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**OFFICIAL REPORT
(Hansard)**

Preparation for Government Committee

Wednesday 21 June 2006

(First edition)

OFFICE OF THE OFFICIAL REPORT (HANSARD)

PREPARATION FOR GOVERNMENT COMMITTEE

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The Committee met at 10.06 am.

(The Chairman (Mr Wells) in the Chair.)

The Chairman (Mr Wells): All parties are represented, so we can start with the preliminaries.

First, this is not a new meeting. This is a resumption of yesterday's meeting. We will continue the questioning today.

Some members may not be aware that there is a Business Committee meeting at 12.00 noon. I understand that at least half of this Committee are involved in that in one way or another, so we will adjourn at 12.00 noon for that meeting, which will be in the usual room. I propose that we resume when the Business Committee has finished or at 1.30 pm, whichever is later.

Mr Murphy: I understand from the Business Committee yesterday, and you can correct me if I am wrong, that there was provision made for a 12.30 pm meeting if it was deemed necessary and that we would be informed during the day whether that was required. It is not exactly clear whether there will be a Business Committee meeting.

The Chairman (Mr Wells): I understand that there will definitely be a meeting at noon. That has come directly from the Speaker's Office. I became aware of that only 10 minutes ago. Unless you hear otherwise, take it that we will have to adjourn, as so many of us are involved in that. Does that cause anyone difficulties?

Mr Dallat: Chairman, the only difficulty is that we have not been told about this meeting at 12.00 noon.

The Chairman (Mr Wells): I can ask Mrs Dunwoody to check, but that is the word from Mrs Bell.

Mr Dallat: That would make sense.

The Chairman (Mr Wells): If there is any change, I will inform members, but take it as read that we adjourn at 12.00 noon. We will come back at 1.30 pm, not at the end of the Business Committee meeting, which may last only half an hour. There is a very nice lunch provided at the Business Committee, but of course not everybody will have the opportunity to avail of that.

Mr Ford: Is that an invitation?

Mr Paisley Jnr: Mr Deputy Speaker, may I make a statement, please?

At the last meeting of this Committee that I attended, a very serious slander was made against me.

The Chairman (Mr Wells): Mr Paisley, I will give you an opportunity to make your statement. I just want to complete the procedural arrangements, and then I will come straight to you. Is that OK?

Yesterday, there was a long series of intensive questions to Mr McCrea and Mr Ford. Both have assured me that they are none the worse for the experience. Therefore, to be fair to everyone, today we will allow exactly the same latitude in the intensity of the questioning of each member who presents.

I understand that Dr Farren will present for the SDLP and Mr Murphy will present on behalf of Sinn Fein. We may only get through the SDLP and Sinn Fein presentations today, but if questions flag and it is apparent that we may be able to get all five parties finished today, we will attempt to do that. We will know as things develop.

I also remind members about mobile phones. Before Hansard started recording, mobile phones did not present a difficulty when on silent or vibrate mode. Now there is a difficulty when they are on at all, particularly if they are close to the microphones. So, either turn them off completely, please, or else set them well back from the microphones if you wish to take messages, texts and e-mails. When we break, I will check with Hansard staff to see if those arrangements are working.

I am sorry, Mr Paisley; I interrupted you.

Mr Kennedy: Sorry, Chairman. Is there any indication yet as to what the Committee is likely to do or if there will be any further discussions for the remainder of the week?

The Chairman (Mr Wells): Thank you for raising that issue. I should have pointed out one other procedural matter. Today, I will chair the morning session, and the other Deputy Speaker, Mr Molloy, will chair the afternoon session. Should we meet tomorrow, we will reverse those roles, just in case anyone feels that there is an imbalance there.

Mr McFarland: Does that indicate that the Deputy Speakers' enthusiasm is flagging?

The Chairman (Mr Wells): No. Unfortunately, I have a very important meeting this afternoon, and I will be slated in the local press if I do not attend. Mrs Dunwoody has kindly organised alternative cover, and it is hoped that the balance will be resumed tomorrow. I am sure that the Committee will be happy enough if, as long it is balanced, we continue to do things that way. Yesterday was absolutely fascinating; every word was extremely interesting. The Deputy Speaker is not flagging.

Mr Kennedy: Your nose is getting longer.

The Chairman (Mr Wells): Mr Kennedy has reminded me that this is the longest day of the year. Let us hope that it is not the longest meeting of the Committee.

Are we agreed that if we do not finish the questioning today, we should not begin the next presentation? If we are not going to complete it today, we will not start it. Are we happy enough to meet tomorrow? Does that cause Members any practical difficulties?

Mr Morrow: Every day causes us practical difficulties.

Mr Ford: For some of us, tomorrow morning might be possible, but tomorrow afternoon and Friday are very difficult, given that we will have had three intensive days of meetings this week.

Rev Dr William McCrea: We do have constituency work to do.

The Chairman (Mr Wells): Is there consensus that tomorrow morning is a possibility, but tomorrow afternoon and Friday are completely out? Is that the general view?

Members indicated assent.

The Chairman (Mr Wells): I think that in sitting for three and a half days we will have given it a fair crack of the whip this week. There is consensus on tomorrow morning only.

Rev Dr William McCrea: If it is necessary to finish off the presentations.

Mr Kennedy: If we could complete all the parties' presentations today, we could avoid sitting tomorrow.

The Chairman (Mr Wells): Looking at yesterday's events, that is unlikely. We have to give the same latitude to all the parties as we did yesterday.

I understand that Mr Paisley wishes to make a statement, and, therefore, I feel that it is appropriate for me to read on to the record the paragraph on privilege in the Northern Ireland Act 2006, which covers both the Assembly and this Committee. Under paragraph 6 of schedule 1 to the 2006 Act:

"A written or oral statement made by a member in or for the purposes of the Assembly is to be privileged from action for defamation unless it is proved to have been made with malice."

That privilege also extends to meetings of this Committee. Members should note, however, that privilege does not extend to press conferences or to statements made to the press.

Mr Paisley Jnr: Thank you, Mr Deputy Speaker. In this Committee on Friday, a very serious slander was made against my colleague and me. I know that my colleague has had the opportunity to speak to the Committee since then. I have not, and, as I understand that the minutes of that meeting are disputed, I want to reiterate that I reject totally and absolutely the slanderous allegations made by Martin McGuinness. I note that Martin McGuinness is not in his place today. As is the traditional form of the IRA, he has run away. He is obviously not prepared to face the issues.

You have read a statement about the issue of privilege and how it operates within these confines. Someone who makes a statement that, if it were printed, would be a criminal libel, would obviously be expected to back that allegation up with hard evidence that proves that, in his words, there was a determined effort to have him killed, and that certain people were part of that effort.

I would like to know whether Sinn Fein has any evidence to that effect. If so, I believe it is obliged to present that evidence of a crime to the Police Service of this country. Sinn Fein would be obliged to present it at this Committee to back up the

claims that it made. I do not believe that it has any evidence, because I know the claims to be slanderous and untruthful. Given that that is the case, there is only one interpretation that I can put on the claims that have been made, and that is that those claims have been made in a malicious way and for a malicious reason.

10.15 am

If Martin "Malicious" McGuinness were prepared to be a man and be here to defend his comments, prove his point and present the evidence, then perhaps we could have this argument not only in this place but in another place.

However, the fact that he is not here - and I doubt that his party will even try to defend his comments or demonstrate that it has evidence for them :- means that only one conclusion can be drawn: that his comments were malicious and that they were made solely from that position. It is incumbent upon him to admit that those comments were malicious, to admit that they were a lie, and to withdraw them.

I note that he has not taken up the challenge issued to him at the Committee meeting to repeat his comments outside this room. He has run away from doing that, obviously because he has no evidence to back up his claims. Therefore, I reiterate that his comments were made from solely a malicious position. It is important that the Committee notes that, and I look forward to seeing whether there is any response whatsoever from him or from any of his sidekicks.

The Chairman (Mr Wells): Mr Paisley, your comments are now on the record. We also gave an opportunity yesterday for Mr McCrea to make his comments. This is not a matter for the Committee; it is a matter for the individuals concerned. The rules of sub judice apply, and because of that, and in the interests of caution, I do not intend to allow it to become an issue for discussion.

Mr McCrea, I see that you are trying to get my attention.

Rev Dr William McCrea: It is in many ways a point of order, Mr Deputy Speaker. Why did the Chairman not protect me and Mr Paisley Jnr? Under Standing Orders, the Chairman is there to protect Members. In any debating chamber in which I have been, and certainly in the House of Commons, the Speaker calls a person to order or asks them to withdraw their comments. Why was the protection of the Chairman not granted to me when such a malicious statement was made? I request that Martin McGuinness does clear up the matter.

It was said here. You say that it is not a matter for the Committee. The malicious slander was said in the Committee, and if there is evidence it should be brought to this Committee. I assure you that the reason he cannot bring evidence is that there is none. Therefore, the malicious nature of it is established, and I hope at least that the person who made the comments will have the guts to come and withdraw them.

It is serious, but, sad to say, I had no protection whatsoever from the Chairman. I ask Madam Speaker to look into the matter, as the Deputy Speakers are there to protect the members of this Committee.

The Chairman (Mr Wells): Could I just point out that although the Chairmen of this Committee are both Deputy Speakers, when we are in the Chair we are bound by the same rules that apply to all Chairmen, rather than by those that apply to Deputy Speakers in the Chamber. Different rules apply.

Mr McCrea, you have raised a point, which we will refer to Madam Speaker, on your views of the protection that was given to you. I will refer that to her and, hopefully, report back at the next meeting.

If anyone is going to repeat the allegations or comment specifically on them, I will have to stop them.

Mr Paisley Jnr: I do not wish to comment on the allegations per se; I want to ask a question regarding something you said. YOI,J said that it was no longer a matter for this Committee because matters were sub judice. What draws the issue of sub judice to your attention?

The Chairman (Mr Wells): An impression was given by members of the Democratic Unionist Party that this may well end up in the courts under defamation.

Mr Paisley Jnr: But the matter is not sub judice until it is in the courts.

The Chairman (Mr Wells): The Speaker, on the Floor of the Assembly, ruled that if there was a likelihood or possibility of something coming before the courts we should exercise caution and not debate it in Committee or in the Assembly. On that basis we are proceeding with considerable care.

Mr Paisley Jnr: I do want clarification. If the Member has the bottle to come back here and has the guts to withdraw his slanderous comments, would you allow that to take place?

The Chairman (Mr Wells): Yes. The clear direction from the Speaker is that we would allow Mr McGuinness the opportunity to do that. We will seek the direction of the Speaker on that issue.

I will permit Mr Murphy to speak if it relates to procedure, but if he wants to speak about the actual comments I will not allow it.

Mr Murphy: It is procedural; it is a question for Mr McCrea. He talks about the protection of the Chairman in relation to comments that were made, but was he called to order by the Speaker of the House of Commons when he made the initial allegations against Martin McGuinness that sparked this whole conversation? Was he told that he was out of order, or was he challenged or asked to withdraw those remarks? In relation to Ian Paisley Jnr's comments about bottle and guts - I will ignore the provocation. His father has made a career out of naming people under privilege in the House of Commons.

The Chairman (Mr Wells): We are in grave danger of drifting into areas that are not the responsibility of this Committee. Is everyone content with the procedure that has been adopted on this? It will be referred to the Speaker. Mr Paisley Jnr and Mr McCrea have had a full opportunity to refute. If Mr McGuinness, at a subsequent Committee meeting, decides to take the opportunity to withdraw the allegations, he will be given that opportunity. Is everyone happy?

We have received confirmation that there will be a Business Committee meeting at 12.00 noon in Room 106. The usual arrangements apply. I think that will involve the bulk of this Committee in one shape or another.

Yesterday we received evidence from the Alliance Party and the Democratic Unionist Party. The procedure that we have adopted is alphabetical order, so the next party

to give evidence is Sinn Fein. Mr Murphy has indicated that he is giving evidence on behalf of Sinn Fein. I note that one of his representatives is not here. Does he wish to continue in his absence?

Mr Murphy: Yes.

The Chairman (Mr Wells): Mr Murphy, you have up to 20 minutes to give your party's view on the paper that you presented to the Committee on Friday.

Mr Murphy: Thank you, Chairman. I do not think that it will take me 20 minutes to present the paper. We have described it as a preliminary paper, and we outlined some of the issues and some of our approach to the work of this Committee and some of the issues that the Committee could usefully get down to in preparation for the return of the devolved institutions. The title of this Committee is the Committee for Preparation for Government, and that is the direction in which we have endeavoured - through a number of propositions since the Committee first met - to get it moving.

In the context of the Hain Assembly, we have been given an initial cut-off date of the end of this month and a further cut-off date of 24 November to resolve the issues that will bring about the restoration of the institutions. Sinn Fein is firmly of the view that that can be achieved much sooner. We believe, and we have long argued - and we have put this view to other parties when we have met them and have argued it with the British Government - that the suspension legislation should have been lifted, and the Assembly could and should be restored within a matter of weeks. We have said that the Executive could be established and the North/South Ministerial Council could become fully functional. That opportunity lies before us, and there is no reason why we cannot seize it. We agreed to participate in the work of this Committee and this Assembly on the basis that their primary function be the restoration of the Executive and the institutions.

We all have a duty to work together in that regard, and this Committee provides us with an opportunity to do that. There have been a number of troublesome and trying meetings in relation to getting business done at this Committee, but nonetheless it provides an opportunity to get some work done on the issues that people feel should be addressed before the restoration of the institutions. The Committee gives an opportunity to advance some of those issues and get some work done on them.

If there is a political will among all of the parties, then there is no reason why that work cannot be completed fairly speedily, putting us in a position for an early restoration, well in advance of the 24 November deadline.

This Committee was set up to carry out the necessary preparatory work for government, not to do the work of a future Executive. Therefore, the Committee could usefully address a number of issues, which we have listed in our preliminary paper. They include the transfer of powers for policing and justice. That issue undoubtedly lies before us on the restoration of any Executive. Not only are there implications for how such powers would be exercised and what accountability mechanisms there would be, but there are implications for the creation of a Department for policing and justice, in whatever shape or form that it takes.

