

**SUMMARY RECORD OF PLENARY SESSION -
TUESDAY 17 FEBRUARY 1998 (1751) - DUBLIN CASTLE**

Those present:

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

1. The Chairman called the plenary to order at 5.51pm. He indicated that Sinn Féin had sought recognition.

2. Sinn Féin explained that the Chairman, quite rightly, had said that their advice was from an individual lawyer. They were now seeking advice from a court on the legality of the process. The Chairman asked Sinn Féin to confirm they were asking for an adjournment until such time when a case could be brought before a court and that court made its judgement. Sinn Féin confirmed that they were, as the Chairman had indicated that he would take notice of the decision of a court. Two indictments had been tabled and they were now formally seeking direction from a court of law. They asked the Chairman if he would adjourn the plenary until a court could come to a decision.

3. The Chairman explained that if a court of competent jurisdiction and authority directed a course of action he would of course obey the court order. That in itself, however, was an unremarkable statement. It did not

justify granting an adjournment so an individual party could stop the process. It could mean that the process could come to an end if any party could take legal action at any time with the knowledge that it could stop the process. The Chairman did not want to trivialise Sinn Féin's actions but he could not grant an adjournment for an indefinite period. He explained that Sinn Féin had the right to take legal recourse but the plenary would continue in the absence of a valid court order. He proposed that the meeting should begin as he had earlier outlined.

4. Sinn Féin raised a point of order. They indicated that they could get a judge within two hours. The Chairman indicated that getting a judge and getting a court order were two entirely different situations. Sinn Féin replied by requesting a further 20 minute adjournment. Their legal representatives had arrived and they wished to meet with them to discuss the current position. The Chairman denied Sinn Féin's request. He indicated that they had enough people in order to let some talk to the legal advisers and others to remain at the table.

5. Sinn Féin explained that they admired the way that the Chairman had handled the process but he was now dealing with a very serious matter. They had not abused their right to ask for adjournment in the past. It was not a matter of their six representatives talking to other parties. It was about 126,000 people who had voted for Sinn Féin - 17% of the electorate - whose representatives were going to be thrown out of the talks on foot of a British Government indictment. Sinn Féin had been at the forefront of the attempt to convince people

about the chance of hope which the process could bring. They had also given hope to those represented by others around the table and if they were dumped unceremoniously from the process all these collective hopes would evaporate. Despite an Alliance assertion that a settlement without them would be possible no one but the UUP and leadership of Alliance believed that this was actually a possibility. Sinn Féin explained that they were crucial to the process and that their rights should be defended by all delegates around the table. They explained that their soundings had indicated that there was widespread anger and bitterness at the threat of their expulsion together with the UUP threat to walk out of the talks if Sinn Féin were not ejected. Sinn Féin explained that their call for a further adjournment to enable them to speak to their legal advisers was a very serious request.

6. The Chairman noted what Sinn Féin had said but explained that he was denying their request for a further adjournment. Sinn Féin explained that they were very sorry that this was the Chairman's ruling. They were not prepared to sit in the plenary and allow an indictment to be thrown on to the table. It was not valid and they could see nowhere in it where Sinn Féin had been shown to demonstrably dishonour their commitment to the Mitchell Principles. Furthermore they could see no case for their removal. It was important that people understood what was at stake. It was people from within Sinn Féin, together with others, who had created this process and the chance for peace which flowed from it. The only way to take the talks forward was to engage in real and inclusive negotiations. It was particularly important to do so now in light of the recent killings and attempted

murders which had been brought about through the climate of fear created by unionists and loyalists.

