ANNEX D

SINN FEIN RESPONSE TO BRITISH GOVERNMENT SPEAKING NOTE OF 16 FEBRUARY 1998

Sinn Fein submission to Plenary session of the peace talks, 17 February 1998

Sinn Fein's peace strategy, and our dialogue with others, is based on the political analysis that the only way to peacefully and permanently resolve the differences among those of us who share this island, and between Ireland and Britain, is through meaningful and inclusive negotiations which remove the causes of conflict.

Over a protracted period Sinn Fein have made strenuous efforts to effect this. Our peace strategy spans a decade or more. We pursued it against the odds. We held out hope where others counselled despair. We took the initiative in concrete ways to advance the objective of peace.

That there is a peace process at all is largely a result of the efforts of, initially myself and John Hume, and then of the Irish Government and of a section of Irish America. And, most importantly, the support demonstrated for these initiatives by national and democratic opinion in Ireland and beyond. Notably US President Bill Clinton lent his support in broad and specific ways. Cross party support in the US Congress was and is an important element.

Any objective review of recent years will show that risk taking by republicans was the major catalyst for the opportunity which now exists. Moreover, our political integrity throughout is unassailable. We have honoured, absolutely, every commitment given. For our part, we have not bowed to political expediencies instanced by political exigencies at given points. We have been unswervingly consistent.

The indictment against Sinn Fein today is without foundation and can only undermine the potential of the peace process. Sinn Fein is being indicted over the killing of two men in Belfast. We categorically state that Sinn Fein had no involvement in these events.

We note that the British government stated on Monday that "it has been the consistent position of the British government that participation in these negotiations requires total and absolute commitment to the principles of democracy and non-violence set out in paragraph 20 of the Report of the International Body. Any party which demonstrably dishonours its commitment to those principles ceases to be eligible to participate in the negotiations".

In practice, effect has been given to this position in the form of excluding a participant in only one instance. On 26 January 1998 the two governments concluded that the UDP which represents the UFF was no longer entitled to participate in the negotiations on account of UFF involvement in sectarian murders. The facts of this are incontrovertible. The UFF in a statement of 23 January publicly admitted that it was responsible for the murder of three Catholics.

What is demonstrably in question is that this represents a consistent position of the British government. In taking 'appropriate action' under Rule 29 of the Rules of Procedure the action by the two governments in this single instance related to the deaths of three people only. That is Edmund Treanor, Larry Brennan and Ben Hughes who were killed between 31 December 1997 and 21 January 1998. It did not relate in any way to the deaths of six other Catholics who were killed in the period between 5 December 1997 and 24 January 1998. Six other deaths which occurred before the two governments acted on 26 January 1998 including two deaths which occurred after the UFF statement of 23 January 1998. These are:

5 December	Gerry Devlin, Belfast
27 December	Seamus Dillon, Dungannon
11 January	Terry Enright, Belfast
19 January	Fergal McCusker, Maghera

and within 24 hours of the UFF statement of 23 January

23 January	Liam Conway, Belfast
24 January	John McColgan, Belfast

The British Government has made no formal representation to the Independent Chairmen in relation to these deaths. What organisations are responsible for them? Has the British Government sought an assessment from the RUC on these matters? Sinn Fein asked the Secretary of State why no representation had been made in relation to the killings of John McColgan and Liam Conway, both of whom were murdered after the UFF claimed to have re-instated its cessation.

Dr Mowlam stated that she had been given no assessment on who was responsible for these murders. It appears that the RUC assessments are only forthcoming in the context of killings allegedly carried out by republicans.

Moreover, killings by loyalist organisations extend back far beyond the recent killing spree which commenced with the death of Gerry Devlin on 5 December 1997. This includes the period between 10 June 1996 when the talks process formally commenced and the death of Gerry Devlin last December.

These include:

July 96	Michael McGoldrick, Lurgan, a catholic taxi driver.
March 97	John Slane, Belfast, a catholic shot in his home.
May 97	Sean Brown, Bellaghy, a GAA official.
June 97	Robert Bates, Belfast, an ex-loyalist prisoner.
July 97	Bernadette Martin, Aghalee, a catholic girl short in her Protestant boyfriend's house.
Oct 97	Glen Greer, Bangor, a Protestant man, blown up in his car by a bomb.

In addition, killings by loyalists by means other than bomb and bullet include:

Jan 97	Presbyterian Minister David Templeton, beaten to death.