A number of models have been proposed for the creation of such a Department, and the Alliance Party gave its view yesterday on four of them. Its creation will have implications - whatever model we may agree to - as will the policing and justice powers that would be devolved. However, there are also implications for the rest of

the Departments, given that, under the Northern Ireland Act 1998, there can only be 10 Departments.

Obviously, the creation of a Department or Departments to deal with policing and justice would have an impact not only on that Department, and how those powers would be exercised, but on other Departments. We are firmly of the view that this Committee could discuss that issue and examine models for a potential Department, and also consider the knock-on implications of the transfer of policing and justice powers.

We have also identified a proper peace dividend as an issue. Others have identified, if not the same issue, then similar issues in papers submitted to the Committee on areas such as economic regeneration packages or financial packages to assist the return of devolution. We have described it as a peace dividend. Essentially, it all boils down to the same issue, which is that, given the underinvestment here for many years, the current economic situation, the widely acknowledged economic difficulties in this part of Ireland, and the lack of investment in infrastructure and other services, there is a clear need to get sustainable and stable institutions functioning here. A clear case can be made for that, and all of the parties have a clear opportunity to achieve that.

I have never heard resistance from any party to the idea of a peace dividend or a financial package. There is a clear opportunity for all parties to co-operate with one another, and with others who have an interest, to identify how such a package could be put together and the areas to which it could be directed, and to make a clear case for such a package. I regret that such an opportunity was missed when Gordon Brown visited on Monday. The party leaders could have initiated that type of work and created a climate in which the parties could have come together to do some serious work on an economic or financial package or a peace dividend.

The Committee could also usefully identify priorities for Government. There is a differentiation between that and a Programme for Government. A Programme for Government is the work of an Executive and involves a degree of interaction between Ministers and senior civil servants in Departments on current priorities, what is possible under current operational programmes, and the priorities that the parties want included.

Priorities for Government would be a useful forerunner upon restoration to guide" the development of a proper Programme for Government among the parties that make up the Executive. It would provide an opportunity - particularly for the Alliance Party, which may not be part of an Executive - to have an input into what are considered the priorities for Government. It would also be a useful exercise for Members to identify their key areas.

It was often the case in the previous Assembly that priorities such as targeting social need and investment in the most vulnerable areas found favour among all parties. I do not doubt that, if we put our collective wit together, we could come up with priority themes for government that can then be readily and quickly formulated in a Programme for Government upon the restoration of the Executive.

10.30 am

Another issue that we raised here - and people may not consider it to be within the remit of a Preparation for Government Committee, but it is undoubtedly the case that anything that is done in this institution, even as it currently exists in its very vague

format, has an impact on how business is conducted outside. The fact that with all our difficulties we have managed to meet, managed to get a Chairperson or Chairpersons and managed to start to get down to some of the work that was identified has a positive impact, even though people are exasperated by some of the antics that have gone on in this Assembly generally, rather than just in this Committee.

Although it may not necessarily be a part of the remit of the Preparation for Government Committee, any issue that we tackle as part of preparing for the restored institutions does have an impact on how communities interact on the ground. I do not think that anyone can dispute that our ability to create a peaceful summer, devoid of all the tensions and violence that we have had over the last number of summers, will have a significant and beneficial impact on our ability to do business if and when we come back here in the autumn.

So I think it is an area of interest for this Committee that we identify ways in which we can contribute to making our own work in the Committee easier in the autumn by engaging on what could be done in order to encourage dialogue and interaction between people over the summer, which would reduce the possibility of community tensions and violence and dispute over the summer.

Those are some of the issues we have addressed. We made an argument - and I regret that it was rejected - that although each of us here is a senior representative of our party, and we all bring to the table the issues that we feel are priorities for that party that need to be addressed in relation to returning the Executive and the institutions, undoubtedly there are within those priorities fairly specific areas of work that other members of our party and, indeed, other members of the other parties, have responsibility for.

Within the parties we can identify the spokespersons, for instance, on policing and justice matters, and we can identify the spokespersons on economic matters. There is a clear need, if we have identified those as areas of work that need to be addressed by this Committee, for us to free up those people within our parties who have responsibility and expertise on these matters to go off and do the necessary work on them, to scope and identify them, and to bring those issues with some suggestions and reports back to this Committee so that we can continue the business of preparation for Government, which is after all the name of this Committee.

There has been argument over allowing us to nominate other people to get down to more detailed work on the issues that most of us have flagged up. In our case, we have described our submission as a preliminary paper. The DUP suggested yesterday that it had further papers that go into more detail on some of the issues. With the best will in the world, while all of us have some competence in all of the issues that are being talked about here, there are others within our parties with a much greater degree of competence in these issues. There is an opportunity for people to go off to other meetings and do much more detailed work on these issues and bring back reports to us. They may well find themselves, as is normal with Committee meetings, with reports that this Committee could agree could be submitted to the Assembly for debate and discussion and the continuation of this Committee's work.

Those are the challenges that lie ahead of us. There is an opportunity for real engagement in this Committee, but it takes all the parties to want to engage properly

in the work that is preparation for Government. Other people have other issues that they have brought, that they have identified as priorities for them.

We are quite happy to discuss those priorities. If this Committee is to achieve anything more than circular discussions about various issues, and if we are to get down to addressing those issues to try to give some satisfaction and to advance other issues to a position whereby an incoming Executive is ready, with some guidance and agreement, to take those issues on board and run with them, the Committee must get down to proper work. That is the challenge, and it will take a proper political engagement and will for that to happen.

The Chairman (Mr Wells): No one has indicated to me that they wish to ask questions. Is no one else speaking on behalf of your delegation, Mr Murphy?

Mr Murphy: No. There are three of us here, and we are happy to share responses to any questions.

The Chairman (Mr Wells): Or Farren has 'given his name. Are there any others who wish to ask a question?

Mr McFarland: We want a go, but we were giving priority to other parties.

The Chairman (Mr Wells): We will start with Or Farren, Mr Ford and Mr McFarland.

Dr Farren: Yesterday, when I was questioning the Alliance Party and the OUP, I started off with a question regarding what those parties might be able to indicate about the essential requirements that need to be met in order to enable restoration to take place. Am I right in understanding - from what Conor Murphy has said and from what is stated explicitly in paragraph 2 of Sinn Fein's submission - that Sinn Fein does not believe that there is any essential requirement standing in the way of the immediate restoration of the Executive and the Assembly?

If that is the case, how does Sinn Fein intend to address the huge lack of confidence, given what is very obvious in here and outside? That lack of confidence has been represented acutely here by the nature of the exchanges and the atmosphere that has persisted from the beginning. In a sense, that lack of confidence is also represented by the way in which we are seated round this table, between the upper end of this side of the table and the other side of the table. Confidence is needed before parties on that side of the table would be ready to assent to the full restoration of the Executive and all the institutions. How does Sinn Fein believe that that confidence can be built to a sufficient level to enable that to take place?

Mr Murphy: Yesterday, Sean Farren made the point tharmany matters, particularly in relation to institutional issues, that have been outlined in discussions are best resolved by the parties sitting around this table. Those matters do not necessarily need to be resolved before the restoration of the institutions. If Sean casts his mind back to the situation in 1998 that led to the formation of the first Executive in late 1999, he will remember that the degree of interaction between the parties at that time was similar to the level of interaction now. Nonetheless, Sinn Fein believes that the experience of operating the institutions, although it had its difficulties - and we are undoubtedly sitting here today because of those difficulties - was an important factor in building a degree of overall confidence in people's exchanges and how they would work together.

I am sorry, Mr Chairman, I am being interrupted. I am trying my best.

There may well be confidence issues to be addressed. As Seim Farren and Martin McGuinness pointed out yesterday, there are two-way issues with regard to confidence. There is a substantial lack of confidence among the broad nationalist community, which the SOLP and Sinn Fain represent, in relation to the intentions of the OUP with regard to power sharing and a genuine engagement with any other party. That issue has to be addressed.

Yesterday you asked some of the parties whether there were issues that are prerequisite to the Executive being established. It is Sinn Fain's view that there are not. The Executive can be established in the morning if there is the political will to do so. The confidence issues that other parties have outlined would be addressed in a much more positive fashion in a genuinely working institution - not a shadow or talking-shop institution - where people are sharing power and taking decisions together in the best interests of the people of this part of Ireland and interacting with the Administration and institution in the other part of Ireland. In our view, that would have a much more positive impact on addressing what some people claim to be, and perhaps from their perspective are, confidence issues.

However, as you rightly pointed out yesterday, there are two-way issues in relation to confidence, and they are best addressed in a working institution rather than in this vacuum where people sit back, hope that issues will arise that reinforce their position that they cannot do business with anyone else, and hope that others who are disinclined to provide any positive advice about other people's intentions will whisper in their ears and encourage them to continue in a very negative stance. If people wish to go down that road, that sort of advice and guidance will be provided for them for the next 10 years. The best way to build confidence is to go in to working institutions with each other and start to build that degree of confidence between the parties.

Dr Farren: How are we going to proceed: by allowing several questions from a particular person at the one time?

The Chairman (Mr Wells): Yes.

Dr Farren: It is up to others to say that they have reached a sufficient degree of confidence to allow them to enter into institutions. Obviously, engagement with each other is going to contribute significantly to that. However, the evidence is that that alone will not be sufficient. Therefore I am pressing the point as to whether, over and above engagement, there are other matters, let us say, related to policing or to ensuring that there is no activity associated with paramilitarism or criminality, that need to be addressed in order to help to build a sufficient level of confidence. We could engage a great deal here, but there are still gaps in 'fny reading of the situation. Does Sinn Fain believe that, on the issues I have mentioned, there is any contribution that needs to be made either by itself or by others or by itself and others?

Mr Murphy: The position we have outlined on policing is very clear. We have stated that we wish to be part of the policing arrangements here. There are several matters that we feel need to be resolved to allow us to play our part. We have endeavoured to work diligently with both Governments, and particularly with the British Government, on that. We have engaged with Or Farren's party and the other parties regarding the policing matters that, as far as we are concerned, are outstanding.

I presume that Or Farren is talking about the IRA issues. I would argue that the initiatives that have been taken by the IRA in relation to its own existence and to its weapons have had a substantial impact in growing confidence so that this peace process can be bedded down. There will always be things that republicans can do and things they can examine to see how they can contribute to achieving a better atmosphere and a better scenario to enable people to work together and give that degree of confidence. However, we have to ask the question at times: will the DUP just sit back and wait?

William McCrea talked yesterday about the democratic waterline and a wait to see whether that could be met. Martin McGuinness argued that the democratic waterline as set by the OUP is designed never to be met. If it is the case that a [*name deleted for legal reasons*]-type figure or some other cold warrior-type figure from the old RUC days would whisper in OUP ears about what is going on and what is advisable for them to do, the OUP will always find a reason to have a lack of confidence in moving forward with the rest of us.

10.45 am

Perhaps we have to ask whether people are genuinely seeking confidence or are seeking reasons not to have confidence. It is my view that, to date, people have been seeking the latter. We will continuously examine whether there are areas in which we can move to build confidence. Since this process started, republicans have not been behind the door about taking initiatives. We will address the policing issue as soon as we possibly can, but there is only so much that a party, an individual or a group can do. However, others have to ask whether they want to find reasons not to engage properly with the rest of us. If they want to find reasons not to go into these institutions they will find reasons; someone will whisper a reason in their ear.

Until about three weeks ago, I could have looked out of my window any morning and found a reason not to come here and do business with anyone else. The British Army was camped, looking through my window for the past 21 years. I could find reasons now - its helicopters are still flying over my house, and it is still stopping people on the roads around where I live. I could find reasons not to come here and do business. Instead, I go into my area and talk to people; I call meetings; I explain to people who are frustrated with the pace of development in this process that they are as well keeping faith with the peace process and that this process will deliver a genuinely better future. This is despite the fact that often, all of the reasons that stare us in the face - particularly in the south Armagh area - tell us otherwise.

Therefore we are genuinely trying to work to bed down this process; we are trying to find reasons for making progress here. Others are trying to find reasons why they cannot. There will always be those in the old guard of the-RUC or any other spooks or spies that are about this place who will give them whatever reasons they wish. The question for them is: when will they have the confidence in themselves to go into a working institution with the rest of us and stand on their own mandate alone and not on the advice of some spook or spy?

The Chairman (Mr Wells): The next questions come from Mr Ford and Mrs Long of the Alliance Party.

Mr Ford: First, Mr Murphy talked about a cut-off date for this process at the end of this month. Now that we have finally got down to engaging on issues, the Committee may need to look at its plans for working over what would otherwise be a rather long summer holiday, potentially of two months. That would also apply to other working

groups or Committees that might exist, whether or not they are subcommittees of this particular group.

I do not think Mr Murphy mentioned the so-called comprehensive agreement of December 2004 in his presentation. I would be interested to know what Sinn Fein's current position is on the status of that particular document.

He spoke of sustainable and stable institutions, and then talked at some length about the issue of confidence. As I understand it, the Sinn Fein position is that confidence will best be established in working institutions. However, it seems to me that there are real issues of concern that if the institutions have not been established in a way that guarantees stability and sustainability, it is unlikely that that condition will be satisfied.

Although Mr Murphy questions whether some people are seeking reasons not to be confident, other parties represented in the room have at different times in the process sought to aid the momentum that Sinn Fein has shown at times. However, concerns remain on the part of some of those parties, and certainly on the part of the Alliance Party. The most recent IMC report, which clearly indicates quite significant progress, does not indicate that we have yet reached a place where criminality on the part of official republican organisations is at an end. Can Mr Murphy tell me how he can build that confidence so that the institutions become sustainable and stable?

Mr Murphy: In relation to the cut-off date, I was referring to the basis on which this Assembly was set up, if not in legislation, certainly in the declared intention of the British Government. When Peter Hain was setting up this Hain Assembly, it was understood that it would operate on the basis of what was contained in the Good Friday Agreement and in the 1998 legislation. The parties would be called together and have a six-week opportunity to elect a First Minister and Deputy First Minister.

