

DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
TUESDAY 10 SEPTEMBER 1996 (11.18)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour
Mr Holkeri		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. Following the earlier adjournment, the Chairman reconvened the session at 11.18 in accordance with the rules agreed previously and asked the DUP to begin by reading their paper "notice of indictment". The DUP said it was content for proceedings to move on without such a reading as everyone was presumably, by now, familiar with the contents. The Chairman then asked the UDP, on behalf of both groups, to read the PUP/UDP response. The UDP offered to save time by not reading their statement which had also been circulated.

2. The Chairman then proceeded to the next phase and asked the DUP to present their case against the PUP/UDP. The DUP emphasised that their objective in all of this was not to seek the exclusion of the PUP/UDP from the process, but rather to have threats and the "summary justice" withdrawn forthwith. In stating this the DUP also condemned any threat issued against members of the PUP/UDP and the CLMC. These should also be withdrawn forthwith.

The DUP continued saying that it wasn't just them, but a number of other participants, who had raised the question of the PUP/UDP's continued commitment to the Mitchell Principles following recent events. The DUP believed the Principles to be vitally important to the process and commitment to them needed to be absolute. It believed the case in support of action being taken against both groups to be strong and relatively straightforward to articulate.

3. The DUP stated that it was impossible to reconcile the contents of the six Mitchell Principles with threats of "summary justice" issued by the CLMC. The linkage of the latter group with the two political groupings was clearly evident and this had been highlighted over recent weeks when other examples of loyalist violence had occurred. Punishment beatings were continuing throughout the talks process together with violent attacks on people in their own homes, fortunately avoiding serious injury. But the link between these incidents and the groups operating under the CLMC appeared strong. Nothing in this was consistent with the PUP/UDP being totally and absolutely committed to the Mitchell Principles.

4. The DUP referred to the contents of the PUP/UDP rebuttal in which the latter was attempting to offer the view that the relationship between it and the CLMC was distinctly different from that of Sinn Fein/IRA. The DUP said it was somewhat surprised by this angle of defence given the fact that the Prime Minister had recognised that such a distinction couldn't be drawn between Sinn Fein/IRA. It believed that very close association between both groups existed and was therefore an important factor in the eventual decision. There were also the wider implications of association as it was highly likely that Sinn Fein would be looking at the outcome of this issue on the basis that if the

Government took the view that no linkage applied in this case, then it couldn't apply to the Sinn Fein position either. It therefore seemed appropriate for the DUP to draw the Government's attention to the fact that whatever was decided on this issue it had implications for how it handled the Sinn Fein/IRA issue in terms of talks access.

5. The DUP continued saying that the PUP/UDP had publicly provided a second argument for their actions which seemed to suggest that there were political reasons for the threats or that such threats were being issued to influence the outcome of the negotiations. On the other hand the DUP said that the UDP had stated that it was an internal paramilitary matter so it seemed unclear as to whether it was political or not. The DUP said that irrespective of how the PUP/UDP wished to categorise the CLMC threat, i.e., political, influencing the negotiations or an internal punishment, the Mitchell Principles picked up each of these thereby clearly establishing a breach of either Principle (a) (d) or (f).

6. The only outstanding question according to the DUP was whether the CLMC could be associated with the PUP/UDP. As far as the DUP was concerned the case had already been established because the relationship bore similar hallmarks to that of Sinn Fein/IRA. The case against both parties was therefore reasonably clear. It was also clear that the British Government could take no issue with the DUP viewpoint on this unless some change in Government attitudes occurred - and such a change then set a precedent for Sinn Fein to enter the process. In concluding its remarks, the DUP reaffirmed the earlier view that the issue could be resolved by removal of the death threats. This was the appropriate action to take not because it allowed the PUP/UDP to

remain in the process but because it was the proper course of action to take.

