

LIAISON SUB-COMMITTEE ON CONFIDENCE BUILDING MEASURES

PAPER BY HMG

1. At the first meeting of the Liaison Sub-Committee on Confidence Building Measures on 8 October, the Chairman asked that each participant should submit a paper setting out the issues they wished to discuss in the Sub-Committee. This paper responds to that request on behalf of the British Government.

Remit of the Sub-Committee

2. The Government wishes first of all to set out its position on the remit of the Sub-Committee, in accordance with the Chairman's request following queries on this issue from the NIWC and other participants. The question is whether the items which the Sub-Committee should examine are as defined by the 24 September procedural motion - that is, the confidence building measures mentioned in the Report of the International Body, and any others agreed by the Plenary - or whether rule 17 of the Rules of Procedure should be held to over-rule this, and be interpreted as permitting any participant to raise any subject they wish in the Sub-Committee.

3. The Government believes that the procedural motion, which was passed by sufficient consensus in the plenary last month, remains valid. If it were set aside, then not just the remit but the very basis of the Sub-Committee's operations could be called into question. It is clearly also the case that the rules of procedure, including rule 17, continue to apply. But the Government believes there is no conflict here. We see rule 17 as an overall safeguard that any issue can be raised in the appropriate part of the process - whether it be the Plenary, a strand or a Sub-Committee. In the Government's view rule 17 should not be seen as permitting any participant to raise at will any issue in any forum of the negotiations. If it had that effect, there would have been little purpose in participants spending, as they did, weeks and months refining agendas and terms of reference for the various formats.

4. The Government is therefore concerned to uphold the principle that issues should be dealt with in the appropriate formats and that rule 17 should not be interpreted as permitting collectively agreed agendas to be set aside or altered at will to accommodate new issues which might more suitably be dealt with elsewhere.

5. At the same time, the Government is anxious to facilitate the work of the Sub-Committee in addressing areas where fears and uncertainties might otherwise damage confidence and impede political progress. We accept that there may be issues not mentioned in the Report of the International Body which could nonetheless legitimately be considered as areas for confidence building. In such cases we should be happy to participate in discussion. However, if an issue were raised which we believed was genuinely inappropriate for the Sub-Committee, we would reserve the right to request the application of the sufficient consensus test to its tabling. Some issues, for example the institutional or systemic aspects of policing, more properly belong to Strand 1, and we would want to ensure issues were covered in the arena most appropriate for them.

General approach to confidence building

6. Confidence building is a key component of the dynamic of progress in these negotiations. For the talks to proceed successfully, trust and confidence needs to develop among the participants, and the International Body's Report placed a responsibility on all participants to work towards this end.

7. It would be helpful in our view for the work of the Sub-Committee to be based on a fuller understanding of the precise nature and extent of the confidence deficit, illuminating how participants see the current state of mind in each community and where they see the greatest need arising. The questions which might be addressed in such a debate include whether all participants believe that fear and mistrust occur in

both main parts of the community; whether all participants have a role to play in achieving greater confidence and trust; and how to avoid the risk that a measure which is seen to build confidence in one part of the community might produce a counter-balancing level of resentment elsewhere, leaving little net benefit to the process. From this discussion there might flow some general principles which could guide future discussions in the Sub-Committee.

Specific issues for discussion

8. As made clear in our opening statement, the British Government intends to listen seriously and carefully to what others have to say and to discuss any concerns in relation to issues within our control. We would wish at the appropriate time to table papers on the issues in the International Body report which fall to us, as the basis for further discussion. The Government's actions and policies in Northern Ireland will continue to be implemented within a framework designed to maintain the rule of law and to seek to ensure equality of opportunity and equity of treatment for everyone in Northern Ireland, with the aim of achieving a comprehensive settlement that would lay the foundation for a better, more stable and more harmonious future.

9. The Government also wishes to discuss confidence building measures which fall within others' control. A number of these are mentioned in the International Body's Report, as follows:

- (i) The confidence building measures referred to in the Report include the termination of targeting and surveillance, which are activities associated with paramilitary groups maintaining a readiness to return to violence. Such activity is wrong in itself and inconsistent with a declared commitment to exclusively peaceful methods.

- (ii) The Mitchell principles, to which all participants have subscribed, require a total and absolute commitment from parties to urge that (so-called) punishment attacks stop, and a commitment to take effective steps to prevent such actions. The Government is in complete agreement with the need for these commitments. The barbaric beatings which have been suffered by victims on both sides of the community contravene all concepts of justice and human rights, and have no place in a just society where the principles of democracy must be paramount.
- (iii) The Government firmly believes that information should be provided to the relatives of a number of missing persons who over the period of the Troubles are presumed to have been murdered by terrorists. In particular this information would enable families and relatives to give their loved ones a decent and dignified funeral. The time is long overdue for those who are aware of the whereabouts of such victims to release details. The confidence this would build throughout the community would greatly increase the belief that paramilitaries, on both sides, were sincere in wishing to contribute to ending the sorrow and distress of recent years.
- (iv) It is wrong also that people are coerced into leaving Northern Ireland by threats to their personal safety. Such behaviour is wholly unacceptable and clearly does not conform with principles of democracy and non-violence. We call on all parties who have influence over organisations who have made such threats to do all they can to ensure that those expelled are free to return to their families and homes and live in safety.

10. We urge the parties associated with paramilitary groups to press forward on all these matters. Early action by paramilitary groups will do much to contribute towards the building of confidence throughout the community.

Conclusion

11. The Government looks forward to discussing these issues in the Sub-Committee and to the challenge of developing confidence to support and assist the process.

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