Office of the Independent Chairmen

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SUMMARY RECORD OF LIAISON SUB-COMMITTEE MEETING ON CONFIDENCE BUILDING MEASURES ON TUESDAY 24 MARCH 1998 (11.00)

CHAIRMAN:

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 convened the meeting and asked the participants to approve the minutes of meetings of 10 February, 24 February and 25 February. The minutes were approved.
- 2. The Chairman said that at the end of the last meeting, at which "Community and Justice Issues" were discussed, the parties had indicated that they were prepared to move on to the next agenda item "Security Issues"; participants were invited to submit papers on this issue, but to date only the British Government had done so.
- 3. The British Government spoke to the paper it had distributed prior to the meeting. The British Government said its position on security-related matters was absolutely clear. They wanted a return as quickly as

possible to a situation where normal policing arrangements operated in the Province, a situation in which the Army were no longer needed to assist the RUC in carrying out their duties; there was no need for security installations or special protective measures around police stations, Army bases and other Government buildings; there was no longer any requirement for emergency legislation.

- 4. The British Government said the extent to which security was scaled back during the first IRA cease-fire provided clear evidence of their commitment: troops had been taken off the streets, Army units redeployed to their home stations in Britain, over 100 border roads reopened, a number of bases removed and, a major review of counterterrorist legislation carried out. Similarly, the Government, in response to the reinstatement of the IRA cease-fire in July last year, had again demonstrated their willingness to respond to changing circumstances. Routine support by the Army for the police dropped to around 50% of pre-cease-fire levels, helicopter activity reduced by 25%, 250 soldiers were relocated to the mainland and two Army bases were closed and demolished.
- 5. The British Government said both it and the security forces had demonstrated through these and other changes that they were determined to play their full part in securing confidence in the peace process and in restoring normality for the people of Northern Ireland. Every step has to be judged against the overriding and literally vital requirement to protect the community from terrorism. Recent events amply illustrated this

central point. The British Government added that had the relatively - it used that word advisedly - peaceful situation that existed before last Christmas continued, then there it would have been further significant changes to security levels. However, since Christmas their had been a sharp increase in terrorism. Since the murder of Billy Wright in the Maze Prison, 15 others have died as a result of the security situation. There have also been several terrorist bomb outrages and a number of other serious incidents. These have naturally created a sense of fear among many people. As a result of this increased threat from terrorism it had not been possible to reduce security further. Indeed, security had had to be increased in many areas and measures have had to be introduced which have at times inconvenienced the public. The British Government said that it hoped the situation will soon permit a reduction in this heightened level of security but the security forces would not relax their vigilance until it was safe to do so.

6. The British Government said these actions by the security forces on both sides of the border - and in passing noted their gratitude to the Garda for their recent recovery of explosive devices and other weaponry - were achieving important successes. Eleven people have been charged in connection with terrorist murders since Christmas. Arms, explosives and other terrorist equipment have been recovered. Other investigations were under way. That work would continue for as long as necessary. It said this paper looks forward to a time when these measures were not needed. It provided a broad indication of what could be achieved in reducing the security presence against various scenarios. It demonstrated

their determination to make progress in this area. Ultimately how quickly and how far they could move would be determined by the level of terrorist activity and of the threat. The paper distributed to the parties set out the Government and security forces' overall approach. The British Government said it believed that most reasonable people will recognise it as a balanced, constructive and sensible one.

- 7. The British Government said that it believed that everyone wanted to see an end to violence and to enjoy the benefits of a society where there was no fear from terrorists or where the security forces were not evident in large numbers. It said it believed that everyone wanted to see normal policing, where there is maximum community participation and where police stations were not surround by blast walls or intimidating fences. It hoped that the actions of others enabled them to achieve all this as soon as possible. The British Government said it welcomed and looked forward to hearing the views of the parties on its paper. It hoped it would facilitate a constructive and realistic debate that would concentrate on the future rather than what has happened in the past.
- 8. The Irish Government said it welcomed the opportunity for a discussion on security issues. They thanked the British Government for their paper and looked forward to hearing the views of the parties. The Irish Government said that in the talks, their overriding objective was the establishment, through a comprehensive political agreement, of a society at peace with itself. That vision must inform all its work. What they wanted to see was a situation in which there was no question of any need

for extraordinary measures of any kind. The Irish Government said it should be their goal to establish a virtuous circle in which a speedy deescalation of security measures would reinforce a widely acceptable political settlement. This would help to make it clear on the ground that there was truly a new beginning. They said that while security services in both Governments acknowledged that the cease-fires were holding and this was a factor of great importance which it acknowledged again today - there continued to be a threat from fringe elements on both sides of the divide, as recent attacks had demonstrated.