7. The UDP in reply stated that the Mitchell Principles required opposition to violence to be demonstrated and not necessarily include or be confined to condemnation of actions. The UDP, in reading out several excerpts from newspaper coverage, claimed that their party spokespersons had consistently stated that it condemned all violence from whatever quarter. The position of being totally opposed to violence, in the UDP view, implied a condemnatory stance. The UDP continued, saying that the DUP was quoting selectively from editorial comment to help bolster their argument but it believed that such comment couldn't be used in this manner. The UDP claimed that the DUP had distorted other facts and seemed to be indicating some sympathy with the plight of the two gentlemen under threat. It also seemed that the DUP had already made its mind up regarding the fate of the PUP/UDP and that both groups should leave the talks now, no matter what occurred in this process.

8. The UDP reiterated the last line of their rebuttal and emphasised that the present issue under examination presented no exception to that statement. The UDP went on to state that the failure of the CLMC threat to be lifted was not something which they could do something about. The party was however totally opposed to such action and the use of paramilitary beatings and would continue to use its influence and whatever other peaceful means it could bring to bear to reduce them.

9. In concluding its response, the UDP stated that it didn't buy in to the argument that this issue and its resolution was a test case for Sinn Fein/IRA. That position didn't pertain to the

PUP/UDP who realised what their limitations were with the CLMC. The exclusion of Sinn Fein from the process was inextricably linked with the IRA.

10. The PUP referred to the CLMC statement announcing their cease-fire of 1994 which was totally dependent at that time on an IRA cease-fire being maintained. When the IRA cease-fire ended both the PUP and UDP helped to maintain the loyalist cease-fire against all the odds. The same two parties had also cajoled and persuaded the loyalist paramilitaries to bring about a cessation of violence during the entire Brooke talks in 1991.

11. Continuing, the PUP stated that in its view the word "condemn" never saved anyone, however being present at grass roots level and being part of the loyalist community had allowed both parties to make a difference. There were many recent examples of lives being saved by the intervention of PUP/UDP representatives and this surely represented an affirmation of the Mitchell Principles. The PUP stated that it wished to move the process forward and continue to keep people out of jail. The DUP had referred to the PUP/UDP needing to distance themselves from the paramilitaries but the reality of this was that it then removed the facility of political analysis from them, leaving them to make their own decisions. The UDP questioned the wisdom of this.

12. The PUP recalled the incidents at Drumcree, the involvement, aims and objectives of the Mid-Ulster brigade of the UVF during the stand off, and the eventual dispute which the CLMC felt it had to do something about. On this basis the PUP believed that such a public statement issued by the CLMC had actually saved life rather than lost it, although it appreciated the concerns which this statement might give rise to as far as the talks process was

concerned. The PUP continued saying that at no time did it ever endorse the death threats nor had it said anything other than plainly stating that there was nothing which could justify the attack on the Kerr home. Moving on the PUP stated that if the word "condemn" was an issue then others such as "renounce" or "repudiate" could be used. The DUP had raised the issue of punishment beatings but had anyone ever stopped these? The PUP had. Regarding the death threat issued by the CLMC, the PUP had offered to act as mediators in the dispute. Both sides had accepted mediation but the PUP hoped that a better rationale could develop between all in the next few days.

13. In concluding its remarks, the PUP stated that if people wished to change society in NI, then it had to be accepted that it was a "multi faceted society". The PUP had had success in the constituency where it operated and it would continue to try and build on this success while accepting that it might not always get it right all of the time. They resolutely opposed the threat of violence from whatever source it came.

14. The Chairman indicated that the time had now been reached when questions could be asked before moving on to a general discussion. The British Government asked both the PUP/UDP whether their position in relation to the Mitchell Principles had changed or varied since the beginning of the talks or whether it had remained constant. The UDP responded first stating that in its view, the party's position had remained consistent all along with the Principles. The PUP indicated similar sentiments, adding that it was not an apologist for loyalist violence. The British Government asked whether the PUP/UDP considered that they had dishonoured the Principles. The UDP stated that it believed it had upheld the Principles and at no stage dishonoured them. The

PUP responded with a simple no. The British Government then asked both groups about their failure to condemn the CLMC threat and the attack on the Kerr family and whether, in their view, condemning these incidents at the time would have been an effective step in reducing the tension of the situation. The UDP stated that opposition to violence was a stronger signal than condemnation. It didn't therefore believe that condemnation would have been effective. The British Government asked whether "condemning" such incidents would have had any effect on the party's ability to assist in the situation. The UDP responded by saying that the strength of their position in the community was not determined by the phraseology used. It was therefore difficult to assess whether "condemning" the actions of others would have had a significant effect.

