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From: Independent Chairmen Notetakers  
23 July 1996

SUMMARY RECORD OF INFORMAL DISCUSSIONS ON PROCEDURAL GUIDELINES  
AND AGENDA FOR PLENARY SESSION - 22 JULY (14.35)

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
General de Chastelain	Irish Government	Labour Party
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. The Chairman said that the purpose of the meeting was two-fold. Firstly, to have a brief update and discussion on the status of the proceedings and to prepare a schedule of meetings for the coming days; and, secondly, to have a general discussion to enable the delegations to talk about anything which they considered to be relevant. He had circulated the rules of procedure document earlier in the day. He hoped that following this full meeting that we can proceed. The document indicates the key provisions where there is still disagreement. If they can be agreed, other areas of difficulty may fall into place more readily and quickly.

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2. He believed that essential decisions now have to be taken reflecting the views of the delegations present. The rules of procedure have been discussed in detail over the past six weeks or so. This, the seventh week will see more discussion. All views had been canvassed and taken on board. The participants seem to want to move forward. He wondered however, how we could make the rules of procedure in the absence of the existence of formal rules of procedure to govern the process.

3. Depending on decisions taken by the group he suggested that this matter could be pursued in bilateral or multilateral meetings today and tomorrow. He could then produce a new composite document on the rules of procedure which would reflect the Chairmen's best judgement as to what is possible in relation to where consensus may be found in the text. He then proposed to have a meeting on Wednesday to take the necessary decisions. At the same time he thought that the agenda should be discussed and he proposed to present a document tomorrow so that decisions could be taken on this as soon as possible.

4. He emphasised that the Chairmen feel that the point of decision has now been reached. He also said that if it is the case that no further progress is likely, the Chairmen will report back to the two Governments accordingly.

5. The Secretary of State on behalf of the Government expressed his thanks to the Chairman and gratitude for the latest text of the paper bringing together the key areas of disagreement. He felt that looking back over the past six weeks it would be seen that a thorough examination has been given to these procedural matters as happened before in the 1991/92 talks. He wondered, perhaps, whether the thoroughness had been carried too far but he



did not wish to express an opinion on that point. It will be incomprehensible to the public outside if we as negotiators protract this process further. The process is seen by them as the one potentially viable means for political settlement underpinning a practical peace. The last two weeks have presaged a return to the hell of the past 25 years. Can we now reach agreement through honest dialogue? If we can't, then there will be feelings close to despair in the population at large. He thought it was best to accede to the Chairman's suggestion and address with great vigour the various issues to get agreement on the outstanding matters. He did not want to understate the gravity of the situation and how close we are to ending the present process. He said that we are in a very grave and most urgent situation.

6. The Minister for Justice (Nora Owen TD) welcomed the Chairman's comments and supported his steps for progress. She agreed that the time has come for decisions to be made. There is no doubt that the task of the negotiators is to produce a comprehensive political accommodation to govern the rights of the two communities in Northern Ireland. The lack of progress and the protracted discussion on rules is a matter of concern which has strained the credibility of the whole process. It was important to send out the right signals. The last 14 days have probably the most difficult and destabilising period experienced in Northern Ireland over the past 25 years. However, she didn't want to apportion blame or to renew recriminations. The situation is fraught and dangerous. Confidence in the maintenance of law and order has been seriously undermined. This has opened up a huge gulf between the two communities and has deepened tensions and anxieties. We have to close that gulf and restore the credibility of the political process.



7. The only way to proceed is through the political negotiations and this fact has been reflected in public statements by the parties. The time has come to take the key decisions needed to move matters forward and to preserve a workable and credible process. The discussions have remained in a procedural stalemate. A clear signal should be sent out that we are going to make progress and take the necessary decisions without further delay. There is a need to set up a timetable for this purpose. The past 14 days have encouraged defeatism but the work in the negotiations should not be jeopardised. Without this political will the process will rapidly lose momentum and relevance and people outside will lose faith in the capacity of politicians to deal with the situation and produce a viable alternative to violence.

8. Mr McCartney said that he had to make it clear beyond all doubt to the Minister that her remarks and the tenor of them did not advance an atmosphere for agreement. He resented being told to proceed without delay. He won't be bulldozed, bullied or chased into a quick order settlement. He has been present at the negotiations for seven weeks and has not been peripatetic issuing instructions on how to proceed. He won't apologise for the detailed analysis of the rules of procedure. The two Governments and their advisers set up carefully prepared documents to force unionists to negotiate. During the past week his party were present for negotiations while other parties who wanted to proceed post haste absented themselves for secret meetings elsewhere. Now they are giving pedantic lectures.

9. He has lived for 60 years in Northern Ireland and has raised a family in difficult and dangerous circumstances. He takes it ill from somebody from the relative safety of Dublin to lecture him on what the public want in the context of the peace process.



What public is the Minister talking about? He will defend the interests of his electorate and he will only respond to that mandate. He will refuse to be put down or pressurised or conform to a timetable set by others.

10. Mr McBride said that he concurred entirely with the Chairman's proposal to move on and take the necessary decisions. The situation has evolved outside of the talks process in a dangerous and worrying way. It is necessary to show political ways of moving forward into substantial dialogue acceptable to all. If there is no will to do that, we have to address that eventually also and see what other ways may be possible. But this would send a damaging signal to a divided community. That community wants the politicians to work things out.

11. Mr Robinson said that last Friday at the Forum he said the talks process was not the only way but the best way to move forward. The alternative to dialogue is not something that should be supported. All would be of the view that the process must be successful. He found the suggestion distasteful that failure to get agreement on the rules of procedure is because they are regarded as being of no consequence or that people engage in semantics simply to block progress. He said that many of the problems faced over the last weeks have been caused by the two Governments. They sought in secret to apply rules for the process which disadvantaged the parties. All the DUP want is a level playing field and all the arguments have been about this. There has been no attempt to delay agreement being reached. They are happy to take decisions to ensure that the process doesn't collapse further down the road, but results in agreement from all of the substantial parties who are present at the talks. His party had categorised the matters in contention (when others were



elsewhere) and he thanked the Chairman for the document provided accordingly. Some parties may have greater concerns in these matters and he suggested that perhaps the Chairman should talk to them. He didn't take the lecture from the Minister for Justice to get moving very well. If the Irish Government recognised that they had contributed to the cause of disagreement it would have gone down better. He would prefer to get things right at the end of the day rather than get them quickly.

12. Mr Mallon agreed with the Chairman's suggestion as to how to proceed. He said he wants to finish the discussion on the rules of procedure and get agreement on the opening agenda.

13. Mr Roche (UKUP) said that there were ambiguities in the contributions by the Secretary of State and the Minister for Justice with regard to the alleged distinctions between procedural and substantive issues. All the issues discussed are fundamentally substantive, because the documents of 6 June 1996 are inimical to the unionist negotiators. Also the nature of these talks is relevant. The Secretary of State and the Minister said that they provide an alternative to violence. They are not here for that purpose because that carries the implication that the agenda would have to be agreeable to those who threaten violence.

14. Mr Taylor said that there is unnecessary pessimism being expressed about the talks process. Many points have been agreed. He was in agreement with the general suggestions made by the Chairman and as to the need for bilaterals. Some people have contributed to an unhappy atmosphere of violence, but he had to say that he found the comments of the Minister for Justice both unhelpful and offensive. He didn't welcome her presence or that



of her team at the talks but he tolerates it - no more. She gave the message of an ultimatum or a threat to close down the talks process. The public she spoke about are not the Northern Ireland public. These talks are the property of the people of Northern Ireland and we won't be dictated to by the Irish Government. His party will make the talks succeed and will enter into bilaterals with the SDLP.

15. Mr Bleakley said that he found the discussion so far very instructive, listening to the various comments made, particularly personal experiences. He was impressed by Mr McCartney's point that they don't wish to be pressurised by Governments. But he felt that we are being pressurised by many factors - including what is happening outside on the ground. This is probably more important than the pressures inside. If there are to be battles royal in the negotiations, they should be about matters of concern to the public who have the right to put pressure on the negotiators. The pressure you respond to is important. The rules of procedure will not be written in concrete. Rules change in line with the impact of conventions. We need a breathing space or we will be trapped by outside pressures. He said that Mr Robinson expressed the reality of the necessity for agreement by the big battalions who were present at the talks. The rest of the parties can then make the necessary adjustments and the Chair has a special role in this regard.

16. Dr Paisley said that it ill-behoves two governments to wash their hands Pilate-like and pretend that they are not responsible for the situation which has occurred. He had informed the Prime Minister that the ground rules for these talks were not acceptable. The Prime Minister was adamant that the ground rules were to be the ground rules for the talks and he said that he



would push them through on the opening day. Dr Paisley said that we are stuck here today because the two Governments have decided to do what they liked with the majority population in Northern Ireland.