7. The Chairman asked Sinn Féin if they were making a further request for an adjournment. Sinn Féin replied in the affirmative. The Chairman said that if this was an effort somehow to prevent the British and Irish Governments from speaking it would not succeed and that he would not permit any effort to prevent the process from proceeding. Sinn Féin replied by saying that over the course of the last number of years they had seen a number of political representatives, some who were at the table, effectively throw Northern Ireland into great crisis. Nationalists had been humiliated and murdered - Dermot McShane had been killed by the British Army and Michael McGoldrick had been shot dead by the UVF in Portadown prior to the establishment of the LVF. During that period no attempt had been made by the UUP to indict any parties. Sinn Féin's reading of the current situation was that there was far fewer grounds for indicting Sinn Féin than for indicting the UUP over their lack of action during the last number of years. None of this would be lost on the people. There was now a very determined bid by the British Government, inspired by the UUP, to have Sinn Féin removed. Sinn Féin said that double standards were operating and there was a stench of hypocrisy. They did not think it would be unreasonable to be allowed to speak to their legal representatives before the British Government spoke on their indictment.

8. The Chairman explained that the matters which had been raised had been widely known since the previous week. He explained that Sinn Féin had had ample opportunity to take legal advice since last week and

again earlier in the day with the series of adjournments which they had already been granted. He reviewed the sequence of events, including the several adjournments already granted. He had treated Sinn Féin's requests fairly and everything that they had said in the meantime could have been said after the two Governments had made their statements. The Chairman indicated that this was to be his last word on the subject.

9. The British Government said that they supported the Chairman's proposals regarding procedure. They explained that they would like to add to the statement made at the beginning of business on 16 February and also to address some misconceptions about the process which were going around. First, this was not a court of law. These were political negotiations and it was in that context that the procedure they were now invoking arose. The purpose of requiring all participants to affirm their total and absolute commitment to the Mitchell Principles was to ensure that there was a level playing field in the negotiations. It was meant to create confidence among participants.

10. The British Government explained that they were not acting unilaterally. Their actions were governed by the rules of the process - rules which the parties starting the process had agreed; and it was the integrity of that process which all around the table wished to protect. In maintaining that integrity it was crucial that everyone was treated fairly and equally and they explained that they had done so in the past and were doing so again.

11. The British Government explained that the purpose of requiring commitment to the Mitchell Principles was to

provide reassurance that the political negotiations were taking place on a level playing field. That was the underlying reason why the participants had decided to incorporate rule 29 into their rules of procedure. The particular procedure envisaged in that rule must of course be applied impartially. They had initiated the procedure because it was their view, based on information received from the Chief Constable, that the IRA had authorised and was responsible for the murders of Mr Campbell and Mr Dougan. If it were possible to go further and share with participants the intelligence and all the other evidence on which the assessment was made then the British Government would have done so. However they could not, not least because doing so could seriously prejudice current court proceedings and constitute a breach of the Contempt of Court Act. However, they could say that the Chief Constable had briefed them fully on the circumstances of the two murders and that both the Secretary of State and the Prime Minister had had the opportunity to fully examine the information and evidence available from the Chief Constable. As a result the British Government accepted and agreed with the Chief Constable's assessment that the IRA had authorised and had been responsible for the murders.

12. The British Government said that it was now for both Governments to consider all the information available and to make a rounded judgement together. They emphasised that a decision would be a joint decision. Conclusions would reflect discussions between the Governments and what they heard this afternoon from Sinn Féin and all other participants around the table. They indicated that they believed that the procedure which the Chairman had

outlined would provide a full and fair basis for the two Governments' eventual determination.

13. Sinn Féin asked to make a point of order. They asked for a copy of the British Government's statement to be given to them. The British Government undertook, immediately, to give copies to all participants.

14. The Irish Government said it wished to make clear that it was deeply conscious of the extreme gravity of the situation now confronting the talks and the peace process as a whole. It regretted the fact that, as with the first day in London, they were required to turn their attention away from the substantive business of negotiation. However, this was clearly necessary. The Irish Government said it was totally opposed to, and condemned utterly, all killings of any person, and for any purpose. Equally, it repudiated the use or threat of violence for political purposes. The principles of democracy and non-violence were the basis on which the talks were founded and were fundamental to the integrity of the process. Any charge that they had been demonstrably dishonoured was most serious, and required very careful consideration. Moreover, this procedure had been invoked on a number of occasions, and it was important that the rules be applied equitably and consistently.