9. Recent bomb attacks caused extensive damage to the towns of Moira and Portadown and nearly did the same in Armagh. The Irish Government said thankfully excellent work by the Garda Siochána had led to a number of recent significant findings of explosives and the foiling of potential attacks. The Irish Government congratulated the Gardaí on last weekend's significant explosives discovery in Dundalk. The security forces on both sides of the border were co-operating fully to counter the enemies of peace and democracy. It accepted, of course, the need for appropriate and vigilant security force activity in response to the threat from the LVF, the CIRA and others. The Irish Government said it was also important, however, that all strongly resist efforts by these groups to undermine the process in which all are engaged. Security needs must be carefully balanced with the wider imperative of establishing a normal, peaceful society. It welcomed the fact that certain measures have been reduced or relaxed since the re-instatement of the IRA cease-fire in July 1997. The Irish Government said they knew from

their own contacts that people in certain areas, indeed the areas which have been worst affected by violence over the years, would like to see further progress. There is a need for the utmost sensitivity by all elements of the security forces, consistent, of course, with the fullest possible protection of both communities. It said it was thinking in particular of examples such as observation towers in South Armagh, the high levels of helicopter activity in East Tyrone and South Armagh, and an obtrusive security presence in parts of Belfast and elsewhere. These are causes of considerable local concern. It looked forward to further deescalatory measures being taken as soon as possible, and in the context of their overall drive towards a political settlement which addressed all issues of concern. It said it was also clear that, for the nationalist community, an essential aspect of such a settlement was agreement on a clear path to the reform of policing arrangements, such that they can enjoy the full confidence, support and participation of both communities. This issue is, it said, of course, under discussion elsewhere. But it is clear that its resolution would contribute immensely to the climate of peace. In conclusion, the Irish Government said they must not be deflected from the goal of creating a wholly peaceful environment. That must be the shared objective for the parties and both Governments and it would allow for a radical transformation in the present security situation.

10. Alliance welcomed the paper by the British Government and the seriousness with which they took the issue of security. The British Government quite rightly referred to the degree of fear in the community. Anyone living in North Belfast during January would have welcomed the

return of the British Army on the streets at that time. Violence did not come solely form fringe groups; mainstream terrorist groups still engage in carrying out paramilitary shootings. Consequently there is still fear in these communities.

- Ireland where there was no Army presence, where the RUC were not armed and where police stations were not fortified. However, this future was in the hands of the terrorist groups and in the hands of the parties that represented them. In addition there are other areas of violence such as Drumcree, where there is a clear need for security measures to be in place. The British Government aiming for unobtrusive security measures, but security measures must be maintained. Alliance stated that they would welcome changes in the Prevention of Terrorism Act and other security legislation.
 - 12. Labour also welcomed the paper, particularly the normalisation of policing and the scrapping of emergency legislation. They added that it was important to establish a democratic political society which all the members of that society respected and which was the guardian of the police force. Labour were in favour of greater transparency and openness of the security forces which they believed should be open to scrutiny by the public. Measures should be taken to ensure that the police force was the servant of the whole community and not just a part of the community.

- 13. The NIWC also welcomed the opportunity to discuss security issues and while they agreed with a number of points made in the British Government's paper, they queried others. The NIWC welcomed the opportunity to discuss security issues, including policing. They recognised that these matters are also being dealt with in the Strand negotiations. The NIWC called for the total demilitarisation of society in Northern Ireland and the establishment of an unarmed police service. In relation to the British Government's paper on security issues they pointed out that Northern Ireland had never experienced normal policing so it was not a question of returning to it, but of establishing it. In order to build confidence across all the communities in Northern Ireland there needed to be a descalation of military-style policing and action on structural changes to the RUC. In this context the NIWC recognised that there was a current threat to people's lives and that there are still groups who were wedded to a strategy of violence. In order to build confidence the NIWC called for the repeal of emergency legislation; structural changes in the police force to reflect the cultural, religious and gender composition of the population and its reskilling for civilian/community policing. They also urged that generous packages are offered to serving RUC members in the event of any redundancies and retraining in other
- 14. The NIWC said it had become a truism that the issue of policing was at the heart of the problem in Northern Ireland and that any new political settlement must involve a fresh approach to policing. The NIWC commented on that fresh approach. Any new arrangements in