The British Government then stated that if that was not the case, the parties would be called together in the autumn for two further six-week periods - obviously based on the period of six weeks stated in the legislation, where if the Assembly were recalled, tried to elect a First Minister and Deputy First Minister and was unsuccessful, then there would be a six-week period in which to do that.

That is what I was talking about - the cut-off point, which was six weeks from 15 May. That was the clear rationale underpinning the approach of a six-week period followed by two six-week periods, which essentially became a 12-week period up to 24 November. That is the rationale that provided those dates for us. We did not agree with that rationale, but nonetheless that is the case.

In our view, suspension should have been lifted, the six-week period left to run, and things let to run their course. However, we have always been clear: if this Committee is getting down to genuine work, and if people are making an argument for us working over the summer, we have no difficulty with that. We will be working over the summer anyway - in our own party, in the various interface areas in the North, trying to keep the peace and trying to ensure that it is a quiet summer. We will be dealing with all those issues on the ground right across the summer. We have no difficulty in coming to places such as this if there is genuine work to be done. So that is where the cut-off dates came from.

The Chairman (Mr Wells): There are still people in the room with their mobile phones on vibrate rather than silent, and they are close to the microphones. In the

interests of the hard-pressed Hansard staff, please take your phones well away from the microphones because they cause interference.

Mr Murphy: Martin McGuinness made our position clear yesterday on what was described by the NIO as the comprehensive agreement.

We went into the formal review talks on the Good Friday Agreement with all the other parties. We put forward issues, which in our view could improve the working of the Good Friday Agreement. Some of those issues concerned the removal of suspension legislation; our requirement on Ministers to attend Executive meetings, which was a definite, certainly in the last Executive; automatic entitlement for Ministers, where appropriate, to attend North/South Ministerial Council meetings again, that was abused in the last Executive by the First Minister - the creation of a requirement on Ministers to respect the joint nature of the First Minister and Deputy First Minister's office; putting the Committee of the Centre on a statutory footing with the other Committees; and giving the ministerial code a statutory basis.

Those were some of the issues that we brought into the review and which we raised in discussions with the British and Irish Governments. Martin made it clear yesterday, and I reiterate the point, that at every meeting we had with them, we argued that this should be an inclusive process and that all parties should be involved in it.

The discussions with the two Governments and the other parties then came to a point in December 2004 when a comprehensive agreement package was put forward. We considered it on the basis that we wished to see improvements to the working of the Good Friday Agreement. The Government presented issues to us that could have had the institutions up and running, and an Executive restored within a matter of weeks, and we considered them on that basis.

That context is gone, because the Ballymena speech was made by Rev Ian Paisley, and the rest, as they say, is history. The two Governments then came to us at the start of this year and asked where we stood in relation to matters that had been outlined in their paper, which were proposals for a comprehensive agreement. We reiterated the issues that we brought to them during that review - issues that we felt should be identified and tackled to improve the working of the Executive and the Good Friday Agreement. That is where we currently stand in relation to it. The comprehensive agreement, as outlined in 2004, was in a completely different context. That context no longer exists.

There are a couple of other matters in relation to stability of the institutions. This carries on from the last point that I made. In our view, the greatest factor in causing the instability of the institutions was the suspension legislation. Every time the former First Minister decided that he might want to walk out of these institutions, the British Government rushed in and suspended them.

In our view, and I think we successfully argued the point, the removal of suspension legislation would lead to greater stability in these institutions, so that people no longer have the choice of walking out and having the British Government provide a safety net. Their choice would be either to walk out and go into an election or to stay in the institutions and make them work, through whatever difficulties we may face.

That is a factor in relation to the last question about confidence. There will always be issues that will cause us difficulties. You have to examine whether genuine and strident efforts have been made to create conditions that will grow confidence. I think

it is undeniable that those efforts have been made to create conditions in which confidence can grow. People may still have issues; we have issues with other parties and how they do business. We certainly have issues in relation to how the British Government are conducting their business in this part of Ireland, but we will continue to engage with these people because the only way to address all of those issues is through a genuine engagement and, in our view, through a working institution.

Mr Ford: Mr Murphy said that the biggest issue acting against stability was the suspension legislation. Does he really believe that it was only the existence of the suspension legislation that led to unionists taking the actions that they have in the past? It seems to me that the institutions are not stable if there is the potential that they can be collapsed at any stage by the removal of one or more parties, and the way that they are set up requires the participation of those parties to make the institutions work. It would be interesting to know what Mr Murphy's definition of "stability" is in that sense and whether he sees the blame lying solely with the British Government and their legislation.

Mr Murphy: I do not think it lies solely there. There are issues in relation to how all the parties engage with each other and do business and the political will to do business and to see through difficult issues and to give leadership in their own communities.

I do not think there is any doubt that the safety net provided by suspension legislation meant that a party could walk out of the institutions with little consequence to itself. The only consequence to the institution was that we were not actually exercising power. The temptation to use that device created a much greater instability in the institutions. If there were a stark contrast facing people, either to work through issues or to go back to the electorate every time an issue caused them difficulty, then the impetus would be on people to try to work through the issues.

The Chairman (Mr Wells): Mrs Long, do you want to come in? Then we will move on from the Alliance Party.

Mrs Long: There is an issue I want to follow up with regard to suspension. In other societies that have similar divisions to our own, the tendency would be for people simply to continually return to the electorate, and you see the collapse of Governments over and over again. That is not a confidence-building process; in most cases that leads to much more instability rather than stability. Although I accept that constant suspension is an issue, I think that to blame the suspension legislation for that instability is to look at the symptoms rather than the cause. There is something there that must be addressed. It is quite clear that the alternative to suspension would be collapse, and that in itself is no more stable than suspension.

The other issue that I want to raise concerns point 5 of the summary paper that Sinn Fein provided. It suggests that the remit of the Committee is not to do the work of a future Executive. However, point 6 raises the issue of developing priorities for Government. That was expanded in the presentation this morning - for example, the Alliance Party would be able to put its issues on the table along with everyone else. The reality is that it is not the job of this Committee to prepare a Programme for Government. That is an issue for an Executive.

11.00 am

Although the Alliance Party welcomes parties listening to its views, I doubt very much, given that we would be going into an opposition role in the Assembly, that either of those parties would want to do that or that there would necessarily be consensus on all issues that would be raised. I wonder whether priorities for Government are part of the remit of this Committee, or whether that is something for down the line when we get to the point where people have the reasonable prospect of Government being established.

I want to clarify another issue. At the outset, Sinn Fein said that it believes that there are no barriers to restoration. I am not saying that that is its view of where other parties stand, but it is the party's view that there are currently no barriers to restoration. Sinn Fein identifies three issues in paragraph 6 of its paper as those that need to be addressed: the peace dividend, policing and justice issues, and the priorities for Government. Does Sinn Fein see those issues, for example policing and so on, as having to be addressed in advance of restoration? Or does it see those as issues that would be addressed after restoration?

Given that Sinn Fein has said that it has no particular objection to immediate restoration, what I want to know is, having heard in the discussion so far that other people do have objections, what is its response to that? And does Sinn Fein feel that there is something that it has to do in order to address other people's issues, or does it simply want to reiterate the position that there are no barriers and that restoration should proceed?

Mr Murphy: In relation to suspension, I suppose that it is a chicken-and-egg argument, because of the fact that suspension legislation meant that people were more likely to walk out of the institution rather than work through the issues that faced them. Whereas, if the consequence for people walking out of the institution was to go back to the electorate and explain to it the reason that they had brought down the institution, perhaps that would provide a more stark choice.

As to whether that provides confidence, there is an argument as to whether going back to an election in 2002 - the last time the Ulster Unionists walked out of the institution - or sitting in suspension from then until now would have created more confidence in the community than the situation from 2002 right up to now. That situation not only drains confidence but interest, and it creates apathy and a disregard for the attempts of people to get politics working here. There are arguments that we could debate among each other for quite some time.

On priorities for Government, I made the point that there is a practical difficulty in this Committee working on a Programme for Government. It would take interaction between people who are to be in Government and senior civil servants and heads of Departments to get a Programme for Government put down on paper.

I understand and accept the Alliance Party's rationale that if its intention is to be in opposition, it might not necessarily want to be involved in discussing priorities for Government. However, if this Committee is to prepare for the return of the devolved institutions, it seems to Sinn Fein that a useful area of work that it could be getting down to is starting to scope those issues that would be a priority for an incoming Executive, so that rather than start into that discussion after restoration, people could have a degree of that work done and hit the ground running when an Executive returns.

On the question relating to barriers to restoration, I do not deny that there are barriers. The question is whether addressing those barriers is a prerequisite to

restoration. People have concerns that are big issues for them. None of those issues are so big that they could not be addressed within a working Executive and a working institution. They have to be addressed before that can be achieved. So, there is a difference in opinion. Of course, in answer to the question that Sean Farren asked, Sinn Fein has issues that, if it wanted to take them as such, could prevent it from doing business with anyone, certainly the British Government. However, Sinn Fein took the decision a long time back that the best way to move all those issues forward is through genuine engagement, and that is what Sinn Fein is trying to achieve here.

So, there are barriers, and there are contributions that we, as Sinn Fein, can make to try to address some of those issues, and part of what we attempted to do in this Committee was to have a genuine, across-the-table engagement with the DUP. So far we have not managed to achieve that, because the members of the DUP speak through the Chair. They do not engage directly with us at all. They do not speak to us outside this room; they do in certain council chambers, but certainly not in this institution. They do not seem to want to have a direct engagement with Sinn Fein in relation to those issues. Some of the issues that are barriers for the DUP could be addressed in a direct engagement with Sinn Fein, but I regret that we have not got to that position yet.

We are willing to play our part in addressing whatever issues the DUP has. In the first instance, it has the most issues, and it is refusing to go back into an Executive on the basis of those issues. The other parties have issues as well.

However, we are quite happy: we meet with Mrs Long's party, the UUP and the SDLP, and we talk over any issues. We try our best to address matters that concern other parties in relation to us and matters that concern us in relation to other parties. That is the way to do it. Although there are barriers, in our view they should not deny us the ability to get back in charge of this institution and start taking decisions for the good of the people who have elected us.

Mrs Long: I have questions on the policing and justice issue that has been raised during the discussions in the last few days. First, what is Sinn Fein's preference for the structures, and, secondly, given that party's association and history, and recognising that things have changed in the past few years, how would it intend to build confidence right across the community, so that if a Sinn Fein Minister were to hold the post of Minister for justice or policing, those duties would be discharged in the best interests of the entire community? How would that party build that confidence, given that it has been expressed already in these discussions that such confidence currently does not exist?

Mr Murphy: I point to the experience of Martin McGuinness and Bairbre de Brun exercising ministerial power for the good of the entire community. People may have taken issue with some of their decisions: people took issue with some of the decisions taken by all of the Ministers. However, unless you want to be pig-headed about it - and some people may want to - I do not think that people could argue that they took decisions in the interests of one community rather than the other. They looked at the issues, and they operated their ministerial authority to the best of their ability in the interests of the entire community, and that is the approach that any Sinn Fein Minister in any Department - be it policing, justice or any other Department - would take. Not only that, those Ministers would be accountable to the Executive and the Assembly for that approach.

We have had preliminary discussions with other parties in relation to the models for policing and justice. We do not have any firm or fixed view, and we are open to discussion and debate with the other parties. That is why this is one issue that this Committee could usefully get down to detailing to people - in our instance, maybe Gerry Kelly or Alex Maskey, and for the SDLP, Alban Maginness, Alex Attwood or whoever the policing spokesperson happens to be for the other parties. Those people could clear away a substantial area of work, and the implications from that, and the knock-on effect for the other Departments, is an issue for the preparation for a return to the Executive and restored institutions.

We do not have any preference at present, other than to get the best arrangements that would give that degree of confidence. Sinn Fein would also have confidence issues if the DUP were to have the position of policing and justice. For example, a contentious parading issue could arise in which a Minister for policing and justice would have some input, and if someone from the DUP, who was a member of a Loyal Order such as the Orange Order were responsible, that would raise confidence issues.

Rather than leave ourselves at the mercy of an individual, we should work together to build the right structures so that we would have confidence in a policing and justice structure that would deliver impartial results.

Mrs Long: I welcome that response. It is a matter that we raised, not only with Mr Murphy's party, but also with other parties, discussing how their influence over policing and justice could be an issue where confidence could not be established right across the community.

Mr Murphy said that he has no fixed view on policing and justice. However, we have given our view on a number of models that were outlined. Does he have any view on which of those models he feels would be more appropriate or less appropriate? Does he have any preferences, or does he have another model in mind? Has he considered, for example, some of the issues that we raised in relation to collectivity, because, although he referred to Ministers being accountable to the Executive and the Assembly, that is not quite accurate. Although they may have to justify their decisions, those decisions, at this stage, are within the remit of the individual Minister and cannot, under the current institutions, be checked in any shape or form.

Has Mr Murphy given any thought to that, and to how greater accountability across the Executive and the Assembly would add to confidence in those situations?

Mr Murphy: In relation to ministerial accountability, Sinn Fein made propositions under the review on the ministerial code and its status.

I do not have any preference for any of the models, and I am at something of a loss about that. That perhaps reinforces the point that I made at the start of the presentation, that there are people in our parties who have done substantial work on those matters. I have knowledge in relation to the policing and justice issues, but I do not have an expertise. For instance, I would not claim to have done the same degree of work that Gerry Kelly has done.

In order to advance these discussions to the level necessary to prepare for the return of the institutions, the people in the parties who have responsibility for those areas should sit down together to discuss models and accountability measures, and how the policing and justice department would be operated. That is the necessary preparatory work for Government, and that argues for the people in the parties who

have that knowledge and expertise getting together to do that work, and bringing the findings of the reports - whether or not they are agreed - to us for our consideration, and to an Assembly for debate. That is the natural way that this Committee should operate if we genuinely want to carry out preparatory work for the return of the institutions.

The Chairman (Mr Wells): We now move on to Mr McFarland, and I see that Mr McNarry and Mr Kennedy have also indicated that they wish to speak. Would it be helpful to members to speak as a team, or would they rather speak as individuals? I notice that the Alliance Party contributed as a team.

