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SUMMARY RECORD OF INAUGURAL MEETING OF LIAISON SUBCOMMITTEE ON CONFIDENCE BUILDING MEASURES WEDNESDAY 8 OCTOBER 1997 (13.00)

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 and stated that it was the first meeting of the liaison subcommittee on Confidence Building measures created by the Plenary, following the adoption of the procedural motion on 24 September which at paragraph 2 (c) (2) included the following charge of responsibility "The Committee will be charged with assisting, as appropriate, the implementation of all aspects of the Report of the International Body relating to the further confidence building measures mentioned in that Report which participants may raise, and any others which may be referred to by agreement by the Plenary. In particular it will be expected to consider developments in relation to such measures, to consider such reports on such measures as may be submitted by those with responsibility for the issue in question, to draw to the attention of the Chairmen of the relevant Strand any institutional or systemic implications which may arise from its consideration of particular confidence building measures".

2. The Chairman said that, as with previous practice at the first meetings of new formats, he would suggest a course of action for the liaison subcommittee to follow in future. He would then ask participants to make brief comments on these proposals and any other aspect of the subcommittee's remit as was deemed appropriate. The Chairman then stated that he would suggest each participant prepare a paper on those issues which it believed the subcommittee should address. The paper was to be submitted to the Chairmen's office by close of business on Wednesday 22 October. Following this the staff would undertake to reproduce and circulate each contribution to the other participants before calling a meeting to discuss them. Such a meeting might fall in week commencing 27 October but this was dependent on the timing and pace of business elsewhere. The Chairman said he now wished to have a tour de table during which participants could comment on his proposal if they so wished.

3. The British Government introduced its two officials and pointed out that its delegation might in future be led by a Minister. The British Government said it was pleased to be able to speak at this meeting of the Liaison Subcommittee on Confidence Building measures. While the main negotiations were discussing wider constitutional and systemic issues, this subcommittee provided a forum for the discussion of associated areas where fears and uncertainties, if left unaddressed, could impede progress towards the lasting agreement which was everyone's goal.

4. The British Government stated that as the Report of the International Body had said, "it is important for all participants to take steps to build confidence throughout the peace process". For its part, the British Government said it was present with a willingness to listen seriously and carefully to what others had to say and to discuss those concerns in relation to issues within its control. Everyone round the table had a

contribution to make in building up each other's confidence, through words and actions - both within these negotiations and outside. In that context the British Government said it was right to acknowledge that the cease-fires had been the most important step in creating confidence, and it welcomed them. But it remained the case that people throughout the community needed to receive reassurance that the cease-fires were, indeed, genuine. The British Government said it also called on those terrorist groups which had not declared a cease-fire to cease immediately their wanton campaign of violence.

5. The British Government continued saying that the subcommittee's remit had been set out in the procedural motion which the Plenary agreed on 24 September: that was to assist as appropriate the implementation of the further confidence measures mentioned in the Report of the International Body and any others agreed by the Plenary. Clearly, the subcommittee would have a very full agenda, and it looked forward to exploring the issues, to explaining its position, and to discussing the merits of alternative proposals.

6. The British Government said it especially hoped that the keynote of the subcommittee's work could indeed be exploration, not recrimination. Everyone knew that emotive issues such as those listed in the International Body's Report could be used in a partisan way, to score points rather than genuinely to build confidence in the process. Confidence building steps could, all too often, be seen as favouring one side of the community at the expense of the other. The British Government said it was anxious that this subcommittee should not fall into that cycle of mistrust.

7. The British Government said that to help ensure that everyone jointly approached their work in a way that generated co-operation, not confrontation, it

believed that it would be worth spending initial sessions in a general discussion of the underlying issues - giving each party represented the opportunity to say where it believed confidence was most lacking, who it believed were the main groups that had it within their gift to enhance confidence, and (paralleling the approach being taken in the Strands) what were the principles and requirements which might guide subsequent consideration of individual issues. The British Government said that, in its view, this would help everyone put in perspective the difficult issues being dealt with, and avoid the risk of the subcommittee falling into a confrontational rather than a constructive mode. The British Government said it was happy therefore, to fall in with the Chairman's proposal on the preparation of papers. It would be happy to table a paper for the next meeting setting out its views on these important issues. It hoped other participants would also agree to prepare such papers to provide the basis for future discussions.

8. In conclusion, the British Government said that the subcommittee's task was clearly a difficult one, but was potentially crucial to the success of the process. The British Government looked forward to sharing in the responsibility of meeting that challenge.