15. At this point the UKUP sought to intervene and the Chairman, having first consulted with the British Government, allowed the UKUP to proceed. The UKUP stated that it wished to object, in the strongest possible terms, to the line of questioning adopted by the British Government. Such questioning, in its view, bore all the hallmarks of a defence counsel asking leading questions of his own client. This was an utterly dreadful breach of principle and one the British Government should be aware of. The British Government indicated that its questions had the character of questions from the bench, that it was entitled to ask leading questions and that it had not done so.

16. The PUP then continued and stated that it hadn't used the word condemn publicly but privately. Other language had been used which was unrepeatable in the talks forum but the party's view was that simple condemnation might damage the influence which it had in its own community. The British Government then asked the

PUP/UDP what the purpose of their mediation was. The PUP said that it was committed to no threats and to no death. It had put forward the idea of mediation and it had been accepted whatever the internal problems were in the paramilitary organisations, the party had provided a degree of rationale to avoid a future debacle. The SDLP asked whether, as indicated by the PUP/UDP, other people in other paramilitary groups were experiencing similar difficulties. The PUP said this was undoubtedly the case. The UDP thought this was perhaps an unfair question but it was unable to give an accurate assessment in any case.

17. The DUP referred to the PUP's previous response to the SDLP question and asked whether the party believed that both Governments should then consider Sinn Fein's participation in the process as it seemed to be implying that Sinn Fein was a separate organisation from the IRA. The PUP stated that an internal difficulty which gave rise to threats was not the same as not having a cease-fire. The PUP added that had a threat been issued to IRA dissidents in Munster, the bombing of Canary Wharf may never have happened. The DUP asked that, if there was a relationship between the UVF and the PUP, at what stage did a breach of the ceasefire by the UVF prejudice the latter's position at the talks. The PUP initially refused to answer but then apologised to the DUP, stating that it was highly likely that everyone would know quickly when the loyalist cease-fire had broken down and if it did, the PUP would not be at the talks.

18. The DUP stated that, in reply to earlier comments from the PUP, it had no sympathy with either of the two gentlemen under threat as it was unaware of either person's strategy and it was unlikely to hear that strategy in any event. The DUP then referred to the PUP's avoidance of the word "condemn" and its

suggestion that it could be replaced with alternatives such as "oppose" or "renounce". The definition of "renounce" was disassociate. Would the PUP use that word? The PUP stated that the word condemn meant nothing. The DUP then asked the UDP to condemn the CLMC threat. The UDP stated that it opposed and condemned all violence. The DUP returned to the point and asked the UDP to again condemn the CLMC threat. The UDP it was already on record as condemning all violence and that that applied to the CLMC threat.

19. The PUP referred to previous comments about the Mid Ulster UVF brigade and their intentions at Drumcree. Mention was also made of the McGoldrick murder and the Kerr bombing on which the party had totally condemned such incidents. Yet this had not been mentioned in the DUP paper. The DUP said it wasn't a matter of what was in their paper and what wasn't. In any event the UVF had said it wasn't involved and that was why there was no mention of the matter in their document. It was a question of why the PUP seemed unable to use their powers of persuasion internally when they appeared to be so successful in holding the paramilitaries back from further violence in the face of a new IRA campaign. The PUP referred to the fact that it was using mediation. It then referred to the "grilling" of representatives of both loyalist parties and the potential for a judicial review of the decision when recalling the DUP's earlier comments that it did not want to see the PUP/UDP excluded from the talks.

