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Date: 20 February 1998

Pages: 1 + 24

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-- Conclusions of the Governments

20 February 1998

CONCLUSIONS OF THE GOVERNMENTS ON THE POSITION OF SINN FÉIN IN THE TALKS

1. This document sets out the conclusions of the Governments on the position of Sinn Féin in the Talks.

Background: The Rules and Principles

Rules of procedure

2. Rule 29 of the Rules of Procedure for the Negotiations agreed on 29 July 1996 says:

If, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence as set forth in the Report of 22 January 1996 of the International Body, this will be circulated by the Chairmen to all participants and will be subject to appropriate action by the Governments, having due regard to the views of the participants.

The Mitchell Principles

3. The relevant passage of the International Body's Report reads:

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

- To democratic and exclusively peaceful means of resolving political issues;
- To the total disarmament of all paramilitary organisations;
- To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
- To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
- To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,

- To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.

The murders of Mr Campbell and Mr Dougan

4. Following the murders last week of Mr Brendan Campbell and Mr Robert Dougan, the Secretary of State for Northern Ireland announced that she had been fully briefed by the Chief Constable of the RUC, and his assessment was that the IRA were involved in both these murders. She considered that the issue would need to be examined with the Irish Government and the other Talks participants in accordance with the proper procedures.

The British Government's representation

5. Shortly after the start of proceedings in Strand Two of the talks on 10 February, the Chairman (Senator Mitchell) indicated that the Governments had advised him that an issue had been raised under rule 29. The Secretary of State spoke, at his invitation: her speaking note is attached at A. The note was circulated to other participants, and the Chairman later ruled (in response to objections from Sinn Féin) that it constituted a formal representation under rule 29. The Minister for Foreign Affairs spoke in the terms at Annex B.

The Alliance party representation

6. The Alliance Party made to the Chairmen on 17 February a representation under rule 29, based on the same facts as the British Government had raised, that "Sinn Féin is no longer entitled to participate in these talks on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence". It was circulated and considered at the same time as the British Government representation.

Procedures followed

7. The Independent Chairmen, having consulted Sinn Féin and other participants over the timing and other details of proceedings, concluded that to permit Sinn Féin further time to prepare its response, a plenary session of the talks should be postponed until 2.00pm on 17 February. Senator Mitchell's statement covering the point is at C.
8. When the plenary session met, a total of three adjournments (totalling more than four hours) were granted at the request of Sinn Féin. Sinn Féin announced its intention to take legal action over the British Government representation, and sought a further adjournment pending its outcome: Senator Mitchell concluded that such an adjournment would be unjustifiable.

9. At the start of substantive business, the two Governments were first invited to make statements; then the Alliance Party spoke to its representation. Sinn Féin then responded orally, and later circulated a written response (D). Other participants were then permitted to contribute, in accordance with Rule 29; finally Sinn Féin was permitted to reply. The Governments have since considered the question of appropriate action, in the light of all the material available to them, including previous determinations in regard to Rule 29, and having due regard to the Sinn Féin response and the views of participants.

Plenary Discussion

10. In their submission, Sinn Féin drew attention to the statement issued by the IRA on 12 February 1998, to the effect that "contrary to speculation surrounding recent killings in Belfast, the IRA cessation of military operations remains intact." The President of Sinn Féin went on to state:

"The IRA have not, in my firmest belief, breached their cessation. Sinn Féin completely disavows all killings. We have worked for, called for and are opposed to all killings."

Sinn Féin recalled that they had worked to establish ceasefires on all sides and indicated that they would continue to work for, and use their influence for, the maintenance of ceasefires of all armed groups.