17. The Governments must face up to the fact that the unionist parties here represent the majority of people in Northern Ireland. He deeply resents statements by the Minister for Justice and the Tanaiste and the former Taoiseach, Albert Reynolds, to the effect that they know what the people in Northern Ireland want. The two Governments in fact don't know what the ordinary people in Northern Ireland are thinking. If the rules are designed to bring about a predetermined result which is desired by the two Governments, this would be an anathema to the people of Northern Ireland. The Governments say because of happenings outside we must make progress. This is tantamount to saying that these talks can't bring terrorism to an end unless we surrender to the Irish Government. But the worm has turned. Recent events have shown this. Dr Paisley then went on to refer to the disturbances in Omagh recently. He said that the only Protestant shop in the town was destroyed and there was a savage attack on the local Methodist church. Even the Presbyterian church in Monaghan was destroyed. This shows that all will not be well as long as the Dublin Government persists with its attitude to Northern Ireland. The DUP have played a constructive role in these talks and the two Governments have no right to threaten to bring the talks process to an end. Every issue has to be fully discussed and examined. The DUP just want a level playing field, not one that is predetermined. These rules are very substantive and they can't be simply swept away by the hand of an Irish Government Minister.



18. In the course of his intervention, Dr Paisley said that the Chairman was an envoy of the US President. At that point the Chairman said that he was asked to participate in this process on the invitation of both the British and Irish Governments. He was here in that capacity as a private citizen and he had had no hints or suggestions from the US Government. As to the matter in hand, he said that he proposed to proceed as earlier suggested by him so he will now take further general comments on any issue that the delegations want to raise.

19. Dr Paisley continued and said that it ill-becomes us to allow the two Governments to lock themselves up for five hours to discuss recent events and then to try to sweep what had happened under the carpet. What had occurred cannot be ignored. An opportunity should be given to those who want to express views on those events. What happened arose because matters came to a head across Northern Ireland over the British Government's policy of appeasement to the pan-Nationalist front. The Government blatantly ignored and contrived to destroy the democratic will of the people. The British Government (because of its alliance with the Irish Government) should really have expected the consequences of its policy of folly and treachery.

20. The Government failed to uphold the rights of its citizens in their own country. Unionists were treated with scorn and there was an attempt to oust Northern Ireland by stealth from the union. There have been attacks on Northern Ireland being part of the UK. The elections were rigged to bring unionists to the negotiating table. Even worse, the British Government colluded with those who were attempting to destroy Northern Ireland as part of the United Kingdom. The so-called Anglo-Irish peace process was a smoke screen to cover up a process of surrender. That has brought us to



the brink of civil war. At that point Dr Paisley commented on the fact that a member of the Irish delegation had smiled during the course of his contribution and he said that it should be remembered that the seeds had now been sown and that the whirlwind would now be reaped.

21. Mr Mallon immediately requested Dr Paisley to clarify that remark. Was it a threat? If it was a threat it should be withdrawn immediately. Dr Paisley said that he would not yield to Mr Mallon and went on to say that the SDLP stated that there should be no Protestant backlash in Omagh. Mr Mallon asked Dr Paisley to explain his remark yet again. He said it was unfair for people to listen to threats. The Chairman intervened to say that a speaker can yield or not yield; Dr Paisley refuses to yield at the moment. Dr Paisley then continued and said that an SDLP representative sitting behind Mr Mallon was widely reported in Derry as saying that "we shouldn't fight each other but we should take it out on the Orange Order". Mr Mallon said that he would not allow remarks about a colleague to go unchallenged.

22. The Chairman said that the negotiations have operated up to now on the basis of a convention that the speaker has precedence until he decides to yield to an intervention. He told Mr Mallon that he will be the next recognised speaker. Mr Mallon said that he accepted the Chairman's judgement that rules of debate should be adhered to by speakers. Dr Paisley continued and said that this exchange illustrated what is really happening in Northern Ireland and it shows that elected representatives can't put their case. He then referred to the presence of banners on a building near the Forum building which said that "Drumcree Church will burn". He wondered would this incitement of sectarian violence be tolerated anywhere else in the world. Is it any wonder that



Protestant churches are being put to the torch, even the church in Monaghan?

23. There has been no condemnation by republican spokesmen or nationalists in this matter. He is sick of Cardinal Daly asking for an enquiry to be carried out into the events at Drumcree. The Cardinal did not ask for an enquiry about the 2,000 petrol bombs in Londonderry or about the damage caused by them. We need to face up to these realities. The Governments can lock themselves up for five hours in London and yet there are those who don't want to discuss particular issues here. He resents attempts by the Tanaiste to stir up what's happening in Northern Ireland and the need for the Dublin Government to be present at the meeting exercising its authority. This will fuel the fire. People other than nationalists live in Northern Ireland.

24. Dr Paisley then accused Sinn Fein of fascism in its electoral tactics. What happened on the streets is naked fascism, destroying Protestant property and places of worship. We are told Orangemen are to blame. But the problems of Drumcree were fermented by others to give Orangemen a bad name. What about Newtownbutler which was attacked on the twelfth night? What about Ballymena? Dr Paisley quoted from the local press where it reported that there was damage to a car salesroom totalling three quarters of a million pounds. He said that the person apprehended was a local UVF commander who was denied bail. The police also say that a particular individual is behind the orchestrated violence in the town. In East Belfast loyalist paramilitaries were at work also. He said that we have to face up to these facts.



25. There are people around the table who didn't want these matters discussed but they were only too willing to report unionist leaders as being in breach of the Mitchell Principles. These charges should have been put here to the leaders. He noted that the allegations of misconduct are to be referred to the two Governments. These are matters which should be discussed in this forum. He also rejects utterly the attacks made on Orangemen in Drumcree who only wanted to return peacefully from their place of worship. He rejects the allegations that were made last year to the effect that the Orangemen would never walk the Ormeau Road again. Drumcree should never have happened. It did happen because of the influence of the Dublin Government. To say that it wasn't discussed at the Anglo-Irish Conference is rejected entirely. The Irish Government can't wash their hands of this. Their recommendation was that the march back from the church should not be allowed.

26. Mr Mallon referred to Dr Paisley's earlier remarks and said that he wanted him to explain that they were not threatening. He also said that Dr Paisley made a spurious allegation against a member of the SDLP delegation. He regretted this. The words attributed to Mark Durkan when read in full shows how spurious this allegation is. It is a totally unfounded allegation against someone who has fought bigotry and intolerance more than anyone. In relation to recent events there was no expression of regret for the loss of access to work, and serious inconvenience which affected the non-unionist community. In certain rural areas of Northern Ireland people were not let out of their homes for ten days. There was no access to shops, but that's the way it is in Northern Ireland. He thought that maybe today at the meeting someone would have recognised the hurt and the harm which was caused to thousands of people. Dr Paisley had referred to naked



fascism. He is right, there is naked fascism alive and well in Northern Ireland and it is a form of sectarian bigotry more frightening and disgusting than he has seen in all his years in politics.

27. What we have seen over the past two weeks is the result of political fascism due to unionist leaders looking for petty little victories. This has had the effect of poisoning relationships in urban/rural areas and relationships between Protestants and Catholics. That is something that the people here don't seem to be able to recognise. In relation to Dr Paisley's remarks about the banner about Drumcree church, he agreed that the banner was offensive. He has seen things happening in Northern Ireland that he wouldn't want to see ever again. However boycott is now rife. Towns and villages are being ripped apart by it and this is the result of petty little men seeking petty little victories as a result of bloody-minded sectarian fascism.

28. He wondered if the political process is strong enough to deal with this. Do people have the integrity and courage to move on and to deal with the naked fascists in society? This is all about mindsets, not about rules of procedure. It's about who is going to rule over the other. That's why he wanted to get into the procedural matters, bearing in mind that this negotiating body had adjusted its own schedule to ensure that damage would not be done to it at the height of the marching season.

29. Mr McCartney referred to Mr Mallon's assertion that certain Unionists wrote their own timetable to suit the marching season. He said that it would be irritating if it wasn't absolutely laughable. He is not a member of a marching club nor is he member of the Black Preceptory nor is he an Orangeman. He wishes he was



✓ as lofty as Mr Mallon to rise above the sectarianism. The view is that if you are a non-Catholic you are a bigot and if you are Catholic you are devout. He agrees with Mr Mallon about the sense of viciousness which is about now. But its origins lies with the two Governments who quietly and assiduously together with their advisers produced the 1985 Anglo-Irish Agreement. They should be ashamed of it because it represented totally undemocratic behaviour on their part and they were not accountable to a single elector in Northern Ireland.

30. The British Government says that all executive decisions are made by them, but the realities are different. When a majority is governed in secret, there is a diminution in respect for the Government. This is not a good thing, but it is explicable. When a quarter of a million people protested peacefully at the 1985 Anglo-Irish Agreement, the biggest number this century, the British political establishment ignored them. It maintained that 30,000 people only were involved in the protest. This situation can be contrasted with the protests in Britain against the poll tax. The people there were listened to because they were mainland voters. The Anglo-Irish Agreement was introduced in secret, though not to the SDLP who were briefed at all stages in the process. It was supposed to bring peace and tranquillity to Northern Ireland but the opposite is the case. Lines were drawn on opposing sides.

31. Then there was the 1993 Joint Declaration in which the British Government said it had no selfish strategic or economic interest in Northern Ireland. That was followed by the Framework Document which put the flesh on the bones of the Joint Declaration. This built up the powder keg that was Drumcree. Command Paper 3232 (ground rules), was produced by the two



Governments with the minimum of consultation with the parties. Dr Paisley had said that the Prime Minister maintained it would be forced through. This contributed to the increasing build-up of frustration of unionists in Northern Ireland. They felt that their identity was being undermined. This makes people damn dangerous.

