

**SUMMARY RECORD OF OPENING PLENARY SESSION -  
WEDNESDAY 17 SEPTEMBER 1997 (12.13)**

Those present:

<b>INDEPENDENT CHAIRMEN</b>	<b>GOVERNMENT TEAMS</b>	<b>PARTIES</b>
Senator Mitchell	British Government	Alliance
Mr Holkeri	Irish Government	Labour
General de Chastelain		Northern Ireland Women's Coalition
		Sinn Féin
		Social Democratic & Labour Party

1. The Chairman convened the meeting at 12.13 and stated that as participants were already aware, both Governments had been meeting almost continuously with those both present and not present in efforts to bring about a fully inclusive process at the earliest possible date. The Chairman said these efforts were continuing and he welcomed the fact that some participants were now present in the building, though not yet in the conference room. The Chairman said he would ask both Governments to comment shortly but his own expectation was that this Plenary session would be relatively brief and it would adjourn for bilateral sessions etc to continue. The next Plenary meeting would then be organised at the call of the Chair for later in the afternoon (if it was judged useful to hold a further meeting) - if only to take some final decisions regarding the timing of meetings for the following week.

2. The Chairman added that in respect of next week, the UUP had written to him the previous day demanding the expulsion of Sinn Féin from the process. The Chairman said that such requests in the past had been handled pursuant to rule 29 and those participants who were present from the beginning of the process would recall the fact that some five or six of these had arisen to date. The Chairman said that under rule 29, he was required to circulate a copy of the request to all participants. This had been done yesterday ensuring that each participant was by now in possession of a copy. The Chairman reminded participants that any decision on

the request was subject to "appropriate action" by the Governments, following the hearing of the participants comments.

3. The Chairman continued saying that the practice for handling such representations in the past had been to convene a Plenary. Such a mechanism tried to achieve, if possible, a balance between prompt disposition and the opportunity for the participants to review and respond to this. The Chairman stated that his earlier discussions with participants had covered this ground and he therefore proposed to set aside Tuesday 23 September at 14.00 for such a Plenary to occur.

4. The NIWC said that since the Chairman had already indicated that the present Plenary was to be brief to facilitate further discussions between the Governments and the participants, it wished to formally ask for an adjournment to consider both the issue of the UUP indictment and other issues already under discussion. The Chairman responded saying that under the rules of procedure he was required to honour any request for an adjournment provided this facility wasn't abused. The NIWC had not abused the privilege in the past therefore the Chairman said he would grant it. Before doing so he asked the NIWC whether it had any difficulties hearing comments from Sinn Féin who had earlier sought recognition from the Chair. The NIWC said it had no problems with this.

5. Sinn Féin said that, given the present position, it was perhaps worth proposing putting a time-frame on the handling of the UUP's formal representation. The party said it had already been faced with an indictment this week and it now seemed strange that a date and time had been fixed to accommodate the UUP - which was currently outside the process - while more important issues remained unresolved inside. The party said it accepted the need for the adjournment to discuss the UUP indictment but the period should also be used to talk about the status of the procedural motion. This was an important issue yet there appeared to be no time-table from the Governments on how this was going to be

handled. Sinn Féin said that surely some sort of announcement needed to be made today, by the Governments, along the lines of saying that Monday next would see inclusive talks even though discussions were still ongoing at present to ensure that objective was achieved. Sinn Féin said the adjournment period should be used to consider this issue as much if not more so than the UUP's formal representation.

6. Alliance said it wished to seek clarification from the Chairman in relation to the proposed Plenary on Tuesday next. The party asked whether it would be a requirement for those who raised the indictment to be present in the conference room when the meeting convened. The Chairman said this decision was in the hands of the participants. He expected the UUP to be in attendance but he could not compel it to attend.

7. Alliance said this position was all very well but by the same token the participants present could not be compelled to attend that Plenary meeting either. If the UUP did not, for whatever reason, turn up then surely it was the case that the indictment fell and other business could be taken.

8. The Chairman responded saying that if the UUP was not present then both Governments would have to take such a position into account in determining the outcome of the indictment. Similarly if the participants had no views to express, this would also have to be taken into account by both Governments.

9. The NIWC asked what exactly was the definition of "in attendance"? Did this mean that three seats had to be occupied or all six seats or whatever? Did it mean in the conference room or in the building?

10. The Chairman said that the position being outlined by the NIWC hadn't yet arisen. It assumed a situation which didn't yet exist, therefore he did not wish to give a hypothetical ruling.

The Chairman said, however, that if come next Tuesday, no UUP representatives were present in the room for that meeting, but instead attempted to raise questions from another location on a remote control basis, he would rule on that position at that time.

11. Sinn Féin said that it appeared this type of issue could be dealt with under the rules in bilateral form. While the party understood the UUP position, the histrionics of the situation and the fact that it was a significant step for the UUP leader to take the party into inclusive talks, there was a need to deal with a much wider constituency. Sinn Féin said that there were many people beyond the process who knew that the talks had actually started some three years ago and not just this week. These same people were viewing the UUP indicting the third largest party in the process from a position of being outside the process and in addition they viewed the Governments being unable to produce a procedural motion which would start the process because of that same party. Sinn Féin said it presumed the UUP would be present to handle the indictment; but if it wasn't then it should be ruled out. However that wasn't the main issue. The Prime Minister had said that substantive negotiations were to begin on 15 September. Sinn Féin said there was a necessity to produce some form of motion, which did not tie everybody down now, but which indicated that a start to substantive negotiations would be made on Monday 22 September. Such a motion would still allow plenty of time for those involved to work out the exact wording of the procedural motion to give effect to this.