15. The Irish Government said it was anxious to hear the views of all parties around the table on this matter, and in particular those of Sinn Féin. It was 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 two Governments would

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

16. Sinn Féin asked for a copy of the Irish Government statement, and for a moment before responding. It said that one of the big difficulties for Sinn Féin, as for others, was the fact that the British Government, which had tabled an indictment against the party, would also determine, along with the Irish Government, whether Sinn Féin remained in the talks. In effect, the British Government was both judge and jury. Sinn Féin said the British Government's approach seemed to be based on the assessment of the RUC Chief Constable, Ronnie Flanagan, as it had said that it shared his view. The party said it was obvious that there was no other basis to the indictment. Ronnie Flanagan was the Chief Constable of a force which nationalists regarded as prejudiced.

17. Sinn Féin said the British Government had been briefing the media that morning, before the start of these proceedings, that Sinn Féin were going to be expelled. The party said it was clear that the British Government had made up its mind already, as it was speaking of dates when Sinn Féin might return to the talks in early March. It said there was no natural justice in this. Sinn Féin said the British Government's attempts to compare it with the UDP were ridiculous. It read from the two Governments' January determination against the UDP, that 'In the light of the UFF statement of 23 January, at the meeting of Strand Two on 26 January the Chairman proposed a meeting of the plenary'. In the case of the UDP, the decision to hold a plenary was taken by the Chair in light of the UFF statement. Sinn Féin wondered according to which procedure a plenary could be

called on the basis of a statement by the Chief Constable. It said the two Governments had supported this proposal because they believed the UFF statement and the relationship of the UDP to the UFF invoked paragraph 29 of the Rules of Procedure. Sinn Féin asked whether there would have been any attempt to indict the UDP if there had been no UFF statement.

18. Sinn Féin said the British Government had asserted that it was being consistent with previous practice. Sinn Féin cited the statement of May 1997 by the Chief Constable in which he said that all of the constituent elements of the CLMC had breached their cease-fires. Shortly afterwards the Secretary of State had stated in an interview that this was only an assessment. Sinn Féin said the British Government's speaking note was grossly defective. It said it was inappropriate to indict Sinn Féin on the basis of second-hand information. Rule 29 referred to allegations that a participant had 'demonstrably dishonoured the Mitchell Principles'. Sinn Féin said there was not even a bare assertion that the party had done anything which could be interpreted as demonstrably dishonouring the Mitchell Principles. It accepted that participants were entitled to indict another participant, but there was no entity with any standing in the negotiations called the 'republican movement as a whole'. The party submitted that the British Government speaking note contained no evidence or assertion which could possibly lead to the provisions of Rule 29 being invoked against Sinn Féin. It was only possible to make an effective defence if the information tabled by the British Government was sufficiently specific to be capable of rebuttal; the speaking note did not meet this criterion. Instead it

dealt with generalities alone, which were insufficient to assert that Sinn Féin had demonstrably dishonoured the Mitchell Principles as stated in the Report of the International Body of 22 January 1996. Sinn Féin contended that it had a right under the Rules of Procedure and natural justice to receive adequate information from which to rebut any indictment. It was insufficient to table assertions without supporting evidence. The party said that second-hand statement by the Chief Constable was open to the following objections; (1) it did not amount to an allegation that Sinn Féin had demonstrably dishonoured the Mitchell Principles; (2) it was not accepted by Sinn Féin as soundly based or supported by evidence; (3) it was contrary to any concept of justice to shelter behind sub judice proceedings - details were often given in bail applications and off-the-record media briefings. It was dishonest to suggest that there was any difference in supplying the evidence in question, just as it was unfair to advance the unsupported view that intelligence was a part of the final representation to exclude Sinn Féin. Any attempt by the two Governments to rely on such information was utterly inappropriate and an error of historical proportions. To base a judgement on information provided by a discredited police force was unacceptable. The RUC had a strong motive in seeking to exclude Sinn Féin as the party espoused a clear policy of calling for the disbandment of that force. It was contrary to natural justice to permit the Chief Constable to dictate who was entitled to participate in the multi-party negotiations given the British Government's failure to provide evidence that would prove their contention beyond reasonable doubt. Given these facts it was

inappropriate to act on the indictment or to exclude Sinn Féin.