20. The UKUP referred to an earlier PUP comment indicating that the public threat had, in their view, saved lives, and sought clarification as to what the PUP had been implying by this statement, i.e., that threats were justified in certain circumstances as a logistical tactic. The PUP stated that this

was a simple statement of fact which had been made in the discussion after the party had renounced it. The UKUP reiterated its view that on two occasions, the PUP had stated that violence or threats of violence were justified and this was, therefore, a clear breach of the Mitchell Principles. The PUP responded, stating emphatically that the party was not justifying the threat but rather the UKUP had inferred that it was justifying the threat. The PUP reminded the UKUP that, when questioned by the DUP, it had said that it renounced the threat. The PUP at this point also stated that it had been describing what the CLMC might say in justifying the issue of the threat. Following further heated exchanges on this same issue, amidst which Labour appealed for calm, the UKUP sought to question the SDLP. The Alliance Party intervened to clarify the position indicating that the stage had not yet been reached whereby a general discussion or debate was allowed.

21. The UKUP continued, referring to the wider issue of whether such a decision to include or exclude the PUP/UDP would be taken as a ruling as to whether Sinn Fein/IRA would be present at the process in future. The UKUP said it would be listening to the British Government's comments to see if this was their intention. On a further point the UKUP commented that following a particular atrocity on the South Armagh border in July 1988, the SDLP had said that it didn't intend to place strictures on Sinn Fein by asking it to condemn the incident. The SDLP were unable to condemn Sinn Fein's failure to condemn the incident - why? There were parties present at the talks who continued to support acts of violence and the UKUP hoped that these parties wouldn't be quoted as condemning punishment beatings.

22. The NI Women's Coalition recalled that this stage of the process should be focusing on questions. Now, however, there were questions being asked of parties who were not directly involved in the specific issue under discussion. The Chairman sought clarification from the SDLP as to whether it wished to respond to the UKUP points.

23. The SDLP responded by saying that it wanted Sinn Fein present at the talks because it wanted peace. Their presence could only come about as a result of a cease-fire. The party said that it had sympathy with the PUP and the UDP, though this caused it problems. The SDLP believed that by sharing problems it might be possible to solve the bigger difficulties. This contrasted with the views of other parties who carried their rectitude like banners.

24. The Chairman said that it appeared there were no further questions arising and delegations could now make general comments if they wished.

25. The UUP said that if in their response paper, the UDP/PUP had tried to distance themselves from the CLMC that would have been acceptable. But that was not the case. However, there was an inconsistency in the paper. Paragraph 5 referred to a passive role being taken by the two loyalist parties, yet in the subsequent paragraphs they seemed to have a more active involvement. Also, a case had been made that the threat by the CLMC did not breach the Mitchell Principles because it was not made for the purposes of influencing the talks process or achieving a political objective. However, the threats were contrary to the spirit of the Principles and it would be wrong to turn a blind eye to those threats just because they might be

regarded as being outside of the letter of the Mitchell Report. The UUP continued, saying that everyone would like to see a statement from the CLMC withdrawing the threats. The party would reflect on what had been said and would consider, in particular, the question of this matter being a precedent and whether the threat of force could be used legitimately to influence events. However, whether or not a case could be made about the specific wording of the breach, the spirit of the Mitchell Principles had to be taken into account. The UUP, for its part, strongly urged the mediation process to take place as soon as possible in order to have the threats withdrawn.

25. Alliance said that it accepted the work that the two loyalists parties had done to bring about and maintain the loyalist cease-fire. The allegations made against the parties also had a curious tone in the light of other activities which took place over the summer. However, a serious threat of violence was involved in this issue and serious results could flow from a decision in the matter. The issue at hand was not what the effect of such a decision would be or whether the two parties involved had a positive influence. The question was had there been a breach and it was clear that there had been. Other matters also needed to be considered. There was the question of a recommitment of a demonstrable nature to the Principles by the parties concerned. This had earlier been alluded to by the DUP which referred to the lifting of the threats made. The issue of mediation was a relevant consideration in that regard. Then there was the question of how the matter should be handled by the Governments - if there was no breach, could the parties remain in the talks; if there was a breach then the parties were out of the process for good. But it was not as simple as that. The earlier Ground Rules paper implied, in para 17, that there may be various

ways of dealing with the matter. Alliance also felt that the determination of the matter did not have implications for the position governing the entry of Sinn Fein into the talks process.

