

# Office of the Independent Chairmen

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## SUMMARY RECORD OF LIAISON SUB-COMMITTEE MEETING ON CONFIDENCE BUILDING MEASURES ON MONDAY 1 DECEMBER 1997 (1500)

**CHAIRMEN:** Senator Mitchell  
Mr Holkeri

**THOSE PRESENT:** British Government  
Irish Government  
Alliance  
Labour  
Northern Ireland Women's Coalition  
Progressive Unionist Party  
Sinn Féin  
Social Democratic and Labour Party  
Ulster Democratic Party  
Ulster Unionist Party

1. The Chairman (Senator Mitchell) convened the meeting at 1509 and stated that this was the fourth meeting of the Liaison Sub-committee on Confidence Building Measures. The Chairman said that pursuant to the last meeting the subject matter today would be prisoners issues. He recalled that participants had been given the opportunity to submit papers and several had done so. These had been circulated prior to the commencement of the meeting. The Chairman said the session was intended to be a general discussion in such a format as the participants decided. One format might

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feature a tour de table with participants summarising the main points of either their papers or position, followed by a general discussion. The Chairman asked whether participants wished to proceed on this basis.

2. The UUP noted that the Chairman had yet to respond to its query in relation to the Chairman's ruling on rule 17 vis a vis the Procedural Motion which it raised at the previous meeting. The party said it wanted to make clear that it wished to reserve its position on this until a decision was forthcoming. The Chairman said he still had the matter under consideration and would respond to the party in due course. He acknowledged the UUP's position and said if any other participant wished to comment on the issue he would be content to take these views into account. The Chairman then asked the British Government to open the discussion in the tour de table format.

3. The British Government said its paper set out the very significant changes which it had made during the period since the summer of 1994. These in particular included over 240 scheduled prisoners being released early since November 1995. These prisoners had had their sentences reduced by a quarter. Twenty-nine terrorist prisoners had been transferred from Great Britain to Northern Ireland. All could now remain in Northern Ireland permanently and might benefit from Northern Ireland's more generous home leave arrangements. There had been significant changes in pre-release leave, compassionate release mechanisms and in Christmas home



leave. Prisoners who had served over 10 years now had 20 days leave a year.

4. The British Government continued and said that these changes had taken place against the back-cloth of the fact that all prisoners serving sentences in Northern Ireland had been convicted of criminal offences and many of those serving long sentences have been convicted of serious acts of violence. Violent offences continued to be committed and the number of prisoners remanded in custody at the Maze had doubled since November 1995. Moreover during this period the prison authorities had had to cope with both outbreaks of concerted indiscipline and an escape attempt. The British Government said that nevertheless, it recognised the importance of prison issues to the community in Northern Ireland. The Secretary of State had said that further movement on prison matters including prison releases was not excluded. In particular, the construction of a peaceful and lasting settlement would provide opportunities to make progress in this and other areas. Any changes, however, to release arrangements had to be justified and could not undermine community confidence in the criminal justice system or the political process.

5. The Irish Government said it welcomed the opportunity to discuss the issue of prisoners in the context of confidence building measures. It said it attached deep importance to confidence building measures as an essential element in the promotion of trust and the underpinning of peace in Northern



Ireland. Its experience in these talks to date had shown that confidence was a key ingredient to progress. Where progress had been made it had been where a degree of confidence had been imparted to all sides. As progress was made, confidence grew. The Irish Government said it had always believed that the peace process ultimately depended on creating and sustaining this virtuous cycle of confidence and progress.

6. The Irish Government said the Report of the International Body, in paragraph 53, identified continued action by both Governments on prisoners as one of the measures which would bolster trust. The Irish Government fully shared this view. It regarded the maintenance of the republican and loyalist cease-fires as critically important confidence building measures in themselves. The assurance of a peaceful atmosphere had helped provide the necessary foundation on which to develop further measures to increase reconciliation and trust. It was essential, therefore, to continue to focus in an imaginative and progressive way on all the questions relating to those who had been imprisoned in the context of the conflict, both republicans and loyalist, while also giving full attention to the concerns of victims of violence, a matter which parties might also wish to address in this Subcommittee.

