

# Office of the Independent Chairmen

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SUMMARY RECORD OF PLENARY SESSION -  
MONDAY 26 JANUARY 1998 (1239) - LANCASTER HOUSE, LONDON

Those present:

INDEPENDENT CHAIRMEN	GOVERNMENT TEAMS	PARTIES
Senator Mitchell Mr Holkeri	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 1239. He proposed that the meeting begin by hearing from the two Governments, following which he would call upon the UDP to respond. He would then give the floor to any party which wished to comment, and then give the UDP a further opportunity to respond to points raised.

2. The British Government said that it believed the statements by the UFF and then the UDP raised the issue under Rule 29 of whether that party should still be entitled to participate in the negotiations. The Governments were putting that issue on the table and wanted to hear the views of other participants on the matter. The Irish Government said it was deeply conscious of the effect of the recent horrific cycle of murders on people in all communities, who were relying on

the process to reach an agreement. It was absolutely essential that all participants fully adhere to the Mitchell Principles of democracy and non-violence. The UFF statement, following the earlier statement by the Chief Constable, clearly raised questions about the integrity of the process, and the purpose of this session was to allow the UDP and others to express their views on this, after which it would be for the Governments to decide on the issue. The Irish Government urged all parties to use this opportunity to put forward any relevant points. It was aware of the need for a rapid decision, consistent with fairness, to allow everyone to return to other work.

3. Firstly the UDP stated that its presence at the talks was based on its electoral mandate. The party's presence did have an additional relevance because of its relationship with loyalist paramilitaries. It was this relationship which had precipitated the present debate, and the party was prepared to address the issues arising. The UDP had readily signed up to the Mitchell Principles and remained unequivocally committed to the principle's of democracy and non-violence. The party had been appalled by the recent violence, and had made every possible effort to use its influence to bring it to an end. Influence should not be confused with control. The party had consciously sought to develop a relationship with the UFF in order to encourage it to adopt and maintain a non-violent policy, but did not make policy decisions for the UFF, and had been unaware that it had

decided to return to violence. There had been no deception. When evidence emerged of UFF involvement, the party had acted to try to end the violence. This effort had been motivated by the party's absolute opposition to violence, and not because of any concern for its political future.

4. It was important to restate the party's position. The UDP was fully and irreversibly committed to the principle of non violence embodied in the Mitchell Principles, and was actively opposed to violence from any quarter against any section of the community. The party had consistently maintained this position during the current spiral of violence, and urged any still engaged in violence to desist immediately. If other parties felt the party should be expelled from the process then so be it - but the party could stand over its actions. The transition from physical force to democratic politics was not easy in a divided society, and the party could not work miracles. Detaching the party from the talks process would do nothing to help resolve the conflict.

5. Labour condemned sectarian murders and said it was totally committed to the principles of democratic and non-violent means. Nonetheless, the party did not consider that the UDP should be excluded - not for pragmatic reasons to do with the future of the talks but on principle. The party said the UDP had consistently affirmed its commitment to the Mitchell Principles, and Labour believed it had been sincere in its efforts to end

the recent spiral of violence. The party believed everyone present genuinely wanted peace, and many were waging complex and difficult battles to unite their supporters in the community behind them in this view. All participants had to acknowledge this and work together. In particular Labour said the irresponsible and absurd arrogance of the UUP must end, and that party should begin talking directly to Sinn Féin about a solution.

6. The SDLP said that the talks could not continue with one of the parties to them - or an organisation closely associated with it - in breach of the Mitchell Principles. The UFF's involvement did not have to be proven: it had been admitted in the most offensive manner. The party had been disappointed by the Governments' introduction of the issue which gave no direction and no indication of the information on which the Chief Constable had based his statement, and left the matter entirely to the parties. The Governments were themselves parties to the talks, with primary responsibility for the safety of people on the streets. The SDLP said it would expect clarity from the Governments on the information available to the Chief Constable.

7. The SDLP said the Mitchell Principles either stood for something or they didn't. If the Principles lost credibility, so did all of the participants. If the talks continued on a basis other than the Mitchell

principles, any agreement wouldn't be worth the paper it was written on. There seemed to be an argument that no action should be taken in the current circumstances so that everyone could get on with the business, but that could not be accepted. The process could not exist in a situation where each party could flout the Principles whenever it wished. It was inevitable that this difficulty was going to be faced sooner or later. The SDLP felt that the UDP could not remain at the talks, and felt the decision had to be made today. The party accepted that arguments could be made, some of them good arguments, about the role of the UDP vis-à-vis the UFF. But parties associated with paramilitaries had derived certain advantages from that relationship, and had to accept the disadvantages that came with it also. In particular, any democratic political party could and should be prepared to disown groups who engaged in murder.