26. The NIWC said that it promoted inclusive talks and it welcomed the participation of the UDP/PUP. Their role in the community was an important one affecting the maintenance of the loyalist cease-fire. The NIWC accepted the reaffirmation of the two parties commitment to the Mitchell Principles. It also welcomed the assurance by the DUP that that party did not want to exclude the other two. However, the NIWC treated this statement with some scepticism. The NIWC concurred with the view of the UKUP that Rule 29 of the Rules of Procedure provided that the matter of continued participation in the talks was one for the two Governments to decide. The roles of the participants related to the making of representations and giving views. The NIWC did not agree, however, that the only course open to the Governments was to exclude the two parties from the process. The Governments had discretion. The Mitchell Principles themselves were absolutely clear and the allegations should show which Principle had been breached as well as providing clear evidence as back up. The DUP document failed to do this. The main allegation related to a refusal to condemn the threats made. Which Principle covered this point? The NIWC considered that the DUP document was heavy on views and opinions but light on fact to disguise its lack of substance. The party felt that the actions of the DUP were media -driven in a totally manipulative way and the reason for that was perhaps to cover up its own activities or to destabilise the talks process. The DUP had not provided enough evidence to support their case. A representative of the UUP (Mr Hunter) had said in relation to the Drumcree situation that "Drumcree has shown what we always have known since Ulster Worker Council days,

that we can still bring the State to its knees". The NIWC asked whether this statement was not more threatening. The sharing of a platform with the UVF by the Reverend McCrea also rendered it incomprehensible as to why the DUP would orchestrate a campaign in the media against the two loyalist parties on the basis of a breach of the Mitchell Principles.

27. The NIWC continued saying that perhaps the UKUP gave the answer to this the previous day when they said that not only was the future of the UDP/PUP in these talks at issue, but if they were excluded, the very talks themselves were under threat. This was based on the view that the whole process was designed to accommodate the UDP/PUP. It may be the case, therefore, that the DUP, through politicising the CLMC threat in conjunction with the UKUP pressing for exclusion of the parties, really intend to bring down the talks.

28. The NI Women's Coalition then went on to the statement by the DUP yesterday interpreting the result of the "Irish Times" poll on the talks as a vote of no confidence in the talks. The NIWC believed the poll showed considerable lack of faith in some political leaders.

29. The SDLP said that it did not regard the present proceedings as a judicial or quasi-judicial hearing. While they were pleased to have so many legal experts present, the delegates were not involved primarily as lawyers. It was for the elected politicians to solve the problem without recourse to a legal process. The SDLP want inclusive negotiations with the UDP and the PUP and Sinn Fein and any other party with a mandate. That can be difficult as some delegates present at the talks live under the pressure of death threats. The SDLP repeated the statement made earlier by

the PUP about the waging of a political war in Northern Ireland and said that that is what has been taking place for 25 years. This summer was bad enough but there were others. The events at Drumcree could be at the head of the list - a focal point for the worst in people. Before Drumcree there were peace marches; now there are confrontations in the streets. The opportunity afforded by the talks process is to achieve something unique, to tackle the problem by negotiation, discussion and understanding with mutual sympathy and help, and thus prove the sceptics, cynics, the media and the men of violence wrong. True patriotism is the re-establishment of the primacy of the political process. This has to be done now, quickly and effectively.

29. The UKUP agreed that a solution, peace and harmony is desired by all, but the use of emotional trigger words and the lack of rational good sense won't help the situation. The question at issue is has there been a breach of the Mitchell Principles. The SDLP seemed to want the democratic process to be more inclusive by including terrorism. The terms for the inclusion of such parties have to be looked at carefully and the real question is how can the democratic process be advanced by the inclusion of parties with terrorist connections and antecedents.