relation to policing must begin with an honest acknowledgement of the problems and the injustices of the past and combine that with a genuine desire to bring about fundamental and far-reaching change. Clear guiding principles are essential any public service organisation ought to have a clear view of its purpose, not least because functions and legal powers ought to be dependent upon that purpose. It ought also to exhibit the characteristics of a democratic organisation. They said the basic functions of a police service are the prevention of crime; the keeping of the peace; and the protection of the community it serves. Any police service ought to uphold the rule of law and observe the human rights and civil liberties of those who live in the jurisdiction. Other hallmarks of a democratic police service are equity, delivery of service, responsiveness, redress and participation. It was clear that the RUC fails to deliver on these standards.

15. The NIWC pointed out that they recognised that many RUC officers are trying to fulfil an honest policing role in a society in the midst of a violent political conflict. A statement of principles is insufficient without a complete overhaul in the legal powers which are given to the police. These emergency powers have conferred on the RUC arbitrary, wide-ranging and draconian powers to stop, search, arrest and detain. They called for the repeal of all emergency legislation. If emergency law remains on the statute books then real change cannot occur. The NIWC said the structure of any new police service is one which ought to be governed by its function and by the particular difficulties which are faced in policing a divided society. In order to

carry out any of its functions effectively, a police service must be representative, accountable and maintain confidence amongst the public. The RUC has failed to inspire confidence and trust in large sections of both communities. The RUC is unrepresentative; this will not change unless the culture and ethos of the RUC changes. Questions needed to be asked why more Catholics and Nationalists didn't join the RUC. There was a need to create an environment within the police service which is inclusive. The NIWC noted the following in respect of this. Emblems and Oaths: these create an atmosphere of a staunchly unionist organisation. These are contrary to the Fair Employment of Code of Practice and a number of judgements in a range of fair employment cases about the need to ensure a "harmonious working environment". Overly military ethos: this discourages not just nationalists but women, ethnic minorities and others. A civilian police service should not have such a military identification. The crunch issue in relation to policing is trust and accountability. There must be real community involvement and consultation in its work and there must be a truly effective and independent complaints system.

16. The PUP said that policing and security issues were a matter for an internal government of Northern Ireland. They agreed with the British Government that they would like to see an end to security problems in and the normalisation of Northern Ireland society. If the current peace talks breakdown then it will be working class communities that would suffer. In order to prevent this from happening it was important to work

on the ground in order to create peace; peace will not just come from a relaxation of security measures.

- 17. At the moment there is a very negative view of peace between the communities "I won't start if you don't"; it was important to try and turn that in to a positive view of peace, "I won't start anything because I believe it is wrong to do so!" The PUP has been attempting to build confidence in the nationalist community via inter-community work.

 However, recently nationalist groups have pulled back from this type of activity, the PUP asked if this was because Sinn Féin have been long fingering inter-community work.
 - 18. The PUP said that in addition to building inter-community confidence, it was also necessary to undertake measures to build confidence not just within the community and across the divide, but vertically also. The RUC was seen as middle class, with a different ethos to the working class communities in which they operate. As such the RUC is effectively alien to these areas and there was a need to build bridges vertically between the RUC and the communities in which they operated. In summary, the PUP said that they felt that security issues were a matter for an internal government and that it was important to work to build bridges between and within communities.
 - 19. <u>Sinn Féin</u> commented that they were glad to be back in the committee. Referring to comments made by the PUP concerning the withdrawal of nationalist groups from inter-community groups, <u>Sinn</u>

Féin commented that inter-community activities were a response to sectarianism and if it was felt that nationalist groups were not willing to participate, then the wrong message was being sent out. Sinn Féin welcomed and encouraged the involvement of people attending Sinn Féin meetings. They stated that they would have liked more time to read the Government's paper.