May 97	Robert Hamill, Portadown, a Catholic youth beaten to death while the RUC patrol looked on.
July 97	James Morgan, Co Down, a Catholic boy abducted and beaten to death.

A number of attempted murders by loyalists have also occurred. These include:

June 97	Attempted murder by bomb of Sinn Fein Councillor James McCarry in Ballycastle.
Sept 97	Parcel bomb sent by post to Colin Duffy, Lurgan.
Dec 97	Attempted murder by shooting of Jackie Mahood, a former PUP talks delegate.

Dec 97 - Feb 98: In the loyalist murder spree conducted in this period loyalists attempted to kill up to 30 Catholics.

From 10 June to the present almost 100 Catholics have been shot by loyalists.

Throughout the period of the loyalist's conditional cessation and the period since the commencement of the talks process in June 1996 violence, the threat of violence and intimidation have been consistent. These are far too numerous to record here but they include;

> Violence and mass intimidation of the nationalist population resulting from absolute demands in relation to proceeding with triumphalist loyalist marches and in particular arising out of such intrusions on the nationalist residents of Garvaghy Road in Portadown.
>
> There have been loyalist bombings, attempted bombings or bomb hoaxes on numerous occasions on both sides of the border.
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> Operations at Dublin airport were brought to a halt by bomb hoaxes. The UVF have been connected with this. It is important to have the Garda Commissioners assessment of this and indeed on the attempted bombing of Sinn Fein offices in Monaghan in which the UVF also figured. Sinn Fein offices in Belfast and Derry were also bombed.
>
> Sinn Fein members, catholic taxi firms and nationalist community workers have been directly threatened or warned by the RUC that they are under threat from loyalists.
>
> In other events one of the delegates to the PUP's talks team was convicted on gun-running charges. While in recent weeks a large haul of explosives, of the same manufacture as those used in the Monaghan bomb was seized on the Shankill Road.

As long ago as May of last year the frequency of acts of loyalist violence was such as to force the head of the RUC to publicly concede that all of the 'constituent parts of the CLMC' - that is, the UFF, the UVF and the Red Hand Commandos - had been involved in these attacks and in breach of their ceasefires. It is, too, important to note that the British Government has never outlawed the CLMC.

Repeated attempts by Sinn Fein in public statements and private representations to establish the facts of these matters, before and subsequent to this RUC statement, have been to little avail.

For instance, we have repeatedly asked the RUC to release the forensic history of the weapon used in the killing of John Slane in Belfast last March. We still have no response to this. No action was taken against the parties representing the loyalist groups responsible.

Despite the evidence that all the constituent parts of the CLMC had breached their ceasefire the British Government took no action against the loyalist parties representing the loyalist paramilitaries at the talks. It is against this background that the British governments claim to have held a consistent position must be seen. Demonstrably this is not the case.

The exclusion of the UDP came only at the end of a litany of violence which started shortly after the commencement of the talks process and, which at this point, is book-ended with a threat of violence from the UVF on Monday. In an interview with the Cork Examiner on Monday a senior UVF brigade officer said: "All political developments so far have been weighted towards nationalists and Dublin", and added, "If the sell-out continues, we will be forced to abandon the ceasefire" and that loyalists "would take the war to Dublin".

The exclusion of the UDP, which represents the UDA/UFF, took place after an eight week period in which 25 Catholics were shot, 9 of whom died, and only after a storm of protest from nationalists broke through the conspiracy of silence which had surrounded this matter by the British government, the RUC and some of the parties to the talks. The UDA were expelled only after the UFF admitted that it had killed three Catholics.

The UFF killings were clearly part of a planned effort to effect and pre-determine the outcome of negotiations by intimidating nationalists and pressurising the two governments. The UDP in politically representing those who used this tactic and who publicly admitted to their involvement in killing Catholics were sanctioned for that.

But what is also evident is that the British government's position is not determined by any consistency. Rather, in large part, it is one of being politically expedient in bowing to the political exigencies at a given point.

Hundreds of acts of violence involving loyalists including killings, woundings, bombings and threats over a 20 month period have resulted in a single indictment and expulsion. This represents an exception rather than the rule. What has been consistent is that multiple acts of violence and threats of violence have been ignored.

Last week two men were shot dead in Belfast. Brendan Campbell, reported by the media to be a drug dealer, was killed on 9 February. Robert Dougan, reported by the media to be a UDA leader, was killed the following day. A number of men were arrested within hours of the latter killing. In off-the-record briefings RUC sources described the men arrested a 'IRA suspects'. Subsequent media speculation was undoubtedly initiated by the RUC. This stands in marked contrast to the RUC's wall of

silence that has surrounded the death of John Slane and other innocent Catholics. This initially obtained in relation to the loyalist killings, in the December-February period until it became untenable.