19. Sinn Féin stated that it was not involved in, and nor did it advocate, the use of violence. Its elected councillors, had all signed the declaration required by the Elected Representatives Northern Ireland Act 1989. On 9 September 1997 party leader Gerry Adams had affirmed Sinn Féin's absolute commitment to the Mitchell Principles of democracy and non-violence. The party said that its own position incorporated and went further than these principles. It said it was imperative that they remove the causes of conflict by a peace settlement that would allow the resolution of the conflict by peaceful means.

20. Sinn Féin said there was no basis on which to exclude Sinn Féin from the negotiations in the British Government representation. The Sinn Féin leadership had been at the forefront in trying to bring about a peace settlement on the island. In doing so they had fallen out with friends over their involvement in the negotiations process. On the morning of 16 February there had been people at the gates of Dublin Castle whom some had known for 30 years and who were now calling Sinn Féin leaders traitors. The Sinn Féin leadership did not feel angry but saddened by this because these people did not see the work Sinn Féin was doing in the negotiations as providing hope for the whole island. They should consider all that happened before Sinn Féin had got to the negotiating table, and compare the work that Sinn Féin had done in trying to plot a course away from conflict with the actions of the wee boy David Trimble scampering along the Garvaghy Road, winding people up,

hand in hand with the biggest gobben in the island Ian Paisley. Sinn Féin asked what impact this would have on the nationalist community.

21. Sinn Féin said Mr Trimble's actions had created a massive problem for Sinn Féin. The nationalist community was very angry at the Garvaghy Road. There had been riots and public disturbances, and the security forces had responded with the use of plastic bullets. Martin McGuinness had spent the Sunday of the march at the Altnagelvin Hospital meeting children aged 14-17 years with massive facial injuries. The place was in turmoil with street protests. Mr McGuinness had addressed a crowd of some 15,000 people at the Strand Road in Derry. His message had been that the situation was bad, and that the actions of David Trimble, Ian Paisley, the Orange Order, the RUC and the British Government were deplorable. However, the nationalist community should remain calm, dignified and peaceful. Mr McGuinness had worked throughout the night in Derry extinguishing fires and encouraging those who supported peace to prevent rioting. He himself had urged people not to riot, yet today Sinn Féin was being told by the British Government that it had acted dishonourably while David Trimble was cloaked in white. Sinn Féin said the UUP wanted to see Sinn Féin dumped out of the talks and could threaten the British Government to achieve this end.

22. Sinn Féin said that events at Drumcree One had been repeated the following two years, and wondered if they were facing a further repetition in 1998. In 1996, Mr McGuinness had been in Derry at the time of the Drumcree march doing the same things as the previous

year. The party said that young people were injured - half were rioting and half were not. Sinn Féin asked why they were rioting and said it was because of the actions of David Trimble, the Orange Order and the RUC and the atrocious statement by the British Government regarding the policing of such events. Mr McGuinness had attempted to persuade another gathering of 15,000 people to remain calm and dignified. There had again been rioting and unrest because David Trimble wound the community up. The same situation had unfolded in 1997. Yet Sinn Féin was in the dock, told that they had acted dishonourably. The party urged the British Government to go to nationalist communities in the Bogside Creggan, Derry, West Belfast and all over the North of Ireland, and ask whether they believed Sinn Féin should be expelled - the answer was no.

