

**DRAFT SUMMARY RECORD OF OPENING PLENARY SESSION -
WEDNESDAY 18 SEPTEMBER 1996 (10.10)**

Those present:

Independent Chairmen	Government Teams	Parties
Senator Mitchell	British Government	Alliance Party
Mr Holkeri	Irish Government	Labour
General de Chastelain		Northern Ireland Women's Coalition
		Progressive Unionist Party
		Social Democratic and Labour Party
		Ulster Democratic Party
		Ulster Democratic Unionist Party
		United Kingdom Unionist Party
		Ulster Unionist Party

1. The Chairman called the meeting to order at 10.10am. He said that its purpose was to discuss the paper submitted by the Alliance Party and the rebuttals of the allegations contained in it by the DUP and the UUP. The Governments on 16 September 1996 had circulated a note stating their conclusion that the Alliance representations against the PUP/UDP were no different in substance from those already made by the DUP and determined by the Governments. Alliance said its concerns about the PUP/UDP were expressed in advance of the Governments' ruling in that case and they were prepared to accept that the matter was now closed.

2. It then emerged that while the DUP had received the incorrectly dated letter from the Chairman with associated documents on 16 September 1996 it had not received a second letter dated 16 September 1996 conveying the Governments' decision to take no further action in relation to the UDP/PUP.

3. The DUP said that the UDP, in its rebuttal of 16 September 1996, had made certain allegations against the DUP and that it would be responding in writing to the Chairman on the matter. The

Chairman noted the point and commented that the DUP, in its response, had said that one aspect of the original allegations and rebuttals should not be discussed on the basis of the sub judice rule. The DUP said that it was rather a case of it not commenting on the particular allegation in question.

4. The Chairman said that he proposed to proceed on a similar basis to that of the earlier DUP allegations. Each of the parties involved could read its written submission and then a period of 30 minutes would be allowed for the submitting party and the responding parties to develop their arguments. Following that there would be time for questions by those parties and this would be followed by a general discussion where each party around the table could express its view. There would be an overall limitation of 3 hours on the process.

5. None of the 3 parties concerned elected to read their written submissions on the matter. However, the UUP cautioned the participants against making wild statements as such statements would not be privileged; the facility of parliamentary privilege did not apply in this forum. The Chairman then invited the parties concerned to make their presentations.

6. Alliance said its allegations were based on the clear and widely reported public record of the events in question. Its covering letter made it clear that they did not wish to see any party excluded from the talks; what they wanted was to see parties commit or, if necessary, re-commit themselves to the Mitchell Principles. With regard to the content of their submission in relation to Rev McCrea Alliance had received representations from his solicitors in relation to the alleged display of a banner at Portadown. The party had accepted the comments and therefore the reference to it should be deleted from their submission.

7. In relation to the events at Drumcree and the Portadown rally, Alliance concerns related to breaches of the Mitchell

Principles. Principle (a) referring to a total and absolute commitment to democratic and exclusively peaceful means of resolving political issues was the key one upon which all the others are based; principle (d) relating to the renunciation of the use of force or threats to use force was also relevant. According to the party, Alliance said it seemed clear that during the Drumcree crisis force was used and threatened for political reasons. The party then referred to the statement made by the Secretary of State to the effect that the rule of law was violently, deliberately and, successfully challenged. Accordingly, the UUP's rebuttal of the material in the second paragraph of the Alliance submission, on the basis that it was inaccurate, overheated, political hyperbole, was at variance with the Secretary of State's comments. It nevertheless remained a matter of public record that roads were blocked and economic life was brought to a standstill during the period in question. That was quite apart from the criminal aspect of the behaviour. The position was exacerbated by inflammatory remarks by certain parties in question and this raised an issue about whether the protest was spontaneous or organised. Alliance quoted from the media to support the contention that it was not spontaneous. It also said that neither the use of force nor the blocking of roads etc was opposed by members of the Orange Order which itself was linked with the UUP.

8. Alliance said that both the DUP and the UUP were keen to sign up to the Mitchell Principles and to see them put in place. It wondered why that was so in the light of their subsequent behaviour. Perhaps it was because in their minds the principles were directed at nationalists and republicans only, and not directed at the community as a whole. Alliance felt that with particular regard to events at Drumcree, it was clearly a matter of record that its DUP and UUP colleagues were involved. Furthermore, the brief rebuttals by those parties showed that there was no credible argument against the Alliance allegations. On the other hand, Alliance wondered whether the contemptuous

attitude towards these allegations was due to arrogance, and if so, then that did not bode well for the talks process.