30. The UKUP referred to earlier comments by the DUP about the breaches by the two parties concerned of paragraphs 1, 4 and 6 [(1a), (d) and (f)] of the Mitchell Principles. The political policy of the UDP/PUP is shared with the CLMC and that is a political issue which is evident from paragraph 5 in their response document. This policy is opposed by Wright/Kerr and others. The death threat is a use of violence to resolve a political issue. No person present at the talks would endorse the

views of the dissidents, but there is no justification for imposing threats of violence on them.

31. The UKUP said that the record of the meeting will show that the PUP advanced the principle that violence can sometimes be justified if it saves lives and the CLMC saved lives by its threat. The PUP also made the hypothetical point about the IRA issuing a threat to avoid the Canary Wharf bombing. This amounted to a defence by the PUP of CLMC activities. With regard to paragraph 4 of the Mitchell Principles there was no evidence that the UDP/PUP have opposed the use of the threat or the use of force by the CLMC. Neither had there been any outright condemnation of the threats by those parties.

32. The SDLP had advanced an apologia in this regard for the UDP/PUP for not expressing an outright condemnation on the basis that to do so might prejudice their degree of positive influence over the more extreme organisations. The UKUP said that the SDLP had also drawn an analogy between the unfortunate PUP and the UVF on the one hand and the Sinn Fein and the Provisional IRA on the other. The underlying rationale was that influence might be lost or, in other words, if I condemn violence, I may lose my ability to control it. This is a dangerous form of democracy and it needs to be viewed with a great degree of circumspection.

33. The UKUP also said that the loyalist dissidents (Wright and Kerr) oppose the political policies of the UDP/PUP which are at the moment shared by the CLMC - see paragraph 5 in the response document. Yet a representative of the PUP (Hutchinson) had stated that his party's mandate was the silence of their guns. At this point the UDP intervened to say that the correct quotation was "the" guns.

34. The UKUP maintained that this illustrated that the PUP had influence over the guns held by the UVF, UDA and UFF. It was also put forward as a heroic event that the PUP had disarmed loyalist gunmen who were about to fire on a nationalist mob in the Torrens area of Belfast. However, the UKUP said that you don't have such power and authority unless you are involved. At present, the UDP/PUP represent the acceptable policies of the CLMC. Accordingly, the failure by these parties in not opposing or condemning the threat or use of violence by the CLMC is a breach of Mitchell Principle number 4.

35. The UKUP said that both Governments have rejected arguments that Sinn Fein and Provisional IRA are separate bodies. The UDP/PUP and the CLMC is a mirror image of that position. The similarities are that members of the respective political parties served in paramilitary wings of the relevant parties. Both the UDP/PUP and Sinn Fein maintain that they have an advisory role only. They also deny having any control over the respective paramilitary bodies. However, the PUP has shown that it has the most intimate connections with the CLMC and is in a position to influence them. Both Sinn Fein and the two loyalist parties use the democratic process in tandem with violence. They control the ghetto areas through violence and intimidation. The respective political parties however (Sinn Fein/UDP/PUP), however, will deny any involvement in the 38 loyalist inspired and 60 PIRA-inspired punishment beatings carried out since the start of the talks process on 10 June, 1996. In fact, there is no logical distinction between the loyalist parties and Sinn Fein.

36. The UKUP maintained that the two loyalist parties are one of the wings of loyalist terrorism; the other is the CLMC. Sinn Fein

is in the same position with regard to nationalist terrorism and PIRA. Sinn Fein are excluded from the talks process because it has crucial control over the other wing to bring about a cease-fire. That logic should be applied to the loyalist parties in the present context. However, the position of the two loyalist parties in the talks has to be considered - it is to facilitate the admission of SF/PIRA to the process. The two Governments want to broker a deal with the two sides of terrorism and that is why there is no possibility of the UDP/PUP being excluded.