32. It should come as no surprise to the Governments that catastrophic consequences ensued when a majority felt that their position was ignored. He has no sympathy for the louts on both sides who destroyed property etc. They were not supported by the SDLP or the unionists - but by Sinn Fein on one side and the loyalist paramilitaries on the other. Mr Mallon interjected to say that Mr McCartney was wrong on that point. He saw people abused by members of the Orange Order and the Unionist Party who were known to him and whom he was prepared to name.

33. Mr McCartney said he was talking about the general principle. John Hume had said that the IRA was a fascist organisation. Mr McCartney said that he saw evidence of that in the extreme intimidation of SDLP workers during the election process. Yet the two Governments want to get that party into the negotiations. They need the UDP and the PUP to get Sinn Fein to these talks. They are the Judas goat in this respect. This process is merely the stage dressing to ensure that two violent groups can be involved in the talks so that the Governments can deal with them. He said that in the talks in London today the Prime Minister is shaking hands with a delegate who murdered two people. At this point Mr English of the UDP sought to intervene but Mr McCartney refused to yield.



34. Mr McCartney continued and remarked that the Taoiseach had paid tribute to the public representative who died - Senator Paddy Wilson. As the Guardian points out and as underscored by Lord Fitt today, his murderer is being welcomed in Downing Street. Why? After the Joint Declaration was made, John Major said that the only people who could offer peace were the men of violence - not the democrats. That is why this whole process is a charade. The Governments want to do a deal with the paramilitaries on both sides. The Government cannot protect its own citizens - it has to do a deal with the men of violence. That is why the rules of procedure (ground rules?) are so important. Their purpose is to get Sinn Fein into the talks process.

35. Mr McCartney complimented the Chairman on his probity and his integrity but, as indicated in a newspaper article, he cannot believe that he is not an envoy of the US President to get Sinn Fein into the talks process. Any criticism by him is meant for the two Governments, not for the Chairman or his two colleagues. The British Government does not care about the pro-unionists in Northern Ireland. It would abandon them the way Belgium abandoned the Belgian Congo. The Irish Government have been stirring the pot in Northern Ireland for many years. You only have to look at Articles 2 and 3 to realise that the Irish Government is under a constitutional imperative to annex the land mass of Northern Ireland by all lawful means. It is being assisted in this process by a supine British Government.

36. The British Government has lost the respect of people in Northern Ireland because it has resigned from all positions on the union under IRA pressure. He bitterly regretted the hurt and damage, the injuries and fear and loss of property which have been caused to the nationalist community. His home is open to any



Catholic for safety at any time. He has no theological battles with Roman Catholics. He is confident in his own theology. He has blood relations who are Catholics and he has visited most churches in Rome and all churches in Belfast. But he is dedicated to preservation of the union and the nationalist community thinks that this equates with being a sectarian bigot.

37. Statistical records since the war show that unification of Northern Ireland has not figured in the top twelve election issues. Yet it is a source of constant interference in Northern Ireland. The people of Northern Ireland must settle their differences, but you cannot have constant appeals to Caesar or to the Irish Government lobbying only for the interests of Irish nationalists. The British Government doesn't give a toss about union interests with the expert assistance of John Hume and Sean O'hUiginn. If you want to deal with the unionists you have to talk to them directly and not over their heads. At this point the Chairman asked Mr McCartney for a copy of the newspaper article which allegedly refers to him as being an envoy of President Clinton.

38. Mr Donaldson began his remarks by responding to Mr Mallon's earlier comments. He said that he had been present at Drumcree and therefore, if one took Mr Mallon's comments on board, attendance categorised him as fascist. Mr Donaldson said that to suggest this was absolutely ridiculous given the fact that descendants of his own family had stood against fascism in two world wars and more recently during the 25 years of violence in the Province he had had some of his own relatives killed by the fascism of PIRA. He continued saying that rather than let himself be described as a fascist and all the trimmings that went with this, he believed and supported the principles of democracy. In



adopting this position he respected the nationalist culture and traditions in the Province. There was however more to it than this in terms of the respect which the nationalist people appeared to have or show with regard to Unionist culture. Mr Donaldson said that he wanted to appeal to those from the nationalist community and their political leaders to try and understand where the Orange Order was coming from. He believed that some people in those communities and some of their political leaders had never accepted the culture and tradition of the Orange Order/Unionist community. Yet it was "tradition" that had been attempted to be upheld at Drumcree. Drumcree was not, in his view, something that was based on triumphalism or a "victory" nor was it viewed by the Order as such or in any way a case of "engineered confrontation". The parade was simply a traditional church parade which had taken place for over 180 years.

39. Mr Mallon intervened, asking whether it was "traditional" for the Orange Order to cause mayhem and destruction as well as blocking roads all over the Province. Mr Donaldson said that it was not traditional for this to occur. In his view the Orange Order had clearly been, over many years, a force of reason in the Unionist community and Mr Mallon should know this from his own experience of living in the Co Armagh area. Mr Donaldson said that the Order had been a stabilising and restraining influence and that the events to which Mr Mallon had referred could in no way be interpreted as "traditional". These events were, however, and indication of deep frustration in the Unionist community. On the other hand, stated Mr Donaldson, the engineered confrontation of the last few weeks appeared to have been coming from Republicans. Mr Donaldson stated that he therefore had to ask, in this context, what leadership the SDLP was giving to the nationalist community in areas where Orange Order parades were



being confronted and made to change routes. He also did not believe that it was a coincidence that these parades were being confronted by "community representatives" who had already served jail terms for IRA activities. Mr Donaldson then asked where Mrs Rogers had been prior to the Drumcree incident unfolding and what leadership had she brought to that nationalist community in Portadown in advance of the Sunday service. He recalled the fact that the RUC's original decision to ban the parade was a direct result of the threat of violence from Garvaghy Road residents. He said that this was typical and confirmed the reality of the situation in that the Government had responded and caved in to the threat of violence over the last 25 years. Given this, he therefore wondered whether Mr Mallon understood the Unionist position and the frustration which the events of Drumcree had given rise to.

40. Mr Donaldson continued saying that he deeply regretted the violence which had occurred around the Province following the initial stand-off at Drumcree. He utterly condemned this and also recognised that there were fears and anxieties on both sides but, he pointed out, the Unionists' frustration in particular with the weak role of SDLP representatives in nationalist communities was a deep-rooted one. Mr Donaldson said that he heard Mr Mallon's comments regarding Mr Trimble's meeting with Billy Wright at Portadown during the Drumcree stand-off. He therefore wondered whether Mr Mallon now understood the Unionists' view whenever they saw the SDLP representatives standing on the same platform as Gerry Kelly or Martin McGuinness. In referring to earlier comments from Mr Mallon, Mr Donaldson said that he did not believe it helped the situation if each side accused the other of pettiness and attempting to achieve small victories in preference to a wider political settlement.



41. Mr Mallon intervened saying that he did understand the position of the Unionists or at least he thought he did. He had lived with Unionists all his life and he understood how confrontation arose. He continued, however, saying that when any group inflicted "damage" on another group because of their political frustrations then this was more difficult to comprehend. Yet he was simply asking whether Unionists could recognise the hurt that had been caused by this violence, particularly when others viewed the people involved in the mayhem of one or two days as good natured citizens and neighbours the remainder of the year.

42. Mr Donaldson stated that he had no direct answer to this point although there seemed to be some analogy with past situations where murders of Protestants had occurred as a result of individuals being set up by fellow workers, having previously established an element of trust over many years of employment. He said that he personally did not want to see hurt inflicted on anyone, irrespective of their political, social or religious position. Mr Donaldson continued saying that this hurt was not the common property of one side but it was precisely because of the frustration described earlier in the meeting that he believed Unionists were driven to do what they normally wouldn't do. He continued saying that Unionists had heard a lot about the "peace process" particularly over the last two years but yet they continued to ask what the price of this peace was. The Unionist community had looked at republican violence and the various concessions that had been made towards this. In some ways Drumcree was, from the Unionist viewpoint, a small example of this tactic working the other way. Mr Donaldson recalled the fact that amongst the church worshippers at the Drumcree service were members of the Royal British Legion who had served their country



during past major conflicts. Yet these people were being told they couldn't walk down a public highway by a "representative" of a Residents Association who was clearly involved in subversive activity against the State for which they had fought to protect from an uncontrollable foreign power. Again Mr Donaldson asked whether Mr Mallon now understood the context of the phase "engineered confrontation". Mr Donaldson continued saying that much had been talked about "parity of esteem" but again he asked whether the Unionists had a right to this as well. He recalled that Unionists had watched in the last number of years, particularly since the signing of the Anglo-Irish Agreement, a series of mechanisms being developed from which their culture and traditions appeared to be being eroded despite language from both Governments to the contrary. Unionists felt anxious and saw decisions like Drumcree as evidence to support these previous perceptions.