7. The Irish Government said its approach had been developed in line with these considerations. All those in its jurisdiction who had been imprisoned in the context of the conflict could benefit from these measures.



Since 20 July, seven persons convicted of offences relating to the conflict in Northern Ireland had been granted early release. To these must be added the 36 who benefited from similar measures between August 1994 and February 1996. The Irish Government said it would also welcome the consideration of similar measures, applied to both republican and loyalist prisoners, by the British Government. An important aspect of this issue was the question of transfers from Britain to Ireland. In its approach to this question, the Irish Government said it had been consistently guided by the internationally accepted principle that, whenever possible, prisoners should be permitted to serve their sentences close to their families. Accordingly, in November 1995, it ratified the European Convention on the Transfer of Sentenced Persons, the international instrument which provided the framework for transfers between Britain and Ireland. Since then, six republican prisoners had been transferred from Britain under the provisions of this instrument. A further two had been transferred from the United States to Ireland.

8. The Irish Government said it had repeatedly made clear that it stood ready to receive, at the earliest possible date, all qualified Republican prisoners in Britain who wished to be transferred to its jurisdiction. It had been in ongoing contact with the British Government to ensure that the necessary conditions existed for further transfers, and it expected that a number of transfers would take place in the very near future. It could not over-emphasise the importance of this issue. In conclusion, the Irish Government said it was essential to maintain the momentum of improvement



on this question. It would continue to attempt to identify the prisoner issues directly affecting confidence generally and to frame a sensitive and meaningful response consistent with the improved security situation. It welcomed the contributions to this important issue which would arise as a result of the deliberations of the Sub-committee.

9. Alliance said it had not produced a paper and wished to reserve any comments to a subsequent stage.

10. Labour also referred to its non submission of a paper and said it wished to listen to the views of others during the discussion. The party admitted that it did not have a strong prescriptive answer to a very delicate issue and hoped that everyone would do their fair share of listening in an attempt to resolve matters. The party said it did not believe that there were political prisoners in Northern Ireland in the sense that the term "political prisoner" had any international meaning. It did, however, believe that many, if not most of the prisoners currently in jail, were there as a consequence of a political inheritance which was not their creation. There was no doubt that most of the prisoners would not be in jail but for the failure of the political system.

11. Labour said that while it did not accept the term political prisoner it equally did not accept that prisoners should be political hostages dependent on the whims of the participants. It would be a moral obscenity if the release



of prisoners was dependent on political concessions or the refusal of some to seek to engage in dialogue. Labour said that opponents of release did so from a position of retribution and that the price had to be paid. If retribution was the only criterion then there were many who could be called to book for the misdeeds of the past. Despite protestation, violent language and misrule could be every bit as damaging as actual violence. Retribution should have no place in the debate; rather the issue should be the likelihood of re-offending and that, amongst other things, rested with the genuineness of paramilitaries forswearing violence.

12. Labour said if the entire process had any meaning then it had to be about healing the wounds and reconciliation; and in doing so everyone couldn't simply ignore the fact that so many people and their families were affected by the prisoner issue. The party was not prescriptive on solutions and it knew that the discussion would be assisted by words like "regret" and "permanent". Equally the debate would be assisted by the dropping of talk of retribution and vengeance. Revenge had no place in the debate. In terms of immediate consensus, the party said there was surely no rational reason for the few people who had served over 20 years remaining in jail.

Furthermore a much wider and substantial use of parole, especially at Christmas, was required as well as returning those presently serving sentences in Great Britain to jails in Northern Ireland.



13. The NIWC said it had submitted a paper that morning and would summarise its contents. It reserved the right to come in later in the discussion. The party said it believed that NI prisons were full because society had been engaged in a bloody political conflict and not as a result of an enormous crime-wave. The use of emergency legislation, Diplock Courts as well as the differences in day to day running of prisons were testimony to the fact that prisoners would not be there if it were not for the political conflict. The party said that, given this, a programme of prisoner release must be a part of any overall settlement of the conflict. However, the party also recognised the anger and fear on the part of some victims at the prospect of the release of prisoners. The NIWC said it believed no one should ever lose sight of the enormous pain, loss and grief which had been endured because of the acts of violence created by the conflict. There was nothing that could be given back to the victims but it was important to take into account the views of all victims. In this regard the party fully supported the demand made by victims organisations that funding resources be made available to enable victims to be properly supported during this time and that resources devoted to movement on prisoners be matched by identical funds for victim support groups.