37. The UKUP also said that in a criminal trial a defence counsel would put questions to his client to allow him to deny the allegations against him for the purpose of influencing the jury. That is what the Secretary of State did and its purpose was to put a gloss on why the two Governments will not exclude the parties from the process. The SoS was wrong in asking such leading questions of the two parties in the case. This has confirmed the worst fears of the UKUP about the proceedings and destroyed any hopes that they had of the matter being dealt with on a fair basis. The UKUP said that political principle will always be sacrificed to political expediency by this British Government.

38. The UKUP recalled that the day after the Joint Declaration, the Prime Minister had said the only people who could bring peace to Northern Ireland were the men of violence. It said that the present talks were set up on that basis and the statement was an eloquent acknowledgement that the Government have given up on the rule of law and were prepared to do a deal with the men of violence. The UKUP contended that the talks are a fraud. The Independent Chairmen are not a party to this. The UKUP have no doubt that the two Governments will decide that there has been no breach of the Mitchell Principles by the parties concerned. With

regard to the question of a re-affirmation of those principles, the party wondered at what stage can it be said that the breach was not so bad as to rule out a permanent exclusion. How many breaches will it take, five, six or twelve? The UKUP stressed that it is not seeking exclusion of the parties at this stage. If the death threats were to be lifted and there was an unequivocal declaration by the parties condemning any threats of this nature, then that, together with a clear statement that such threats were not justified for any reason (even to prevent further deaths), would lead to the matter being resolved. However, there was also a need for clear guidelines from the Government for future action in such cases.

39. The Labour Party said it was shocked at the UKUP's statement that it saw no future in the talks. However, it welcomed the DUP's statement that they did not wish to see the UDP/PUP excluded from the process. The Labour Party re-affirmed its commitment to the Mitchell Principles, including their extension to the concept of economic violence like boycotts. It wants the CLMC death threat lifted as well as such threats hanging over delegates in the process.

40. The Labour Party also said it was impressed with the delegates of the UDP/PUP. These organisations were attempting to defuse the conflict in Northern Ireland and they had a commitment to ordinary working people in the real world where violence is just under the surface. The two loyalist parties have played a monumental role in the talks process and in keeping the loyalist cease-fire intact. To exclude them from the process would be a ludicrous distortion of what happened in Northern Ireland in recent weeks. The Labour Party believed that a compromise leading to peace and democracy in Northern Ireland was possible and it

wants Sinn Fein to enter the process in a post-PIRA cease-fire situation. It exhorted the Governments to resolve the issue quickly and allow the parties concerned to remain at the table.

41. The DUP noted that some delegations had not yet offered any opinion. These parties had argued that the UDP/PUP should not be excluded and the arguments were similar. Basically they were on the lines expressed by the NIWC that we want them, we like them, we don't want them out. The DUP took the view that while the two parties concerned may well be forces for good in their organisations, that is not the issue. A decision has to be taken on the basis of the criteria set down. In this respect, two questions have to be answered. The first is whether a death threat is a breach of the Mitchell Principles. Based on the letter and not just the spirit of these principles if such a threat was for a political purpose then Principle (a) is infringed; if it was to influence the negotiations, Principle (d) is infringed; if punishment is involved then Principle (f) is infringed. Then the question is whether the two parties involved in the talks are associated with those breaches. On the same basis as the SF/PIRA analogy, the UDP/PUP are caught by their link with the CLMC. They have already accepted that a breach of the loyalist cease-fire will cause their expulsion from the talks process, so the linkage association is established.

41. The next point to be considered is whether a lesser sanction than exclusion applies to the situation as was suggested by the Alliance Party in its reference to Ground Rule 17. However, it provides the offending party would no longer be entitled to participate in the negotiations, so there is only one possible outcome for demonstrably dishonouring the Mitchell Principles. That is for the Government to decide. There is an alternative and

that is the lifting of the death threat by the CLMC and the sooner this happens, the better.

