

**Liaison Sub-Committee on Confidence Building Measures
Paper Presented by the Irish Government**

1. The Irish Government believes that confidence-building measures form an essential element in the promotion of trust and in progress towards a real, meaningful and lasting peace. In its approach to Anglo-Irish relations, the Government has accordingly attached deep importance to confidence building measures generally. This has been particularly reflected in its bilateral relations with the British Government in regard to Northern Ireland.
2. The Government has been and remains committed to examining possible ways of removing any obstacles to reconciliation between the two main traditions on the island. Some progress has been made towards that objective. For its part, the Government remains open and responsive to any views and proposals that may emerge in discussions on how further progress can be achieved in that regard.
3. In respect of Northern Ireland, the Government has sought to make progress on a range of issues including:
 - promoting reconciliation between the two traditions.
 - measures to protect human rights (including the possibility of a Bill of Rights).
 - measures to prevent discrimination and promote fair participation of both communities in economic and social activity.
 - the use of flags and emblems.
 - support the use of the Irish language in Northern Ireland
 - prison issues, both in terms of policy and individual cases.
 - measures to improve confidence in the security forces and relations between the security forces and the nationalist community.
 - measures to increase confidence in the administration of justice.
4. The Government regards the maintenance of the Republican and Loyalist cease-fires as an enormously important confidence building measure in Northern Ireland. A peaceful atmosphere can provide the necessary foundation on which to develop further measures to increase reconciliation and trust. The cease-fires have added greatly to the possibility of making real progress on a wide range of confidence building matters through the discussions of this Committee. The Government will continue to urge the scaling down of the security presence, consistent with public safety, as a visible and meaningful expression of the new climate of peace.
5. In establishing the International Body in November 1995 to provide an independent assessment of the decommissioning issue, both Governments reaffirmed their willingness to continue to take responsive measures, advised by their respective security authorities, as the threat of violence reduces. The Government believes that such measures play an important role in building confidence and improving the climate of trust essential to progress in the talks.

6. The work of the International Body has set out a list of topics for consideration as confidence building measures. In this regard, the Report cites the following areas:
- the provision of information on the status of missing persons.
 - the return of those who have been forced to leave their communities under threat.
 - continued action on prisoners.
 - the early implementation of the review of emergency legislation (consistent with the evolving security situation).
 - a review of the situation with respect to legally registered weapons.
 - a review of the situation with respect to the use of plastic bullets.
 - continued progress toward more balanced representation in the police force.
 - that policing in Northern Ireland can be normalised as soon as the security situation permits.
 - further progress in the social and economic development of Northern Ireland
 - an elective process to reflect the popular will. (This measure was acted on and resulted in the Forum Elections of 1996.)

The Government looks forward to discussion in the Sub-Committee of those issues raised by participants in this regard.

7. The Government also notes the importance which the nationalist community attaches to issues of cultural equality, including in regard to the Irish language, and to equal opportunity of employment. The Government is also conscious of demands from within both communities that a focus is given to the suffering and concerns of victims of violence and their families. It may be that parties may also wish to raise these issues in the Sub-Committee.

Modalities for Discussion of other Confidence-building Measures

8. The Government's views on the modalities for discussion of confidence-building measures other than those referred to in the Report of the International Body are contained in the attached Annex.

The Treatment of Confidence-Building Measures other than those referred to in the Report of the International Body

Position of the Irish Government

1. At the first meeting of the Sub-Committee on Confidence-Building Measures which took place on 8 October 1997, the Chairman requested the participants to submit their views on the apparent conflict between the mandate of the Sub-Committee as set out in the Procedural Motion adopted by Plenary on 24 September and paragraph 17 of the Rules of Procedure.
2. The Irish Government is of the view that, while there is not necessarily any direct conflict between the terms of the Procedural Motion and the Rules of Procedure, the conduct of the negotiations would be facilitated if the Plenary were to adopt a motion referring discussion of all possible confidence-building measures notified to the Chairman of the Plenary in the first instance to the Sub-Committee on Confidence-Building Measures, without the need for prior discussion in Plenary.

Basis for position

3. The Sub-Committee on Confidence Building Measures was established by the Plenary under paragraph 5 of the Rules of Procedure which provides that:

“Where appropriate, other committees and sub-committees of the negotiations may be established among the participants in the format to which the sub-group relates.”

4. The formats in which issues are to be discussed in the negotiations are identified in paragraph 5 of the Rules of Procedure as being: Plenary; Strand One; Strand Two; Strand Three; and a Business Committee.
5. In its procedural motion of 24 September 1997, Plenary set out the responsibilities of the Sub-Committee as follows:

“The (Sub)-Committee will be charged with assisting as appropriate the implementation of all aspects of the Report of the International Body relating to the further confidence building measures mentioned in that Report which participants may raise, and any others which might be referred to by agreement by the Plenary”.

6. Clearly, this provision must be without prejudice to the Rules of Procedure which govern the conduct of the negotiations as a whole. In particular, it shall not limit the rights of participants under the following provisions of paragraphs 17 and 18 of the Rules of Procedure:

Paragraph 17

"Without prejudice to any participant's negotiating position, each participant will be able to raise any significant issue of concern to them and receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations";

Paragraph 18

"Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant".

7. It is clear, therefore, that each participant has the right to raise any matter, including confidence-building measures, in the appropriate format of the negotiations, and to receive a fair hearing for their concerns. The appropriate format, will obviously depend on the nature of the confidence-building measure raised. The fact that the Plenary has seen fit to establish a sub-committee to deal specifically with confidence-building measures would indicate that Plenary would be among the appropriate formats in which to raise such issues and to receive a fair hearing for them.
8. Concern has been expressed by some participants that unnecessary delays will arise if Plenary has to debate any proposed confidence-building measures before they can be referred to the Sub-Committee. The Irish Government understands these concerns and is of the view that the most efficient manner for Plenary to deal with any proposed confidence-building measures notified to the Chairman of the Plenary would be to refer them automatically to the Sub-Committee, without prior debate in Plenary.
9. This would allow Plenary to concern itself only with those confidence-building related matters referred back to it by the Sub-Committee. Such an arrangement would serve to avoid over-burdening the agenda of the Plenary, minimise the duplication of debates in the Plenary and the Sub-Committee, and reduce the potential for delays in the negotiations as a whole.
10. The Irish Government therefore proposes that a motion to this effect be put to the Plenary, either at its first review meeting or at a special meeting to be

convened in the near future exclusively for that purpose under paragraph 12 of the Rules of Procedure.

11. It would, of course, be open to the Sub-Committee to decide that any proposed confidence-building measure referred to it was more appropriate for discussion in one of the three strands. It could also happen that the Sub-Committee would be unable to reach sufficient consensus on the matter, in which case it would be for the Business Committee, under paragraph 13 of the Rules of Procedure, to address the issue and, if necessary, determine the modalities for dealing with it. These modalities would need to offer a fair hearing for the concerns of the participant or participants which had raised the issue. Clearly, the Business Committee itself would not be competent to deal with the substance of any such issue.