14. The NIWC said it supported the early release of all prisoners convicted of scheduled offences within the context of an overall political settlement. The party said it also wished to see a clear statement from the British Government outlining its commitment to address the issue of



prisoners as central to the overall process and that early release would form part of an overall agreement. This would help to build confidence and favourable conditions for building an agreement and addressing disillusionment within both communities. The NIWC said it echoed comments already made by others with regard to the issue of transfers and in particular wished to stress the suffering of families in this ongoing situation. More generally the party urged that some immediate confidence building measures be implemented, particularly in relation to private family visits, parole etc. The party said it also wished to raise the case of Roisin McAliskey and urge the British Government to take some decisions on this case.

15. The PUP said its paper was consistent with the original paper submitted to an earlier Sub-committee meeting in that it did not list demands or requests as subjects for negotiation. The party said, however, that some people were present to negotiate the release of prisoners. The PUP said it didn't believe that was a task for the Sub-committee but rather it was to look at issues such as preparing prisoners for release and related matters.

16. Sinn Féin said it had some brief comments. The issue of prisoners of war was one of the most emotive subjects to be faced in the six counties. It had been the source of great public protest in the past and hence a major catalyst for focusing public opinion. It was therefore, a major factor in building confidence. Sinn Féin said it noted the British Government's paper



and its references to political prisoners being "criminals". The party said it didn't see it this way. There were graphic examples of the British Government's double standards in the cases of Lee Clegg and Ian Thain; both soldiers had been convicted of murder, served a few years and then had been transferred to the United Kingdom. Both cases were to be compared with prisoners now serving their 23<sup>rd</sup> year.

17. Sinn Féin said another example of so called British justice was the special secure units in UK prisons. Here again was justice being imposed on one section of the community which was rarely imposed on British soldiers. The party said the British Government had to address the issue of its standards of justice since these were a major obstacle to confidence building. Sinn Féin acknowledged that the Irish Government recognised the importance of the confidence building issue, though it contrasted the slow action by the present Irish Government in dealing with prison issues compared to the action taken by its predecessor during the previous IRA cessation.

18. The party continued and summarised a number of measures which it wished to see introduced immediately as a means of building confidence in the community; the five prisoners - Duggan, Doherty, Butler, O'Connell and Donnelly who had served 22 years in England should be released; all Irish political prisoners held in England should be released; special secure units should be closed permanently; Irish prisoners in England should be granted



compassionate and normal parole facilities; the category of "restricted transfer" should end; strip searching should end; the restrictive conditions in Magheraberry women's prison should end; female prisoners should be granted the same facilities as those male prisoners in Maze and Magheraberry; time served awaiting extradition should be automatically deducted from the sentence of any prisoner who had been extradited and appropriate training and education facilities should be made available to those awaiting release.

19. The SDLP said that prisoners and their families was always a sensitive subject. This had always been the party's view from a "rights and treatment" perspective even without the political conflict. The latter, however, made the issue even more vital to address now. The party said that both Governments needed to approach the issue in a positive way rather than be seen to be reluctantly offering change. This former approach would generate confidence in a more positive way, particularly if the Governments approached the subject in a broad ranging manner. The party had no shopping list of demands but wished to highlight issues such as transfers, home leave etc. Improvements in these areas could have a positive effect on prisoners and their families while not taking anything away from the victims or their relatives.

20. The SDLP continued and said that such changes shouldn't occur as an alternative to an early release programme but rather alongside it. This would



help to sustain the building of confidence in the community. The party said it also appreciated that the sensitivity of the issue worked both ways and pointed out that it didn't want to see sensitivity towards the victims being used as an excuse to do nothing. The party said it had to be remembered that there were many who were convicted of crimes which had no victims. There was therefore no reason why an early release programme could not be included for these prisoners. The SDLP acknowledged the progress made on prison issues and the steps already taken, but these needed to be fully effective in terms of their impact on changing the prison regime. The party said it must be remembered that both prisoners and ex-prisoners had contributed considerably to the present situation and further changes and improvements could help not only the wider community but the body politic as well.

