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*- acknowledging the British strand
and*

**Liaison Sub-Committee on Confidence Building Measures
Paper Presented by the Irish Government**

General

1. The Irish Government believes that confidence-building measures form an essential element in progress towards a real, meaningful and lasting peace. In its approach to Anglo-Irish relations in recent years, the Government has accordingly attached deep importance to confidence building measures generally. This has been particularly so in the context of our bilateral relations with the British Government.
2. The Government has sought progress on a range of issues, including:
 - promoting reconciliation between the two traditions.
 - measures to protect human rights (including the possibility of a Bill of Rights).
 - measures to prevent discrimination and promote fair participation of both communities in economic and social activity.
 - the use of flags and emblems.
 - the development of the Irish language.
 - prison issues, both in terms of policy and individual cases.
 - measures to improve confidence in the security forces and relations between the security forces and the nationalist community.
 - measures to increase confidence in the administration of justice.
3. The Government regards the maintenance of the Republican and Loyalist cease-fires as an enormously important confidence building measure in Northern Ireland. A peaceful atmosphere can provide the necessary foundation on which to develop further measures to increase reconciliation and trust. It has added greatly to the possibility of making real progress on a wide range of confidence building matters through the discussions of this Committee. The Government will continue to urge the scaling down of the security presence, consistent with public safety, as a visible and meaningful expression of the new climate of peace.
4. In establishing the International Body in November 1995 to provide an independent assessment of the decommissioning issue, both Governments reaffirmed their willingness to continue to take responsive measures, advised by their respective security authorities, as the threat of violence reduces. The Government believes that such measures play an important role in building-confidence and improving the climate of trust essential to progress in the talks.
5. The work of the International Body has set out a list of topics for consideration as confidence building manner measures. In this regard, the Report cites the following areas:
 - the provision of information on the status of missing persons.
 - the return of those who have been forced to leave their communities under threat.
 - continued action on prisoners.

- the early implementation of the review of emergency legislation (consistent with the evolving security situation).
 - a review of the situation with respect to legally registered weapons.
 - a review of the situation with respect to the use of plastic bullets.
 - continued progress toward more balanced representation in the police force.
 - that policing in Northern Ireland can be normalised as soon as the security situation permits.
 - further progress in the social and economic development of Northern Ireland
6. In line with the decision of Plenary on the establishment of the liaison subcommittee on confidence building, the subcommittee is charged with assisting, as appropriate, the implementation of all aspects of the Report of the International Body relating to further confidence building measures mentioned in that Report which participants may raise, and any others which may be referred to it by agreement by the Plenary.
7. To assist discussion on relevant issues, the Government offers the following more detailed views on possible areas for discussion and agreement.

Prisoner Issues

8. The Report of the International Body stated that continued action by the Governments on prisoners would bolster trust; we fully share this view. There is a need to focus in an imaginative and humanitarian way on those who are imprisoned, both Republican and Loyalist. Items which have regularly featured in the discussion of prisoner issues include transfers, sentence tariffs, prison conditions generally (and the impositions on prisoners arising from security classification) which impact on prisoners' health and well-being, visits (frequency and facilities), gender discrimination and parole arrangements.
9. [In this context, the Government has recently granted some early releases.] We will continue to encourage the British Government, and the authorities in other relevant jurisdictions, to adopt a flexible and generous approach in this area.

Emergency legislation

10. The Report of the International Body recognises (para 53) that "early implementation of the proposed review of emergency legislation would bolster trust". The Prevention of Terrorism Act and the Emergency Provisions Act confer on the authorities powers which are, by their nature, extraordinary, including powers of stop, search, question, arrest and exclusion. The issue of the Diplock Court system and the requirement to complete disembarkation cards have also featured as contentious issues. The Government has long called for the earliest possible dismantling of these emergency powers.
11. Human rights organisations have argued that these provisions do not significantly enhance the operation of the security forces and, arising from instances of abuse to which they have given rise on the part of security force personnel, have contributed in

no small part to a lack of confidence in the administration of justice. The extent to which such powers can be scaled back, in the context of the new security situation and with the vision of the society towards which these talks wish to move, may provide a fruitful source for discussion.

Policing

12. Full confidence in a police service for Northern Ireland will require a force whose ethos, identity and composition fully reflect the community it seeks to police. Beyond this fundamental issue, current policing methods and activities often give rise to a variety of matters which undermine confidence in policing. Such matters include allegations of harassment, excessive and unnecessarily aggressive behaviour, lack of accountability, sectarian abuse and the reckless and excessive use of plastic bullets.