Mr McFarland: If we could speak in turn - I would like to speak first, and then we could hear from Mr McNarry and Mr Kennedy.

The Chairman (Mr Wells): Mr Dallat gets left out of the loop, so I will come back to him.

Mr Dallat: I am well used to that.

Mr McFarland: I want to deal with several issues in turn. These issues affect the unionist confidence in the good faith of Sinn Fein, and it would be useful if we could tease them out.

I was encouraged by yesterday's meeting and, in particular, Martin McGuinness's comments that he was interested in genuine and open discussion and engagement with the other parties.

For some years, Sinn Fein has been the voice of the republican movement, and there has been a general acceptance that Sinn Fein and the Provisional IRA are inextricably linked and that, in fact, there is duality - or was duality - between senior members of the IRA and senior members of Sinn Fein. Most of my questions are directly related to the IRA and Sinn Fein and where it is all going, because those are the issues that affect unionist confidence.

The most recent IMC report went into a fair amount of detail and, unlike the Independent International Commission on Decommissioning (IICD) - which reported that decommissioning of the weapons that they had seen was complete - reported that the Provisional IRA had held back weapons. It is generally accepted that there will always be weapons lying somewhere, either in a hide that somebody has forgotten about, or possibly because individuals, against the understood orders from the top, have held back trophy weapons or personal weapons that they have had for years. I would be surprised if those involved in organised crime have not kept back some weapons for personal protection or protection of their empires.

My first question is: does Sinn Fein accept that there is a strong probability, as described by the IMC, that individuals or groups - perhaps against orders - have held back weapons, and that, as reported by the IMC, weapons were not decommissioned in the way that they should have been?

I would like those issues to be dealt with in turn, otherwise they get mixed up.

Mr Murphy: Generally, I do not have any confidence in the IMC, its reporting mechanisms, how it gathers its evidence, how it reports or the individuals involved with it. It is important to say that. It is a matter of public record. Mr McFarland made a statement about Sinn Fein being the voice of the republican movement. I have to

say that the IRA has its own voice, which it has used quite well over the years. Sinn Fein is the voice of Sinn Fein.

11.15 am

I am sorry that I do not have the section that was read with me, because despite my difficulties and differences with the IMC, I nonetheless read the reports. I have conducted a court case against the IMC, so it is important that I do that. If I recall that section correctly, it states something along the lines that someone unidentified has suggested that it might be the case that some members may have kept some weapons. The quantities and calibre are unspecified. If this were to be the case, and if they have been kept in the numbers that might have been suggested, it may have serious implications.

How can anyone respond to such a vague and unsubstantiated allegation - that someone suggested that someone might have something and that it might have implications? That was the basis of the IMC report, and it underpins our experience of the IMC to date, which is that, like the DUP, it has the cold warriors whispering in its ear about what may or may not be the case, and it brings its own particular baggage to all of this. I do not think that the IMC has any useful function to play.

The mechanism by which the UUP, Sinn Fein and all the other parties - apart from the DUP - agreed to deal with this issue was Gen de Chastelain. Not only was there the de Chastelain mechanism, there were additional witnesses. As far as the Governments are concerned, and as far as we are concerned, the issue of IRA weaponry - whatever about anyone else's weaponry - has been dealt with to the satisfaction of the IICD, and there it lies.

Someone can whisper in the IMC's ear for the next 10 years that somebody might have something, and we are not sure what it might be, but if they do, it might have implications. We could sit here for the next 10 years trying to answer that type of unspecified and unsubstantiated allegation on behalf of another organisation. I do not think that that is a very constructive way to go about it.

I do not know how confidence can be given in those regards, because people could say that they have done the business, and people can either accept or not accept that. Republicans are always willing to see how they can talk to people, convince people and offer explanations. At a certain point, it becomes more difficult to do that, when that type of allegation is being dealt with.

Mr O'Dowd: I am surprised that Mr McFarland is sitting here talking about unionist confidence, and then he mentions IRA weaponry. Since the collapse of these institutions, 26 members of the Protestant community have been murdered, every one of them with the use of loyalist weapons. Four members of the Catholic community have been murdered with the use of loyalist weapons. I seriously doubt whether members of the unionist community sit in their homes at night worrying about IRA weapons.

If someone were living in a working-class Protestant area, he or she would be worrying about Ulster Defence Association (UDA) weapons, Ulster Volunteer Force (UVF) weapons, Ulster Resistance weapons and all the other weapons that are out there being pointed from within at the Protestant community. To be honest, this concern, this smokescreen, about IRA weapons is exactly that - a smokescreen. I have no right to speak on behalf of the unionist community, but I seriously doubt whether IRA weapons are a major concern for the unionist community.

Mr McFarland: My question is specific and is based on the issues of openness, honesty and good faith. Does Sinn Fein accept, for whatever reason, that it is possible that some of the IRA weapons were not decommissioned? It is just an acceptance that for whatever reason - and I have covered the reasons - people may have hidden that they have forgotten about, or individuals may have disobeyed orders and kept trophy weapons, or people with organised-crime empires may have kept back personal protection weapons. Does Sinn Fein accept that some of the IRA weapons may not have been decommissioned?

Mr Murphy: There is a difference between what Mr McFarland is suggesting and what the IMC was suggesting, which was vague and unsubstantiated. The IMC reported that some portion of weapons was kept back deliberately and, if that were the case, the implications were that those weapons were being held back for a specific purpose.

Is Mr McFarland's suggestion that there might have been a rifle hidden in a ditch 40 years ago that somebody forgot about, or that the person who knew about it had died? Is that the case? Could that be the case? It could well be the case. I do not know, because I do not know what weapons were decommissioned or what weapons existed.

What I do know is that there was an agreed mechanism for dealing with this, which the parties signed up to in 1998. That agreed mechanism was Gen de Chastelain's Independent International Commission on Decommissioning. It had additional witnesses above and beyond the agreed mechanism for dealing with the issue, and they have reported that they are satisfied that the issue of IRA weapons has been dealt with. The two Governments have also stated that they are satisfied. If other people are seeking additional satisfaction above and beyond that, then that goes above and beyond the Good Friday Agreement, and it certainly goes above and beyond what any other Sinn Fein representative or I can give.

Mr McFarland: Is it possible that units, a brigade or individuals may have disobeyed orders to hand in their weapons, which would account for the fact that the IMC is reporting that not all weapons were handed in? I am not blaming Sinn Fein for not handing them in; I am asking whether it accepts that some members of the Provisional IRA could have disobeyed orders. I presume that the IMC is not reporting that wilfully or deliberately telling lies and that it has indications from whatever sources - Sinn Fein may not believe them; they may be seurocrats which it believes in order to put that in the report. The commission is made up of quite an international bunch. It is not a bunch of ex-RUC men who are saying this.

Mr O'Dowd: It is headed up by a former member of the filliance Party.

Mr McFarland: There is also a former senior member of the CIA and an ex-senior member of the Irish Civil Service. They have not made this up. Does Sinn Fein accept the possibility that members of the IRA have, for whatever reason, not handed in their guns?

Mr Maskey: Conor Murphy has dealt with that matter at length, and much of what we have said is on the public record. We also dealt with the matter in bilaterals with Mr McFarland's party. For the record, we have absolutely no evidence to suggest that any of what Mr McFarland outlined has happened, we have no indications that it has happened, and we have certainly no reason to believe that anything that he has

outlined has actually happened. Therefore there is not much more that we can say on the matter.

Mr McFarland: My next question relates to policing. Recently, there has been a slightly esoteric link between policing and parades. At Tullamore in 1994, Gerry Adams told us that it had taken him three years to engineer the parading row and to get people to turn out. In recent years, it seems to have evolved from a parading issue into one where republicans object to a parade and then get the police on the street, and that has led to riots and petrol bombings, etc.

My understanding is that there is a process of discussion in the republican community on the future of policing. The word on the grapevine is that an Ard-Fheis will be held soon to try to get some resolution to the issue, but it is a bit like a tanker. Yesterday, the officers in uniform were filthy, dirty, collusive ex-RUC men, and tomorrow a young republican from Crossmaglen will be encouraged to join the PSNI. Presumably, Sinn Fein will also join the Policing Board. If this is to be solved - and there needs to be a resolution before we get stable Government here - how can this tanker be turned round in such a short time? Yesterday, the PSNI was the enemy and tomorrow young republicans will be asked to join it. How does Sinn Fein see that evolving? It is a key part of the confidence building and of the understanding that is required to get Government up and running here and to get a potential deal with the DUP in the autumn. How can Sinn Fein get the broader republican movement and young republicans to switch off from the fact that yesterday the PSNI was the sworn enemy and that tomorrow it wants them to join it?

Mr Murphy: I could be facetious and say that Sinn Fein could take a lesson from the Ulster Unionist Party. Yesterday - and, perhaps, even today - Sinn Fein was the sworn enemy of Ulster, and, yet, there is a possibility of the Ulster Unionist Party sharing power with my party as it has done in the past. Therefore, we all have historical experiences with which we must deal.

Mr McFarland is operating on the incorrect premise that republicans created the parading issue and he misquoted a speech that Gerry Adams is supposed to have made in Tullamore. I was told that the speech was made in Co Meath. However, regardless of which county the speech was made in, it is incorrect to assume that republicans created the parading issue. The Committee should know - and Alex will verify this - that it was about 60 or 70 republican activists who stopped trouble at the Tour of the North parades. In doing so, they took quite a substantial degree of personal and physical abuse. There was no one there from the DUP, neither were there recognisable figures from the Ulster Unionist Party to keep people quiet and at bay. Therefore, republicans are in communities preventing trouble during parades.

This situation goes back as far as - take your pick - hundreds of years. In the current climate, it goes back as far as Obin Street in Portadown in the eighties. There has always been a tension around parading issues, and Sinn Fein is - I would argue - working harder than any other political party to resolve parading issues at community level.

Sinn Fein's attitude to policing was referred to. Yes, that issue must be resolved. It is not simply an attitude that republicans have to policing. The republican community's attitude to policing is borne out of its historical experience of policing in this state, which, to this very day, continues in the same vein in many republican areas. If Members were to ask young people in Crossmaglen, Ballymurphy, or any other nationalist community in the North about their experiences of policing - not the republican community's view of policing, but its actual experiences - they would be

told of continued harassment and continued attempts to recruit young criminals to provide evidence and information and to spy on their neighbours.

That is a continuing experience. Therefore, it is not simply a matter of turning the juggernaut that is the republican attitude to policing. It is a matter of trying to get policing structures in which people can have confidence that what they experience, not just through their lifetimes, but those of their parents and grandparents, changes to become a genuinely responsive and accountable policing service.

Mr Chairman (Mr Wells): I think that Mr Maskey wishes to add to that.

Mr Maskey: 'With all due respect to Alan McFarland, sometimes the questions that are asked depend on who is in the audience. He is not doing himself any great service. Notwithstanding that, our fundamental approach to this issue is that we will give leadership in our communities. When we conclude on the basis that Conor Murphy outlined earlier in respect of policing, for example, we will have no difficulty taking the decisions to our party and our communities in order that people can buy into them. Leadership will be central to how we take the matter forward. It is not a case of turning the tanker round or one of what was good or bad yesterday could be good today. We will give leadership - as we normally do - at that time.

Mr McFarland knows well the efforts that my party has made in many difficult situations, whether at the Tour of the North or any other interface areas. Indeed, a small number of my colleagues has been proactive in preventing difficulties in those areas and in maintaining the peace despite sometimes-difficult circumstances. I reiterate the point that just last week, 12 of our colleagues were injured in assaults by members of the nationalist community along parts of the Tour of the North route. The stewards who were trying to maintain calm, keep the peace and prevent any trouble bore the brunt of the ill feeling. That will give Members an example of some of the difficulties in those areas, whether from disaffected or alienated youths or from people who are disgusted by some of the Parades Commission's decisions or the nature of some of the parades.

Mr McFarland will be aware of the efforts that Sinn Fein is making. It is ironic, therefore, that he has questioned us about policing when his party recently brought on board David Ervine of the Progressive Unionist Party. Less than a year ago, his associates in the UVF were involved in some of the most serious violence against the police - with gunshots, blast bombs and petrol bombs - in this city and beyond, but particularly in this city. Therefore, Mr McFarland does not appear to have found it difficult to support the police while welcoming to his party grouping in the Assembly representatives of people who have attacked the police and, for a variety of reasons, are openly anti-police.

Mr McFarland will understand that, for Sinn Fein, it will be a question of leadership. He will argue also that he is involved in leadership, and that is fair enough. Sinn Fein will deal with the issue of policing through the integrity of its leadership.

The Chairman (Mr Wells): Mr Ford, you indicated that you wish to speak: is it specifically on policing?

Mr Ford: It is specifically on the point raised a few minutes ago on the IMC.

The Chairman (Mr Wells): It will have to be short because I am conscious of the fact that I am interrupting the Ulster Unionists, and the SDLP has sat very patiently for quite a long time.

Mr Ford: I appreciate that. I want to establish one quick point of clarification. During that exchange on the IMC, John O'Dowd said that the IMC was:

"headed up by a former member of the Alliance Party. "

I just want to know whether I am to take it from his tone of voice that he regards this as proof of bias on the parts of both the IMC and the Alliance Party.

11.30 am

Mr Q'Dowd: I was calling into question the independence of the IMC; that was what the comment related to.

Mr McFarland: Chairman, thank you, and thanks for the answer. Can I move on to another issue that again is in the IMC report and is of genuine concern - organised crime and criminality.

About two months ago, I was very heartened by 'Let's Talk'. When Martin McGuinness was pressed on his attitude to criminality he said:

"If there's criminality, let the authorities deal with it."

I remember being surprised and encouraged at the time that this was an approach that, to my understanding, had not been previously there from Sinn Fein. This was followed a few days later by Gerry Adams who said the same thing:

"If there's criminality, let the authorities deal with it. "

Now that is an approach that we would all be able to identify with.

Around the same time, the Assets Recovery Agency, the Garda Siochima and the PSNI arrived at, and had an enormous raid on, the property of Thomas "Slab" Murphy in south Armagh, where they found €200,000 under a haystack, a computer with records, and they confiscated petrol tankers.