21. The UDP also referred to the prisoner issue as being highly sensitive. The party said it was only too aware of the sensitivities of the victims of violence and this was a major factor in calling for a phased release of prisoners as opposed to a general amnesty. However the party said that any objective observer would agree with it that political prisoners, their families and friends were also victims of the conflict over the past three decades. The UDP said that the first thing which had to be done was for some participants to move away from their position of denying the very existence of political prisoners. If there were no political prisoners, why was the issue being discussed today in a political process? Similarly were those people saying



that Northern Ireland had, for the past 27 years, been subjected to an amazing and unprecedented upsurge in ordinary criminality?

22. The UDP said it was time to stop this pretence and deal with the issue. The issue of political prisoners had to be resolved within the process and not as some form of peripheral matter. The party said that loyalist prisoners had played a vital role in securing the loyalist cease-fire three years previously. They had also helped to maintain it. Yet the British Government had abjectly failed to make any significant movement towards a process of release for political prisoners. The party said a previous Secretary of State had spoken about acting on the prisoner issue with "generosity and imagination" but, in effect, prisoners had been waiting in vain. In December 1995 50% remission for political prisoners had been introduced by the British Government, but what this actually meant was bringing political prisoners back into line with so called "ordinary decent criminals". That category of prisoner had, until December 1995, enjoyed a more generous rate of remission than political prisoners.

23. The UDP said the British Government had failed to implement any measures designed to shorten the period of imprisonment for life sentence prisoners. The party then contrasted the difference in attitude adopted by the British Government when dealing with loyalist and republican prisoners. Five months after the renewed IRA cease-fire, the British Government had moved swiftly to bring republican prisoners back from the mainland. This,



along with a host of other confidence building measures directed solely towards the republican and nationalist community, had given the impression of a less than even handed approach. This gave the party a major problem in respect of even handed confidence building measures. The UDP then highlighted the eagerness of the British Government to repatriate republican prisoners after a mere five months of a cease-fire with the distinct lack of movement on loyalist prisoners after more than three years on cease-fire. There was then the cases of Clegg and Thain. The party said that when the Official IRA declared a cease-fire in the early seventies the British Government then began releasing life sentence prisoners from that organisation who had served as little as seven years. Were loyalist prisoners seen to be less important than others? The party said it hoped not.

24. The UDP said it had tabled a paper which contained recommendations on movement which the British Government should be making in order to bring fully into this process political prisoners, their families and friends. The party urged it to act swiftly on those recommendations. The paper contained substantive and non substantive measures which it believed should be adopted by the British Government. They were self explanatory but, if anyone felt the need for further clarification, the party said it would be only too happy to provide this.

25. The UUP said it did not have a position on the issue since more recent events had overtaken the time needed to prepare this. The party said it



would nevertheless appreciate what confidence building for the unionist community actually meant when comments, such as those from the Irish Foreign Minister, were recently issued. With this in mind the UUP referred to the previous Sub-committee minutes and quoted that the Irish Government had said the "confidence building measures was central to its approach to Northern Ireland issues". How did one reconcile this with the Minister's recent statement? The party said it also objected to the term "prisoners of war" being used in the formal record. There were no prisoners of war in Northern Ireland. The party said it even had some doubt about the "political" term to describe prisoners but whatever term was used it objected to it being used in the formal record. The party asked for a ruling on this from the Chairman in due course.

26. The UUP then referred to the Irish Government's earlier comments and in particular the emphasis placed on the release of 36 prisoners during the first IRA cease-fire which had established confidence. The party asked the Irish Government how these releases increased confidence in the community when such incidents as Canary Wharf and the double RUC murders in Lurgan were subsequently perpetrated? The Chairman asked the Irish Government whether it wished to respond. It replied that it didn't at that stage.