42. The Labour Party again paid tribute to the efforts of the UDP/PUP which it saw as a genuine and honest attempt to break away from paramilitary activity. It was pleased to hear the PUP's analysis of the Drumcree situation and this raised the question of the holier-than-thou attitude of some of the parties present. Did they not take part in unlawful activities and should they not be in the dock also? It said it was remarkable that in his own Council, members of the DUP refuse to sit at the table with Sinn Fein members, yet the Rev McCrea associated openly with a member of a paramilitary organisation. The purpose of the exclusion of the UDP/PUP is to tell them that they have no place in the talks process. In effect, the DUP are taking the side of paramilitaries. The Labour Party can vouch for the viciousness of the particular group of loyalist paramilitaries in the Mid-Ulster area. The UDP/PUP are needed in the talks process, so are Sinn Fein on the basis of an IRA cease-fire. The equivocation over words should now cease; there has already been three months of equivocation.

43. The NIWC asked the DUP for its views on the appropriate action to be taken if that party does not wish to see the UDP/PUP excluded. The DUP's response was that the CLMC hold the future in their own hands. They could decide to withdraw the threat. If the Government decides that the Mitchell Principles have been broken, then exclusion is the answer.

44. The UUP said it wished to respond to the remarks by the Labour Party over the Drumcree situation. There were hints that the UUP should be in the dock over the role of individual members.

If this is the case then the charge should be laid. It will be defended. It is ironic that the position of parties with paramilitary connections has been defended and yet the UUP, which is resolutely opposed to violence at Drumcree or anywhere else, is attacked. It has to be realised that the problems in Northern Ireland go back beyond Drumcree, yet it is held up as the cause of all ills which exist in Northern Ireland today. Drumcree was merely symbolic of the conflict which exists. The Labour Party wondered if the UUP were trying to deny that the consequences of Drumcree almost led to anarchy in Northern Ireland with millions of pounds worth of damage caused to the economy.

45. At this point the Chairman intervened to say that he had not so far attempted to impose a limitation on the subject matter under discussion, but he proposed to do so now. An informative discussion had taken place on the substantive issue and we had reached the indicated time limit of three hours debate naturally.

46. The Chairman then said he wished to raise a difficult and sensitive matter for the consideration of the participants. It concerns Rule 16 of the Rules of Procedure which provides that the parties will maintain confidentiality on all aspects of the negotiations, except where they may from time to time agree to publicity. While he did not wish to stop delegates from disclosing certain matters, he requested that they should give consideration to the matter for the purposes of a discussion. He wondered whether it would be possible to put a standard of conduct in place now that a rule has been adopted which governs the matter. Its operation needs to be considered.

47. The DUP queried the position which operates between now and the discussion on the issue. The Chairman said he was not

imposing any rules in the matter. He believed that a tit-for-tat mentality of the parties will lead to violations of the rule and it is on all the parties interests to agree a standard of behaviour in the matter. The Alliance Party agreed that it would be helpful to adopt a rule of self-denial on the matter to resist the temptation for parties to get their retaliation on first.

48. The UKUP wished to know if there was going to be a further meeting of the Plenary group today. The Chairman said that he had not yet decided on this point. He wished to get a report first on the position about the bilateral discussions which were ongoing. A further meeting was not likely. However he would inform the parties as soon as possible to minimise inconvenience.

49. The UKUP wished to know if the Chairman knew when the Government would reach a decision and how it would be communicated to the parties. The Chairman said he had no information on that point, but he would be pleased if the Governments wished to comment on it. His hope was that they would act promptly in the matter consistent with rational deliberation.

50. The UUP wished to know if the parties could be made aware of the decision before the next meeting and if there was a possibility of a further meeting today. The Chairman said that there might not be another meeting of the group today, but there would be a meeting on the following day. He would inform the delegates upon the hour. Bilateral meetings were continuing to be held to try to arrive at an agreement on the agenda.

51. The meeting adjourned at 14.29.

Independent Chairmen Notetakers
16 September 1996

OIC/PS8