43. Mr Mallon asked Mr Donaldson for his views on why the Orange Order continued to hold parades in places where they had no support. This he said was the wider picture which needed to be addressed and he referred to the 12 July parade being organised in Newry this year. Mr Donaldson suggested that surely the SDLP ought to be urging that these parades take place on a basis of "parity of esteem". If one looked at the example of Newry this year, the town was a focal point for some of the Orange "districts" in County Down. The town of Newry was selected because Newry "district" was scheduled to host the 12 July demonstration this year. Newry had been the venue on previous occasions, as a result of rotation and he therefore believed that it was quite legitimate for the Orange Order to walk in Newry every 6/7 years. Mr Mallon intervened and asked whether it would be acceptable for him (Mr Mallon) and a number of his supporters to



hold a march in either Richill or Hamiltonsbawn or any other village with strong Unionist connections. He couldn't conceive of this ever happening and even wondered why people walked on the roads at all but what were Mr Donaldson's views on this.

44. Mr Donaldson said that it didn't really matter whether people walked on the streets wearing collarettes, carrying banners, or whether they wore kilts and danced a jig. The issue here concerned those who wanted to totally ignore the constitution of the Orange Order and the culture and tradition that surrounded it. Dr Paisley intervened, recalling the fact that the Ancient Order of Hibernians walked in Unionist areas on a regular basis in his constituency. Mr Donaldson turned to Mr Mallon's original point and said that he could understand it if the Portadown Orange District had decided to attempt to march along the Garvaghy Road for the first time ever this year. However this was not the case because for the church parade had been going for some 189 years. This parade was traditional because tradition was something which occurred on a regular basis. It was therefore perhaps likely that Mr Mallon's suggestion about walking in Richill et al wouldn't be allowed. Mr Donaldson continued saying that it was not right to suggest that the Orange Order parade down the Garvaghy Road was provocative in nature. The Public Order Legislation, as it was currently worded, did not acknowledge the traditional element of this parade.

45. This was why the situation had arisen at Garvaghy Road yet no one, he believed, had wanted this situation in the first place. Mr Donaldson said that many in the local and wider Unionist community had warned those in authority in advance about the potential outcome if the parade was banned. Of course the Order now knew why it was banned; the Chief Constable had taken the



decision based on the political imperative coming from the Anglo-Irish process and the Maryfield Secretariat who had indicated, through the mechanisms already established, that the church parade could not be allowed to return along the Garvaghy Road.

46. Mr Hendron asked about the Ormeau Road situation. He said that in this area the majority of people had not wanted the 12 July parade to pass mainly as a result of the murder of 7 people a few years previous and subsequent problems with supporters of the Orange march that following year. Mr Hendron said that he believed the people of the Ormeau Road objected to the Orange Order parade being forced down that road. Rather than this occurring, he believed the local community would seek agreement to this march. In turning to the Ormeau Road situation itself this year, Mr Hendron said that people had become frightened in the area after the Garvaghy Road decision and that this fear had been heightened by substantial RUC activity which had been brought in to keep out unruly elements. He wondered whether a similar approach could not have been adopted on Garvaghy Road. In concluding his remarks Mr Hendron said that he did look forward to the day when traditions of either side could parade up and down public roads with respect and tolerance being shown by others opposing the parade.

47. The Chairman intervened at this point indicating that he had 4 other people wishing to speak and he therefore wondered if Mr Donaldson could soon conclude his remarks. Mr Donaldson, in responding to Mr Hendron's points, said that he was not an expert in the Ormeau Road situation but he did believe that there had been an agreement in 1995 with the Orange Order but the residents had reneged on this prior to 12 July that year. The Orange Order, he said, were only asking for respect for the tradition and right



to march. Mr Donaldson said that one had to move towards the position of respect and tolerance being predominant in the situation rather than the opposite which was occurring at present. Matters and issues of parades through contentious areas and the rights and traditions of either side being upheld could not be satisfactorily resolved without dialogue. He firmly believed that the SDLP needed to speak more forcibly on behalf of the majority of people in nationalist communities. He believed it was very sad that the party (the SDLP) appeared to have been marginalised by more republican orientated elements in these areas. Mr Donaldson said that the parades issue was surely one that needed to be addressed in the context of the Forum. He therefore appealed to the SDLP to return to that Body to discuss the issue, for he believed a lot could be done to move this forward and take the issue off the streets and the heat out of the situation. Mr Donaldson believed that the SDLP policy of boycotting would not help the wider process and he therefore urged them to come back and join in the primacy of dialogue in the elected Forum so that the issue could be moved away from the context of violence. The Chairman again intervened, now indicating that 5 persons wished to speak before the debate concluded.

48. Ms Hinds commenced her remarks expressing her party's sorrow to all those who had suffered over the last number of days. In continuing she said that she wanted to deal with some specifics of the situation. Ms Hinds said that she had listened to Mr Donaldson speaking about the frustration of Unionists. The NIWC understood this and had spoken about its connection with the Anglo-Irish Agreement at the Forum the previous Friday. Ms Hinds said that Mr Donaldson had also mentioned "engineering confrontation" and particularly Sinn Fein being involved in this. In her view, she believed that the Orange Order and the Unionist



leadership had "engineered confrontation" over Drumcree for it had been planned and executed by them.

49. Ms Hinds said that she agreed with Mr Donaldson's comments that the previous week had not been the worst week of violence in the Province's history. It had been a bad week of violence but it had been the worst week ever in terms of future implications for Northern Ireland and for the future of compromise and a negotiated settlement. She said that the people of Northern Ireland and beyond had witnessed an unwillingness to negotiate, an inability to compromise and the might of majoritarianism forcing the overturn of a decision. She said that Mr Alderdice had read the situation correctly when he assessed the Drumcree situation during the Forum debate of 8 July saying that he saw "only two possible ways in which this problem can be worked out and both involve a defeat for Unionists."

50. Ms Hinds continued saying that her party had already raised several concerns with the Government about the handling of Drumcree and about law and order decisions being taken on the basis of "might" or greater force rather than on the basis of principle and protecting right. She said the NIWC was very unhappy with the British Government's position. While the Chief Constable's decision may have been taken on a law and order basis it was unacceptable that the Secretary of State did not take responsibility for the political consequences of the decision. The Secretary of State's comments during this week at the end of the IGC had added to those concerns when he had referred to being unable to guarantee that the forces of law and order in Northern Ireland might not always be able to overcome a mass use of manpower and force to achieve a particular result.



51. Ms Hinds said that the Chief Constable's judgement must be called into question as well as the partial actions of the RUC as shown by the action at Drumcree and those at Garvaghy Road and the Lower Ormeau. She referred to the point that suggestions had been made about mutiny in the RUC ranks because the Orange Order had been prevented from parading along Garvaghy Road. There had also been suggestions that there were disagreements about the issue at senior levels within the force. This gave rise to a serious "lack of confidence" in the RUC.

52. Ms Hinds referred the Secretary of State to a speech made by Dr Paisley on 8 July in the Forum where the DUP leader claimed that the RUC had said that "IRA gunmen had been through the Garvaghy Road estates and had organised a sit down protest". She asked the Secretary of State to confirm if the RUC did have this information and how and why was this given to Dr Paisley, the Orange Order and others. She queried whether this was normal operating procedure and wished to have an answer on this point. Ms Hinds said that her party agreed with those who had called for an inquiry into Drumcree and its aftermath. In addition the NIWC welcomed the call for a Commission to consider an overall agreement on marches. She said the NIWC had been appalled at the behaviour over Drumcree. The NIWC was opposed to violence from any side but it had been particularly appalled at the actions of several Unionist leaders. She said it was incredible to hear their attempts at wiping their hands of blame and distancing themselves from the train of events they had put in motion. She said the speeches at today's meeting were viewed as a rewriting of history before everyone's own eyes. Examples of the Unionist leaders involvement were numerous. Firstly on 8 July at the Forum Mr Donaldson had said the events at Drumcree "would go far beyond the confines of Drumcree and Portadown" and that "a lot of turmoil



can be avoided". Secondly, Mr McCartney, who was careful to be noted as an "observer" when he went to meet the Orange Order, had said "the NIO, the two Governments and the SDLP and Sinn Fein have awakened a sleeping giant ..... the time has come when the pro-union people of Northern Ireland will not be pushed any further either by the machinations of government or by the guile of political parties". Ms Hinds referred to other similar comments made by Ian Paisley Jnr and to Unionist leaders statements in the press from both Mr Donaldson and Dr Paisley on 4 July. She also referred to comments made by the Rev Martin Smyth who had said "there comes a time when if we are breaking the law, then we have got to suffer the consequences" and to remarks made by Mr Trimble who, she said, that far from discouraging people from taking disruptive action, encouraged them only to let really essential services through "if it is possible".

53. The Rev McCrea had commented, saying that " a stand was to be taken. The people of Ulster have said thus far and no further." Ms Hinds said that a further example of the irresponsible leadership from the DUP was the remarks made by the same MP at Markethill when he spoke of "the loyalist community starting to answer back (to the IRA)" and the "IRA knew they weren't going out and weren't expecting to come back because they were getting some of the medicine which they had served out to the people of Ulster." Ms Hinds said that Mr McCrea had received a round of applause for this but there was no discouragement of such action from Mr McCrea.

54. Ms Hinds said that she had heard the Chief Constable speaking on radio on 14 July referring to "one community (Unionist) imposing their will by force on the other". The Chief Constable had also said that "Mr Trimble's and Dr Paisley's behaviour in



1995 had had a significant effect on the residents of Garvaghy Road this year".