This, as I understand it, is the same family that was involved last year with the 200 houses under family names in Manchester and Birmingham. The allegation was that this was some form of organised criminality - and, of course, Mr Murphy is an extremely senior member of the republican movement and has been for many years.

As I said earlier, there is a close link between Sinn Fein and the IRA. This link is clearly still there: the houses are still there, and I have no -doubt as we go through this there will be a substantial amount of other evidence that there is direct relationship between the IRA and organised crime.

Given the links between Sinn Fein and the IRA, and given the clear evidence - and I know they keep denying it, but it is quite clear that these are organised crime empires - how does Sinn Fein see itself being able to distance itself from the IRA and this organised crime so that the unionist community and the general public will believe that there is no longer a link and that the allegation that Sinn Fein benefits from the proceeds of these funds can no longer be substantiated?

How do you unstitch, unhinge or stand down this enormous crime empire in time for Sinn Fein to be viewed as being an acceptable partner on the Policing Board or, indeed, in Government?

Mr Murphy: It is interesting that Mr McFarland's party has encouraged us to join the Policing Board since it was created, long before the IRA took any initiative last year in relation to its existence or weaponry, yet these are now issues for the UUP.

Alan McFarland is almost asking us to prove that republicans are innocent. He spoke about the enormous evidence. Let the evidence take its course, if there is enormous evidence. I could say that there is enormous evidence that the UUP is up to all sorts of shenanigans in America with hidden bank accounts and that it is a corrupt party, hiding business from the Electoral Commission, and that it should be thrown out of Government on that basis. Let the evidence take its course and see what shapes up.

The reality is that the IRA issued a statement last year that outlined its attitude. As far as it was concerned, the armed struggle and the conflict were over. It instructed all its volunteers to engage in no further activities whatsoever and dealt with the issue of its weapons. For me, the issue of the IRA is substantially dealt with. I realise and accept that other people will have ongoing issues that they will have questions about.

To cobble together everything that Mr McFarland has mentioned and say that it is an enormous weight of evidence, that republicans must prove themselves to be innocent and that Sinn Fein must go further and prove itself to be entirely innocent, and that there might then be some confidence - I am afraid that it will not work that way.

It is like the point that I made in relation to the DUP. If you want to find something to give you a reason for not doing business, you will. I could find something any day I wished to give me a reason not to do business, but my party believes that the best way to advance peace in this part of the world and to get the institutions bedded down is to get in and start to work them. Through that, issues that cause a lack of confidence on all sides can be further addressed - I would argue that many of them have been addressed to date.

I will not stand here and defend Tom Murphy or any other individual, because a number of allegations have been made against him; that is not my job. I am here to represent Sinn Fein. I am quite happy to stand over how we raise all our money and I hope that everyone else feels the same - how we spend it, where we keep it, and to make our accounts open to anyone who wants to scrutinise them. As I said, I hope that all the other parties are the same.

Mr McFarland: The IRA, as I understand it, has said that the war is over, has decommissioned the bulk of its weapons, had a medal ceremony in Dublin for its volunteers and had a gathering in Dublin - I am just going on newspaper reports; Mr Murphy can tell me whether it is true or not.

Mr Maskey: Were you the guest of honour?

Mr Murphy: It was at Tullamore.

Mr McFarland: The IRA has had a gathering of the families of the bereaved in Dublin - there were pictures of that in the paper. There are strong indications that the IRA, as regards its former existence, is stood down or is in the process of doing so. However, it is still there. Is it possible to get some indication, given that Mr

Murphy is close to the IRA in philosophy, as to where the IRA sees itself going? If it stays in existence and views itself as an army - there is only one reason for an army to exist, and that is to fight. Why would anyone wish to keep a standing army, albeit temporarily disarmed? We all know that a group of us could return from eastern Europe tomorrow with a plane-load of weapons, if we had the money.

Mr Murphy and I have spoken about this at length. The decommissioning was not about the weapons; it was about indications of good faith as to why people wanted to hold onto weapons if they were no longer offering us violence. The question is why, if it is to remain in existence, but not turn itself into a republican equivalent of the British Legion, does it wish to stay in existence? An army exists only to be ready to fight.

Mr Murphy: That is a question for the IRA. The IRA has been in existence since the early part of the last century. I do not even know the date on which it was formed. It has always been in existence. At times, it has been something that has exercised unionists; at other times it has not. As with any organisation, its intention, ability and willingness to do certain acts are more relevant than its actual existence. The statement made by the IRA and the initiative taken by it are of huge significance for the future of this entire country. We have a responsibility to build on that.

We could try to poke holes in it to convince ourselves that it is somehow not genuine, or we can take advantage of it. It is the same situation with all of the issues in which I do not have confidence concerning other parties and the Governments. I can build on what I have or poke holes and provide myself with a further lack of confidence as a reason for not moving on. Whether we take advantage of it or not, the initiative taken by the IRA last year was hugely significant, as time and history will prove. It is a clear, firm statement of what was already a trend of development in the IRA's existence and activities. That was confirmed last August.

The Chairman (Mr Wells): I want to cover a procedural issue. Yesterday we timed the questioning of the DUP submission at four and a half hours. Therefore, in the interests of fairness, Members will be given the opportunity to question Sinn Fein for that length of time. That will take us from 1.30 pm until 4.00 pm. It is clear that Members will use that time - we have taken an indication of questions, and they are quite lengthy and thorough.

To be realistic, on that basis and because of the problem that has arisen with the Business Committee, we must take it almost as read that there will be only one submission today. It is not worthwhile starting the SDLP submission at 4.00 pm. I am in the hands of Members on that. Do you wish to stay here until 6.00 pm or 7.00 pm?

Mr McFarland: Logically, if certain questions have been answered, they should no longer trouble Members. I have no doubt that many have not yet been asked. It is hard to see how to judge, because there could be two or three more topics to discuss, in which case we could finish earlier; however, perhaps it is worth

The Chairman (Mr Wells): I am just alerting Members, because I sense a slight frustration in the two parties who have not yet got their teeth into questioning.

Mr Paisley Jnr: We should perhaps just play it by ear, and see how it develops. I would be happy with that.

The Chairman (Mr Wells): Do we agree that if we still have not completed this at 4.00 pm, there is no sense in starting the SOLP submission?

Mr A Maginness: We should play it by ear and be flexible. However, I have a difficulty this afternoon, and I wondered if I could ask Mr Kennedy a question now.

Mr Kennedy: I do not think Mr Kennedy was going to be called.

Mr McNarry: I too have a problem this afternoon. It depends on the answers, but I do not intend to be lengthy.

The Chairman (Mr Wells): Can we try to sort out the gist of a question, Mr Maginness and Or McCrea, before we all adjourn at 12.00 noon? Or McCrea is in a similar situation, so we will try to squeeze the three of you in before 12.00 noon.

Mr McNarry: As long as we get the answers that we look for.

Mr O'Dowd: There is no guarantee of that.

Mr Murphy: We are happy to stay here, should it be 4.00 pm or beyond, to answer questions for as long as people have questions for us to answer.

Mr McNarry: I would like to think that if the OUP was grilled for four and a half hours, and I have a certain empathy with many of its points, that we would do a similar job on the republicans.

Mr Murphy: We have been grilled for more than four and a half hours, I can tell you.

Mr McNarry: I am sure that you have, but on those occasions you did not have as much light as you have in this room.

11.45 am

Mr McNarry: Conor Murphy mentioned his concerns about a OUP Minister of justice being an orangeman. That was insulting to orange brethren, irrespective of party allegiance. It may have been a sign of ignorance on his part, but I trust that he will read Hansard and reflect on what he has said. Neither a OUP orangeman nor an Ulster Unionist orangeman is likely to take the Ministry of policing or justice. An orangeman possibly, but there is a distinction. I am sensitive to what he said, and I hope that he understands that.

Mr Murphy also mentioned his hope, which I share, for a peaceful summer. He said that it might be a key to what happens when this Committee meets after the recess. He spoke of his ability to encourage dialogue to reduce community tension. That could, of course, be taken as something of an admission that he also has the ability to discourage peaceful activity. On the positive aspect of that, it would be key to my party and me to know whether those who Mr Murphy encourages would settle for peaceful protests at all times, and that peaceful protests would be just that. His colleague Mr Maskey mentioned Mr Murphy's recent work in that area, which is acknowledged.

Continuing with the theme of encouragement, what could Mr Murphy do to encourage the Government with which he is pally to remove the veto position that they allow him, so that parties could, in principle, establish the right to form a voluntary coalition in a restored Northern Ireland Assembly? That principle would be

key to democracy, and it is an open secret that Members from my side of the House believe that, as there is no way that he would enter a Government other than by being pally with the two Governments, Mr Murphy will cling to the veto principle and perhaps deny any other parties the right to form a coalition. He will appreciate that it is normal to do that in a modern European democracy.

Mr Murphy: Normal in a normal democracy - I would contest whether there has ever been normal democracy in this state.

I accept Mr McNarry's point about orangemen in the DUP. I was pointing out the broad nationalist view that there may be a conflict of interest were such an issue to arise and a member of the DUP, or, indeed, a member of the UUP, were to become Minister for justice and happened also to be a member of the Loyal Orders.

Mr McNarry: If I may interrupt, Mr Murphy is not attacking the parties; he attacks the Orange Institution, which is not represented here.

Mr Murphy: I was interested to read a statement the other day from a former leading member of the Orange Institution - I think that he currently is a member who criticised disciplinary action being taken against other members. He was quite clear that the Orange Institution that he joined had changed very much and was morphing into a very political organisation. However, that debate is ongoing within the Orange Institution. From a nationalist perspective, there could sometimes be considered to be a conflict of interest in relation to those matters.

As Alex Maskey outlined, we can give leadership to try to encourage a peaceful summer. It does not suit our communities in the Ardoyne, or wherever else, for there to be conflict. We give leadership to try to ensure that, although people have issues with Loyal Order parades going through certain areas, they do not become issues of violence. We try to give leadership; leadership was lacking in the aftermath of last year's Springfield Road parade. Leadership is what we try to give.

It is not in my gift to speak for every area. Parading issues are, in the first instance, matters for those people who live in the areas through which parades pass. We try to give leadership to ensure that, if people dispute the rights of Loyal Orders to parade through certain areas, in certain fashions, at certain times, there is a peaceful resolution.

I can assure the Committee that we will continue to give leadership in that regard. I cannot say here and now that that will always be successful; however we endeavour to be successful in that regard.

On the subject of a voluntary coalition, the experiences of nationalists in political institutions in this state were such - we can get into a long historical argument, but I am conscious that we only have five minutes to answer Mr McNarry's question that clauses and guarantees and checks and balances held to be built into the Good Friday arrangements to ensure that the abuse of power that had been practised in this state let was no longer continued in the new institutions, and that the Good Friday Agreement marked a genuinely new beginning to political institutions and the political experience of people in institutions in this state.

The Good Friday Agreement recognised the fact that this was not a normal democracy and that there were not normal democratic proceedings. People had to be able to buy into the political institutions, and therefore their position in the political institutions had to be guaranteed. I wish for it to be otherwise, but that is the

historical reality that faces us as we try to work these institutions. Therefore, we would not give away our rights to be represented in a power-sharing Executive in this institution, given the historical experience that we have had at the receiving end in this state when power was exercised in an untrammelled fashion.

The Chairman (Mr Wells): Can I ask you to bring your remarks to a close?

Mr Murphy: Yes.

The intricate measures that were built in were a recognition of the experience of nationalists in this state and of the necessity to get nationalists to buy into genuine power-sharing arrangements with all of the other parties. Therefore, it would be foolish of us to give up and to try to undo and ignore that historical experience. We have a right to be in the institutions as they are defined in the Good Friday Agreement, and we will defend that right.

Mr McNarry: Is it fair to say

The Chairman (Mr Wells): Mr McNarry, I have promised five minutes to each Member. If you have a point, give it to one of your colleagues to ask later on.

Mr Maginness, you have five minutes strictly and then Mr McCrea has five minutes.

Mr A Maginness: Thank you very much, Mr Deputy Speaker.

I am trying to understand the position of Sinn Fein on policing, and to put it as succinctly as I can, in an attempt to understand it, whenever policing and justice powers are returned to Northern Ireland - to the Northern Ireland Assembly - Sinn Fein will, at that point, support the police and join the Policing Board. Is that an oversimplification or is that the position of Sinn Fein?

Mr Maskey: It is perhaps an oversimplification, and again I cannot understand why that is the case, because our position is very clear. We are working towards the opportunity for ourselves to be part of policing arrangements. We were involved substantially in the discussions on policing and many other matters that led to the Good Friday Agreement. Therefore, we signed up to policing arrangements as per the Good Friday Agreement. We have not yet attained those arrangements. We are working diligently to achieve them.

Obviously, the debate has moved to a point at which we are looking for, as are others, the transfer of policing and justice arrangements back here to an accountable Executive, Assembly and institutions. We have said very clearly that when we are at that point we will put those proposed arrangements to our party and seek to convince it and our wider constituency that it is time to become involved in policing arrangements. We have our benchmark. We have discussed it with yourselves fully, regularly and bilaterally. When we secure those areas, we will go to our party and get leadership on that issue.

Mr A Maginness: Therefore, Mr Maskey is in general agreement with the statement that I have made. I do not want to misinterpret his position, because I am genuinely trying to clarify what Sinn Fein is saying. In effect, if there is a transfer of powers, Sinn Fein will go to its party and, in a proactive way, seek its support for the new policing arrangements.

Mr Maskey: We have said very clearly, as I think Alban will appreciate, that we want to see the transfer of policing and justice arrangements. We want to look at the modalities. We want to agree a time frame. Having settled on those matters and having got them resolved, we will most certainly go to our party.

Mr A Maginness: In the absence of the transfer of powers, which is dependent on cross-community support in the Assembly, what will Sinn Fein's position be in relation to policing and, in particular, to the PSNI as it is currently constituted? I am interested in that issue, because on 11 May 2006 'The Irish Times' published an interview that Frank Millar had conducted with Gerry Adams. In that interview, Gerry Adams stated:

"Policing may be a necessary element in the resolution of the outstanding matters to do with the Assembly. "

However, policing must be dealt with in any case. That comment by Gerry Adams suggests, to me, that there is an alternative Sinn Fein position. I would like Sinn Fein to comment on that statement.