9. The Irish Government said it welcomed the opportunity to address the first meeting of this subcommittee and to set out some of its views on this very important issue, which had the capacity to contribute significantly to the success of the negotiations on future arrangements for Northern Ireland. The Irish Government said it believed that, in a divided society, there was an incalculable value in trying to bridge the deep divisions of fear with an active programme of confidence building measures. The job of building confidence had to belong equally to all the participants in the talks process. The Irish Government said that the ending of that which divided everyone

could only come about through the agreement and the cooperation of the two traditions on the island. That was the task as everyone set out in the negotiations.

10. The Irish Government stated that if the differences were to be dealt with, trust and confidence had to be built between everyone. The three Strand process would address and seek to reach agreement on new arrangements that encompassed the totality of relationships on these two islands. No outcome was excluded. For its part, the Irish Government said it believed that any settlement must include genuine parity of esteem, equality of treatment and recognition of the equal validity of both traditions.

11. The Irish Government said that clearly a major contribution to building confidence among both communities in Northern Ireland was the absence of the threat of violence. It welcomed, therefore, the restoration of the IRA cease-fire and took this opportunity to commend both that decision and the Combined Loyalist Military Command for their continued observance of the cease-fires. Together they provided the positive atmosphere that was necessary to encourage and assist the search for a lasting peace. Peace also provided everyone with the space to explore other ways of bridging the long history of fear and distrust that had complicated relationships. In this climate, confidence building measures had an important role in breaking down barriers.

12. The Irish Government said the subcommittee's remit provided considerable scope for the discussion of issues where the confidence of one or both communities could be significantly assisted by the adoption of certain measures. It would have ample time in future meetings to go into detail on the benefits of individual confidence building measures. But one immediate and visible example of helping to reduce tensions would be in the area of deploying the security forces. The Irish Government

said it would continue to urge that, in normal circumstances, the security presence be scaled down. It also welcomed the British Government's intentions to review emergency legislation. Progress on the equality agenda had been made in recent years but there remained much to be done.

13. The Irish Government said it was essential, and might help significantly to consolidate the peace, that everyone continued to focus in an imaginative and humanitarian way, on those who were imprisoned, be they republican or loyalist. The question of the prisoners must be approached in a constructive and generous way. This had been the approach of successive Irish Governments as witness to the decision very recently to grant some early releases. It had also encouraged the British Government, and the authorities in other jurisdictions, to adopt a similar flexible and generous approach. Work with the British Government was progressing well on the issues of the transfer of prisoners to the Republic, particularly those who had served long terms, and on the improvement of conditions in which prisoners were held. All of these matters continued to send positive and reassuring signals to both communities.

14. In highlighting the plight of prisoners, the Irish Government said everyone must not forget the concerns of the victims of violence and their families. The concerns of families of all victims of the conflict might be an additional area which lent itself to confidence building measures. In conclusion, the Irish Government said that progress on confidence building measures would help underpin confidence in the peace process itself. The Irish Government was determined to ensure that every opportunity was taken to encourage it in this subcommittee and in the other Strands and all that was done in this committee would, it believed, be enormously helpful in the other Strands.

15. Alliance said the subcommittee had an important role to perform. There were clearly issues which were beyond the constitutional sphere and a mechanism was required to address these. Alliance said that establishing trust and confidence was not going to be easy but everyone had to look at meeting the concerns of others. The party said it was happy to concur with the Chairman's proposal and would prepare a paper within the deadline outlined.

16. Labour said that what was required and needed were actual changes in attitudes among ordinary people. There were massive amounts of distrust in society yet there was no need for long term divisions to continue on the basis of the recent past. Labour said it hoped that the subcommittee would provide a forum for genuine and sincere exchanges to take place rather than political point scoring. There was nothing to be gained by this. The building of confidence had to be a mutual exercise, and required the assistance of one with another to achieve this. The party said it didn't subscribe to the view that the divisions within society were a result of evilness. They were more associated with the historical process, yet the process could be reversed by adopting and treating the problem from a scientific perspective rather than as difficulties and problems experienced by individuals. The key issue was to achieve the building of trust and confidence by tackling it as a collective problem and not fall into a situation in which one side gained confidence from an issue while, at the same time, the other side lost confidence

17. The NIWC said it was pleased to see that the Liaison subcommittee on confidence building measures had finally started business within the substantive negotiations. The party said it also welcomed the Chairman and Mr Holkeri to their respective positions in the subcommittee and praised both of them for their outstanding

commitment to the negotiations thus far. The NIWC said it was very content that both would be present to see the subcommittee through its remit.