11. Sinn Féin were strongly of the view that they had not demonstrably dishonoured their commitment to the principles of democracy and non-violence set out in the Report of the International Body.
12. Other points made by Sinn Féin in the plenary discussion and in its written response may be summarised as follows:
- the representation of the British Government was defective as a foundation for the process, and inadequate as a statement of the case Sinn Féin had to respond to;
 - the British Government was in an unsatisfactory position, having initiated the process and then taking part in the final determination;
 - it had brought the question forward out of political expediency, under pressure from the UUP; it also reflected the influence of the RUC, which was not objective;
 - the rule 29 process had only once previously resulted in a party being excluded (the case of the UDP – and even then the case had been brought in slower time to the present one); many other

killings, and instances of violence and threats, had taken place without the process being invoked;

- Sinn Féin had no involvement in the killings, indeed that was not suggested. The IRA must answer for itself, though it was to be noted that those charged in connection with Mr Dougan's killing had not been charged with IRA membership. Sinn Féin was not in an analogous position to the UDP, which made clear it represented the UDA/UFF;
- the present process was in large measure due to its efforts: its members had taken substantial risks for peace, and often calmed potential violence;
- putting Sinn Féin out of the talks would deny representation to those who voted for it, and damage nationalist confidence in the process.

13. In discussion the following further points were made by one or more delegations:

- abhorrence of the two killings was expressed;
- it was no contribution to the talks to put Sinn Féin out, any more than the UDP; its political analysis was valuable to the process;
- Sinn Féin's delegates had shown a commitment to peaceful means, and a capacity for political leadership;—
- other parties had not shown such leadership and were hostile to Sinn Féin;
- Sinn Féin should not be excluded from the Talks, on the basis that the party had not itself demonstrably dishonoured the Mitchell Principles, had expressed its disavowal of all killings and had in the past worked to bring about ceasefires all round;
- there was particular value in a fully inclusive process; no party should be excluded;
- there was room for concern as to how far natural justice was being observed: the absence of a denial should not itself found an inculpation; there were ambiguities in terminology: what were, for example, the 'Republican Movement' or 'demonstrably dishonouring'?

- the presentation of evidence by the British Government had been insufficiently complete to permit a firm view of who had committed the killings; as a result, parties had been put in an impossible position in the matter;
- it was not a question of any of the parties assessing the intelligence or the evidence: the rules dictated that it was only the two Governments who could make the decision to expel or not to expel;
- in coming to a determination, the two Governments should be consistent in applying the same criteria and following the same procedures as in previous determinations (these were detailed), having regard also to the minutes of the discussions in those cases, whether these determinations resulted in exclusion or not;
- In terms of the role of parties in the determination process, it was not a question of seeking to condemn or support the indicted party; what was needed was a careful process that met the requirements of fairness and consistency; in that regard, the help of Sinn Féin in terms of the use of particular language of disavowal or disassociation as had been used in past cases would be valuable in enabling the other parties and the Governments to come to a view;
- the Chief Constable's assessment merely confirmed what was widely understood in Northern Ireland;
- excluding Sinn Féin was consistent with the UDP case; that party could have been excluded even without the UFF statement of 23 January;
- Sinn Féin was inextricably linked to the IRA; it had not condemned the killings or the individuals responsible;
- the killings cast doubt on Sinn Féin's commitment to exclusively peaceful means;
- the IRA had committed both murders, and in view of the relationship between the IRA and Sinn Féin, this constituted a clear breach of the Mitchell Principles by the latter, analogous to that which had led to the exclusion from the Talks of the UDP;
- Sinn Féin should explicitly condemn the murders and those who had committed them;

- if the IRA cessation were demonstrated over a period to remain genuine in word and deed, Sinn Féin should, if excluded, be readmitted.