27. Alliance said it took the same position as Labour on the issue that there were no political prisoners in Northern Ireland. Political prisoners



were in custody around the world for campaigning against Governments, political movements etc and Amnesty International had a particular categorisation for them. The party said if one wanted to talk in terms of politically motivated prisoners in Northern Ireland then this was OK but one had to remember that prisoners were sentenced for committing particular acts and murder was murder irrespective of the underlying reason. The party said it was important to remember this and recall the rule of law which applied to everyone. Within the rule of law, every act of unlawful behaviour had to be treated consistently, as did the person involved in it. Alliance said that, on this basis, any arbitrary release of prisoners was just as offensive as any arbitrary arrest. The party said there could be no political interference in this mechanism. It was not a matter for political bargaining.

28. That said, Alliance said it acknowledged the positive influence which prisoners and ex prisoners had had on the current situation and in this regard there were practical issues which could be addressed such as conditions, transfers and the role of the Life Sentence Review Board. These were relatively small but important areas, though one needed to be careful of the wider picture when looking at these in detail. Alliance said if there was a comprehensive settlement, then an extensive programme of releases would be acceptable, assuming that such a settlement had the endorsement of the relevant paramilitary organisations. If such an endorsement was not forthcoming then the key focus would be on the position and behaviour of those organisations and what discipline and control was exercised by them



on released prisoners who might still be "members" in their eyes. The party said, given that the risk of re-offending was high, the position of the paramilitary organisations was fundamental to any release programme. If organisations continued to be involved in violence and criminality, then this would block a release scheme. The burden rested with the organisations that violence was removed for ever.

29. The PUP said confidence building was not about rewards, demands and requests. Demands etc were simply another form of negotiation. But, in its view, confidence building was about the British Government implementing something which was an unsolicited gesture of goodwill. It was about engaging in dialogue with representatives of prisoners groups. Justice was not about gaining the pound of flesh or implementing the full measure of the law. It was about healing, restoring and making things right for the future. People couldn't expect violence to be turned off overnight. It had to be worked at. The peace process had to be looked at as a way of life otherwise it wouldn't happen. In relation to political prisoners the party said that some people had been arrested under special powers, tried by special courts, confronted by special evidence and been subjected to special reviews - yet they were not a special type of prisoner?

30. The PUP said that the British Government had set up an ex offenders and prisoners release initiative through the Training and Employment Agency thereby creating training and employment opportunities for ex



prisoners. However, no representatives from prisoners organisations had been involved in setting this up. But these organisations had a good record in getting ex prisoners into work. The British Government didn't accept this position so where was the confidence here? The party again emphasised its view that confidence building had to start with the British Government making an unsolicited gesture.

31. The NIWC said earlier comments about the linkage between released prisoners, the risk of re-offending and the organisations' view of violence only built up the concept of "prisoners of war". The reality was that there had always been releases and people had moved on. The difficulty in the present debate seemed to centre around when did an ex prisoner actually become a member of the community. The party said it also thought that the political nature of the crime and of the conflict in general was acknowledged by the authorities but then they moved on from this. Alliance pointed out that on the matter of early releases, its view was that these had to occur within the due process of law.

32. The Irish Government responded to the earlier UUP point by saying that it accepted and agreed that the cease-fires had had a positive effect on confidence building. However such confidence building had to be reinforced by specific measures as well. It said that, taking into account the fact that the cease-fires had a sound basis, it seemed reasonable to underpin this situation by taking action on an issue which was close to both communities. There



was no doubt that the durability of the cease-fires was a confidence building measure but action should be taken to underpin this and the prison issue was of relevance to both communities.

33. The UUP said it couldn't follow the logic of the Irish Government's position. The party said it seemed contradictory for the Irish Government to be saying that the release of prisoners was a confidence building measure when one didn't know the durability of the IRA cease-fire. The party said it ill beheld the Irish Government to manufacture confidence building measures when there was a lack of confidence apparent between the Republic and the UK on the handling of terrorist matters.

34. Sinn Féin said it accepted that the whole area of political prisoners was a way to move the wider process forward. Some 80,000 people had been affected by the conflict; many were still in jail. Whether or not these people were political prisoners didn't matter, they were in jail for political reasons and everyone had to accept this. The party said that if everyone was sincere and serious about confidence building then they needed to look for the appropriate language which suited the subject matter. In addition there was the need to get engagement on the issue rather than taking side swipes at one another. Sinn Féin said there were many circumstances which required address on the whole prisoner issue but the key point was that it was an issue which could move the process forward. The party said, in conclusion, that prisoners were anxious to move the process forward, would not be a barrier



to progress, and see themselves not as bargaining chips, but as a small component in the wider process.