The Chairman (Mr Wells): You have two minutes to respond, Mr Maskey.

Mr Maskey: Thank you, Mr Chairman.

For a substantial time, in all our discussions at bilateral level and with the Governments - particularly, as Conor Murphy said, with the British Government Sinn Fein has focused extensively on the question of policing. We are not working for an absence of accountable institutions; we are involved in a serious and sustained effort to re-establish the accountable institutions, which will include the transfer of policing and justice. That is what Sinn Fein is working towards, and I hope that we can secure that transfer. We are working for a successful outcome to this process, no matter how sceptical some of us may be about it. We are working for success as opposed to failure.

Mr A Maginness: The point that I am making is that Gerry Adams is hinting at an alternative. What is that alternative?

Mr Maskey: All that I can say is that we are not working for failure; we are working for a successful outcome to this phase of negotiations.

Rev Dr William McCrea: Mr Deputy Speaker, as far as the unionist community is concerned, paramilitarism, criminality and decommissioning are vital ingredients if we are to move forward to devolved government. As far as we are concerned, if those issues are not satisfactorily resolved, there will be no devolved government.

Does Sinn Fein accept the fact that those issues must be resolved before devolved government is restored? Does Sinn Fein accept the fact that that is the unionist standpoint?

Mr Murphy: Sinn Fein acknowledges that that standpoint has been the DUP's public position, William. In Sinn Fein's view, there are no outstanding issues to prevent the restoration of the institutions. DUP issues, Sinn Fein issues and the issues of the other parties can best be addressed and resolved among all the parties at this table. First, that can be done through direct engagement, which, to date, the DUP has refused to engage in. That direct engagement should extend to Sinn Fein and all the other political parties. Secondly, it can be done through the working of these

institutions, where a general degree of confidence in one another's good intentions can be built up.

I accept the fact that the DUP has issues about activities, weapons and organisations. I note that the DUP normally zeroes in on the IRA, despite the activities of loyalist paramilitaries. There is severe doubt among many others, not just among Sinn Fein members, about whether the DUP's mark for satisfaction could ever be met and about whether it genuinely wants the issues to be addressed and resolved to its satisfaction, or to something that it thinks is a barrier, which means that the DUP will not have to share power with Sinn Fein in any restored institution.

Rev Dr William McCrea: Confidence is a major issue, and the unionist community does not trust the IRA. The unionist community does not have confidence in Sinn Fein's stance of being inextricably linked to the IRA.

I was asked a direct question about Billy Wright. I will now ask a direct question. Will the Sinn Fein delegation tell me, and confirm, that Martin McGuinness was a commander of the Provisional IRA ? When did he step down from that position? Or did he step down?

12.00 noon

Mr Murphy: Martin McGuinness gave evidence to the Bloody Sunday Inquiry. It is a matter of public record. The Member may refer back to that. I cannot remember the exact dates that he gave for his involvement in the IRA and when that involvement ceased.

In reality, the DUP may have no confidence in the IRA, but it is not being asked to share power with the IRA. The DUP has no confidence in Sinn Fein. Sinn Fein has confidence issues, as do the SDLP and probably some of the other parties, with the DUP. How do we resolve those confidence issues, William? We are sitting in a small room, face to face, in Parliament Buildings in Stormont. We can start to resolve those confidence issues through direct engagement, and we could resolve many of them very well through having a direct working relationship with each other, as a result of which we could start to deal with issues of importance to you and your constituents. Yesterday you mentioned the autism issue, which Martin McGuinness tried to advance across the island, as a matter that was important to you. There are many other issues that we can work on together to try and build a general degree of confidence in each other's motives and motivations, and in where we each are coming from and going to.

The Chairman (Mr Wells): Gentlemen and ladies, it is 12.00 noon. Mr Molloy will be in the Chair at 1.30 pm, and discussion of the issues raised this morning can continue until parties are satisfied that they have had a good hearing.

Mr McFarland: Mr Chairman, I do not know how many other colleagues are involved, but the Special Olympics opens this evening, and a number of us have received invitations. I understand that the launch is now at 5.30 pm, not 6.30 pm, so there is a flash-to-bang time here. Perhaps we might leave here at 4.00 pm to allow us to get home, change and get down to the Odyssey for 5.30 pm.

Mr Murphy: That is for those of us who live close to here.

The Committee was suspended at 12.01 pm.

On resuming

1.32 pm

(The Chairman (Mr Molloy) in the Chair.)

The Chairman (Mr Molloy): OK, members, we have a quorum. We want to close the meeting at 4.00 pm because of the Special Olympics. Is everyone agreed on that? And on tomorrow morning's starting time?

Mr Morrow: Mr Deputy Speaker, I know that tomorrow morning probably suits a lot of people, but not tomorrow afternoon. It may not be possible to get through the two remaining presentations from the Ulster Unionists and the SDLP. Is there any possibility of putting those off until Monday?

The Chairman (Mr Molloy): What way are other members fixed for tomorrow?

Mr Ford: Is Maurice suggesting that we hold no meeting at all tomorrow?

Mr Morrow: Yes.

Mr Kennedy: I suppose that we could live with that.

Mr McFarland: Could we meet tomorrow, Mr Chairman, because if one presentation runs into Monday, and that will be the Ulster Unionist one, my sense, given the past two days, is that it may be lengthy? *[Laughter.]*

When the presentations are finished, we will clearly need to have a discussion, and I suspect that that may take some time before we go on from there. If we go too far into next week, we are into the visit of the Prime Ministers and all sorts of weird and wonderful things. A sitting tomorrow morning would probably be helpful, although it would not be end of the world if both presentations continued on into Monday.

Dr Farren: I do not know about other parties, but we usually have our Assembly group meeting on a Monday morning. Although my colleagues and I are happy enough to attend the Committee then, we would prefer that Monday afternoon be devoted to the UUP, if the SDLP's presentation is tomorrow morning. That arrangement would be eminently suitable to the SDLP, but if there is pressure not to meet tomorrow, I welcome that. Nonetheless, the other option may be more convenient for us as a party.

Mr Murphy: In the original discussion about running into tomorrow, there was almost an assumption that we would get through the three remaining presentations, starting this morning. That quite clearly will not be the case. We will be fortunate to get through Sinn Fein's presentation. We are happy to come back in the morning to finish our presentation if we do not finish it before 4.00 pm today. That is the context in which we were talking about coming back tomorrow. I am not sure, given the length of time that presentations are now taking, whether we would get through even the SDLP's presentation in a morning, although we may do so. We cannot really legislate for that, given the way proceedings have been going to date. We are happy to come back in the morning if that is what people require, or to get a run at this on Monday and Tuesday.

The Chairman (Mr Molloy): What way is the DUP fixed?

Mr Paisley Jnr: We are happy to do something tomorrow, if that is what it takes. We can facilitate a meeting on Monday as well and indeed on Wednesday. On Tuesday, there is a problem and we cannot provide a delegation.

The Chairman (Mr Molloy): If we meet tomorrow morning from 10.00 am to 12.00 noon or 12.30 pm and see if it is possible to deal with one submission, we could then look at Monday. Are we due to meet all day on Monday?

SeEm has expressed an interest in the Committee sitting on Monday evening.

Dr Farren: I am expressing a party preference, because we have our group meeting on Monday, and that is an opportunity to report back and keep colleagues informed; otherwise they do not hear directly what is going on.

The Chairman (Mr Molloy): Does 12.00 noon on Monday suit everyone?

Dr Farren: Yes, that would be fine.

Mr Kennedy: If we meet tomorrow morning and, hopefully, on Monday from 1.30 pm until about 4.30 pm, that might allow time for the final two presentations to be tidied up.

The Chairperson (Mr Molloy): There are a few solutions. If we meet at 1.30 pm on Monday, it will be well into the evening before we get going, whereas a 12.00 noon start would give time for party meetings and for the Committee to begin its discussions.

Mr Murphy: It may be better to make a judgement at the end of tomorrow's business, when the presentations may have been made.

The Chairperson (Mr Molloy): We will start at 10.00 am tomorrow and deal with one presentation.

Mr Kennedy: I want to explore some of the issues that emerged from Sinn Fein's presentation. There was some discussion about the comprehensive agreement, and I think that Mr Murphy said that the context no longer existed. Does that mean that, as far as Sinn Fein is concerned, it is dead, or that it is not possible to resurrect it in any shape or form? What is Mr Murphy's view of the comprehensive agreement? Is it a beaten docket now as far as he is concerned?

Mr Murphy: One context of the comprehensive agreement was that the IRA would go off and do certain things. Those things have been done, so that context went in 2005. The IRA has issued a statement about its intentions and dealt with the issue of its weapons, so that context has gone. We brought issues to the table as part of the review, which carried through to the Leeds Castle talks, and into what the Governments then came up with as a proposal for a comprehensive agreement. Those proposals arose in the context that existed at the end of 2004, but that context no longer exists.

At the beginning of this year, all the parties attended meetings here, and the Governments asked us what issues of concern we had. We labelled those issues that we wanted to see addressed and that we felt would lead to the improved working

of the Good Friday Agreement institutions. We also outlined those issues this morning. In 2004, the Government drafted proposals for a comprehensive agreement in a certain context. First, the agreement never happened, and, secondly, the context has 'changed absolutely since that time.

Mr Kennedy: Mr Murphy will, however, have heard in presentations, or in cross-questioning, the clear indication from probably both unionist parties that there are issues of concern that remain and that, presumably, relate to what was to have taken place as a result of the comprehensive agreement. Does he accept that it is unfinished business? It may not be unfinished business in his eyes, but there may be unfinished business in the eyes of other parties in relation to those events.

Mr Murphy: I assume that Mr Kennedy means in relation to events involving the IRA.

Mr Kennedy: Yes.

Mr Murphy: That may be the case, but I remind Mr Kennedy and his party that they signed up to the Good Friday Agreement in 1998. In that agreement, they signed up to a mechanism whereby the issue of IRA weapons would be resolved. The body that was set up to deal with that issue has reported that it has been dealt with to its satisfaction. If Mr Kennedy wishes to revisit that part of the Good Friday Agreement and express some degree of satisfaction with how that mechanism operated, that is another issue.

I do not doubt that unionists have issues with the IRA, and with republicanism generally. As I said this morning to William McCrea, in our view these issues are best resolved through an open and honest direct dialogue among the parties, and the atmosphere would be greatly encouraged by a direct working relationship within these institutions.

Mr Kennedy: Does the Member take the view that the IICD has no further work to discharge in relation to IRA weaponry?

Mr Murphy: The IICD took that view, as far as I am aware.

Mr Kennedy: Does the Member take that view?

Mr Murphy: That is the group that my party, Mr Kennedy's party, the SDLP and the Alliance Party agreed would carry forward this piece of work. Its report says that it is satisfied that that work in relation to the IRA has been dealt with. I am satisfied, from that report and from what the IRA has said, that that issue has been dealt with.

If unionists have ongoing issues with that, then the Ulster Unionist Party departs from the previous agreement about how the IICD would do its work - that is an issue between themselves, the IICD and the Good Friday Agreement. I remind Mr Kennedy that it was not just members of the IICD who were witnesses; there were additional witnesses, and their presence did not form part of the Good Friday Agreement discussions. However, as far as I am concerned, the IICD has done its work in relation to the IRA.

Mr Kennedy: The Member has already outlined his position on the IMC report, but clearly the IMC's findings are important to many of the other political parties. When the IMC indicates that not all IRA weaponry has been decommissioned, the IICD should be concerned. Does the Member not share that concern?

Mr Murphy: I have made my position clear on the IMC, its mechanisms, its methods, the individuals involved and the vagueness of the allegations that it made - and the seizure upon that vagueness by parties that I believe wish to seize any opportunity to refuse to go forward in co-operation with the rest of us.

The IICD and the IMC appear to be at odds over each other's interpretations of events, and I presume that that is something for them to resolve between themselves. The IICD was a product of an agreement between all the parties here - with the exception of the DUP - and the two Governments. The IMC was a creation of the two Governments, at the behest of Mr Kennedy's party leader, and, therefore, in our view it does not have the same status - or any status - in relation to any agreement from the parties that signed up to the Good Friday Agreement.

Mr Kennedy: Yes, but does the Member at least accept that, given the public interest in IMC reports and what they highlight - and the expression of that interest by political parties - that there is unfinished business, to put it mildly, in relation to IRA weaponry and decommissioning?

Mr Murphy: I would accept that other parties might hold that view, but I do not. I do not think that there is unfinished business. Whether it be an IMC report or the whisperings of some senior police person or other person in the security services, if people are seeking reasons not to engage, to be concerned, or to create blockages, then people will provide them with those reasons, because other people have their own agendas.

Similarly, if I were seeking not to engage with the Ulster Unionist Party or with the Democratic Unionist Party, I could find reasons. The berating that I get from people every day of the week would provide me with enough reasons not to engage, but the responsibility on all of us is to move this process forward. We have agreed, under the terms of the Good Friday Agreement, ways of dealing with the issues of weaponry. As far as I am concerned, the only people who have fulfilled the requirements under the terms of the Good Friday Agreement are the IRA. The IICD has reported to that effect that it is satisfied. It is my view that the two Governments have accepted that report. If other people wish to take issue with that, it is a matter for themselves. However, I do not accept that there is unfinished business for the IRA in relation to the use of its weapons.

Mr Kennedy: Mr Chairman, an issue that causes a degree of wonderment and surprise in the eyes of the pro-Union community is the very presence of Sinn Fein in a Preparation for Government Committee, which would lead to the re-establishment of political institutions in Northern Ireland under the Union, with the clearly enshrined principle of consent in place, and a partitionist settlement.

1.45 pm

There is a view that Irish republicans would not want such things. Can the Member, as an Irish republican by background and ideology, convince me that his pathway is clear on those issues? Can he convince me that he wants to be part of a partitionist settlement, under the Union, in this place?