23. Sinn Féin said that there had been further turmoil since December 1997. 25 Catholics had been shot, nine of them killed. Again the party's message to the nationalist community had been to remain calm and peaceful. Gerry Adams and the party leadership had called for an end to all killings. Sinn Féin asked where unionist MPs had been when their Catholic constituents were being killed. Those that had condemned the deaths had done so only after media pressure, yet it was Sinn Féin that was in the dock. Sinn Féin said it had heard the PUP speak of the republican movement looking for an exit strategy from the talks. This was laughable. The same thing had been said a hundred times over the past year. Sinn Féin was not looking for an exit strategy. At the present time the talks were not real, but consisted of soap-boxing at Castle buildings. The UUP would not even engage with Sinn Féin. The party accepted

the UUP had difficulties in doing so, but wondered when it would overcome them. Sinn Féin was in for the long haul as its objective was to resolve the conflict in Northern Ireland. The party said it had behaved honourably throughout. It referred to comments by John Bruton remarking on a statement by Martin McGuinness that if Sinn Féin were removed from the talks it might not be possible for them to return. It said this was because there were circumstances over which Sinn Féin had no control. There were elements in British military intelligence, seurocrats, the RUC, those Northern Ireland Office officials who leaked documents to the press and the DUP, loyalist death squads and republicans opposed to the peace process who did not want to see Sinn Féin in the talks process, and who would conspire over the coming weeks following the removal of Sinn Féin to bring the process down.

24. Sinn Féin said it wanted to engage with the UUP and work out a future for the good of all. The party thought that David Trimble would take the initiative to do so in September 1997. Some unionist sources said that he would talk with Sinn Féin in a matter of days, weeks or months, but by Christmas the party had come to the conclusion that this was unlikely to happen. Now the UUP leader had said he would not talk to Sinn Féin. In taking this position he was putting off the day when they could negotiate a peace settlement on this island.

25. Sinn Féin said the indictment posed a number of important questions for the more reasonable participants. It stated that one hundred Catholics had been shot in the last 20 months, and asked where were the RUC assessments and forensic reports in these cases. The RUC press line

was that they were keeping an 'open mind'. Sinn Féin said the wife of John Slane, a father of 10, had been told that he had been shot by the UDA in the spring of 1997. The party asked the RUC Chief Constable for months to release the forensic results, but RUC refused. Gerry Devlin had been shot in December 1997 and the RUC had again refused to release the forensic results. The same was also true of the killing of Eddie Treanor at the Cliftonville Tavern. The Chief Constable had still not made a statement on this shooting, nor had he done so regarding the deaths of Seamus Dillon, Fergal McCusker and Terry Enright. People must ask what was going on if the power to exclude Sinn Féin could be vested in the head of a police force which was regarded by the nationalist community as highly prejudiced against them and the people Sinn Féin represented. It said that during this time Sinn Féin had been calling for an end to all murders and urging people to remain calm and vigilant. Now the British Government was indicting Sinn Féin. Sinn Féin asked the British Government how it could sleep at night. It asked the British Government if it had any idea what was happening on the streets.

26. Sinn Féin said that after the UFF statement in which it ambiguously restored its cease-fire, John McColgan and Liam Conway had been killed. Sinn Féin referred to comments it had made during Strand Two the previous week that it had been embarrassed to face the nationalist community in the aftermath of these killings. There could be no settlement because David Trimble did not want one, nor did he want to see change. The UUP wanted to keep nationalists and republicans in a box, with the RUC and the British Army around them. Sinn Féin said it was time to grow up. The party thought that the UUP had felt