Conclusions

14. The Governments have taken into account, in reaching their conclusions, all the information in their possession. On the British side, the Secretary of State was fully briefed on the circumstances of the two murders by the Chief Constable, and the Prime Minister and she have had the opportunity to examine fully the information and evidence available to him.
15. The Irish Government have taken account of information and judgements given to them by the Prime Minister and the Secretary of State, as well as the assessment of the Commissioner of the Garda Síochána.
16. The Governments have also paid careful attention within the terms of the rules of procedure to the views expressed both by Sinn Féin and by other participants. They have taken fully into account the previous cases under rule 29. They draw attention however to the fact that the circumstances of each of those cases differed from the present one, whether in the gravity of the actions in question, the statements of the parties concerned and the relationships with the paramilitary organisations involved. They have sought to be as fair as possible within the rules and conventions adopted by participants, in the context that the process is a political not a legal one.
17. Taking into account the information in their possession, both Governments conclude that there was IRA involvement in the murders and that this constitutes a clear infringement of the Mitchell principles. They note that the IRA did not in explicit terms deny involvement in the killings. This is in contrast with an earlier case under rule 29, where they denied involvement in the Markethill bomb (Governments' conclusions of 24 September 1997).
18. The Governments have previously made clear (in their conclusions of 24 September 1997) that they would expect the Republican Movement as a whole – that is Sinn Féin and the IRA – to honour the commitment to the Mitchell principles observed by Sinn Féin. They said on that occasion that they 'found it hard to conceive of circumstances where, after a group with a clear link to any party in the negotiations had used force or threatened to use force to influence the course or the outcome of the all-party negotiations, the relevant party could be allowed to remain in the talks'. They characterised the IRA as a group 'with a clear link to Sinn Féin'. That reflects the position that has been taken throughout the negotiations (and which underlay the Governments' requirement that Sinn Féin could only be admitted to the negotiations in the event of an unequivocal restoration of the IRA ceasefire). Whatever the personal

position of Sinn Féin delegates, the Governments believe it remains justifiable and indeed necessary to proceed on that basis.

19. Taking into account the principles and procedures of the Talks process, including the provisions of Rule 29, previous determinations in regard to that rule, the statements by all participants, including Sinn Féin and all the other considerations outlined above, the Governments are obliged to conclude that the representations under Rule 29, specified in paragraphs 5 and 6 above, have been upheld and accordingly that Sinn Féin should not be allowed to participate in the Talks.
20. The aim of both Governments is to maintain an inclusive process, on the basis that this is the best way to achieve a comprehensive and balanced settlement likely to secure the agreement of all sides. Both Governments remain determined that the deadline of May as the target date for the conclusion of the Talks shall be met and the completion of the process is now approaching. It is particularly important, therefore, that as many parties as possible, consistent with the fundamental principles on which these negotiations are based, have the opportunity to make their contribution to the Talks during the critical period.
21. The Governments acknowledge the positive contribution that has been made to the peace process by the IRA ceasefire of August 1994 and its restoration of July 1997. They also acknowledge the very significant and genuine efforts which have been made, and are being made, by Sinn Féin in working for peace. The Governments believe that Sinn Féin will continue, together with the other parties, to have an important role to play in the bringing about of a comprehensive, inclusive settlement, and that the maintenance of the IRA cessation will also be critical in that regard.
22. The IRA statement, as noted in paragraph 10 above, asserts that the IRA cessation of military operations remains intact. Having regard to the fact that the term set for the completion of the process is now close, to the strong determination of the two Governments to work with the parties to produce a settlement in the coming six weeks and to the desirability and importance of as many parties as possible, consistent with the fundamental principles on which these negotiations are based, having the opportunity to contribute to the talks during this critical period, the two Governments have come to the following view. Subject crucially to events on the ground and to convincing demonstration in word and deed that a complete, unqualified and unequivocal IRA ceasefire is being fully and continuously observed, it is the expectation of the two Governments that Sinn Féin will be able to return to the talks on 9 March. Contacts with Sinn Féin would be maintained in the intervening period. However, the Governments also reaffirm the paramount importance of the integrity of the process, which depends on the total and absolute commitment of all participants to democratic and exclusively peaceful means of resolving political issues as required by the Mitchell Principles.

ANNEX A

SINN FEIN AND THE MITCHELL PRINCIPLES, 16 FEBRUARYSecretary of State's speaking note