- 20. Sinn Féin still believed that the talks process offered an opportunity to provide a better future, to take the gun out of politics.

 Sinn Féin commented that they did not feel that there had at any time been a normal police force in Northern Ireland. Changes to the badge, uniform and name of the police force were not enough. Sinn Féin wanted the RUC to be disbanded; no nationalists would join the RUC which was 93% unionist and clearly anti-nationalist. It was not a police service, it is a paramilitary force.
- 21. The British Government indicated their desire to reduce policing and anti-terrorist legislation. Sinn Féin said there are 30,000 members of the Crown Forces patrolling the six countries, hiding them in barracks during the day does not lessen the perception of a heavily militarised society. The military budget in 93-94 was £902 million. Despite the cessation the military budget has increased to £927 million. Sinn Féin said the British Army and the RUC continue to patrol the countryside and British Army personnel have been crossing the border to photograph and gather intelligence on people living in County Louth and elsewhere. Although border roads were now open, there remains a high profile wall

of military bases along the border. They said this placed a serious question on the intentions of the British Government in respect of Dr Mowlam's assertions of "building on measures introduced during the cease-fire", such as fewer soldiers in the north and a less intrusive military presence. Since the British Governments comments there has been an increase in covert military operations, such as that which occurred in North Belfast when an undercover soldier shot and wounded a member of an RUC patrol and the January incursions in Louth.

- 22. Sinn Féin said, in connection with the attack on nationalist residents on the Garvaghy Road and elsewhere during the Orange demonstrations in the summer of 96-97, the RUC and British Army fired 11,000 plastic bullets, almost exclusively against the nationalist population. Since 1969, 17 people, eight of them children, have been killed, and thousands more were maimed and injured by rubber and plastic bullets. No one has been held accountable for any of these deaths or maimings. They said it was totally unacceptable that the British Government continue to stockpile these weapons.
- 23. Sinn Féin said if the list of changes proposed by Dr Mowlam are to be anything other than a cosmetic exercise, then the British Government needs urgently to address the complete demilitarisation of the situation and immediate transitional steps along the following lines:

 The EPA and PTA and all other repressive legislation must be repealed.

 A proper policing service must be created to replace the RUC which must be disbanded; A new policing service must have a minimum of

40% nationalists in its ranks. This should be achieved in an agreed timetable in the context of specific affirmative action measures. Pending the disbandment of the RUC, British political and cultural symbols and the paramilitary trappings of this force must be removed. Interrogation centres must be closed. A screening process must be initiated to remove officers with a record of human abuse. The British Army must be withdrawn to barracks as a first step in overall demilitarisation. The Royal Irish Regiment must be removed permanently from contact with the civilian population pending the early disbandment of its locally deployed units. All political prisoners must be released.

24. The SDLP said that all the parties agreed that there had been a reduction in the number of paramilitary attacks, but no noticeable reduction in security forces activity. The SDLP disagreed with the British Government about not being able to reduce the security force presence; their presence should reflect the situation on the ground. They added that the image of an RUC patrol being backed up by the Army had a damaging effect on local businesses. The relationship between members of the security forces and young people in both communities had never been particularly good. The security forces had never made an effort to try and improve their relationships with young people. The SDLP added that human rights issues were important because many people believed that their rights had been impinged by the security forces on the basis of paramilitary activity.

- 25. The abuse of power under "emergency legislation" undermines society's respect under the rule of law and should be reviewed so that rights standards in Northern Ireland were comparable with international standards. In addition the SDLP called for detainees to have the right to legal advice, for interviews to be taped in order to prevent ill treatment, and, for an end to draconian powers of arrest and detention.
- 26. The UDP said that the British Government's paper was common sense. It sets out the return to normal security measures and situation. It recognised the relationship between violence and de-escalation of security measures, and between political stability and violence. The UDP said that the parties should now move towards an agreement in order to end violence.
- 27. The UDP said that had it not been for the Army there would have been a great deal more violence and the role of the Army should be recognised. However, the police force should be allowed to concentrate on policing. The UDP agreed that Catholics and nationalists were poorly represented at present and would like to be see more join, although it was indisputable that threats from the IRA had prevented many Catholics and nationalists from joining. The UDP said they would like to see additional normalisation measures introduced including an end to Diplock Courts and a re-introduction of a jury system: the defortification of RUC stations; and the removal of security barriers from town centres.