The rapid disclosure of the forensic history of the weapons used in the Campbell killing which was made available within a week of the shooting is in stark contrast to the RUC's refusal to disclose the forensic history of weapons used in loyalist killings.

On 12 February the IRA in a public statement said: "Contrary to speculation surrounding recent killings in Belfast, the IRA cessation of military operations remains intact.

The following morning, 13 February, Dr Marjorie Mowlam issued a public statement. It said:

"The Chief Constable has given me a full briefing on the murders of Mr Campbell and Mr Dougan along with his assessment that the IRA were involved in these murders. This will now have to be considered very carefully with the Irish Government and the other patties in accordance with the proper procedures. The integrity of the Talks process and the commitment to exclusively peaceful means are paramount and all parties must be treated fairly and equally."

On 16 February three men were charged with the murder of Robert Dougan. Notably, none of the accused have been charged with IRA membership. This is the immediate background against which this plenary is being held.

The British Secretary of State has noted that the detail of these charges is sub-judice and that she cannot therefore provide any information on them. The rules of sub-judice do not apply in this jurisdiction. The British Secretary of State is entirely free of any related obligations. We are in Dublin not Belfast. She should inform this plenary which in any case is bound by rules of confidentiality of any fact in the killing of Robert Dougan which shows that Sinn Fein has demonstrably dishonoured any commitment undertaken.

In any case this has no bearing whatever in relation to the killing of Brendan Campbell. Charges have not been preferred against anyone. The British Secretary of State must give this plenary information on the evidence that Sinn Fein has demonstrably dishonoured commitments.

A policy of double standards by the British government is clearly in operation. Twenty months of multiple acts of violence including several killings passed before an indictment of the UDP was brought in relation to a small number of killings and only after a statement of admission of involvement by the UFF. This was not triggered by any RUC assessment. That had been given a full nine months before in May 1997 when the RUC were forced to concede that all elements of the CLMC had broken their ceasefires. No action was taken by the British government. In contrast four days after the killing of Brendan Campbell and three days after the killing of Robert Dougan notice was given by the British government of a possible indictment of Sinn Fein.

But of as much importance is the political context in which this is taking place and in particular the attitude and tactics of the Ulster Unionist Party to the peace process as a whole on the one hand and, on the other the position of political expediency employed by the British government in relation to UUP demands and loyalist activities. The latter has been suitably amplified already. As for the former, Sinn Fein is in absolutely no doubt that a dominant influence on the British government position in relation to the matter before this plenary is an implicit political threat that the UUP will withdraw from the talks if Sinn Fein is not excluded.

This is entirely consistent with the UUP's approach to the peace process to date.

In this approach they:

- attempted to prevent the commencement of a negotiations process
- attempted to sustain obstacles to progress
- attempted to keep Sinn Fein out of the process and subsequently
- attempted to force Sinn Fein out.

In contrast we have sought to engage with the UUP.

I am very conscious of difficulties that unionists face in participating in a process of negotiations and change. Sinn Fein view of the future is a broad one. We want to see a pluralist Ireland which recognises and celebrates the diversity of the Irish people. We recognise the fears of the unionist section of our people. We want to make peace with you. We want to share the island of Ireland with you on a democratic and equal basis. We take no comfort from the fact that you live in fear about the future. We want to play our part in removing those fears through dialogue.

We want to make a difference for this and for future generations. We need to create a situation of equality. We have no wish or right to inflict upon unionists what was inflicted upon us. I have acknowledged already that republicans have inflicted hurt and that the unionist community has suffered, as have we all.

I acknowledge that the consent and allegiance of unionists is needed to secure a peace settlement. Consent is a two way street. Nationalist consent is also necessary.

Sinn Fein is committed to a settlement which will accommodate the rights of nationalists and unionists. Such an accommodation can only be achieved through agreement. Agreement requires dialogue and negotiation between all the parties on the basis of equality and mutual respect.

We need, through dialogue and negotiation, to remove the causes of conflict, to agree the changes on which a lasting peace can be built. No one can have a veto in this process and none of us should seek a veto.

We want to address the concerns of unionists in a spirit of respect and goodwill. We cannot do so unless the unionists engage with us.