55. Ms Hinds said that the political leadership exemplified by the Unionist parties over the last few weeks was a disgrace. She said that she believed the NIWC spoke for both communities and others when they talked about the disgrace unionism now found itself in as a result of its leaders. These actions had brought great distress to many unionists as well as disgrace to Northern Ireland in the eyes of the world. Ms Hinds continued saying that despite some of the comments made in the meeting it was interesting to compare the Unionist leadership role with that of the UDP, PUP and Sinn Fein. The latter had, according to NIWC information, made every effort to calm the situation in the middle of the most unacceptable provocation. Ms Hinds said that her party was aware of actions taken by the PUP and Sinn Fein to maintain calm on the streets. Mr McMichael had at one point taken Mr Trimble to task for suggesting that loyalist paramilitaries would be out again. The public had also seen Unionist leaders meeting with dissident members of loyalist paramilitaries in contradiction to the line and influence which the loyalist parties had been trying to hold.

56. Ms Hinds continued saying that the PUP and UDP had been placed in a difficult position and were to be commended. She said the NIWC were also aware that loyalist prisoners connected to the UDP had expressed their dissatisfaction with the leadership shown by Mr Trimble, Dr Paisley and Mr McCartney.

57. The Chairman asked for order at this point, stating that up until now each participant had received the custom of being listened to and not heckled. He believed it was important for order to be maintained.



58. Ms Hinds thanked the Chairman and said that the NIWC had spoken out at regular intervals both in this process and at the Forum about the total unacceptability of this type of behaviour (heckling, etc). She said that it was unfortunate that the Forum Chairman didn't call people to order in the same way as in this process. She continued saying that on past occasions this behaviour was symptomatic of others robust style when in debate and that the NIWC were simply new and naive. Ms Hinds said it was nothing to do with being robust, it was just offensive and abusive and should not be tolerated. She said there was much made of fair play but fair play wasn't possible when politicians behaved as bullies. There was a culture of unacceptable political behaviour in Northern Ireland which was one of the major problems here. It had been exemplified by some politicians and allowed to pass by others. Such behaviour was played out in the talks process, at the Forum and in public speeches.

59. In describing some of the behavioural tactics, Ms Hinds said that these also included a few parties always taking up 60/70% of the speaking time, leaving little for others. The NIWC had also been called "silly women" and "traitors" and attempts had been made to alienate it from its unionist base by calling it republican or nationalist. Ms Hinds said that her party believed in participating in the Forum. When they attended the previous Friday they were subjected to wholly unacceptable behaviour. She continued saying that Mr Donaldson had appealed to the SDLP to return to the Forum. But although the NIWC would wish to see them back, how, said Ms Hinds, would they ever go back to a body which constantly exhibited this type of behaviour? While the NIWC was made up of members of both communities, all were agreed that it was the Unionist parties (DUP, UKUP and UUP) who consistently



behaved badly. Ms Hinds said that she had heard Mr Donaldson asking for respect and tolerance. On several occasions, however, a total lack of respect had been shown to Catholics around the table and this type of behaviour was carried on outside by the same political leaders. Ms Hinds referred to Dr Paisley's remarks regarding the Ground Rules when on one occasion he waved a copy and commented "is this the Pope?" "is this infallible?" Did he realise how deeply offensive this was? Mr McCrea had also referred to "transubstantiation" at one point and laughed in doing so. Mr McCartney had spoken of "canonisation" before changing this description - much to the amusement of other DUP delegates, including Dr Paisley.

60. Continuing, Ms Hinds said that Mr Donaldson had called for respect for the Orange Order and for its right to march anywhere. It was however important that everyone showed respect all round and this was why she had considerable concern about the founding principles of the Order. She said that the NIWC had had several debates on parades with members of the Order, with residents groups and with independent observers. One of the issues explored was the purpose of the Order in promoting Protestantism. In her view there was absolutely no difficulty with this but when one looked at the oath of the qualifications of an Orangeman, one could see some of the reasons why Catholics were opposed to Orange parades through their areas. If the Order was about promoting Protestantism and not being anti-Catholic then the oath should be changed. Ms Hinds continued saying she suspected many who were in the Order were not fully aware of the oath which they had signed. She believed that the trappings of bigotry had to be removed whether there were parades or not and that a debate had to take place in the Order and in the UUP with regard to the contents of the oath previously mentioned.



61. Ms Hinds said that it wasn't the case that only a small section objected to these parades. Over 90% of residents living around the Garvaghy Road were Catholic and most did not like Orange parades. An independent survey carried out in the Lower Ormeau found 98% of residents in that area opposed to parades. Ms Hinds said she believed both situations were the same but the way in which people were treated on 11 and 12 July was wholly unacceptable.

62. Ms Hinds said she disagreed with Mr Hendron's earlier remarks that the Lower Ormeau was Catholic. She went along with unionist comments that one side of the road was mixed. She herself lived in the mixed area which was one of the largest mixed areas in Belfast and she found it unacceptable that one side or the other claimed it as their territory. She said she held out hope for the future that parades will be able to go down the full length of the Ormeau Road because it was a mixed area, although discussions between the Order and the nationalist community were required as this it was also a flashpoint area. In her view it would be unreasonable to expect parades to be acceptable in this area for a number of years due to the atrocity at the bookmaker's shop and the appalling behaviour of those supporting the Orange parade following that atrocity.

63. Ms Hinds said that the lack of will to discuss and negotiate on parade routes came to a head at Drumcree. The NIWC had been most disappointed in the poor leadership shown by the UUP, because before the break in the process it had seemed possible for progress to be made. Now this recent series of events had placed this in jeopardy.



64. Ms Hinds said she had some questions for the UUP and in particular Mr Donaldson. She asked "what had been done in all their power to ensure that violence would be avoided" at Drumcree? Did the UUP talk to residents irrespective of who was representing them when the party leader was prepared to talk to Billy Wright? Was dispersal of people from Drumcree arranged? Was an alternative route sought or agreed? Did he control inflammatory speeches? How did he view Mr Trimble's referral to loyalist paramilitaries? Did he instruct people to take away the heavy machinery?

65. Ms Hinds continued with other questions directed at Mr Donaldson in relation to Drumcree and the role of the UUP/Orange Order during the stand-off. She also raised questions with regard to the forthcoming parade in Derry by the Apprentice Boys. In summing up, Ms Hinds said she would welcome answers to these questions and also said there needed to be an example of talking in local situations in relation to parades and in the process here. She said everyone needed to be willing to talk, negotiate, compromise as well as moving forward and making progress.

66. Mr Donaldson then replied to Ms Hinds' series of questions. He said that the Orange Order had not spoken to the Resident's Association and there were clear reasons for this position. He recalled, however, that Mr Trimble had approached the Church Leaders, on his own initiative, to attempt to achieve a compromise. However their answer was that no compromise could be reached in terms of the Resident's Association viewpoint. It was then down to the RUC, who set an operational deadline of 10.30 on 11 July. This was given effect when it finally became clear that the Church Leaders had returned with no scope for compromise being achieved. Regarding the question of dispersal of Orange Order



members, Mr Donaldson replied that there was no question about dispersal being actioned until the situation itself was sorted out. He had however himself arranged for a buffer zone to be established between the RUC and the Orange Order members and had also arranged for a number of marshals to be put in place in fields opposite the police lines. He recalled that the RUC Deputy Chief Constable, Mr Flanagan, had commended the Orange leaders for their actions and attempts to continue to defuse the situation and the scope for confrontation. Mr Donaldson said he therefore resented the point that Ms Hinds had made in implying that the Unionist's Leaders had not done enough to stop the Drumcree violence. Regarding the consideration of an alternative route, Mr Donaldson said the fact was that Garvaghy Road was a public highway and in his view a traditional church service parade should have been allowed to proceed along such a highway. Mr Donaldson also stated that he had made no speeches whatsoever at Drumcree this year. Regarding the heavy machinery brought in during the stand-off period, Mr Donaldson stated that it had been brought in by others who were not in the Orange Order. Orange Order leaders had themselves moved it back from the point of confrontation and out of sight, again attempting to defuse the situation. Furthermore, commented Mr Donaldson, there was no "engineering of confrontation", though he indicated that the Order was prepared for the consequences of the parade being banned. In terms of Mr Trimble's position as MP for Upper Bann and the totality of his representation referred to by Ms Hinds, Mr Donaldson said that he believed that Mr Trimble felt he must represent his constituents on this specific issue. He believed there was nothing wrong in this, and Mr Trimble had a very good record of assisting all his constituents with their particular problems. It was also correct to say that Mr Trimble had been elected by a certain proportion of the constituents in Upper Bann therefore on the basis of his



electoral position he had been, on this occasion, representing the larger number of the constituents who had voted for him. Regarding misleading the Church leaders as Ms Hinds had indicated, Mr Donaldson said that the RUC had produced the deadline of 10.30 am. In terms of the questions Ms Hinds raised concerning the forthcoming parade in Derry, Mr Donaldson said that these were matters for the Apprentice Boys. He continued saying that the UUP leader and Dr Paisley had involved themselves and visited Derry in an attempt to avoid confrontation in the City. He also knew, however, that the Bogside people were preparing for violence but hoped again that the "parity of esteem" aspect would prevail and that the small number of Apprentice Boys from the local club would be permitted to walk on the walls as they had done previously. Ms Hinds intervened to ask whether Mr Donaldson would accept the residents' wishes if they didn't wish the Apprentice Boys to walk on the walls. Mr Donaldson replied saying that this was a matter for the Apprentice Boys. On a wider point Mr Donaldson said that he had not liked the one-sidedness of Ms Hinds' remarks throughout her address. The NIWC representatives should not forget others who were required to bring leadership in their own communities and there was therefore a need to produce and articulate a more balanced commentary directed not only at unionist but also at nationalist politicians. In concluding his remarks, Mr Donaldson said that he did want to see progress in the Talks. Drumcree, however, had not been the catalyst for the last two weeks' of instability. He was quite clear that the concerns and fears of the Unionist community were already well developed prior to the last fortnight. Finally, he stated, there were rights and wrongs on both sides and the NIWC needed to recognise this and be a bit more balanced in its comments.