Disappeared

13. The Government believes that it would of considerable benefit if information were to be provided by all those in a position to do so on those who have disappeared so that their remains might be given a proper burial and that their families may be allowed to bury their dead with due dignity.

Firearms

14. In Northern Ireland, there are currently over 134,00 legally held arms. Given the widespread conviction within the nationalist community that discrimination exists in the issuance of licences, this issue has a significant confidence building dimension. There is a clear need for a reduction in the number of legally held firearms generally and the formulation of proposals to ensure that the regulations governing the issuance, holding and renewal of firearms licences are equitable, balanced, effective and rigorously enforced.

Equality Issues

15. The issues of equality of treatment and fair participation in the economic and social life of Northern Ireland are matters which affect both communities. Equality should not be viewed as in the "ownership" of either Nationalists or Unionists. Apart from the ethical aspects of the issue, the belief that any section of the community has not received "a fair deal" in economic and social terms can be a major force for instability in Northern Ireland. Measures to promote equality ~~should~~ ^{should} be viewed as confidence building measures.
17. The Standing Advisory Committee on Human Rights (SACHR) has just completed its equality review which was commissioned by the British Government and included an examination of the existing Fair Employment legislation. That review showed that significant progress towards equality had been made in employment practises. However, it recommended that this progress should be consolidated and extended. It

further pointed out that legislation alone cannot deal with the many socio-economic factors which cause long-term unemployment and the differential unemployment rate between Catholics and Protestants.

18. The early implementation of the recommendations of the SACHR report, including the strengthening of the TSN programme and the enactment of a legislative basis for PAFT would represent a major confidence building measure in the equality area.

Cultural Issues

19. There is also a role for cultural issues in the area of confidence building measures. Respect for the major cultural traditions in society is a requirement for peace and stability. The State, through its policies and their implementation, can appear to favour the cultural traditions of one group over another. The lack of any statutory recognition of the Irish language, as the shared cultural heritage of people in both communities, sends a signal to society in general. There is a need for the State to place in law due recognition of the Irish language and a requirement on public authorities to facilitate, as far as practicable, Irish language speakers in their daily dealings with the State and local authorities.

Economic and Social Matters

20. The International Body in paragraph 57 noted "the importance of further progress in the social and economic development of Northern Ireland and its communities ...in the context of building confidence and establishing a lasting peace". There is no doubt that increasing economic and social progress will assist in consolidating the peace process.
21. Northern Ireland is heavily dependent on public expenditure which makes up a disproportionately large part of the area's gross domestic product. Public sector employment accounts for a higher % of the workforce than in the South or in Great Britain. Because of the violence of the last quarter century, a major proportion of public expenditure is spent in the security area. However, with the renewal of the cease-fire there is the potential for savings in the security area ("the peace dividend"). It is important to the local economy that the present levels of public expenditure be maintained and that savings in the security budget are used elsewhere in the Northern Ireland economy, particularly in the areas of greatest need. An indication by the British Government that it will strive to maintain the current overall levels of public expenditure in real terms for the next few years would be a helpful confidence building measure.

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To: Anglo-Irish Division
For: R. Bassett

From: Belfast
From: Joint Secretary

Subj: Liaison Sub-Committee on Confidence Building Measures

Please see the attached.

cc PSSG, SIS Gallagher
Councillors A-1,
Tullis, Political Sections
Mr Teahan, Dr Mansergh, Mr Kiernan
Mr Dalton
Amber Lou, Wash. (see fax)

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12**LIAISON SUB-COMMITTEE ON CONFIDENCE BUILDING MEASURES****PAPER BY HMG**

1. At the first meeting of the Liaison Sub-Committee on Confidence Building Measures on 8 October, the Chairman asked that each participant should submit a paper setting out the issues they wished to discuss in the Sub-Committee. This paper responds to that request on behalf of the British Government.

Remit of the Sub-Committee

2. The Government wishes first of all to set out its position on the remit of the Sub-Committee, in accordance with the Chairman's request following queries on this issue from the NIWC and other participants. The question is whether the items which the Sub-Committee should examine are as defined by the 24 September procedural motion - that is, the confidence building measures mentioned in the Report of the International Body, and any others agreed by the Plenary - or whether rule 17 of the Rules of Procedure should be held to over-rule this, and be interpreted as permitting any participant to raise any subject they wish in the Sub-Committee.