- 28. In summary they welcomed the approach and measures taken by the two Government in response to the cease-fires.
- The UUP representative spoke ironically of the usual brutal 29. behaviour of the police, which he said was in line with what he had heard this morning. Previous contributions had exhibited a mixture of naiveté, political opportunism, malice, treachery and a desire for anarchy, and had been profoundly depressing. It would be difficult to build any future for Northern Ireland on the basis of the opinions voiced this morning. The party said Sinn Féin's "guarantee" of security at meetings, presumably given on behalf of the IRA, was interesting, as that party had previously claimed to have no control over the IRA. While the party also wished for the same conditions of normality as the British Government had spoken of in its paper, in the circumstances prevailing in Northern Ireland the paper came across as somewhat apologetic - holding out carrots based on wishful thinking. It was ignoring Poyntzpass and the violence of the LVF, and the murder of Mr Conway. The British Government was ignoring the bombs in Moira and Portadown and the use of recently modified IRA mortars in the attack on a police station, at least in the sense of the reality of who was involved. It seemed clear that the violence was being co-ordinated and orchestrated in a way that allowed the Secretary of State to say that it was not clear who was involved, and thus avoid cleaning up these Talks.
 - 30. The UUP said it had come to the Talks on the basis of six

 Principles, most of which related to the disarmament of illegal

organisations, but no effort had been made to bring this about. All the burden for progress had been placed on the UUP, which had received nothing in return. Security would not be established until the two Governments were more resolute in practice. This was not to detract from the recent very welcome successes of the Gardaí. It was nonsensical and illogical for some parties to demand effective policing and protection for their communities and at the same time seek the dilution or disbandment of the RUC. People could not demand that their community be protected from the LVF and at the same time say they didn't want the police in their districts. These statements were so illogical as to make one doubt the sincerity of the speakers. Such obvious contradictions, malice and treachery being articulated suggested the speakers either didn't understand the nature of policing a society like this or they had other motives. If there was to be any chance of going out and asking society to support a political initiative, confidence had to be created. This would not be likely in the light of such things as the backlash in the Fianna Fail party against changing Articles 2 and 3.

31. The UUP said the British Government had introduced in Parliament a Bill which would diminish precisely what people here had been calling for - public ownership of the police service. The role of the Police Authority - never large enough - was being steadily eroded, and authority over policing going more and more to the Secretary of State. The question which had to be asked was why was this being done. The UUP believed it had to do with an alternative strategy, a behind backs deal between the two Governments. This would perhaps involve a two

the RUC, and promoting the ghettoisation which the IRA and others wanted in order to cement their control over certain areas. The party said both it and the RUC were drawn largely from the working class, and it did not accept that the working class did not support the RUC. It was more the case that there were those who had tasted some power here and wanted to enhance it for themselves, even though they could never get themselves elected. The UUP had never said it could not countenance changes in the RUC, and nor had the RUC itself. But anything that sought to do what Sinn Féin had suggested, and dismantled the RUC while the paramilitaries resisted the demand for them to dismantle, was a travesty. If this process was going to deal in generalities and outlandish deceits, there was little hope.

were stopped and mistreated by the RUC, but the party would stick to dealing with the British Government paper and the issues that arose there. It had to be repeated, of course, that the party was speaking only for itself, and not for any other organisation. The party said there was a well founded view in the community that nothing had really changed since the first cease-fire almost four years ago. People needed to see something happening before they could have confidence in a process they were already very sceptical about. There was a need to discuss issues and work towards a policing structure people could have confidence in. As regards earlier remarks, the party said it was normal for the organisers of a community meeting to try to ensure that speakers

were treated with respect. Sinn Féin had invited many groups to engage in dialogue at community level, but it took the point made by the PUP about the local forums. The party said it was looking to the Governments to take the lead in moving things forward, and to the British Government in particular to replace the security agenda with a political agenda.

