

Ruling by Senator George J. Mitchell
Liaison Sub-Committee on Confidence Building Measures
December 15, 1997

At a meeting of this Sub-Committee on 18 November 1997, I concluded that Rule 17 of the Rules of Procedure did not override the Procedural Motion adopted by the Plenary on 24 September. That Motion created this Sub-Committee and defined its remit.

In paragraph 5 of a written submission dated 22 October, the British Government stated:

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.

Following my ruling on 18 November, the UUP asked whether the ruling embraced the British Government's position as quoted above. I reserved judgement on the UUP's request, pending a review of paragraph 5 in light of my prior ruling.

I have now completed that review. The UUP request is a logical follow up to the previous question and is relevant to the work of this Sub-Committee. But it is

premature in the sense that no issue has been raised by a participant to which another participant has objected.

Indeed, at the meeting on 18 November, the participants unanimously agreed to an agenda for the next five meetings of this Sub-Committee, with each of the following issues to be taken up, in the order listed, by the Sub-Committees, with a separate meeting for each issue: (1) Prisoner Issues, (2) Economic and Social Development, (3) Paramilitary Activity, (4) Security Issues, and (5) Policing Issues.

If and when a participant objects to an issue presented by another, so that an actual as opposed to a potential dispute exists, I will rule on this question. However, as I said in making my ruling on 18 November, it is my hope that these questions can be resolved in a reasonable and flexible way that makes formal objection and rulings unnecessary.