It is in all our interests to secure peace.

However, the approach of Mr Trimble and his colleagues is tactical and riven with opportunism. It is about resisting change and using any means available within the talks process to arrest or subvert its potential.

Their position is one of political expediency not political principle. They have refused to talk to Sinn Fein alleging this is connected to attitudes to violence. This is a spurious excuse as is evident in the facts that:

- David Trimble allowed no such consideration to prevent him from meeting Billy Wright, when the residents of Garvaghy Road were under siege.

- He did not allow it to prevent him from making a pact with the political representatives of the UFF and the UVF and entering the talks process in September flanked by them.

- The UUP did not allow it to prevent them from meeting and holding discussions with convicted loyalist killers in the prisons.

When nationalists look around at the antics of unionist parties in the Forum, the behaviour of the UUP in this process; the attitude unionists adopt on the councils, in quangos and other institutions, there is no evidence, not a scintilla of proof that this Unionist leadership is different from those which have gone before? Is David Trimble prepared to be more than a James Craig or a Lord Brookborough? From the attitude of the UUP to Sinn Fein participation in these talks in particular, and to nationalists more broadly in places like the Garvaghy Road, it is clear that David Trimble wants to take us back to the days of James Craig and Lord Brookborough. And if that sustains the conditions in which as in the past conflict became inevitable he is prepared to accept that.

The reality of the impact of all of this on the British government in terms of the matter before us, particularly given the evidence of their political expedience in relation to loyalist activities, is that expedience is again prevailing vis-à-vis the implicit threat that the unionists will withdraw from the talks.

There are many other unionists and anti-republicans in the political and administrative system which is responsible for the north. There are many among them who have refused or have failed to grasp the opportunity for peace which has been created over the past five years. They include, obviously the securocrats who have been pursuing war by other means as well as civil servants. The RUC is, of course, bound up in all of this.

It is of critical importance to the process that they are not, as is so often obvious, allowed to set the political agenda.

The trace of their hand is already evident in significant ways which bring a direct political influence to bear. That is in the ongoing building programme of militarised fortifications; in the saturation patrolling tactics by the RUC and British Army of nationalist areas and in the ongoing harassment of the nationalist population.

The media spin generated by briefings from various British official sources supports this analysis as being correct; suggesting a pre-determined ruling by the two governments.

Matters of the most serious import have been addressed in the most facile and flippant terms, not least of which has been the presentation of the expulsion of Sinn Fein from the talks process. The making of a formal representation under Rule 29 of the Rules of Procedure is a serious matter in itself and with a clear and serious import for the process. Proceedings thus initiated must clearly be properly conducted in their procedural basis, must afford a fair hearing according to at least - all legal considerations apart - the concept of natural justice. And in the context of outcome and follow-through should be consonant with the seriousness of the issue which triggered the proceedings in the first instance. All of these have a direct bearing on the credibility of the process.

In regards the latter there is great concern in the nationalist community as to the meaning for nationalists and Catholics of the expulsion of the UDP resulting from the activities of the UFF whom they represent. The concerns arise from a sense that a suspension of 4-6 weeks represents a suspension of approximately 5 days for the life of each of the 9 Catholics recently murdered; that it represents a suspension of 1 - 2 days for each of the Catholics shot in recent attempted murder bids; that it represents a situation in which, evidently, little value is placed on the lives of Catholics; that the prevailing ethos and rationale as articulated by sections of the nationalist community themselves is "Catholic lives: Who Cares?" In what way does anyone imagine that this effects nationalist confidence and credibility in the peace process?

The basis of the indictment against Sinn Fein is the 'firm view' of the head of the RUC that the killing of Brendan Campbell and Robert Dougan were carried out by the IRA.

There is no suggestion that Sinn Fein was involved. And properly so for such a suggestion would be preposterous. Preposterous too is the proposition that the representation of 172,500 members of the electorate in Ireland by the party of their choice should be held hostage to the actions of any organisation or individual over which neither they nor the party representing them have any control.

There is no case in fact, in any concept of democratic practice or in the concept of natural justice to the attempt to exclude Sinn Fein on such a basis. Sinn Fein clearly have not breached the rules and procedures underpinning the talks process. Nor is there any allegation that we have. Any attempt to exclude Sinn Fein on such a basis would be a deliberate act of discrimination against our electorate which can only erode confidence in the process and the credibility of the process.