embarrassed at Lancaster House following the killings. They had approached the UUP in a genuine attempt to reach out to them. Mr McGuinness had spoken to Mr Trimble and said that people were dying; as elected representatives it was their responsibility to give people hope. Mr Trimble had replied that they should sit down at the table and talk. Mr McGuinness countered that they should talk face to face, but the UUP ran away from members of Sinn Féin in Castle Buildings. It admonished the UUP to face up to its responsibilities. The party said there were some members of the UUP who recognised the need to engage with Sinn Féin, but now Sinn Féin were to be expelled if the British Government and the UUP got its way. The party asked what message this would send to the 127,000 voters in the North and 70,000 in the South who had voted for Sinn Féin. The message was that they did not count. It said the British Government must re-evaluate its position. Sinn Féin had behaved more honourably than many at the table but were being asked to leave. It asked the British Government if it believed the expulsion of Sinn Féin would enhance the search for a settlement, and said that it would not. The party said that it would send a powerful message that people under a Labour government were second class citizens, which was shameful. Sinn Féin was trying to stop riots. It had spoken long enough, and hoped that its message was not lost. If they were ejected they could make no contribution to the search for peace, which would be a massive minus.

27. Alliance said it had heard the British Government had to say in response to a request from Alliance for a statement. Sinn Féin were no longer entitled to participate in the negotiation on the grounds that it had

demonstrably dishonoured the Mitchell Principles. The Command Paper provided the legal basis for the multi-party negotiations. Participants had to be opposed to the use of violence. In the absence of a statement of opposition or defence, Sinn Féin was clearly in breach and the remedy lay in their hands. Their deliberations must be governed by the relevant sections of the Ground Rules, and the Mitchell Principles of democracy and non-violence, which Alliance read out. In respect of the Mitchell Principles, the representation that Alliance had tabled related to a series of events, and not to the killings in recent weeks. It was important that delegates be reminded of these commitments and criteria, and the party would leave its formal representation on the table.

28. Labour said it unreservedly condemned all murders, and again restated its commitment to the Mitchell Principles. In the party's opinion, Sinn Féin should not be made to leave the talks on the basis of what so far had been presented to them. The previous month Labour had argued that it was absurd and incorrect to force the UDP out of the talks. Both the UDP and Sinn Féin were committed to working to bring about a peaceful, democratic solution to the political problems in Northern Ireland. As Labour had said repeatedly, the violence of extreme elements, breakaway groups, wreckers and people with no concern for the future and people of Northern Ireland would not go away quickly and easily. The violence was actually being fuelled by the focus that was being put on the removal of Sinn Féin, just as it was when the hype to remove the UDP developed. A significant number of people in the country would not be happy with

any compromise, and would go to any length to destroy the peace process.

29. Labour said that the use of a weapon or some other means to link a murder with a paramilitary group that was connected to a party at the talks could be turned into a means of destabilising the situation. The reaction of the UUP and the DUP to the two recent killings that were being linked to the IRA was in total contrast to their reaction to the multiple killing of Catholics two months ago. On this occasion there had been immediate condemnation of the political party under the spotlight. The media was used day in and day out to stir sectarian division and were once again trying to humiliate and label an entire section of the people in Northern Ireland. This was regrettable, but simply confirmed the state of the present process.

30. Labour said that, with hindsight, they must all surely see that the exclusion of the UDP had not contributed to the talks, but had contributed to what many considered to be the farcical nature of the proceedings. They all had a moral duty to get on with talking and resolving their mutual problems. There had been much talk about protecting the integrity of the talks process, but Labour wished to ask what integrity and what process? The party said it was significant that indictments in relation to the Mitchell Principles had to date been brought against parties with a combined electoral base of between 40% and 50% of the electorate. In the previous 21 months, there had been hundreds of punishment beatings and punishment shootings affecting all sections of society. They continued to take place, largely ignored by most participants in the talks.