Mr Murphy: I would not try to do that, because I clearly do not want it. All of my life - and Mr Kennedy knows me well - has been dedicated to ending partition. We were clear in our view that the Good Friday Agreement did not represent a settlement

but a space - an arrangement - that allowed us to engage with one another and chart a way forward out of this conflict.

We are not in this Building or this process as part of a settlement; republicans have not accepted the constitutional arrangements as such. We have accepted that we need to come into this space to work with unionists. We have a legitimate right, as have other parties, including the SDLP, to pursue our ideal of a united Ireland that is not connected to the Union, and we will continue to do so.

We feel, for a variety of reasons that have not been outlined, that that is the best way forward for all of the people on this island. If any republican has tried to convince the Member that this is considered a settlement and that republicans are in this business to settle in the United Kingdom as part of the current constitutional arrangements, then he has been sold a dummy. I have always been clear, and no one that I have listened to in my party has ever been anything but clear, that we view this as a transitional arrangement that allows us to pursue our ideal of a united Ireland.

Mr Kennedy: Where is the principle of consent in that context? What is the Member's understanding of that? Is he prepared to accept or continue to accept it, or does he now reject it, saying that he is not interested in it or that he does not see it as a priority or as a fixed tenet of the Belfast Agreement?

Mr Murphy: The principle of consent was part of the Good Friday Agreement, and our parties signed up to that. It expressed the view that if 50% plus one - the majority of the people in this part of Ireland - wished to be part of a united Ireland, the British Government would legislate for that. That is part of the agreement, as I understand it and, I am sure, as Mr Kennedy understands it. I expect that, if those circumstances arise and the majority of people in this part of Ireland wish to be part of a united Ireland, that will be facilitated, and that those who proclaim to be democrats, or those who proclaim to have supported the Good Friday Agreement, will accept that. That is what we expect to happen and we have worked steadily towards that, not just in this part of Ireland but across Ireland as a whole.

Mr Kennedy: Even in Mr Murphy's most private moments he must accept that there is no likelihood of that consent being achieved - certainly not for at least a couple of generations. The population figures, the census and all of the indicators show that, as far into the future as we can reasonably see, there will always be a majority in favour of the Union.

Mr Murphy indicated that he has no allegiance to the institutions of state in the Union. How, then, can he be expected and trusted to play a meaningful role in those institutions?

Mr Murphy: If that is Mr Kennedy's attitude, it is something that his own party should have figured out before it signed up to the Good Friday Agreement. The republican position in relation to the Northern Ireland state has always been clear since republicans have been on this island. Our position in relation to the union between Ireland and Britain and, subsequently, to the union between this state and Britain has always been clear - it is our desire to end that union. It is our desire to work within these institutions under the arrangements of the Good Friday Agreement, and not just to work in the interim period for the betterment of all who live in this part of the island, but to work towards the restoration of Irish unity. That has always been our position.

The UUP's time factor, whether that is a reasonable time factor in its view or not, is its opinion. I have devoted all my adult energies to working towards a united Ireland, and I will continue to do so. I anticipate that those endeavours will bear fruit. I am not going to get into a timescale for that, other than to say that the arrangements that the UUP signed up to, and that I signed up to, allowed my party and the SDLP to work these institutions, and also to work in good faith towards our preferred outcome for the future constitutional arrangements of this part of the island as part of a united Ireland.

The Good Friday Agreement allows us to do that. It does not question our fitness to work in one institution while pursuing the ideal of a different constitutional arrangement, nor does it question the bona fides of the SDLP in working in this institution while pursuing a different constitutional arrangement. It recognises, by the very arrangements that were drafted under the Good Friday Agreement, that there is space for everyone to pursue their constitutional preference within these working institutions, and that is what we intend to do.

Mr Kennedy: It is now clear that Sinn Fein is trying to achieve unity by political means. Does that not beg the question, what was the last 40 years all about?

Mr Murphy: We can get into a long, historical debate about the causes and the outcomes of the troubles if we want, but we would be here for quite a time. It can beg the question, what were the 70 years previous to that all about? I can go down that road if the Member wants, but what it has to do with preparation for Government is another question. It might be preparation for a history lesson.

Mr Kennedy: I am happy at least to highlight the question, and that question lingers in the minds of quite a few people - not all of them unionists.

The other aspect is the lack of allegiance to political institutions within the Union. How does the Member react to the clearly expressed view, and the general democratic practice, that members of any Executive - as part of any Government would give their allegiance and full support not only to the institutions of Government, but also to the civil powers such as the police? Can he reasonably expect to have a position where he can somehow refuse to give political support to those institutions and refuse to give political support to policing, and yet expect Executive positions?

Mr Murphy: Again, those arrangements were agreed under the Good Friday Agreement. There was an oath of allegiance for ministerial office. It was not a requirement that people support policing.

Mr Kennedy: The transfer of powers for policing and justice would change that argument slightly, would it not?

Mr Murphy: Our argument is that if we move to a stage where there will be a transfer of powers on policing and justice, then we will have moved quite a long way to resolving the outstanding issues in relation to policing - as far as we are concerned. There is no requirement currently on any Minister to declare anything other than to work in good faith in the office to which they have been nominated. There is no requirement to swear allegiance to anyone else or any other institution, be that the monarchy, policing or the judicial system.

I may be incorrect in my timescale, but when the Executive was first formed the SDLP had not yet signed up to policing arrangements, because those arrangements were not available.

There was an arrangement that pertained under the last Executive whereby people came in and did the job as best they could under the circumstances. We were clearly in difficult and not normal democratic circumstances. People can refer to other democratic norms, but the fact that we had the Good Friday Agreement, with all of its intricate provisions to secure the support and allegiance of every sector of this community, recognised the fact that we do not operate under the democratic norms of other societies. It recognised that we needed special arrangements so that people could come in and begin to work together. It also allowed for the fact that democratic norms could begin to take hold in such a society, and it may address some of the issues that the Alliance Party has raised in relation to designation and crosscommunity voting.

Those were all allowed for under the terms of the Good Friday Agreement - that is why Sinn Fein could sign up to it. We felt that it created a space where the difficult issues that we all face and the difficult pasts that we have all endured and experienced could be resolved under the auspices of that agreement.

Mr Kennedy: During this morning's discussion, Mr Murphy outlined his party's position in respect of policing and what would have to take place, and that once Sinn Fein was satisfied, it would have a special Ard-Fheis. What is the sequence there? Does Sinn Fein have all of those sorted? Will it hold the Ard-Fheis, party gathering, IRA convention or whatever, and then enter the Executive, or will Sinn Fein expect to take its position in the Executive before that even happens?

Mr Murphy: I remind Mr Kennedy that we had a position in the Executive a few years ago, before these discussions even took place. Sinn Fein's position on policing is that there are a number of outstanding matters. When we are satisfied in relation to those, the party Ard-Chomhairle - not an IRA army convention, and I shall ignore the provocation - will discuss the issue. Our party leadership has clearly stated its intention to try to ensure that it recommends that a special Ard-Fheis be called to address the policing issue. It will be put to the party membership to endorse the policing arrangements. That is the sequence of events.

In our first answer this morning, we clearly stated that there is no reason why the Executive could not be up and running now or in a few weeks. That does not have to pre-date the operation of an Executive; the Executive can be established next week, if there is the political will. All we have to do is go into the Chamber on Monday and vote to elect a First Minister and a Deputy First Minister.

Mr Kennedy: What are the outstanding issues as regards policing?

Mr Murphy: There are outstanding issues in relation to accountability mechanisms and the role of the Policing Board vis-a-vis the Chief Constable and the Secretary of State. There is more detail to be worked out in relation to all that, which is why I said at the beginning that it would be a useful development of this Committee's work, particularly in relation to the devolution of policing and justice matters, for the people responsible for those issues within their respective parties to meet, as they have done before, to discuss those issues in the proper detail.

Other than that, we can highlight and headline the issues. In many regards, we are merely skimming the surface on particularly complex and detailed issues such as policing, the devolution of policing and justice powers, the powers that might be involved in that, what powers the British Government will try to retain, and the role of MI5 in relation to intelligence-gathering. I could headline a whole range of issues, but

I am not in a position to go into any more detail, because it is not my responsibility within the party.

Mr Ken.nedy: Nevertheless, it would be at least helpful to the rest of us if the issues were headlined. Mr Murphy has produced a list; it may not be exhaustive, but is there anything else that he would like to add to it at this point?

Mr Murphy: I would add nothing other than that the key issues are accountability mechanisms and outstanding issues in relation to Patten. We have published documents on those matters that I can make available to Mr Kennedy if he wishes. The transfer of policing powers is also an issue, not only for Sinn Fein but for other parties; there are issues in relation to intelligence-gathering and the operation of MI5 in this part of Ireland and, quite possibly, the rest of the island as well.

Mr Kennedy: Does restorative justice feature in the list?

Mr Murphy: We have made the case for restorative justice. Again, none of these issues is a barrier to the restoration of the Executive. We have supported community restorative justice projects. Others have their view, but our view is clear: such projects are a very useful way of dealing with certain issues, which may not otherwise be dealt with, at a community level.

Mr Kennedy: Is it not fair to say that those projects may have their uses but that they will have little or no use if there is no cross-referencing or full participation of the lawful civil power - the police?

2.00 pm

Mr Murphy: Well, again there is a recognition among those people who operate restorative justice projects that they do so largely in areas in which there is great difficulty in dealing with the police. And there is an historical experience - and not just an historical experience; there is a current one too - in relation to how policing is carried out and the role and the attitude of the police in those areas, which means that people have little or no confidence in policing or its ability to look after their interests or to deal with them in any impartial fashion.

They recognise the reality of that situation, and they try to do their business accordingly, and I think that has found acceptance among a wide range of groups, both official and unofficial, and at a Government level as well. Other people and other parties have difficulties with that and would like to put preconditions in front of groups about acceptance of policing structures and policing involvement. That would create a difficulty for them working in the communities that they are trying to work in. You have to ask yourself whether that is genuinely trying to help those communities or is trying to make a point about policing those groups that are trying to deal with issues in their communities.

Mr Kennedy: Do you ever envisage Sinn Fein providing leadership in those communities and, once policing issues are resolved, taking its place on the Policing Board and giving support to policing institutions? Would you actively encourage groups like that to co-operate with the PSNI?

Mr Murphy: I envisage a situation in which we give active leadership in relation to positive developments in policing. I also envisage that it is going to be a very difficult exercise for us, given the community's experience of historical, as I say, and current,

policing practice. I do certainly envisage us giving positive leadership in relation to policing developments.

Mr Kennedy: Can I just move, probably lastly at this point, to the issue of criminality, which is of serious concern throughout the community. You and I are both south Armagh men, and first of all we are aware of the culture of that particular area, which we have the honour to represent and about which we will not make disparaging remarks. You are also aware of the practicalities, on a day-to-day basis of the amount of illegal activity, the black economy and all that. It is something that greatly concerns, in particular, the population in the rest of Northern Ireland. You would accept that presumably.

Mr Murphy: I would accept that there is certainly an impression which is popular and, I suppose, kind of romantic in a way that this is particularly prevalent in the border areas and south Armagh in particular. I listened to an interesting discussion on the radio as I was coming here yesterday. People were talking about the black market and the sale of illegal cigarettes and DVDs around various areas of Belfast and in other markets within a 20-mile radius of Belfast. But the media perception is always zeroed in on south Armagh, and that is quite often aided and abetted by political commentary on the area. If the proper crime statistics were looked at for south Armagh, you would find that there is no more criminality there than in any other rural area and probably much less than in an awful lot of the urban areas across the North and, indeed, across the island.

It may be a focus and a particular source of attention, and I do not doubt that people have grown up there as they have in other nationalist areas and other areas right across the North with a particular attitude to authority, which will take a substantial degree of shifting, but the people whom I represent in my area and the people you know in our area are not a lawless people. They are not bandits; they are not people who thrive on criminality.

As a matter of fact, they are the people who most want to see the end of the border, which is supposed to be the source of all economic advantage in that area. The people who most want to see the end to the border are the people who live in the south Armagh area and, generally, in the border areas. So, the myth is somehow sustained; sometimes it is a political argument, sometimes a romantic view or an exciting view, or something that excites some column inches in papers.

That is not the reality of the place that I know, where I was brought up and live. The people there want a peaceful and lawful future. They recognise that there are difficulties with the type of law that we have at the moment. I have heard no differences of opinion about the outstanding issues of policing at meetings in south Armagh, Derry, west Tyrone, or west Belfast. I hear about the same issues and the same desire to get those issues right.

Mr Kennedy: I am not sure that I share the view that the removal of the border would meet with widespread acceptance by a great many people. I accept that some of the black economy is operated on a cross-community basis, but I see no great desire for that to end from many people. Aside from that, there is the more serious point that criminality reaches right into the republican movement. There is the matter of its funds and how it achieves its funding, of what it does to extort money through the use of illegal fuel, cigarettes, and so on. All of that has been directly traced back to individuals and groups who are either known republicans or republican activists in some shape or form.

Sinn Fain may dispute that, but it is a very real issue of concern to a great many people, particularly those from a unionist background. How will Sinn Fain deal with that issue?

Mr Murphy: Again, that is one of those issues that you do what is reasonably possible to address, if it is a matter of concern. There may well come a stage where that is an issue that is sought as a blockage to progress, rather than an issue of genuine concern. Republicans have to go as far as they possibly can to address any concerns that emanate from any other section, not just the unionist community.

We also have a responsibility to ourselves and to the people whom we represent to try to get the institutions working again, and to try to judge in that attempt whether issues are a genuine blockage or a reason for refusal to engage.

I make the same response that I made to Alan McFarland this morning, when he asked a similar question: if there is evidence - the member says that there is a huge amount of evidence - let that be produced and let people go before the courts. It is not enough to say that something is a fact because everybody knows that it is a fact. I accept Danny Kennedy's point that some people around the border may not want it to go, but I was referring to the people whom he may consider to be lawless or - as unionists sometimes say - not right-thinking people. Right-thinking people are always those who agree with us. The very people that Mr Kennedy and unionism generally would demonise as a community engaged in widespread illegal activity are those who most want rid of the border - that general community. If there are accusations in relation to those matters, let the evidence be gathered and brought forward.