It should further be noted that Sinn Fein was excluded from the process in which the rules and procedures were agreed. We consistently advocated a structure for the talks which set aside pre-conditions on parties save that of the necessary democratic mandate. Despite this we have engaged in the talks process in good faith and have abided by all rules, procedures and principles. We have honoured every commitment given. We have behaved honourably.

Moreover it is bizarre that anyone would seriously suggest that the RUC is an independent, objective or credible player in this situation. It is a violently anti-republican and anti-nationalist force. It has been indicted by several major international human rights agencies for torture, killing nationalists, collusion with loyalist death squads and cover-ups. Some 3,000 security files originating with British forces including the RUC ended up in the hands of loyalists. This is the force which sought to cover-up the killings of Catholics in recent weeks and which has yet to produce the forensic history on the weapons used to kill either John Slane in March last year or the two Catholics, John McColgan and Liam Conway, killed since the UFF claimed to have 'restored' its conditional ceasefire. This is the force whose senior officers ordered subordinates to lie to hide the facts behind the RUC's shoot-to-kill policy. This is the force to whom Sir Patrick Mayhew gave immunity from prosecution to prevent the facts around these killings from being revealed publicly.

As for allegations of IRA involvement in the killing of Brendan Campbell and Robert Dougan. The IRA must answer for themselves. They have. They have said that contrary to speculation surrounding recent killings in Belfast the IRA cessation of military operations remains intact".

Sinn Fein welcomes that statement and the IRAs continuing commitment to enhance "the search for a democratic settlement through real and inclusive negotiations".

Sinn Fein is not the UDP. Any attempt to present our situations as comparable is entirely bogus and without foundation. The UDP entered this process and participated in it on the basis that it represents the UDA/UFF. They said their mandate came from the silence of the loyalist guns. Having said that Sinn Fein welcomes as genuine good-faith efforts the endeavours of Gary McMichael and Davy Adams to influence those they represent.

Sinn Fein does not represent any armed group. We represent solely those who voted for Sinn Fein in successive elections. That is 127,000 voters in the north and 172,500 nationally. The issue here today is equality of treatment for all sections of the electorate.

Sinn Fein's priority is to end conflict and to end all killings. The IRA statement of last week refers to their cessation which has been in place since July 20th last and which remains intact. I accept and welcome that. The IRA have not, in my firmest belief, breached their cessation. Sinn Fein completely disavows all killings. We have worked for, called for and are opposed to all killings.

Sinn Fein has worked to establish ceasefires on all sides. Sinn Fein will continue to work for and use all our influence for the maintenance of the ceasefires of all armed groups. Our party is committed to bringing about maximum political change in Ireland by democratic and exclusively peaceful means and through an inclusive and meaningful process of negotiations in which we have the right to participate on the basis of our mandate.

Sinn Fein was central to creating the conditions in which the IRA in July 1997 ordered an unequivocal restoration of the cessation of August 1994.

No one can gainsay Sinn Fein's whole-hearted endeavours to end conflict and to sustain an end to conflict. No one can gainsay Sinn Fein's commitment of time and energies to these ends. No one can gainsay Sinn Fein's investment of political risk and reputations to these ends. Or our consistency of approach in this. Particularly in the most difficult of times and in the face of the most intense and violent provocations. Not least of these was the political leadership given and the deployment of Sinn Fein personnel including our most senior figures to influence, constrain and prevent understandable reaction to the events arising out of Garvaghy Road in which David Trimble was a central figure. Events which included the killing of Michael McGoldrick in Lurgan by loyalists and Dermot McShane in Derry, by the British army and the firing of thousands of plastic bullets causing hundreds of injuries.

Evidence of Sinn Fein's activities in this is in abundance and is a matter of public record. This was equally applicable during the recent loyalist killing spree whose victims included an ex-republican prisoner and the husband of the niece of party President Gerry Adams.

There are no grounds for excluding Sinn Fein from the talks process.

We have neither broken or dishonoured the Mitchell Principles.

A peace process without Sinn Fein cannot deliver the inclusive and broadly based workable agreement which is necessary to end the cycle of conflict and violence which has resulted from British policy in Ireland. A peace process if it is to end the failures of the past needs to be inclusive.

Sinn Fein and our electorate should not be punished for the actions of others. Whoever killed Brendan Campbell and Robert Dougan it is clear to everyone that Sinn Fein was in no way involved. According to democratic principles we are entitled to be at the talks. We will continue to promote and defend the democratic rights of our electorate. There can be no effective negotiations process or settlement which does not accord equality of treatment to all sections of the electorate.