12. The Chairman said that as regards the issue of using a Plenary session to handle the UUP indictment, he recalled that in every previous case a Plenary had been held to deal with it. The Chairman said he believed it was appropriate for the business to be conducted in this manner. The Chairman also pointed out that in those previous cases no requirement had been imposed for the original indictment to be made during the Plenary; other examples had been delivered to the Chairman by mail. He did, however,

strongly believe that the handling of such business should be carried out in a manner which treated everyone fairly and impartially. The forthcoming hearing should be no different thereby maintaining consistency of approach with previous practices.

13. The SDLP said it might be helpful if clarification could be given as to what timing or time limits had been introduced on past occasions when participants both made their case and others responded. The party said it sensed a growing impatience around the room with this issue and the tactics which were being used by the UUP. The SDLP said it hoped the Plenary on Tuesday would have some form of time limitation placed on it. The Chairman said he couldn't recall introducing/imposing time limits on past occasions. He agreed that he would check the previous records before coming back but he rarely imposed time limits on contributions from the participants, as they were well aware.

14. Alliance said its first concern had been addressed by the Chairman's comments, and the SDLP had raised its second concern. It believed the Chair had on past occasions given guidance about time limitations during a request for the expulsion of a participant, and was reassured that the Chairman would look into this matter. It feared that, if there were no limitations imposed, there would be a temptation for some to speak at length. Alliance said there were genuine differences in how people responded to the way the negotiations process was organised. It wondered whether, from its own experience, people from a Presbyterian background sometimes responded in a more questioning manner to statements from figures of authority than those from an Episcopal background. It believed these differences had their origins in cultural differences. It noted Sinn Féin's references to Prime Minister Blair's statement that substantive negotiations would start on 15 September as an instance of this. Alliance feared there might be a danger that the two cultures might genuinely misunderstand each

other on matters such as this, besides the wilful misunderstanding that formed a part of the negotiations.

15. Sinn Féin said it was talking about an indictment being raised against it by a party that was not present. It wanted to know when the substantive negotiations would be launched. The party was concerned that the message that was going out was that the next phase of the negotiations would be the indictment of Sinn Féin. It asked the two Governments to table a motion that a Plenary on Monday would see the procedural motion tabled. If, on Monday, it was not possible to table the Motion, that would be a matter for the Plenary then. Sinn Féin wished to send a message to the community, which had been patient while efforts were being made to bring the unionists into the negotiations, that political negotiations would start. Otherwise there would only be a negative impression, despite the good news about the presence of the UUP in Castle Buildings.

16. The SDLP said it had convened this week on the expectation that it would be commencing political negotiations. The party understood the difficulties preventing this, and that it had not been possible to proceed with the procedural motion for understandable reasons. The SDLP said it was dangerous if the process set a date for the indictment of Sinn Féin but not for the tabling of the procedural motion. It noted that the annex to the UUP statement of that morning had listed eleven concessions it had secured. The SDLP feared that there would be more. It believed the UUP might use the indictment of Sinn Féin, and the two Governments' response to it, as a further confidence test before agreeing to enter political negotiations. It also feared that the indictment of Sinn Féin would run past the Tuesday plenary allocated for it. Were the UUP to wait until the two Governments' verdict on their indictment this would delay proceedings by up to a further week. It was also possible that the UUP might choose to enter the Plenary on Tuesday for the sole purpose of presenting its indictment of Sinn Féin, and then withdraw.

17. The SDLP said that the procedures surrounding a demand for the expulsion of a party were governed by convention rather than by the rules of procedure. It wondered whether, in the absence of a commitment to enter negotiations, the UUP, a 'non-participating participant', should benefit from such precedents. It also noted that, by convention, the party against which the allegation had been made was entitled to make and have distributed a written response to the allegations.

18. The NIWC said the meeting was now debating the issue despite its earlier request for an adjournment. It said it needed to discuss the matter outside of the Plenary and repeated its request. The Chairman said that his staff had checked previous minutes. He reported that on one occasion the Chair had not imposed a time limitation. On another occasion, he had limited the party making the allegation, and the party against which the allegations had been made, to an initial statement of thirty minutes each. The ensuing debate had not been limited. The Chairman confirmed that Sinn Féin was entitled, if it so wished, to make a written statement in its defence which would be circulated to the participants. Of the two occasions his staff had instanced, on one occasion the party in question had availed of this convention, and on the other occasion it had not.

19. Sinn Féin said it understood that the British Government and the Chairmen had met with the UUP and decided on a date for the Plenary at which the UUP would make its allegations. The Chairman said that was not accurate. On a point of order, the NIWC said it had requested an adjournment. Sinn Féin said it had been told today's Plenary was for the procedural motion, but instead it had been given the date of another meeting. It welcomed an adjournment, but expressed concern that it was difficult to follow

the progress of events when so much was being determined in bilateral meetings among the participants.

20. The Chairman asked the NIWC whether they had a length of time in mind for the adjournment. The NIWC said it would need two hours. Accordingly, the Chairman adjourned the Plenary at 12.45 to resume at the call of the Chair, which he expected to be in roughly two hours time. The purpose of the adjournment was to allow bilateral consultations to continue.

**Independent Chairmen Notetakers  
22 September 1997**

OIC/ps80