18. The NIWC said it wished to raise a number of issues regarding the remit of the subcommittee. The party recalled the subcommittee's remit as set out by the procedural motion adopted on 24 September and outlined earlier by the Chairman. The party said there were two issues it wished to raise on this. Under rule 17 of the rules of procedure, this permitted "any participant to raise any significant issue of concern to them and receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations". The NIWC queried whether this rule could apply to the subcommittee's remit as opposed to the procedural motion which stated that the subcommittee could only deal with confidence building issues from the Report of the International Body and others agreed by the Plenary. The NIWC said it believed the procedural motion to be binding so the question of what was a substantive issue or a non-substantive issue also required clarification. The party said that the subcommittee's remit, if indeed bound by the issues contained in the International Body's Report, could give rise to difficulties.

19. The NIWC recalled that during discussions some months previously on the terms of reference for such a liaison subcommittee, many of the participants had wanted to be able to deal with confidence building issues as and when they arose. The party said it didn't want to wait until a plenary decided which issues could be addressed by the subcommittee, yet rule 17 appeared to be at odds with this. The party again stated its preference for being able to raise issues on a more flexible basis and hoped that the discussion following the submission of participants' views on the range of issues to be addressed would sort this out. The NIWC said it also hoped that the

contributions sought from participants by the Chairman would not be regarded as finite in composition.

20. The Chairman said he had anticipated the NIWC questions and would ask participants to address these in the papers which had already been requested. The key point was that the procedural motion was explicit in establishing the remit of the Liaison subcommittee and there was therefore an apparent conflict between this and the second sentence of rule 17. The Chairman asked each participant to provide their understanding of this situation and if there was a conflict in their view, which of the two positions should govern. The Chairman stated that when he was called upon to make an important ruling such as this, he preferred, when possible, to ask the participants for their views first before making the ruling. On the second issue raised by the NIWC, the Chairman said the papers being asked for would not be regarded as finite since this wasn't the purpose of the exercise.

21. The PUP said it hoped that the work of the subcommittee could lead to clear, tangible outcomes for the unionist community. The party said it intended to submit papers and have these distributed to other parties. The PUP said it had listened carefully to the points raised by the NIWC and the responses from the Chairman. It noted these. The party said it believed that above all else, the Liaison subcommittee could be used as a mechanism to disseminate information, and hence build confidence, to both communities.

22. Sinn Féin said it welcomed the opportunity to address the liaison subcommittee at its first meeting. The party said the 'nationalist nightmare' which it was told ended in 1985 after the Anglo-Irish Agreement, remained largely unchanged after almost three decades of direct British Government rule. Nationalists in the north still lived in

a society in which the cancer of inequality and justice pervaded all aspects of daily life, and in which basic human, political, cultural and civil rights were denied. Sinn Féin said the northern state was founded on discrimination, inequality and intolerance. It was, and remained, an undemocratic entity. Twenty five years ago the British Government took direct responsibility for the six counties. Since then there had been many fine words uttered but little of practical value to tackle inequality. In reality the anti-discrimination laws which were passed in the 70's and again in 1989 had been deeply flawed and had made little impact in challenging discrimination and inequality.

23. Sinn Féin stated that in its recent report, the Standing Advisory Commission on Human Rights, SACHR, reaffirmed that Catholics were over twice as likely to be unemployed as Protestants. And it found that the main British Government policies specifically aimed at tackling inequality - Targeting Social Need (TSN) and Policy Appraisal and Fair Treatment (PAFT) - "left a lot to be desired in their effectiveness". The party said the SACHR report made more than 140 main recommendations. The last time it produced such a comprehensive series of recommendations the British Government ignored it. It appeared to nationalists and republicans that the myriad of laws and agreements promising equality for all citizens had actually no effect.

24. Sinn Féin continued saying that what was required to achieve real and measurable change towards equality and what had been absent on the part of the British Government to date was the political will to do what was right and implement what was required. Equality should be at the heart of government decision making in London - it wasn't. Successive British governments had lacked the political will to tackle these matters. Their policies were primarily concerned with defending the status quo. From Sinn Féin's view point it was concerned to highlight and secure progress on a range of issues which fell under the equality banner. It believed these

issues did not require negotiation because they were democratic rights and should not be denied to the nationalist people. The party believed the British Government should implement a programme of confidence building measures which would end political, economic, social and cultural discrimination.

25. Sinn Féin said both the British and Irish Governments needed to urgently address a demilitarisation agenda which dealt with the release of all political prisoners, scrapped repressive legislation and replaced the RUC with a normal and acceptable police service. Equality couldn't simply be an illusion. It had to be a fact. It had to be a reality. To achieve this, equality in employment opportunities, equality in economic investment into areas of high unemployment, equality for the Irish language and culture, equality in the provision of resources for education, equality for political representatives was needed. The difficult issue of cultural symbols, of flags and emblems, an end to repressive legislation, a new unarmed policing service under democratic control and a speedy progress on the issue of political prisoners, their conditions, transfer and release, were also needed.