8. Alliance said parties were present at the talks on two criteria. The first was their electoral mandate. The elections had been held under an entirely novel system of questionable electoral integrity designed specifically to ensure that the UDP qualified to sit at the talks, because of the importance of their relationship with paramilitaries. Their electoral mandate under this system was not in doubt, but the point was that even that mandate was related to their association with paramilitaries. Nor had the UDP been reluctant to gain advantage from that relationship. The

second criterion for parties was signing up to the Mitchell Principles. On this question there was no doubt whatever that there had been a massive and persistent breach of the Principles by the UFF. Nor should anyone necessarily accept that the UFF was responsible for only three of the recent murders, nor that the organisation had truly ceased killing since it made its statement.

9. Alliance said this raised the question of integrity. Parties had sought to develop trust and take each other at their word. Last week the UDP said that the UFF was not involved in the killings, even though everyone knew otherwise, and the Chief Constable had said so. Now it was saying that it had been working tirelessly to restore a cease-fire which it had been insisting at the time was still intact. This undermined trust in what the UDP was saying. Either it hadn't known what their associates were doing, or it hadn't checked it out - when it said it had - or it was itself being misled or misleading others. This situation could not continue. The UDP clearly represented the UDA and UFF, and had for instance lobbied the Secretary of State concerning their prisoners in the Maze. If no action was taken on this occasion, what message would this send to other paramilitaries? The Mitchell Principles would be blown aside and the trigger happy dogs let off the leash. Quite contrary to the view that principles must be set aside to avoid damaging repercussions, it was critical that the process could not accept threats. Alliance said that as a result of a serious, grave and persistent breach of the Mitchell

Principles by paramilitaries with which the UDP was associated, that party could not remain in the process. Its exclusion need not be permanent, however just as republicans had entered the process after a demonstrable period without violence. So the UDP's re-entry to the talks would depend on loyalists proving themselves.

10. The UUP said it had been appalled by the recent murders. There had to be consistency and credibility in the process and those involved in it, and there could be no tolerance of terrorism. No one could allow a situation to evolve where parties present engaged in violence to influence the process. This applied to the actions over recent weeks, and to the threat issued last Wednesday. The party accepted the good faith of the UDP leadership, but parties could not be de-linked from the paramilitaries associated with them. The involvement of the UFF was clear, but the UUP, like others, looked to the Secretary of State to share the intelligence on which the Chief Constable had made his assessment. The UUP said the claim by the UFF, that the violence had now ended, by itself lacked credibility. The party certainly hoped that the UFF cease-fire had been restored, and that other cease-fires were firmed up. Cease-fires had to be demonstrated, and credibility established. A genuine cease-fire might reopen the door to the UDP. The UUP in conclusion said that while it accepted the good faith of the UDP, the process would lack credibility if it remained in the process in the light of the UFF's activity.

11. The PUP, said like others, that it had been appalled at the murders. The party paid tribute to the efforts of the leadership of the UDP to try to improve the situation, and felt they should be applauded. The party could see no useful outcome of the UDP being excluded. If everyone was to move forward it was essential that all came together here.

12. The NIWC said it wished to reflect on the recent events. Party members had known a number of the victims, and the party extended its sympathy to all present who had been touched by the killings. The party said that leadership roles were important at a time like this. It was very important, when one community was under particular attack, that leaders from the other community reached out to those suffering. It was sad that this had not been done by leaders from the unionist community recently, except by the PUP. Politicians had a responsibility to address people's fears and despair. The NIWC said it did not believe the UDP had breached the Mitchell Principles. The party had asked the UDP to do everything possible to end the killings suggesting, if necessary, that the UFF should openly admit that it had broken the cease-fire in order to clear the air. It was difficult now to agree that the UDP should be thrown out of the process because they had gone out and actively opposed violence. The party had had a similar view of those who had gone into the prisons and tried to convince the prisoners to support the process. The party said it

believed the UDP's account of its role and attitudes. The NIWC said there was a need for a collective response to a crisis such as this, and suggested that all participants issue a Joint Communiqué stating that all parties were opposed to violence, and would not be swayed by it from whatever quarter. This was what the community would expect. It had to be faced that as to a settlement got closer the murders would, in all likelihood, continue and even get worse.