31. Labour called on the Governments to look carefully at the underlying premises upon which decisions were made in these cases, before coming to their conclusion in the present case. Indictments under Rule 29 could have been brought against political parties representing a considerable majority of the electorate in Northern Ireland if participants had been willing to table them. Labour said the UDP should be immediately readmitted. The discussion on Sinn Féin and its present position should focus on the position of that party and its talks team. The instability that was being created for all the participants and for Northern Ireland should be brought to an end. If this was to be achieved they would need political leaders who would try to speak for all the people, not for clans and narrow sectarian interests. In this and similar discussions, much emphasis had been laid on the concept of morality, but morality extended to other activities. There was a moral responsibility on all participants at the table to honestly engage in discussions to finally bring about an agreement. To deliberately fail to contribute would be to accept the responsibility for any consequences that may flow from that.

32. The UUP said it would deal with the issue before them directly, but first wished to say that it would not answer the attack made by Sinn Féin on its party leader, which it dismissed totally. It said that murder was contrary to the Mitchell principles of democracy and non-violence, which were the basis of the talks process. The UUP said it condemned all murders. Some had been committed by groups not represented at the table. The UUP had become suspicious that some of the murders had

been committed by groups represented in the talks, and had publicly called on the RUC Chief Constable to make a statement on the matter on 13 January. This he had done on 22 January, attributing the killings to the UFF, in which he had referred to representations he had received from the UUP and Alliance. The UFF statement, issued the following day, removed any grounds for a challenge to the indictment of the UDP, but it was the assessment of the Chief Constable which formed the basis for the indictment of 26 January. Accordingly, in this instance a similar statement, confirmed by the British Government, was sufficient to form the basis of an indictment. The party cited a report in the 'Observer' newspaper on 15 February in which a security source was cited as attributing the murder of Robert Dougan to the Belfast brigade of the IRA which, the source contended, was answerable to the provisional and political leadership of the republican movement. The party cited comments by Gerry Adams in November 1986 in which he described the armed struggle as necessary. It also cited Mr Adams's statement that 'they haven't gone away, you know', Martin McGuinness's statement that they aimed to 'smash the Brits', and Mr Molloy's statement that they would 'go back to what they know best.'

33. The UUP said it was the British Government's view that the IRA and Sinn Féin were inextricably linked. Both Governments held that Sinn Féin were responsible for the actions of the IRA. The party said that its position on this indictment was the same as with regard to the indictment of the UDP at Lancaster House. On that occasion Sinn Féin had pushed for the exclusion of the UDP. The UUP condemned Sinn Féin for its rank hypocrisy, and drew attention to the fact that the IRA had not

denied the murders in question, and that Sinn Féin had not condemned the killings nor disavowed those who carried them out. Sinn Féin had offered no defence to this charge. Nor had Sinn Féin shown any recognition that the situation arose because of republican killings. The conclusion was inevitable. All parties were admitted to the talks on the basis of their commitment to peace and democracy. The UUP referred to speculation about the possible re-admission of Sinn Féin to the talks. For this to happen there would have to be more than a commitment to peaceful means, and more than a belief that Sinn Féin disavowed the use of force. There would have to be evidence of this commitment.

34. The UUP said that it had had doubts about the admission of Sinn Féin to the talks in September 1997 as it did not believe that Sinn Féin had genuinely given up its strategy of the armalite and the ballot box. The party said that these doubts had been borne out by the punishment beatings and shootings that had continued despite the IRA cease-fire. It said Sinn Féin had failed to make a contribution to the talks, and had not presented any realistic proposals for a settlement. It alleged that Sinn Féin consistently ignored the existence and rights of the unionists population. The UUP averred that Sinn Féin was now wedded more strongly than ever to the tactical use of armed force. This was incompatible with a commitment to democracy. Accordingly, there could be no place for Sinn Féin at the negotiating table.

35. The NIWC said that the proceedings should be consistent. It expressed great concern at the fact that the indictment was being brought by a participant who would also be jointly responsible for the determination.

It referred to the UUP's request for a denial by the IRA, and said this was a new criterion not previously invoked. The NIWC was also concerned at the use of the term 'republican movement' as there were many elements that were opposed to the talks process. The NIWC referred to the British Government's speaking note in which it agreed with the assessment of the RUC Chief Constable that the IRA were responsible for the two murders in question. The party was concerned that neither the British Government nor the Chief Constable had produced any evidence to support the indictment. Now they and the other participants were being asked to give their considered view on the indictment without any evidence being put before them.

