on occasion, the Irish and British Governments would have different policies on individual issues. It said it had made a number of commitments in its election manifesto. The British Government said it was committed to having a debate with the parties on the part of the SACHR report referring to PAFT and TSN. They would try to address these, and other issues, in their discussion of economic and social issues. The British Government said it was opposed to what had been described by Labour as the politics of threat. Referring to the Secretary of State's decision to visit loyalist prisoners in the Maze prison, it said there had to be a judgment between responding to a serious need and not responding to a threat. There had been no threat from any of the prisoners, and only 10% of the meeting was taken up by prisoner issues; the rest of the time discussion had focussed on the negotiations.

43. The British Government said it wished to respond to the concerns of the entire community in Northern Ireland, and not just what had been

described as the extremes. It was humane to move prisoners nearer to their families. The problem was that there were more prisoners on one side, which created the impression of an imbalance, but they would have to accept this situation. The British Government said it was important now to move forward into detailed proposals on specific issues. The British Government had its own proposals, but wished to hear, in the Sub-committee, the proposals and suggestions of the other participants. It would be useful if papers were prepared providing specific proposals of how individual issues should be addressed in practical terms.

44. The British Government again stated that there would be no significant changes to release arrangements outside the context of a peaceful and lasting settlement, or for prisoners associated with a paramilitary organisation actively engaged in terrorist activity. It said the majority of confidence-building measures would be dealt with in the Sub-committee, but that some were a matter for action by the Government. It said they could not negotiate prisoner issues in this body but, if there were a consensus this would be important. Addressing the UUP point about openness in government, the British Government said it was necessary to square this with the fact that, at times, it would not be conducive to progress in the negotiations for everything to be made open. It was important to see how they could bring the Northern Ireland population along with the talks.

45. The British Government asked participants to refrain from attacking civil servants who were not in a position to respond; criticisms should be addressed to Ministers. It said it was committed to the enquiry it had announced into conditions at the Maze prison. Regarding confidence building, it said that if papers were to be produced which dealt with the specifics of what would be done on individual subjects then more information could be put into the public domain, which would help to ease tensions and build confidence. In terms of the issue of remission, the British Government said in relation to the 250 early releases most of these had occurred when remission was set at 66% as opposed to the 50% remission currently in place.

46. Sinn Féin extended its sympathy to the Enright family. It questioned the British Government's statement about the conditions under which prisoner releases would be considered, asking what 'significant changes' meant, and whether this was a move away from the statement made by the Secretary of State following her visit to the Maze prison. Sinn Féin said it had already put forward specific proposals on prisoner and other issues, and asked if it was being asked to reiterate these positions or come up with new ones. It said the reason paramilitary prisoners were in a different position to other prisoners was because they had been tried in different courts. The party was critical of the British Government's inaction on this subject, and welcomed moves towards dealing with it in the context of the Mitchell

Principles. It asked whether an unwillingness to address prisoner issues until an overall solution was agreed over-ruled these Principles.

47. The British Government extended sympathies to the Enright family. It had not said that there would be action on prisoner issues now, but that there was widespread support that the subject of releases would have to be addressed. It had received a paper from Sinn Féin, but this had dealt with the subject in a general way. What they wished to see now was a discussion of the modalities that would be employed as part of an overall settlement. The British Government said there was no change from the statement issued after the Secretary of State's visit to the Maze. She had presented 14 points to the prisoners, and these had formed the statement that had been issued to the press afterwards.

48. The PUP said that Mr Enright had been a friend to many on the PUP delegation. It said that his death, which had touched both communities, was, in a sad way, illustrative of the changes that had been wrought since the cease-fires; before the cessations they had thought of killings as affecting only one side. His murder also showed there needed to be much more progress.

49. Alliance agreed with these sentiments; Mr Enright was related to one of their delegation. It said there was considerable fear in the community about the recent violence events, in particular in the Catholic community,

which believed loyalist death squads were at work. The PUP said Alliance should address its remarks to those giving political analysis to the LVF, to which Alliance said it did not know who this was.

50. The NIWC said it endorsed the British Government's suggestion that the Sub-committee prepare papers on principles and modalities on prisoner releases which would form the basis of their discussions. Their deliberations could then be brought to Plenary. It said there was still a great deal of confusion about the terms and remit of this Sub-committee; working through a specific issue might also serve to provide the necessary clarification. The NIWC urged participants to think of confidence-building in the widest sense, measures that could build confidence in the whole community and so assist progress to be made in the negotiations.

51. The Chairman asked the British Government to provide a statement at the beginning of the next meeting of the Sub-committee giving practical details of its proposal that papers be prepared on modalities. The UDP proposed that they bring the meeting to an end in light of the afternoon's Plenary meeting. The Chairman proposed that the next meeting of the Sub-Committee begin with a statement by the British Government, and then proceed to a discussion of item 2 on the agenda, economic and social issues. As the talks were moving to London for the week beginning 26 January, he suggested the next meeting be held on 4 February at 1030.

52. Alliance expressed concern that deliberation of agenda item 3, paramilitary activity, would be thus delayed. The Chairman reminded Alliance that it had been one of the participants that had suggested the discussion of prisoner issues be extended, thereby holding up the agenda. The UUP asked whether there would be further discussion of prisoner issues following the statement at the next meeting by the British Government, to which the Chairman responded that this was not his intention. This would be done at another time. The UUP said name plates would be helpful as it did not know the identity of all those present at the meeting. The Chairman said that a list of participants would be circulated in advance of the next meeting. The PUP asked that meetings be held fortnightly where possible, as had been agreed, in an effort to build confidence, and the British Government concurred. The meeting was then adjourned by the Chairman, who stated that the next meeting on 4 February would hear the British Government's statement and then discuss agenda item 2, economic and social issues. Agenda item 3, paramilitary activity, would form the subject of the meeting after that.

Independent Chairmen Notetakers
20 January 1998