The NIWC said it had found the opening remarks of the UUP 33. extremely offensive. The Coalition also asked in what way was it naive, malicious or treacherous to call for the establishment of a police service that people had confidence in. The UUP said in listening to the NIWC it had thought it was listening to another party. The fact was that the RUC had since its inception provided the opportunity for both traditions to participate. It was not the police that had prevented one tradition from doing so, but political pressure in that community and the deliberate targeting by the IRA of anyone from the nationalist community who enlisted in the force. A police force subject to such attack was bound to develop a strong group spirit and a determination not to be bowed. The RUC was not prejudiced, but was resolute in maintaining its own integrity in the face of threats from whatever quarter. The UUP representative noted that the RUC had solved 48% of loyalist murders in his constituency, but only 8% of republican murders, but he was not trying to suggest that the RUC were more anxious to protect Catholics than Protestants. history of emergency legislation in Northern Ireland. It was obvious that

- 34. The UUP said it could agree in a general way with much that had been said. It agreed with the Secretary of State in wishing for a constructive future rather than concentrating on the past, and with the ideal of a society at peace with itself. It agreed with Sinn Féin's desire to replace the security agenda with a political agenda. The SDLP had asked how all this would be measured against international standards. The UUP reminded participants that the situation in Northern Ireland was without precedent, as the accepted principle in the democratic world was that conflicts were to be resolved within the boundaries of the democratic state as presently formed. When the process here was measured against international standards, principles and practices, it was clear that they had not to date been applied here.
 - that he had no interest in being elected. Engagement in this process already required considerable personal sacrifice. The party had not attacked the police, but had talked of building bridges vertically between its community and the police. There was a working class, or underclass, that perceived the police as coming from outside, from up there somewhere. The UUP said it did not think terms like working class were useful in the discussion. The PUP said it didn't matter about the terminology, that was the experience in the community it represented, and the party was trying to do something about it. The SDLP said it had not posed a question about international standards. It had spoken of the history of emergency legislation in Northern Ireland. It was obvious that

respect for the law had been undermined here, so international human rights standards should be considered when framing future legislation.

The British Government said it would not be trying to answer or 36. rebut all the points made, but would like to make some comments. It was certainly true that nationalists who joined the RUC had been targeted. Whatever the problems of the force, people who tried to join it should not be subject to threats. The Government was trying to change the security scenario. It had brought forward measures which were condemned by some as inadequate and by others as going too far. There would be an independent ombudsman for complaints involving the RUC, an approach which went further than in the rest of the UK. The Government had looked at the wider remit in the new Northern Ireland Police Service, of which the RUC was a part. It was setting up a tripartite structure, relating the Government (be it British or Northern Ireland), the RUC and the public (through the Police Authority). The oath for policemen was being changed to a declaration of office, on the same lines as in Scotland. Emergency and anti-terrorist legislation was being reviewed - internment was being abolished, for instance- and the use of audio and video in interviews was being looked at. The Government felt that was quite a lot done in a short period. The British Government said terrorism had not gone away. It continued to threaten everyone, and necessitated a security presence on the ground. The Government said the report on religious discrimination in the RUC which the SDLP had referred to had in fact been commissioned by the Chief Constable, who would respond to it and tackle it. The RUC was

doing its utmost to aggressively tackle how it interfaced with the community in the very difficult circumstances of trying to combine normal policing and anti-terrorist measures at the same time.

- 37. The PUP elaborated on its earlier remarks. Its practical experience of how the police operated in working class areas was that they were seen as enforcers, and people were reluctant to co-operate with them. In middle class areas the police were seen as a service. This was not unique to Northern Ireland. The party was trying to create a situation where the police were accepted in its community. Much of the discussion today had been on measures which were basically reactive. The active way to prevent terrorism was to create a peaceful society.
 - Plenary in the afternoon that the Sub-committee had met on a regular basis since 8 October, and had followed a basic agenda of: prisoners; economic, social and cultural matters; paramilitary activities; security issues; and policing; the last of which had still to be discussed. Parties had made general statements on these areas, based in part on papers submitted. The next meeting of the Subcommittee would be decided by the Business Committee the following day, and the agenda would be policing. The NIWC said the Secretary of State had said at an earlier meeting that the Sub-committee would return to the response to SACHR. The White Paper had now come out. The British Government suggested it could submit a report on the White Paper, which could be considered at a future meeting.

39. The Chairman adjourned the meeting, to the call of the Chair, at 13.10.

Independent Chairmen Notetakers 2 April 1998