9. Alliance continued its exposition by referring to the Portadown rally attended by Mr McCrea. Alliance stated that while it was quite evident that Mr Wright had been present at the protest at Drumcree, he and his associates were also opposed to certain policies being adopted by the PUP and UDP - in particular the introduction of a loyalist cease-fire. Alliance said that the DUP was a party which was particularly scrupulous in ensuring that none of its MPs appeared on any platform with Sinn Fein, because this might present the latter with some credibility. It therefore assumed that the party should adopt the same position in terms of loyalist paramilitaries. Alliance said that if Mr McCrea had stated, during his speech at Portadown, that he was utterly opposed to Mr Wright's methods this might have been a different matter. But the party was unaware that Mr McCrea had made a clear statement to this effect. This situation therefore produced a public perception of Mr McCrea being concerned about the death threat against Mr Wright, while at the same time giving credence to his (Mr Wright's) political beliefs and past involvement with violence.

10. Alliance claimed that it wasn't just themselves who held the view that Mr Wright was associated with violence. During Drumcree the leader of the UUP had met with Mr Wright in an attempt to reduce the threat of violence, thereby implying that in some way Mr Wright was connected with men of violence on whom he could bring some influence to bear. The basic question in all of this, however, was whether the DUP, as a party, were guilty of a breach of the Mitchell Principles. Mr McCrea may well have been present at Portadown as an individual and spoke as such, but the DUP had subsequently made it clear that Mr McCrea would continue as a member of their delegation at the talks; it had not condemned what Mr McCrea had said at Portadown and no clear disassociation between the Party and the individual had occurred.

11. In summary Alliance believed that a clear breach of the Mitchell Principles had occurred in both the Drumcree and Portadown incidents. It was therefore vital, given earlier comments that it did not wish to see any party excluded, that the Government was made aware of the case against the DUP and UUP and that it (the Government) should seek the recommitment of both parties to the Mitchell Principles.

12. The Chairman asked the DUP and UUP whether they had an order of preference in beginning to state their rebuttals. None was stated and the Chairman asked the DUP to commence their remarks. The DUP stated that since no evidence had been submitted by Alliance to back up their allegations, there was therefore no case to answer.

13. The UUP said that Alliance had not shown that any breach of the Mitchell Principles had occurred. There was therefore no need to recommit. Furthermore there was no evidence to indicate that the UUP supported the use of violence in attempting to resolve the situation at Drumcree. The party had consistently condemned all acts of violence and therefore believed there was no question to answer from Alliance.

14. The Chairman acknowledged the conclusion of rebuttals from both parties and proposed that participants move on to the questioning phase. The DUP asked Alliance whether it had read the full speech given by Mr McCrea at Portadown. Alliance replied that it hadn't. The DUP asked Alliance whether it had asked Mr McCrea for a copy of the speech. Alliance responded, saying that it would liked to have done this this morning but Mr McCrea was not present for the proceedings.

15. The DUP asked Alliance whether it would not have been a good idea to have asked for a copy of the speech before presenting its case. Alliance said that it did not consider this to be

necessary. The DUP then recalled Alliance's comments regarding the sharing of platforms with Sinn Fein representatives and said that it (Alliance) had shaken hands with Mr Adams. Alliance responded saying that it was the DUP who had been particularly scrupulous in its contacts with Sinn Fein whereas Alliance had not adopted a similar approach. The DUP asked Alliance whether it was aware of condemnatory statements made about the extent of lawlessness and destruction in East Belfast during the week of the Drumcree stand-off. Alliance replied, saying that it didn't dispute the fact that these comments had been made. It was, however, concerned in relation to the Mitchell Principles and with the use of force and the threat of force which was equally important in this context as actual incidents of violence.

16. The UUP stated that its position was clear in that it hadn't simply referred to violence in its public comments but had condemned violence, force and the threat of force. The Chairman, on hearing no further questions, proposed that the meeting move on to the next phase of a general discussion in which the views of participants could be presented in line with the sentiments expressed in rule 29. After a short pause the Chairman indicated that no one wished to be recognised. In these circumstances, the Chairman declared that business on this issue had been concluded. He therefore proposed to adjourn the session, subject to the call of the chair, acknowledging the fact that discussions were ongoing between parties on other substantive matters. The meeting was adjourned at 10.44.

**Independent Chairmen Notetakers
26 September 1996**

OIC/PS11