67. The Chairman intervened, indicating that there were now 7 speakers on his list and this did not include representatives of the PUP. He suggested that given the number of speakers and the fact that this representation was greater than the number of parties represented around the table, it might also be helpful and courteous to hear from the PUP before the debate came to a close.

68. Mr Curran began his remarks saying that his delegation would have to leave shortly for a meeting with the Sinn Fein leadership. In attempting to summarise the seriousness of the recent situation Mr Curran read two short extracts from Archbishop Daly's homily of 21 July and also Archbishop Eames' address of 18 July. Following on from this Mr Curran said that on the previous day he had attended an ecumenical service at the site of the Battle of the Boyne near Drogheda. He said it had been a very uplifting afternoon and he had come away from it with the belief that there might well still be some hope for Ireland as a result. Mr Curran said that during the service each participant/group had told the others how sorry they were for the legacy of the situation which had prevailed in Ireland to date. Mr Curran continued saying that at various meetings of his party's top officials during the Drumcree crisis, they had pledged to stay in the Forum and the multi-party talks. He said it must be remembered that one did not make peace with your friends but with your enemies and it was therefore his view that one had to get Sinn Fein into the talks process. Clearly there needed to be a commitment from them to a cease-fire first and that was why, amongst other things, he and others were meeting the Sinn Fein leadership that evening. Mr Curran said that everyone needed to be patient with the process and the process needed to take as long as it took to gain success. At the end of the day, said Mr Curran, the process was the only means of offering hope to the public at large.



69. Mr Curran continued and said that he believed that the working class people around the Province had suffered the most in the last few weeks. He recalled in his own village having to console Protestants after extensive damage done to their property by their fellow Catholic neighbours. He said, however, that the rule of law must be held uppermost by all in the community. It was also incumbent on political leaders, said Mr Curran, to ensure that they did not say one thing one day and then attempt to deny this a few days later. He believed that there was also a crisis of confidence in the RUC as viewed by the nationalist community. The police service, he believed, must be an acceptable service in the eyes of both communities. The main point in all of this, however, was that the responsibility for the future of Northern Ireland rested with the participants around the table and in saying this Mr Curran believed that the people at large were looking for a positive lead from the process. Mr Curran commented that he hoped that it would be possible to stick with the process and for everyone to show responsibility for what was and should be happening in Northern Ireland. Everyone must contribute to a solution. In concluding his remarks, Mr Curran re-emphasised an earlier point that if the process could not agree on the rules and the Agenda by the end of the month then this would send the wrong signal to the public and be a particular disaster for the young people of the Province. He said he wasn't "preaching" but he hoped that everyone could do the best job in the current circumstances.

70. Mr McBride commenced his remarks by referring to the fact that he had previously advised others, including the Secretary of State, against holding this type of debate knowing full well that there would be little chance of reaching agreement on the marching



issue. In his view everyone was really around the table to move to a position where agreement could be achieved on the rules before moving on to the substantive issues. In returning to the marching theme, Mr McBride recalled his experiences of the late 60's when, involved in the NICRA, he had taken part in a legal march which had been stopped and attacked on several occasions by Unionist protesters. This had had a profound effect on him. Mr McBride referred to the issue of the Ormeau Road which had been raised earlier. He recalled that Mr Donaldson had mentioned an agreement given by the residents in 1995 for the then 12 July parade to pass through the lower Ormeau area. He said that this agreement had been "swept away" by the events of Drumcree in 1995 and particularly the fact that Mr Trimble and Dr Paisley had been "dancing in the street" to mark the victory of the Orange parade passing through the Garvaghy Road that year. Mr McBride continued saying that efforts had been continuing in the Lower Ormeau throughout the year to try and reach a compromise but the price was now becoming too great because there was no defensible position here. This wider point of "might over right" required addressing urgently. Mr McBride commented that the Public Order Legislation was not satisfactory in this regard as it was simply based on the criteria of the amount of public disorder which might arise given the decision one way or another. He accepted that the best method of approach was to seek local agreement and if agreement could be reached then so be it. But if agreement was not achieved, then one ended up with the Drumcree scenario and the situation where the greater strength of protest won the day. Mr McBride said that in his view Drumcree was not a victory but rather a disaster. Lives had been lost, people had been injured, there was substantial economic damage not to mention the effect on tourism and the prospects for future employment being blighted. He continued saying that the image of "might is right" represented a



subversiveness of the rule of law in Northern Ireland. It was also the case that the reputation of the RUC had been badly, perhaps irreversibly damaged, as a result of the Drumcree and lower Ormeau Road scenarios. Mr McBride said that there was a huge deepening distrust in the nationalist community over these events. There appeared to be no fairness or even-handedness being applied by those in authority. (He referred to earlier remarks made by Dr Alderdice on this issue.) He also believed that Sinn Fein/IRA had had the best weeks of their lives for they were now viewed as being the best and only defenders of the nationalist community. Mr McBride said that there was no satisfaction from any of this. Drumcree had been a disaster for the pro-union people in the Province and had been inflicted upon them by the Unionist leadership. He also wondered what damage had been done to the political process by all of these events. Mr McBride referred to the Mitchell Principles and to the earlier reference by Mr McCartney when he had asked whether Mr Adams (Sinn Fein) would apply himself to these Principles if his party were in the process. The simple answer was that Sinn Fein were not at the process and therefore they were not bound by them. Mr McBride continued referring to comments in the press from the Unionist leaders in the aftermath of Drumcree. He questioned whether there was a seriousness from them about the talks process and also queried whether scenarios such as Drumcree were more important to them than the success of the wider talks process. Mr McBride said that the issue of the Mitchell Principles raised its own question mark over the involvement of the Unionist leaders in the events of the last two weeks. He restated his point as to whether there was a will on their behalf to achieve real political agreement or simply small petty victories. Mr McBride concluded his remarks by saying that in the context of future Forum meetings his party would be looking for serious proof of Unionist restraint as well



as a political will to move towards achieving agreement with other shades of political opinion.

71. Mr English referred to earlier remarks made by Mr McCartney concerning his party colleague Mr White. He said that as the Chairman of the UDP he believed he had to say something in defence of his colleague who was absent for other reasons. He said that Mr White had paid his price to society and that the electorate had recognised this. It was also a fact that Mr White had sat on the same cease-fire platform as he (Mr English) had in 1994 and was fully committed to doing everything possible to help the current process succeed. He believed there was no doubt about this and wanted this placed on the record. Mr Roche referred to Mr Mallon's points earlier about attempting to understand the unionist position. In this he wanted to raise two further points. Mr Roche said that there was no cogent argument for nationalists to adopt the position they had adopted on issues such as Drumcree. He believed that their weakness in this arose from a particular nationalist mindset which had, as its foundation two major cornerstones. The first of these was a nationalist tendency to turn a commonplace occurrence around and develop an argument which wasn't previously there regarding that issue. The second was then to resort to violence to attempt to force the particular argument home. Mr Roche said that the SDLP and in particular Mr Mallon appeared to be condemning violence on the one hand yet their party would allow Sinn Fein into the process on the basis of a tactical cessation of violence on the latter's behalf. Mr Roche continued by referring to a statement made by the SDLP leader during the Hume/Adams exchanges that his party went along with the view that the "Unionist veto must be destroyed" and that the way to do this was to get the two Governments moving towards a set of shared objectives through procedures and relationships in ignorance of



the unionist community. Mr Roche continued saying that the position of the SDLP was totally hypocritical for, on the one hand, they were attempting to take the high moral ground but as had just been indicated by him in referring to Mr Hume's comments, there was a darker threat of violence lying behind this moral position. Mr Roche referred to the two Governments presenting the Chairman with a "formula" in the Ground Rules which could allow the issue of decommissioning to be "addressed" without anyone doing anything about it after that. Mr Roche said that his party wouldn't want to see the Chairman exercising such a power as this. He said that he didn't believe that any US administration would ever want to have a power such as this, given incidents such as the Oklahoma bombing of last year, the bombing in Saudi Arabia and perhaps even the recent TWA aircraft disaster. Mr Mallon intervened at this point, in referring to Mr Roche's attack on Mr Hume, who he said, had been attempting to move the peace process forward. Mr Mallon indicated strongly that the quotation was inaccurate and challenged the UKUP to produce the statement which Mr Roche had quoted in full. Mr Mallon continued saying that it was not possible to attribute remarks to people which they did not make. He believed the UKUP's credibility now stood by the production of the quotation. Mr Mallon continued saying it was a dangerous pastime to use quotations. He was also concerned about the use of another quotation mentioned by Mr Roche where he claimed the SDLP had referred to the peace process as "the continuation of the war". In this context he wondered how much Mr Roche was really in touch with reality. Mr Mallon said that he believed the process was ignoring what was really at stake and that it wasn't just about rules or simply getting to the point of achieving success in the negotiations. It was more importantly about the political and moral authority that was required to carry any of this forward with the electorate. Mr McCartney intervened



seeking some clarification as to the relevance of Mr Mallon's intervention. The Chairman stated that it was not an intervention. Mr Mallon then re-emphasised the earlier points made about the two quotations. The Chairman indicated that he now had four people on his list to speak. Mr Robinson asked about the rules of attendance and specifically about the rules concerning the number of people from each delegation who were able to speak in this informal process, given the fact that Mr Durkan was on the Chairman's list of four to address the meeting. The Chairman asked whether there was a formal objection to this. Mr Robinson said that he had no objection, he was simply ensuring that whatever rules had been agreed, these were applied to the benefit of all participants.