26. Sinn Féin said these and much more were matters for the British Government - not for negotiation. These were matters of policy - not negotiation. These were rights, civil and political, which every citizen in every democratic state was entitled to. There could be no lasting political settlement without a firm foundation of equality. The party was concerned to point out that the same attention and importance that had been given to the decommissioning subcommittee and the decommissioning issue was also needed in relation to confidence building measures. The decommissioning subcommittee had been given legislation in the British and Irish parliaments and this was speedily enacted with the International Decommissioning Commission and offices in Belfast and Dublin and staff to service it. There were also a large volume of text on

the issue. By comparison the other confidence building measures had received scant attention apart from their mention in chapter 7 of the Report of the International Body and this subcommittee.

27. Sinn Féin concluded by saying that it was content to endorse the Chairman's proposal and would submit a paper within the deadline given. It also believed, like the NIWC, that a flexible attitude should be adopted on the issue of what matters were to be dealt with by the subcommittee.

28. The SDLP said it also welcomed the commencement of the liaison subcommittee. The party said it had an important task to perform though it believed these would be difficult to define and prescribe from time to time. The SDLP said it too recalled the discussions on the subcommittee's role during 1996 and where it would be housed within the talks arrangements. The party said it was likely that there could be many problems with regard to defining confidence building measures and what were substantive and non-substantive matters. While the party said these would recur from time to time it would not handicap the work of the subcommittee. The priority for the subcommittee was to overcome problems, not underline them.

29. The SDLP said it had noted the Chairman's request and would comply with this and view the range of issues put forward at that time. The party said it was important that the subcommittee did not become a negotiating theatre. There were clearly many things which the liaison subcommittee couldn't determine and participants needed to be careful about the slightly different ambit that the subcommittee presented when compared to the roles adopted in the actual negotiations. The difference had to be remembered.

30. The SDLP said there needed to be flexibility within the subcommittee, not just in relation to the range of issues which might be addressed but also in how these were addressed. It could be that some issues might be resolved between participants themselves without recourse to the subcommittee. One only had to recall an earlier occasion when the process moved on from formal indictments of some participants to the same issue being dealt with by the relevant participants themselves outside the formal arrangements, thus leaving a less collective problem for all.

31. The UDP welcomed the Chairman and Mr Holkeri to the subcommittee and paid tribute to all three Chairmen and staff for their patience and commitment to the process. The UDP said it welcomed and noted the reference to the loyalist cease-fire by the British Government. It also welcomed and noted the reference to the same cease-fire by the Irish Government during its opening remarks. The UDP said that when it recalled the British Government talking recently about "generosity and imagination needing to be shown" in the talks process, some loyalist prisoners in the Maze wouldn't think much of these remarks thus far. The UDP said the issue of prisoners was one which it would be bringing to the subcommittee. The party said it believed one of the liaison subcommittee's tasks would be to try and build confidence and some measure of trust between the participants themselves. But there was also a need to build confidence in the broader community - at all levels - in order to develop a sense of ownership of the process right across the full social, political, religious and economic spectrum.

32. The UDP said it would prepare a paper as requested by 22 October and welcomed the Chairman's earlier remarks that such a document would not be regarded as finite. The party said it looked forward to the ensuing discussion.

33. The UUP said it had nothing formally to say at this point. The party had taken on board the Chairman's request and subsequent responses. The UUP said the task confronting the Chairman and his colleagues was a difficult one and it wished them well in this. The party said it hoped that the work of the subcommittee would provide a fruitful and genuine outcome for the people of Northern Ireland.

34. The Chairman thanked the participants for their personal comments and welcomed those who were attending a "talks" meeting for the first time. He said he was confident that the liaison subcommittee could make a significant contribution to the whole effort of the negotiations. The Chairman then repeated his requests for papers from the participants covering his original requirement and the subsequent comments from each on their views for ruling on the issue of the apparent conflict between the procedural motion and rule 17.

35. The Chairman said the subcommittee would now adjourn, subject to the call of the Chair. When the submissions had been received these would be distributed by the staff to enable participants to review all contents before the next meeting was called. The Chairman urged that between 22 October and the date of the next meeting, participants should take the opportunity to review the submissions and come to the meeting prepared to have a genuine discussion. With this comment the Chairman adjourned the meeting at 13.45.

Independent Chairmen Notetakers
13 October 1997