36. The NIWC said it was attempting to act consistently, and asked the two Governments whether the Ground Rules or statutory legislation had precedence. This was an important question as the legislation laid down the entry criteria in paragraph 8 and paragraph 9 for Sinn Féin. It asked what 'demonstrably dishonour the Mitchell Principles' meant in terms of the criteria. The party noted that participants were asked to have gained elective representation, established a commitment to exclusively peaceful methods and shown that they abided by the democratic process. The NIWC said it believed Sinn Féin had fulfilled these three criteria, whereas Alliance did not believe Sinn Féin had fulfilled the latter two. Like the UDP, Sinn Féin had attempted, as far as it could, to implement the Mitchell Principles. Sinn Féin asked the gun men to stop, and they had all heard the party disavow violence, as had the UDP. Sinn Féin had taken another step in asking those responsible for the killings to make themselves known. The NIWC said

Sinn Féin had carried out the spirit of the Mitchell Principles. The party was full of despair, and was critical of the British Government for expecting Sinn Féin to use its influence over the URA while at the same time undermining that influence by indicting the party. It was also critical of a process that penalised those who took risks, commenting that this did not augur well for the negotiations.

37. The NIWC said that the serving of indictments was not good for the process as a whole. It observed that, until the case of the UDP, it had been parties that had tabled indictments. Now the British Government found itself tabling an indictment which it would also be responsible for jointly determining. The indictments would not lead to an inclusive process. This was not just because the NIWC believed that the centre would be unable to deliver a settlement, but also because those who did not wish to see progress would be encouraged to take more serious action to prevent there being any. The party said it understood events on the ground. Negotiation was about putting oneself in other's shoes, but most of the parties lacked the political analysis of parties such as the PUP and Sinn Féin. All of the participants had something to offer to the negotiations process, but none of them had a monopoly of the truth regarding either the nature of the problem or the solution.

38. The NIWC did not believe Sinn Féin was engaged in an exit strategy; this had not been said of the UDP therefore there was no need to answer this point. The party believed that Sinn Féin were in the negotiations for the duration. It said it had believed the PUP when

they had said the UVF was not responsible for the death of Michael McGoldrick. These were unhelpful assertions. There were enormous differences between the UVF and the LVF. It was difficult to combat murder by break away factions. When people said that their cease-fires were intact it was difficult to make an assessment. The party said the PUP had worked hard to ensure that the UVF kept its cease-fire. The NIWC reaffirmed its firm belief that no-one had the right to take a life for any purpose. This had been reiterated by Nelson Mandela. The cease-fires were essential to the process. The NIWC believe they were still in force, but dissidents were trying to undermine them. This would be made easier if Sinn Féin were excluded from the negotiations. Intransigence and violence damaged the democratic process, as did ultimatums. The NIWC repeated the call it had made at the time of the expulsion of the UDP for a collective reaffirmation of the Mitchell Principles by all of the participants. The party said it was optimistic because it had to be. It agreed with the Chairman that they were engaged in a political and not a legal process, despite the quasi-legal circumstances in which they found themselves. Each participant had a role to play in the negotiations, and the party regretted the fact that Sinn Féin were going to be excluded for the forthcoming weeks.

39. The PUP asked whether it could defer its comments until the following morning as it was approaching 8 o'clock. This was agreed, and the PUP confined itself to saying that it had been a bad day for the process, and that the party was convinced that the only way forward was through a combination of inclusivity and realism. The Chairman adjourned the meeting until 09.30 the following morning, indicating that he would call the PUP

and the SDLP to conclude the round of statements by parties, with a general discussion to follow after the SDLP had spoken.

Independent chairmen Notetakers
11 March 1998