72. Mr Durkan commenced his remarks by referring to the comments which he had made in Derry on 12 July and which had been suggested by some Unionists as being in breach of the Mitchell Principles. He stated that his remarks had been made in front of many people and several journalists and nobody had reported them as being inflammatory. Others in fact had referred to them as conciliatory in attempting to defuse the situation. He also wanted to point out that nothing he had said and the question of when he had said it, had any connection with the riots in the city that day. He also indicated that the DUP representatives in Derry had accepted his comments in the spirit they were delivered and he believed that people therefore needed to be more sensible about remarks and stop looking for different interpretations of them. Mr Durkan indicated that this week's Derry Journal had referred to his remarks of the previous week and had confirmed them to be of a non-violent nature. He hoped therefore that this would put an end to the references made by the Unionists and that the whole issue could now be put to bed. Turning to the remarks made by



Mr Donaldson earlier regarding the SDLP leadership in communities, Mr Durkan said that his party was trying to solve and avoid problems. He said, however, in trying to do this, his party didn't get the same response from parties/groups from the other side of the political divide. He continued, saying that the SDLP had met the Apprentice Boys in 1995. His party had also met the RUC and the Bogside Residents Association that year. He recalled that in the 1995 proceedings, the SDLP had taken a stand for dialogue very early on, yet no Unionist councillors would enter into that dialogue. It was also to be noted, he said, that no Apprentice Boys entered the dialogue either. Furthermore, he stated, the SDLP had subsequently felt betrayed by the RUC because all their effort to promote dialogue and reconciliation had been abused by the local ACC. Mr Durkan continued saying that the ACC had, in the context of last year's Apprentice Boys demonstration, confirmed that the RUC view of the parade was based on the "might is right" scenario and the fact that there was a greater likelihood of more major problems such as potential blockages of Craigavon and Foyle Bridges as there might have been in not allowing the parade to proceed along its intended route.

Mr Durkan referred to the inadequacy, in his view, of the Public Order Legislation. He said that he appeared to find it strange but there were apparently limitless funds which seemed to come out of the woodwork to ensure that the "marching season" proceeded yet all other matters seemed to have quite severe spending limits applied. Mr Durkan said that he had raised all these issues with the Minister (Sir John Wheeler) but had heard nothing more since. Continuing his theme, Mr Durkan said that the SDLP, having now been through all this, had been trying to get to the bottom of these issues. His party had also met with the Garvaghy Road and Ormeau Road groups in an attempt to understand and help resolve the situations in those areas. Mr Durkan continued referring to



what he believed could develop into a serious situation in Derry this year. His party had and continued to try to counsel against an escalation of the situation and in particular the view of some that no Protestant marches should take place on the West Bank. He was counselling against this position from the very fact that it had serious implications for the Fountain Estate, the one remaining area of the West Bank which had strong Unionist links. He therefore believed that his party was being consistent on this but that it was not having very much success to date. He also regarded the recent comments by the Secretary of State following the IGC as being very unhelpful, creating a dangerous precedent and forcing a particular issue along. The Secretary of State intervened at this point to highlight the context of the question he had been asked following the IGC and the context of the response which he had given and which he felt was important. Mr Durkan said that he accepted the context of the response but it was the interpretation of the moods and views of the community on the streets to this type of statement that was the vital ingredient. He continued saying that the SDLP had been meeting the Apprentice Boys in advance of this year's demonstration and he hoped that there would be some room for both sides to step back from the increasingly tight public positions they were getting themselves into. This was important, as was the ability to keep unhelpful comments to an absolute minimum. Mr Durkan then referred to the fact that the word "anger" had been mentioned frequently concerning the nationalist view of the role of Unionist politicians at Drumcree. He said he also believed that "anger" needed to be considered in terms of HMG's handling of events. Mr Durkan said that there was an immense difference between "paralysing the State" and "overrunning the estate" but the Government appeared to have been indifferent to this in the context of Garvaghy Road. Mr Durkan also believed that criticism



by HMG of nationalist politicians and the Irish Taoiseach was an unwelcome stance as people in the nationalist community drew their own conclusions from this, particularly when there were no rebukes for Unionist politicians following Drumcree. Mr Durkan asked about the RUC deadline of 10.30 at Drumcree and wondered why this had been selected and how much of the had been connected with the fact it had apparently been the latest time available to the Orange Order to call off other plans for later that day and the next. Mr Durkan wondered what these plans were and also wondered, in light of this, whether the decision was a political or operational one. He said that he accepted what the Chief Constable had said regarding the fact that the Secretary of State appeared to be operating in a "policy free zone" for that week. He was however also interested in Mr Ancram's comments that same week which had alluded to the fact that the Secretary of State had been determined to arrive at a local solution at Drumcree and nothing would over-rule the fact that the RUC's original decision should stand.

72. Mr Empey intervened and referred to the comments which Mr Durkan had made about the Chief Constable's role and the decisions made at Drumcree. He said he hoped that people would accept the implications of what was being said. In other words, if the Chief Constable was not allowed to take the decision on an operational basis then this was taking the police service back into the pre-Hunt situation of 1969 where it was directed by the political colour of the Minister of Home Affairs. Mr Empey said that hopefully the participants did not view this approach as a means of resolving the particular issue under discussion. It was clear to him that the principle of separation between operational and political input had to be maintained as once it was breached then the situation became more dangerous and it was only a



question of which politicians got their finger on the trigger. Mr Durkan also recalled this point, saying that his party had highlighted this issue when the Public Order Legislation was going through the House of Commons but the Unionists hadn't opposed it at that stage. Following an attempt by Mr Mallon to intervene, Dr Paisley himself intervened to say that all Unionist parties had opposed the Public Order Legislation as it had arisen out of the Anglo-Irish process. Some people in fact even spent a number of days in jail as a result of it! Mr Durkan reaffirmed his view that the legislation had not been opposed in Parliament by the Unionists. The Chairman intervened saying that he believed the view that was being outlined was now fairly clear.

73. Mr Robinson commenced his remarks by saying that one needed to be very careful about quotations being used and being taken out of context. It was in this context that he believed Ms Hinds had been living on dangerous ground earlier. In part of her comments, he said, Ms Hinds had been complaining about the Unionists trying to marginalise and undermine the base of the NIWC. He believed however that Ms Hinds was quite capable of doing this by her own actions and that 7000 votes wasn't a significant base to start with in any case. Mr Robinson continued saying that Ms Hinds' behaviour at the Forum the previous Friday was very similar to that in the present discussions. He had noted all her comments had been directed at the Unionist side of the table and wondered why this was the case. Had she not realized that all the serious attacks and outbreaks of violence had been much greater from the Nationalist community, yet she had not made any verbal attacks on the Nationalist leaders? Mr Robinson said that Ms Hinds had also praised Sinn Fein for their role in pacifying certain community areas directly involved with Orange parades. He wondered how this stood up with the Chief Constable's view of the Garvaghy Road



situation where particular intelligence had pointed to a likely orchestration of violence by Sinn Fein towards the Orange parade. Mr Robinson said it was quite ridiculous for Ms Hinds to berate the Unionist community and leaders in the face of Nationalist violence without condemning the latter.

