ANNEX C

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STATEMENT BY SENATOR GEORGE J. MITCHELL
FEBRUARY 16, 1998

At a Strand Two meeting this morning, the Secretary of State read and then circulated to all of the participants a document entitled "Sinn Fein and the Mitchell Principles, 16 February, Speaking Note." A copy of that document is attached hereto.

In the concluding sentence of that document the Secretary of State asked that the Chair "make appropriate arrangements for a plenary meeting later today at which the parties can express their views on what I have said and on any observations, oral or written, which the Sinn Fein delegation may wish to make."

The Chair then invited each party to express its view on the Secretary of State's request for a plenary meeting, either then and there at the Strand Two meeting, or at a later private meeting with the Chairmen, or both. Following a brief discussion the Chair adjourned the meeting, subject to the call of the Chair.

The Chairmen then met twice with the two Governments, three times with Sinn Fein and once with every other party.

Sinn Fein made three requests: First, that I not convene a plenary on this issue; second, if a plenary is convened that it not be held immediately as they needed time to prepare their response; and third, that a stenographer be present to prepare a verbatim transcript of discussions on this matter.

I will address each of these requests.

Sinn Fein contends that the Secretary of State's statement is not a "formal representation" within the meaning of Rule 29 of the Rules of Procedure and is, therefore, not a sufficient basis on which to convene a plenary. I believe that it is. But, in any event, a finding that the statement is a formal representation is not a prerequisite to the convening of a plenary.

Rule 20 of the Rules of Procedure grants to the Chair discretion in the convening of meetings. It reads in part: "The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, having due regard to the views of the Business Committee or, as appropriate, of the relevant participants."

Rule 12 provides that "The Independent Chairman of the Plenary may convene further meetings of the Plenary if he considers such meetings to be necessary in the light of developments across the negotiations as a whole."

Thus, it is clear that the Chair has the authority to convene a plenary, wholly independent of the question of whether or not the Secretary of State's statement qualifies as a formal representation under Rule 29.

Whether the Secretary of State's statement is sufficient to cause the expulsion of Sinn Fein from these talks is not the question to be decided now. Under Rule 29 that question can only be answered by the Governments. The narrow question I now must decide is whether it is appropriate to convene a plenary to consider this matter.

As noted above, I have received the views of all participants on this question. By a large majority, they strongly favor the immediate convening of a plenary.

The Secretary of State asked that the plenary be held today, Monday, February 16. Sinn Fein asked for more time to consider, first, whether there should be a plenary and then, if one is called, to prepare its response to the Secretary of State. Sinn Fein did not specify the length of time it felt was appropriate.

I have considered the views of all of the participants, and I have reviewed the applicable rules of procedure and the applicable precedents.

I consider it appropriate to call a plenary for the purpose of considering this matter.

I also consider it appropriate to grant Sinn Fein additional time to prepare its response. Thus, I will convene a plenary session at 2.00 p.m. tomorrow.

The Secretary of State will not be materially hindered if the plenary is held tomorrow, Tuesday, February 17. While the delay may be less than Sinn Fein would like, in reality, all of the participants have had a week to prepare for this meeting. The Secretary of State's statement did not come as a surprise. The matter has been widely reported, throughout the United Kingdom and Ireland, for a week.

Sinn Fein has requested that a stenographer be present at further proceedings on this matter. Records of meetings are covered by Rules 43 and 44 of the Rules of Procedure. Rule 43 provides in part that "Records of formal meetings will be prepared by note-takers under the general direction of the Chairman..... A majority of the participants oppose any change in the process which has been utilised since this process began in June 1996; one party had no objection to Sinn Fein's request; another expressed no view. The note-takers have done a fair job of preparing comprehensive summaries of meetings. No persuasive reason has been advanced to change the procedure. In view of the stress laid on this by Sinn

Fein, however, I have encouraged the note-takers to be extra careful that the record of meetings on this matter is accurate and complete.

This is not a legal proceeding. It is a political process. The participants are seeking by negotiation to achieve a fair and comprehensive resolution of problems which have existed in Northern Ireland for many years. But proceedings like these, involving Governments and political parties, must combine fundamental fairness and the meeting of the practical need to make progress in these talks. I believe this decision does that.

I am authorised to state that my colleagues in the Office of the Independent Chairmen, General de Chastelain and Prime Minister Holkeri, with whom I have conferred on this matter, share the views I have expressed in this statement.