35. The British Government said it had listened to all the views expressed. It agreed with some and not with some others. It said it concurred with Alliance and the UUP that there were no political prisoners in Northern Ireland. People had been convicted under the due process of law but it recognised at the same time that the position of prisoners was a sensitive and emotive issue in Northern Ireland. The British Government said it believed this had been recognised with the introduction of many developments thereby making the NI prison regime one of the most progressive in Europe. The British Government said it was committed to repatriation as soon as was practical. In terms of early releases, it pointed to the fact that some 240 had been released since 1995 and increased remission had been introduced. It said it had noted the view that more movement on the issue was an ingredient in moving towards an overall agreement and recognised that it should not be dealt with in a vacuum since progress on it might help in other areas of the talks. However, the British Government said that any movement on prisons issues must not be seen to be undermining confidence in the wider criminal justice system.

36. The NIWC expressed disappointment at the response of the British Government. It said there was a general recognition that prisoners in Northern Ireland were different, and questioned the British Government's



interpretation. The SDLP echoed these sentiments. It said the Northern Ireland context was different, and that people had come to terms with the need for change regardless of the subject. It said it was important that the British Government noted this understanding by the broader community, even if people were reluctant at some of the changes.

37. Sinn Féin said it was disappointed at the lack of comprehensiveness in the British Government response. It said the British Government had never moved forward positively on its own on prisoner issues, but had instead reacted to pressure from nationalists and prisoners' groups. For many prisoners in Britain conditions had worsened. It referred to the recent speech in Wales by the Secretary of State, which it said had not included prisoner issues among a list of confidence building measures.

38. The PUP asked if there would be any outcome to this meeting. If the aim of the Sub-committee was to air views without reaching any outcome then their purpose was unclear. Sinn Féin said that the Minister of State had said participants would present papers, following which they would then seek to identify common ground. It asked for a concrete response from those with responsibility. The NIWC agreed, saying there was an immediate need for confidence building measures. The UDP said it was important that the Sub-committee did not decide these issues. However, it would be concerned if there was no attempt to find common ground, and said the Sub-



committee should seek to do this, and then take its recommendations to the Plenary or appropriate strand.

39. The SDLP counselled against turning the Sub-committee into a negotiating format. It said it was hard to imagine how they could make recommendations without achieving sufficient consensus. The party said it was not in the interest of those who felt strongly about the issues to operate under the Plenary rules of sufficient consensus or 'nothing was agreed until everything was agreed'. The Sub-committee could not issue directives, and it wished to see individual items progress on their merits. The party said it was disappointed at the response of the British Government, which it hoped would come back with a revised response and reports of progress. It would not be necessary to wait until the next time prisoner issues were discussed to do so.

40. The NIWC said there was a diversity of views on this issue, and voiced concern at the notion that Northern Ireland was a society with high crime and a liberal judicial system. It said account must be taken of victims, and the inadequacy of services provided for them, citing the lack of bereavement counselling for children and young adults. It noted that justice and human rights were already on the substantive agenda for the talks, and said it hoped they could make enough progress to bring points to the Plenary for agreement. The UUP agreed that the Sub-committee was not a decision making body. It said it had a responsibility to bring recommendations to



Plenary, but it was not going to have success if it started with the most controversial issues and didn't first build a base. Dealing in absolutes was not conducive to success. Simpler and more easily resolved issues should be dealt with first; otherwise everyone would be engaged in a futile exercise.

41. The PUP said the Sub-committee was not to negotiate outcomes, but it was something more than a talking shop and an outcome to its deliberations was required. The party agreed that the law needed to be upheld, but said confidence building could be dealt with within the law, citing the example of special laws governing paramilitary convictions. Sinn Féin concurred that the Sub-committee was not a talking shop, and said there was an obligation on participants to assist the communities they represented.

