

DEBATE ON DUP LETTER

Alderdice (Alliance): Dr. Paisley in his letter referred to Rule 29 of the Rules of Procedure. From paragraph 16 onwards it is clear that Conduct of Proceedings refers to participants. Rule 27 states that "any written submissions which may be received from other groups or individuals will have no status." This falls under that rubric. Paisley has chosen voluntarily to withdraw from the talks. If he rejoins, and he is entirely entitled to do so – although it is not clear whether those who rejoin should reaffirm their commitment to the Mitchell principles or meet other requirements. At this point, if a party is not a participant, minutes and other material should not be circulated to them and we seek reassurance on that. If the DUP chooses to return, they are entirely entitled to place an indictment. The process of an indictment should be pursued as in the past. Those who place the indictment must be present to cross-question the accused.

We had the first hint of this sort of pantomime in the '91-'92 talks. After lengthy negotiations on plane arrangements, at the last moment Dr. Paisley decided he would not go. Parties then decided that he would not get the minutes, but that if he asked for them he would get them. He was still a participant and eventually he asked for the minutes. The Rules of Procedure do not spell out how a party that has chosen to withdraw returns to the table. We must have a ruling of the chair, or for the chair to decide that it is a matter for the participants to decide. Dr. Paisley might be asked to state publicly that he is returning. It is important to clarify these issues. Experience shows that there are many niggling ways to create problems. I am not terribly worried about the details of the clarification, but just want it to be clear. Participants have responsibilities as well as rights. To exercise rights without responsibility is an abuse of the process.

Hume (SDLP): Given what Lord Alderdice has said, the submission has no standing. No more time should be wasted on the matter.

McWilliams (NIWC): I agree with much of what has been said. In our interpretation, the meaning of "formal representation" is key. It is up to the Chairman to decide. We believe that a person has to be at the talks to make

a "formal representation." There can't be an informal debate on a motion to expel a party, if the party making the representation is not present. It comes to two points: this is not a "formal representation" and we are very reluctant to have a discussion of an indictment if the accuser is not present.

Mallon (SDLP): Should we allow those who do not deem themselves to be participants to determine the agenda? Is it politically correct and does it serve the cause of natural justice that non-participants can demand the expulsion of participating political parties?

Adams (Sinn Fein): I agree with everyone. No one not present should have the power to dictate the agenda of these proceedings.

Secretary of State: In the end we will be guided by your judgment and that of participants. I am unclear about what the position of the DUP is legally. With respect to the DUP letter, one option might be for the chair to note the letter, but then do absolutely nothing with it. If the DUP comes back in, it could then resurrect the letter if it so chose.

Irish Foreign Minister: Obviously we will be guided by the views of other participants. It is a matter of justice that people should be here if they plan to protest.