13. Sinn Féin wanted to look at the wider context of recent events. The issue was one for the Governments to resolve, as they had set the rules. Sinn Féin had always argued for an inclusive process, without preconditions. The party was prepared to talk to anyone, including the LVF or the killers of Terry Enright. It had taken a long period of hard work and little thanks to get the IRA to call a cessation, but that had not been good enough for some parties present. The loyalist cessations had always been tactical - for so long as the Union was not in danger - which would not have been accepted from the IRA. This was the background to a flawed process. It was supposed to be about change, but parties have not developed the trust in each other needed to embrace change. Sinn Fein said everyone was sent here to talk, but unionists would not talk to republicans. Before Christmas, after months and months of not talking, the UUP had engaged in a grandstanding performance that had created great dread in the section of the community which the party represented. Nor was it the case that

the process had only become dislocated recently - killings had continued throughout 1997. Historically, elements of the unionist community had been used by others within that community for their own ends. Some parties present had a tactical approach to the talks, and a refusal to talk sent certain signals to others outside.

14. Sinn Féin said this was the background to where everyone was now. Everyone had known who was doing the killings. The decision was for the Governments, and the matter could not be fudged any longer. It was good that the Governments had sought the views of parties, and that the UDP had a chance to respond but the decision needed to be taken today. The Governments did not seem to have any choice in what that decision would be, because of the contrived rules which they had put in place. The double standards in the process were coming home to roost. Regardless of this, the party still wanted to talk with the UDP, and indeed the LVF, but the UDP were not willing to do so. Sinn Féin did not seek to exclude or demonise anyone. The party was present by virtue of its electoral mandate, and not by "the silence of the guns". The rules had been contrived to hold republicans to a different standard than others. There was no doubt that if the IRA had committed the recent violence, many parties would not be present today.

15. The SDLP said everyone faced the challenge of dealing with the crisis of confidence among the parties here but more importantly in the communities that were

represented. The party had noted the extraordinary measures taken over the Christmas period to address very small sections of the community who said they were losing confidence in the process. What action would be taken to address the crisis and threat facing a much larger section of the community now? The Governments needed to address that crisis in a clear way, and make clear that the process could have credibility. The SDLP did not want to see anyone excluded on an arbitrary basis, but people could exclude themselves by their actions. By the same means, people could find their way back into the process.

16. Before asking the UDP for its response, the Chairman said there were two other participants who sought recognition. The UUP said that while some participants had already concentrated on its position in the process, it wished to deal with the crass hypocrisy and double speak of Sinn Féin's contribution. The party said it wished to reiterate earlier comments made by its leader; the UUP totally and unreservedly condemned every murder which occurred. The party did not accept the criticism levelled at it that the death of a catholic was less important than the death of a Protestant. The party had been consistent on this point over many years and many of its members had walked behind many funerals of Catholics and Protestants including innocent Catholics murdered by "the traitors to Ulster's cause".

17. The party said Sinn Féin's earlier remarks were just hypocritical. They came from a one time IRA leader in Belfast, who because of his Presidency of Sinn Féin, still occupied a position on the IRA's Army Council. The UUP said Sinn Féin had continued throughout the process to reserve the right to go back to violence and follow the philosophy of the armalite and the ballot box. Yet these were the same people who had it in their power to hand over the bodies of those whom they had murdered to the victims' relatives. They hadn't done this so the party (the UUP) didn't need lessons from those who wished to pocket political advantages while retaining the capacity for violence.

18. The UUP, turning to another issue, said that decommissioning of some illegal weapons during the talks - as had been originally recommended in the Report of the International Body is supposed to take place. But there was no means of dealing with the intransigence of those participants who had yet to hand over any illegal weapons or even to acknowledge that they would consider doing this. The party said it had made it clear to both Governments that it needed to know what the Mitchell Principles meant in terms of the decommissioning issue. Where had these Principles been re-thought? The party said that whatever they stood for then, the Mitchell Principles needed to be redefined now and adhered to. The UUP said the Governments couldn't afford to turn a blind eye to decommissioning and think that the parties could survive such machinations. An evaluation of the twin

track progress on which the political process was founded needed to be made along with a good deal more openness from the Governments; otherwise the parties were just being set an impossible task in the current process.