42. On a point of order, the UUP interrupted Sinn Féin and said it had understood that participants in the Liaison Sub-committee were permitted to have two delegates at the table who were entitled to speak, with two seated behind [Sinn Féin had just substituted one of its delegates]. The Chairman observed that Sinn Féin only had two delegates at the table. He said the UUP had raised the question of eligibility to speak at committee meetings, and that participants had submitted a list of names of those eligible to do so. He said he would strictly enforce this if participants so desired. The UUP said it was raising the point to maintain order, fearing repeated alternation of speakers if participants were allowed to substitute one front table speaker with another during any one meeting. The party accepted that the Chairman



had invited participants to submit four names - two delegates and two support staff - but maintained that once a meeting had started it would be unfair if a participant could change its front table representation. The Chairman said he had never enforced this rule in the Plenary, where many participants had alternated their spokespersons several times during lengthy meetings. However, he would be prepared to enforce this strictly providing the participants so wished, on the basis that this would preclude any juxtaposition of speakers other than those previously nominated to serve on the Sub-committee.

43. The UDP said it had submitted four names, as requested, even if some participants had not done so, and was anxious to retain the right to this level of representation. The Chairman repeated that it had never been the Plenary rule that a participant had to be represented by the same two delegates for the duration of a meeting. He then put two proposals to the meeting: each participant would submit two nominees and two alternates; (1) no-one other than those four would be permitted to attend the meeting, of these four, any one could speak at the front table; (2) only those at the front table at the start of a meeting could speak for its duration, as suggested by the UUP.

44. The NIWC objected, urging flexibility and said strict arrangements would be to the disadvantage of smaller parties. It wanted the freedom to select two of its four delegates to speak at any given meeting. The SDLP said the additional two members had been intended as support rather than



alternates. Depending on the subject under discussion there would need to be a degree of flexibility as to who it would field. The Sub-committee would function best if participants were free to nominate those best qualified on individual subjects; a fixed panel of four would not be the best way to achieve this. The party said fears of endless rotation of speakers were groundless, and raised the possibility of referring the matter to the Business Committee. The PUP said it understood representation on the Liaison Sub-committee had been decided by the Business Committee, and felt it would be disadvantageous to revisit the subject in this forum. Participants needed to be able to be represented by different people for different subjects. Alliance said the Chairman's proposal was reasonable. Seeing merit in a fixed core group, it said participants could notify changes in their representation for individual meetings in writing to the Chairman if they wished.

45. The British Government said it wished to maintain the larger representation of 2 and 3 agreed for both Governments, as it had responsibility for many of the issues under discussion. It also said it supported the principle of rotation. The Chairman said he would refer the subject to the Business Committee. The UUP expressed disappointment, and warned against turning the Sub-committee into a 'pseudo-plenary'. The party said it had been difficult for it to decide whether there was any benefit in having a Liaison Sub-committee, and would resist strongly any moves towards a Plenary-style arrangement. The Chairman said the issue would be



decided by the Business Committee, and he would enforce its decision strictly.

46. Referring to the question of how the Liaison Sub-committee would proceed, he said it had been established by the Procedural motion and, reading from the relevant passage of the motion, he said the committee's remit was clear both in express terms and by implication. They were not empowered to make binding decisions. However, it was appropriate for it to draw to the attention of the Chairman of the relevant strand any recommendations or conclusions. It was thus appropriate to see if any conclusion could be reached on the understanding that it would not be binding actions. Recalling that it had been agreed to discuss five subjects, he asked participants to consider before the next meeting, which would be on 15 December at 1500, whether they wished to proceed through the agenda before attempting to reach conclusions on any individual item, or whether they wished to reach conclusions on prisoner issues, before proceeding to the second item on the agenda, economic and social development. This would be decided at the start of the next meeting, when the Chairman would also announce the Business Committee's ruling on participants' representation. In response to an NIWC query, he said participants should come prepared to discuss either subject.

47. The PUP voiced concern that trying to reach conclusions might encourage a mood of concession-bargaining, fears which the Chairman



described as well taken. The party also counselled against participants presenting shopping lists of demands. The British Government asked for some indication of the issues to be discussed under economic and social development, and the Chairman suggested participants that so wished could submit papers by noon on 12 December. The UUP asked the British Government to come prepared to answer its questions at the next meeting. There being no further comment the Chairman adjourned the meeting at 1653.

#### **Independent Chairmen Notetakers** **9 December 1997**