74. Turning to another point, Mr Robinson asked in what form had the recent SDLP resignation from the Forum taken place for, as he had been advised, the legislation only allowed individuals to resign as delegates to the whole process and not simply from the Forum. Mr Mallon intervened saying that he believed Mr Robinson's legal advice was wrong and that he needed to check it with Mr McCartney. Mr Robinson said he didn't need to check anything with Mr McCartney and it had already been proved that any past legal advice he received had been right. He wondered therefore whether the position of the SDLP coming away from the Forum was a question of withdrawal rather than resigning and was this simply a particular posture to keep the Nationalist community on side for the time being. Mr Robinson said that the SDLP needed to be careful and think seriously about actual withdrawal from the Forum. He believed there was much work to be done in that structure and he hoped the SDLP would re-consider their position. Turning to Mr McBride's view that the debate should not have been held, Mr Robinson said that he believed there was no advantage in people harbouring thoughts which had been gathered up over the last couple of weeks. He believed that the debate was useful and provided a wider angle of vision on the issues. He said that through this people should have a better understanding of each other's position. He particularly hoped that those on the Nationalist side would have received a clearer appreciation of how the Unionist community felt with regard to various events and the level of frustration generated from a series of Government



policies imposed on them over the last number of years. Turning to Mr McBride's comments on the Ormeau Road, Mr Robinson said that people needed to be more concerned about the conduct of parades rather than the actual parades themselves. He believed that parades could not be organised on a "grace and favour basis". This seemed a ludicrous suggestion, particularly if one was to look at the rules of free speech and hence the enormous consequences if such a parallel was drawn with this and the parade issue. However, said Mr Robinson, those people who organised and took part in parades must recognise the sensitivities of an area such as Drumcree and the Ormeau Road. Mr Robinson said that the whole issue should be put into proper context and that it was as much about "outside offenders" as it was about those from a local area parading in a local area. Mr Robinson continued saying that it was just not the parades themselves which were the problem but of course parades were symbolic of the problems of Northern Ireland. He believed that the organisation and conduct of parades must be taken forward on a basis where the least possible offence was caused to the community in which they were passing through.

75. Turning to Mr McBride's earlier views on the "might is right" principle, Mr Robinson said that this was exactly what the Unionists had had to endure for many years in the Province. He continued saying that as a result of the "might" of the IRA this view was now firmly established in the Unionist community. In addition to this the Public Order Legislation, which was based on the principle of the greater the protest and threat then the greater the likelihood of this situation winning through, had to be taken into account. Mr Robinson added that this could not be a sensible position and that the legislation itself needed to be re-visited on this point. He also believed that whilst Mr McBride had neglected to mention the Killyhevlin Hotel bomb, this had been



an important development because, in his view, it showed that the Provisional IRA were commencing a further bombing campaign. It had clearly been an IRA operation as all aspects of the attack were PIRA-related but the situation had developed to the point where terrorism was being dealt with by proxy to enable Sinn Fein to maintain their credentials with both Governments. In relation to Mr Durkan's comments regarding his speech on 12 July, Mr Robinson said that he believed that Mr Durkan's explanation had much similarity with the Unionist explanations of their speeches following Drumcree. He added that the potential problems in Derry in August could cause enormous difficulties for the Province as a whole and he believed that this situation had to be sorted out either locally, or if not, on a wider basis. Mr Robinson said that he also agreed with his (Mr Durkan's) comments that the Governments hadn't clean hands in their handling of the Garvaghy Road events. He believed that both decisions made by the Chief Constable were political because they were part of the Anglo-Irish process and mechanisms established through the Maryfield Secretariat. He further believed that both Governments were very much together in this episode. It had been viewed by them as an opportunity to face the Unionists down and he therefore hoped that lessons had been learnt from the fact that this hadn't occurred. In his view it was impossible to face down either community because at the end of the day any agreement and any move towards progress had to have the thumb prints of both communities on it. This was the reality of the situation.

76. Mr Spence said that he believed the fallout from Drumcree would go on for sometime. He continued saying that if society was to change in the Province then it had to change as a result of individuals changing. He said that his party wanted to do all in its power to ensure that those people of whom they were confidants



remained committed to the political process and didn't deviate into previous activities. Mr Spence continued by asking why everyone was present and what everyone hoped to achieve in the negotiations. He said that everyone was present as equals and fellow-citizens to reason together on behalf of the people of the Province in order to achieve a better political order than previously had been the case. Mr Spence said that it was not the PUP's intention to review history, or re-write it, or to apportion culpability but suffice to say that Northern Ireland had never been a wholesome society. He hoped that the process could set in train a set of political circumstances that could be the catalyst which would ultimately result in society being at peace with itself and with its neighbours. This could provide a new beginning for the people of Northern Ireland and with it a new era of respect, justice, equality, magnanimity, opportunity and tolerance. Mr Spence continued saying that these propositions could become a reality if there was the political will to bring them to fruition.

77. Mr Spence asked what was so fearful about change that it could not be faced with confidence in the knowledge that everyone present were the masters of change. Together all had the power to control and apply change. He said the PUP was completely and utterly, without reservation, dedicated to achieving these political goals, exclusively through peaceful and democratic methods and means. The PUP was part of an honourable and legitimate political philosophy, unashamedly pro-British and immovable on the Union. There were, however, colleagues present who, with equal sincerity thought in different terms and aspired to the peaceful fulfilment of their political aspirations. He said that this, too, was honourable and legitimate and, in its own right, was equally entitled to be respected. He continued saying



that the political reality was that the greater number of people in Northern Ireland, in a variety of ways, repeatedly and determinedly stated that the status of Northern Ireland, as an integral part of the United Kingdom, would not change because that was their political wish. That didn't mean, he said, that everyone could not cooperate to encompass all the electorate in a political circumstance where, as equals, they could peacefully agree to disagree and work together to enhance the quality of life for everyone. Mr Spence said that there were those not present who would seek to thwart aspirations in this regard. He continued saying that if they were outside, they were outside the "door of reality". That, he said, was their decision but the process could not permit that fact to retard political progress. Concluding his remarks, Mr Spence said that all true democracy was founded on the will of the people and the PUP trusted the people and would abide by their wishes. Everyone present carried the prayers, hopes and good wishes of the ordinary people of Northern Ireland and it was they, and they alone, who would have the last say on any political conclusions reached during the talks process.

78. The Secretary of State said that he had been very dubious about holding this type of debate because he questioned whether it would be fruitful. Having reached its conclusion he now believed that he had been proved wholly wrong on this. The debate had been a good engagement in his view; it had been full of passion, integrity and sincerity and he believed, as Mr Robinson indicated earlier, that it had contributed to a better understanding of respective positions. He believed this particular point was borne out no more so than in the exchanges between Mr Mallon and Mr Donaldson. Away from this the Secretary of State said that there were a couple of points he wanted to return to. First of all he said that the NIO had set no deadline on the 11 July. It



had indeed been the RUC who had established this. Secondly he believed that he not criticised any Nationalist politicians following the Drumcree events. He hoped this was a misconception as well as balancing earlier points that had been made. The Secretary of State said however that he had renounced the violence in support of the Drumcree situation. Turning to the Public Order Legislation, the Secretary of State said that he believed the terms of reference for the forthcoming review recently announced by him into the holding of parades and marches could take the legislative point on board. Moving on, the Secretary of State said that he endorsed Mr Robinson's and Mr Curran's comments that the process everyone was now involved in was the only means open to achieving a solution to the problems of Northern Ireland. He said he also wanted to ask delegates to endorse Mr Bleakley's references to the pressure of public opinion and to the fact that the rules were "the real meat of the process". He said he also wanted to endorse Mr Taylor's comments that "a lot had been achieved" in the 7 weeks to date. Finally, the Secretary of State said that he hoped that much would be learnt from what had taken place during the debate and that all could give it their best weight in the days to come.

79. The Chairman recalled his earlier proposals at this point, saying that he hoped the meeting now would shortly adjourn and be followed by further bilaterals or multi-laterals thereby leading to a further meeting of the informal group on Wednesday. Dr Paisley intervened at this point to ask about times for Tuesday and Wednesday. The Chairman indicated that he believed that most participants on the Tuesday would be arriving around 9.30/10.00. From that point on it was proposed that they get into meetings from which, at some later point, a composite text would be drawn up. Following this he proposed to consult all about the timing of



the meeting on Wednesday at which the composite text would be discussed further. Mr Empey believed that the press briefing and references to "pressure being applied" was not helpful. He said he didn't consider that creating hype and alluding to external pressures being applied in press comment was helpful to the participants. It only created a further crisis if, by a particular point which had already been publicly identified, certain progress had not been achieved as a result of genuine problems. The Chairman noted Mr Empey's comments and said that he hoped participants could be as positive as possible in commenting to the press after the day's proceedings. Mr Mallon, in reference to Mr Empey's point, said that Mr Taylor had already briefed the press during the day regarding the fact that there was no SDLP presence available to have meetings with. He said he couldn't possibly allow these comments to stand because they simply weren't right. He also wondered whether it was possible for the UUP delegation to join his party's delegation immediately after the meeting to try and take matters forward and correct this earlier position. Mr Neeson asked the Chairman whether a new composite text could be issued quickly to enable immediate discussions to occur. The Chairman said that he had proposed a slightly different approach in that bilateral or multi-lateral meetings should now begin and continue through Tuesday thereby hopefully reducing the amount of disagreement on the rules and reducing the amount of work required by the Chairman i.e., that the participants themselves would agree on as much of the language of the rules as possible. It was then his intention to produce a composite paper representing the minimum amount of disagreement which then could be discussed on Wednesday at a further informal meeting and at a time to be determined. Dr Paisley intervened at this point, thanking the Chairman for the opportunity to discuss the matters of the previous two weeks. He believed it had been a



"good day for all". The Chairman thanked Dr Paisley for his remarks and reminded participants that the informal group was now in recess until Wednesday for which a start time had yet to be determined. On hearing no further comments the Chairman adjourned the meeting at 19.55.

Independent Chairmen Notetakers  
23 July 1996

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