19. The UUP said it was no good Sinn Féin giving it lectures on what it should or should not be doing - given the IRA's involvement in the recent Banbridge attack. If Sinn Féin wanted real negotiations then it would have to enter the negotiation process on the same sprint and basis as the other participants had entered. Sinn Féin asked about the Governments' intentions on the timing of any decision on the UDP issue. Turning to the UUP's most recent comments, Sinn Féin said it had previously outlined the view that everyone needed to come at the process on their own terms while at the same time recognising the terms of others. The process was about talking to each other yet a member of the UUP saw more benefit in not talking and that same member, formerly a member of the UDR, trained by the British Army, had in the past congratulated the British Army that had killed some of his own nationalist constituents!

20. The UDP, in responding to earlier remarks from participants, said it was non selective in its opposition to violence. All killings which had occurred since the party existed had been opposed by it. There would be no apology from the party for continuing to adopt this approach even though it perhaps had gone to far on this occasion and its leader may have made an error of

judgement in recent days in an attempt to stop the murders. In terms of the SDLP's remarks on disowning relationships, the UDP said it had always sought to effect influence to exact change. It had done this on a consistent basis. The SDLP, in response, said it couldn't see any problem with a political party disowning murderers. Which was the greater need - to continue with the political process or murder - that was the choice. If the UDP continued with its paramilitary association and put this ahead of the process then where did this leave the process?

21. The UDP said it took a conscious decision to seek to influence the process of change. If no one took this step, the violence wouldn't stop at all. By the same token, disowning relationships wouldn't save lives. Continuing to build relationships mightn't either, but there was more scope to achieve this. The party said disowning others had nothing to do with its position on violence. With regard to Alliance's earlier comments on UFF involvement in more than the three recent murders, the UDP said there was equally no reason to believe that the UFF was involved in other attacks. The UDP added that, in the period prior to the Chief Constable's statement, it had stated that it would not speculate on which organisations might be involved. After the Chief Constable issued his statement that the party changed its stance.

22. Sinn Féin intervened to recall that Mr Trainor's murder had been claimed by the LVF. Then last weekend the UFF admitted it had killed him. This meant that the UFF statement of last week wasn't worth the paper it was written on. This was the serious reality facing everyone and it had massive implications for the nationalist community. The UDP said the UFF statement had not specified when it had engaged in violence. For the party, the fundamental issue was that the violence was taking place. Referring to other comments from Alliance and the SDLP, the party said the latter had publicly stated during the previous week that an expulsion of any participant would serve no useful purpose in reaching a political settlement.

23. The SDLP intervened to clarify its position, pointing out that while it regretted the day's discussions, it believed the process had more chance of succeeding with the UDP excluded than with it in the process. The UDP said that, as regards earlier comments that it had issued threats regarding its need to be in the process, the party said it wasn't threatening anyone. The reality of the matter was that either excluding or including the party reflected on the credibility of the process. It might even be the case that if the party was excluded it could lose whatever influence it had built up with the paramilitaries. But it would have to deal with this eventuality if it arose.

24. The UDP referred to UUP comments that the latter did not tolerate terrorism. The UDP said it didn't tolerate terrorism either and its active opposition to this was well documented. If the party did tolerate it then it would do nothing to stop it. In terms of other comments from participants regarding the UFF's statement lacking credibility, the UDP said it didn't see anything in it which said that the violence hadn't ended. The UDP said the outcome of the discussions today, irrespective of the Governments' judgement, was that the party would be measured by the actions of others and consequently 3½ years work would count for nothing. The party said it would await the outcome of the deliberation. The party also believed that if it was not part of the process over its last few months, this absence would inhibit a successful outcome. Sinn Féin again asked about the timing of a decision from both Governments. The British Government said it would do its best to arrive at a view on the issue as soon as possible. The British Government also stated that it had no conclusive evidence that the UFF cease-fire had ended prior to the visit to the Maze Prison.

25. On hearing no further comments, the Chairman adjourned the meeting at 1408 subject to the call of the Chair as he anticipated a further Plenary meeting later in the day.

Independent Chairmen Notetakers  
28 January 1998

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