1. Chair, 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.
2. In this connection, colleagues around the table will recall that in their determination of 24 September 1997 the two Government reiterated that they would expect the Republican Movement as a whole to honour the commitment to the Mitchell principles affirmed by Sinn Féin. Applying that same logic, they concluded on 26 January 1998 that the UDP was no longer entitled to participate in the negotiations on account of UFF involvement in sectarian murders.
3. Shortly after 11pm on 9 February two gunmen shot dead Brendan Campbell and seriously wounded his female companion in Brookland Street, Belfast. Just before 1pm the following day a gunman approached a parked car in Dunmurry, Belfast and opened fire, killing the occupant, Robert Dougan, before making his escape in a waiting car. Both murders, like others in recent weeks, were deplorable and inexcusable, and the Government condemns them without reservation.
4. The Chief Constable's firm view is that both these murders were carried out by the Provisional IRA. His assessment is based both on intelligence information available to him, and on evidence obtained in the course of the RUC's investigations to date into the two crimes. Criminal charges have now been preferred in respect of Mr Dougan's murder, and it is therefore not appropriate for me to go into any detail on that. If I were to say any more at this stage it could prejudice the judicial process in that case and put me in breach of the Contempt of Court Act. I can however confirm that the weapon used in the murder of Mr Campbell had also been used in a previous murder - that of Mr Johnston in December 1995 - which was claimed by Direct Action Against Drugs, which the Chief Constable has confirmed is a cover name used by the Provisional IRA.
5. The British Government concurs with the Chief Constable's assessment that the Provisional IRA were responsible for both these murders.

6. I also note that the statement issued by the Provisional IRA on 12 February did not deny that the murders had been carried out by the Provisional IRA.

7. These considerations clearly raise the question of whether Sinn Fein is any longer entitled to participate in these negotiations. I therefore propose that you, Chair, should 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.

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P. 10

ANNEX B

**Multi-Party Talks, Dublin, 16-18 February
Possible Representation Under Rule 22: Mr. Andrews' Speaking Points**

On behalf of the Irish Government, I want to make clear that we are deeply conscious of the extreme gravity of the situation now confronting the talks and the peace process as a whole.

We are very sorry that, as on the first day in London, we find ourselves having to turn our attention away from the substantive business of negotiation. But it is clearly necessary.

The Irish Government is totally opposed to, and condemns utterly, all killings of any person, and for any purpose. We equally repudiate the use or threat of violence for political purposes.

In addition, the principles of democracy and non-violence are the basis on which the talks are founded, and are fundamental to the integrity of the process. Any charge that they have been demonstrably dishonoured is a most serious one, and requires very careful consideration. Moreover, as we are all aware, this procedure has been involved on a number of occasions. It is important that our rules are applied equitably and consistently.

We are anxious to hear the views of all parties around the table on this matter, and in particular that of Sinn Fein. It is important that the party be given every chance to set out its position, including in relation to the two killings in question and to the Mitchell Principles.

The Governments will then review all the elements involved and decide whether, and if so what, appropriate action may be required.

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.

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P. 12

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.

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 unwaveringly 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.

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

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

June 97 A attempted murder by bomb of Sinn Fein Councillor James McCarry in Rallycastle.
 Sept 97 Parcel bomb sent by post to Colm 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 Gerrighey Road in Portadown.

There have been loyalist bombings, attempted bombings or bomb hoaxes on numerous occasions on both sides of the border.

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 Shanhill Road.

As long ago as May of last year the frequency of acts of loyalist violence was such as to force the hand 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 cessfires. It is, too, important to note that the British Government has never outlawed the CLMC.

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P. 17

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 statements of 23 January 1998. These are:

5 December Gerry Devlin, Belfast
 27 December Seamus Dillon, Danganmon
 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 representations 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? Sina 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 Slans, 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, Agbales, a catholic girl shot 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.

Repeated attempts by Sina 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 Stace 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 government's 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 UD/VVF, 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 UVF admitted that it had killed three Catholics.

The UVF 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 conspiracy. 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, wounding, beatings 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 Downan, 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 man arrested a 'IRA suspect'. 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 Sheehy and other innocent Catholics. This initially obtained in relation to the loyalist killings, in the December-February period and 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 Margerie Molloy 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 parties 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 plea 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 plea 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 cannot give this plea any 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 ceasefire. 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 orders were given by the British government of a possible indictment of Sinn Fein.

20-FEB-98 FRI 17:06

4757822

P. 20

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 Gervaghy 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 Gervaghy 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 this most serious import have been addressed in the most fertile and vibrant 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 ~~unwisely~~ ^{unwisely} be properly conducted in their procedural basis, must afford a fair hearing according to at least - all legal considerations ~~input~~ - 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 that 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 ~~moderate~~. 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.

20-FEB-98 FRI 17:09

4757822

P. 23

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 McColegan 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.

20-FEB-98 FRI 17:10

4757822

P. 25