3. The Government believes that the procedural motion, which was passed by sufficient consensus in the plenary last month, remains valid. If it were set aside, then not just the remit but the very basis of the Sub-Committee's operations could be called into question. It is clearly also the case that the rules of procedure, including rule 17, continue to apply. But the Government believes there is no conflict here. We see rule 17 as an overall safeguard that any issue can be raised in the appropriate part of the process - whether it be the Plenary, a strand or a Sub-Committee. In the Government's view rule 17 should not be seen as permitting any participant to raise at will any issue in any forum of the negotiations. If it had that effect, there would have been little purpose in participants spending, as they did, weeks and months refining agendas and terms of reference for the various formats.

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4. The Government is therefore concerned to uphold the principle that issues should be dealt with in the appropriate formats and that rule 17 should not be interpreted as permitting collectively agreed agendas to be set aside or altered at will to accommodate new issues which might more suitably be dealt with elsewhere.

5. At the same time, the Government is anxious to facilitate the work of the Sub-Committee in addressing areas where fears and uncertainties might otherwise damage confidence and impede political progress. We accept that there may be issues not mentioned in the Report of the International Body which could nonetheless legitimately be considered as areas for confidence building. In such cases we should be happy to participate in discussion. However, if an issue were raised which we believed was genuinely inappropriate for the Sub-Committee, we would reserve the right to request the application of the sufficient consensus test to its tabling. Some issues, for example the institutional or systemic aspects of policing, more properly belong to Strand 1, and we would want to ensure issues were covered in the arena most appropriate for them.

General approach to confidence building

6. Confidence building is a key component of the dynamic of progress in these negotiations. For the talks to proceed successfully, trust and confidence needs to develop among the participants, and the International Body's Report placed a responsibility on all participants to work towards this end.

7. It would be helpful in our view for the work of the Sub-Committee to be based on a fuller understanding of the precise nature and extent of the confidence deficit, illuminating how participants see the current state of mind in each community and where they see the greatest need arising. The questions which might be addressed in such a debate include whether all participants believe that fear and mistrust occur in

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both main parts of the community; whether all participants have a role to play in achieving greater confidence and trust; and how to avoid the risk that a measure which is seen to build confidence in one part of the community might produce a counter-balancing level of resentment elsewhere, leaving little net benefit to the process. From this discussion there might flow some general principles which could guide future discussions in the Sub-Committee.

Specific issues for discussion

8. As made clear in our opening statement, the British Government intends to listen seriously and carefully to what others have to say and to discuss any concerns in relation to issues within our control. We would wish at the appropriate time to table papers on the issues in the International Body report which fall to us, as the basis for further discussion. The Government's actions and policies in Northern Ireland will continue to be implemented within a framework designed to maintain the rule of law and to seek to ensure equality of opportunity and equity of treatment for everyone in Northern Ireland, with the aim of achieving a comprehensive settlement that would lay the foundation for a better, more stable and more harmonious future.
9. The Government also wishes to discuss confidence building measures which fall within others' control. A number of these are mentioned in the International Body's Report, as follows:

- (i) The confidence building measures referred to in the Report include the termination of targeting and surveillance, which are activities associated with paramilitary groups maintaining a readiness to return to violence. Such activity is wrong in itself and inconsistent with a declared commitment to exclusively peaceful methods.

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- (ii) The Mitchell principles, to which all participants have subscribed, require a total and absolute commitment from parties to urge that (so-called) punishment attacks stop, and a commitment to take effective steps to prevent such actions. The Government is in complete agreement with the need for these commitments. The barbaric beatings which have been suffered by victims on both sides of the community contravene all concepts of justice and human rights, and have no place in a just society where the principles of democracy must be paramount.
- (iii) The Government firmly believes that information should be provided to the relatives of a number of missing persons who over the period of the Troubles are presumed to have been murdered by terrorists. In particular this information would enable families and relatives to give their loved ones a decent and dignified funeral. The time is long overdue for those who are aware of the whereabouts of such victims to release details. The confidence this would build throughout the community would greatly increase the belief that paramilitaries, on both sides, were sincere in wishing to contribute to ending the sorrow and distress of recent years.
- (iv) It is wrong also that people are coerced into leaving Northern Ireland by threats to their personal safety. Such behaviour is wholly unacceptable and clearly does not conform with principles of democracy and non-violence. We call on all parties who have influence over organisations who have made such threats to do all they can to ensure that those expelled are free to return to their families and homes and live in safety.

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10. We urge the parties associated with paramilitary groups to press forward on all these matters. Early action by paramilitary groups will do much to contribute towards the building of confidence throughout the community.

Conclusion

11. The Government looks forward to discussing these issues in the Sub-Committee and to the challenge of developing confidence to support and assist the process.

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