In relation to Sinn Fain, I reiterate the point that our accounts and the way that we raise and spend our money are open to scrutiny and have been well scrutinised. The same cannot perhaps be said for all political parties, but our accounts are open to scrutiny.

Mr McNarry: There was a moment when I thought that Conor was approaching constitutional republicanism in his responses to Danny. On that point, can Mr Murphy subscribe to a form of constitutional republicanism?

Mr Murphy: It depends what is meant by that. If it is constitutional republicanism as espoused by Fianna Fail, I do not see Sinn Fain or myself as being in the same mould. However, I am not that interested in labels. Coming into this institution and the institutions of the Good Friday Agreement has involved a huge amount of compromise for Irish republicans. Sometimes that is not recognised.

The OUP made the point yesterday, and perhaps today, about a one-way system of concessions. The process has involved a huge amount of compromise for Irish republicans.

I never envisaged the day when I would sit in this Building; I did not see this Building until the day before the Good Friday Agreement was signed; I had never even been in this part of Belfast. We never had any inkling of being involved in these institutions, and coming into them under the present arrangements has involved substantial compromise on our behalf. That has impacted on the constituency that supports us. We have compromised, but we retain our principles and our primary goal of a united Ireland. We have mapped out a peaceful way of achieving that, and we intend to pursue it with all our vigour.

Mr McNarry: I appreciate your answer. Unionists understand constitutional nationalism now, and we respect and appreciate how hard a party such as the SDLP has worked. You prefer to be called republicans, but sometimes you want to be called nationalists as well. Constitutional nationalism has assimilated itself into institutions such as these and it is respected for that. However, I was wondering whether a form of constitutional republicanism is developing. I accept what you said.

If Sinn Fein were back in Government would it foresee a conflict of interest between the North/South aspect and the east-west axis due to possible policy differences between the Government of the United Kingdom and the Government of the Irish Republic?

Mr Murphy: Such a conflict might well arise. Yesterday, on my way home from here, I listened to an interview with the Rev Paisley on agricultural matters. The interview touched on the conflict that almost exists between British Government policy on agricultural matters, as it impacts on the North, as opposed to Irish Government policy on such matters. The Rev Paisley was asked whether he was envious of the Irish Government's much more proactive policy on agricultural matters. He said that he was frustrated, as many in the agricultural community are, with the British Government's approach to agriculture, which may suit Britain but does not suit the North.

In all issues, whether North/South or east-west, the solution may not be the British one. The British Government's approach will, inevitably, be in their own interest. They will act in the interests of the people in Britain who vote for them. At times, that is in conflict with the interests of this part of Ireland. However, experience has shown us that reasonable people can work the North/South or east-west arrangements in a mature fashion and do their best in the interests of the people whom they represent.

The Minister of Agriculture in the last Assembly had to deal with an outbreak of foot-and-mouth disease, which could have proved a conflict of interest between Britain and this part of the United Kingdom. She took a decision that was in the interests of the people of this part of the island. No one attacked her for doing that; they recognised that she had taken the sensible decision. Martin McGuinness and Bairbre de Brun, in carrying out their ministerial portfolios, acted in the interests of those whom they represented; they had no particular axe to grind in relation to North/South or east-west arrangements.

Mr McNarry: I heard you say that type of thing yesterday. I want to get back to the question of allegiance, on which unionists require assurances. There are doubts, because of your past performance in the House, about where your allegiance lies on a matter of conflict - I understand that that question applies to all parties, but we are dealing with Sinn Fein. Does your allegiance lie with the Northern Ireland Executive inside the United Kingdom or with the Irish Republic?

2.15 pm

Mr Murphy: You are getting into a hypothetical situation. Unless the United Kingdom declares war on the Irish Republic I would imagine that the question of allegiance is not one that might tax people. What I am saying is that, very clearly, people work to the best of their abilities within those arrangements. People swear a pledge of office, and we have argued that items such as the ministerial code should be put into legislation so that people are obliged to act under a description of their responsibilities to the office to which they have been appointed, after election into the Assembly.

Given past experience of how our Ministers operated, and indeed how all of the Ministers operated, I do not anticipate that that sort of conflict of interest would arise.

Mr McNarry: There has to be some leeway on hypotheticals, you will appreciate, because you will not answer any specific questions about criminality, decommissioning etc. I am trying to take a route around that as to the answers that have come to pass, because we are talking about preparing for Government here.

On the question of "jointery", do you accept that there is an operational and a status difference between the First Minister and the Deputy First Minister acting in office, and that "jointery", which was a common word used in the past, really was a figment of the imagination of the civil servants who serviced those offices?

Mr Murphy: No. Can I first just say for the record, given that we are on the record, that I do not accept that I have not answered the previous questions.

Mr McNarry: You have not answered them satisfactorily.

Mr Murphy: Well, that depends on your view of what is satisfactory. It is almost like Eric Morecambe saying: "I am playing all the right notes, but not necessarily in the right order." It depends how you like to phrase things.

Mr McNarry: I am surprised you remember Eric Morecambe, but anyway

Mr Murphy: It shows that I am older than I look. In relation to "jointery", I do not accept that there is a difference in status between the First and Deputy First Ministers. The Good Friday Agreement was very clear that it is a joint office. Perhaps the operation of it between the previous incumbents might have made it seem to be somehow a separate office, but it is in fact a joint office under the terms of the Good Friday Agreement and I would not accept that it is anything less than that. There is not a First Minister and a second Minister; there is a First and a Deputy First Minister. I think there was a recognition of the joint nature of that office.

Mr McNarry: I would be interested to have you enlarge on that for me, but not today. I have had first-hand experience of working in the Office of the First Minister and obviously have a clear insight into how it operated. It would be interesting if you could perhaps expand on that at a later date in a short paper.

Conor, you talked of a peace dividend - something compacted into a financial package. Do you intend that Her Majesty's Government and Dublin would both contribute to that package, and if so, in what proportion would you envisage Dublin and London, shall we say, contributing? How would you see a package distributed, if you were making a bid for it? Obviously this is something that would need to be done before an Executive is formed. Would it be confined to Northern Ireland Departments, in that it would be a package coming into Government here, or would it have a broader usage?

Mr Murphy: I would envisage both Governments making a contribution; the proportions are obviously going to be a matter for negotiation between the Governments.

Mr McNarry: Would that be a matter for negotiation between those parties, having entered into an agreement to form an Executive, with the Government separately, or jointly?

Mr Murphy: This is why we advanced the notion at last Friday's meeting that a very useful and clear signal of intent in this regard would have been for party leaders to meet Gordon Brown jointly when he was here on Monday. That would have set a marker that all parties here agreed that there should be some form of financial package to help underpin the restoration of these institutions. We believe that the Irish Government should contribute to that.

The best case scenario, as far as we are concerned, is that the parties here would come together, involving the relevant spokespersons and others, to work out the details of an arguable and productive financial package, bring that to both Governments and make a case for it. If that were done in that fashion, we would have a very strong case to make. Whether the money is spent entirely within the Departments or some of it is spent outside on direct intervention in various projects is a matter for negotiation among the parties.

We have our views on that. We have written papers that we can present if we get into further discussion. It falls into line with our argument about this Committee. One of the key areas of work that all the parties have identified relates to a financial package, or peace dividend, or economic regeneration. The very obvious and logical course of events would be for the Committee to send people off to work on that.

Martin McGuinness suggested that it might take days; others rubbished that idea. I do not think that it would take a long time for people to come back with ideas. Prior to restoration - and to underpin restoration - a compelling case could be made to both Governments, and if it were done on that basis, it would be warmly received. If the parties decide on that, the outcome could be reported to the Committee and could be endorsed by the whole Assembly in a debate. Unanimity among the parties would make a powerful case for a financial package to underpin restoration.

Mr McNarry: I do not want to go back to yesterday's business, where agreement and consensus was not attainable. I understand that the same result happened in the Business Committee. Is the Member saying that he would be in a position to identify a sum of money, which would focus minds on a financial package, and that he would be prepared to work with others to identify what the contribution would be from the Republic of Ireland and from London?

Mr Murphy: Yes, that is what we are saying.

Mr McNarry: Does the Member have a sum in mind?

Mr Murphy: From the notes that I have been given, some people have suggested a sum of £1 0 billion.

Mr McNarry: What?

Mr Murphy: The suggestion is £10 billion, in a peace-building strategy over 10 years. That is our view. What we have proposed in relation to the work of the Committee has been identified as an area of interest to everyone. I am reading from a note written by Mitchel McLaughlin, who deals with these matters in our party. We feel that people should go away, bring views together and produce a report agreeing the way forward for all the parties. The Committee could endorse that and it could be debated in the Assembly.

It would be a powerful signal, not just in trying to secure the financial package, but for the confidences that people are talking about - confidence for a quiet summer, and confidence that the politicians in this Building are getting their acts together and starting to address issues seriously. That is why we have argued that, as it is an issue that has been identified by all the parties on the Committee, it is an issue that we could take forward.

Mr McNarry: I accept what the Member says, but I am sure that he would appreciate that there would be absolutely no point in an Assembly debating £10 billion or any billions until such times as the obstacles to progress presented by his party are overcome, and that the issue was debated on the basis that a Government would be formed. In preparation for that - and I do not want to go back to yesterday - it seems to me to be bad practice that the view of the Assembly cannot be transmitted because the Member's party has stood in the way of that progress. I wish the Member would rethink that.

Mr Murphy: I would suggest that a degree of work needs to be done on this. The Assembly stands up and gives at least five different views at the moment, without taking the independents into account. There may even be a variety of views within parties about what is needed and where it needs to be spent. That is a good argument for people getting together to work on the issue and present a case. It would also present a clear signal that we were getting down to the proper work of engagement.

I accept the fact that Mr McNarry says that there are obstacles to devolution to be overcome, and they have been presented to us. It is a chicken-and-egg situation; if we do not start to work on some of those issues, we will not be in a position to go back into a restored Executive.

At the first meeting of this Committee, and at practically every subsequent meeting, we have asked the DUP, in particular, to give us a clear indication that it is working towards the 24 November deadline to resolve these issues. If we propose to get down to the serious business of working out a financial package, that is not simply an exercise. In Sinn Fein's view, if we were to go to the Assembly now to debate such a matter, without an indication of a serious intent to resolve these issues, we would not be sending a clear signal about the restoration of the institutions.

Mr McNarry: I will end my remarks now, rather than take up other people's time.

The Assembly has had its debate. The Assembly asked the Business Committee to form a Committee to deal with this issue. Sinn Fein has blocked that. That is where we are stuck. Although Mr Murphy and I have had an extremely interesting and beneficial discussion, it just goes round in circles. This matter might just as well go out the window because no one will deal with it. Will Sinn Fein reassess that issue, and reflect on the Business Committee dealing with the matter, so that we can progress to the stage that Mr Murphy is talking about where the situation is clearer?

Mr Murphy: For the record, I want to say that the view that this work is best carried forward by a group attached to this Committee was shared by the SDLP at the Assembly Business Committee meeting today. It is a legitimate and logical view that, if people are serious about this work - not about grandstanding in debates in the Assembly, not about appearing to members of the business community that we are getting down to issues that concern them - we need a clear indication, from the preparation-for-Government work, that this issue will be carried forward in a serious fashion.

Mr McNarry: I am grateful for that information. I did not know that the SDLP spoke with one voice on this Committee and with another voice on another Committee.

The Chairman (Mr Molloy): John Dallat has been waiting a long time to ask a question.

Mr Dallat: This question is set in an all-Ireland context. Recently, senior republicans participated in the Easter Rising commemoration in Dublin. Does that mean that the strained and unfortunate relationship in the past between the Irish Army and the guards has now softened and that there is only one Oglai na hEireann now?

Mr Murphy: We were invited to participate in those commemorations in Dublin at Easter. We have a working relationship with the guards in the various neighbourhoods that Sinn Fein represents across this island; we have always had that relationship.

I am not sure about the seriousness of the question. We have outlined very clearly what we are trying to do about the policing issue. We are trying to advance that. We have indicated that we intend to take our responsibilities seriously. We intend to provide leadership on th'at issue. That is how we will advance.

Mr Dallat: The question is serious and, I hope, positive. I have spent a good part of my working life on both sides of the border and am very aware of the difficulties. I hope that that softening of relationships will spill over into the North and will solve the problems with the PSNI.

My second question relates to partnership. The Sinn Fein document puts great emphasis on partnership. Does Conor accept that, in the next few weeks or months, it is important that the principle and concept of partnership is retained, that we avoid the temptation of Governments entering into side deals, back-room deals or deals from which people are excluded, and that we push forward the concept of partnership, as defined in the Good Friday Agreement, in a collective way, so that the entire community can take ownership of whatever agreement is reached?

2.30 pm

Mr Murphy: I restate for the record that in every meeting with the Government on any issue that we have discussed with them, particularly in the lead-up to December 2004, we have argued that all parties should be involved. We have never practised or argued for an exclusive negotiating process. John Dallat talked about the partnership arrangements that came out of the Good Friday Agreement, and I remind him that when there were negotiations to establish the number of Departments and the range and remit of the all-Ireland bodies, Sinn Fein waited patiently for involvement in those. We were informed only by seeing it on the television or by hearing it on the radio in this Building that the negotiations had concluded.

Therefore we are all for - and always have been for - inclusive arrangements and negotiations. We are probably unique in this gathering by being a party that does not have a history of practising exclusion by treating other political parties differently. We will continue to advocate a partnership approach to any of the matters that we are trying to address in relation to the restoration of Government.

Mr Dallat: I welcome that, and it is because of past difficulties that we want to avoid future problems.

Finally, day and daily there are disturbing news items about the re-emergence of paramilitary groups on both sides. I was interested in the positive approach towards policing and justice that we heard today. Does the potential for a new crop of paramilitary groups make it imperative that we reach agreement on policing and justice as quickly as possible so that the whole community can avoid another Omagh or some other atrocity?

Mr Murphy: Our experience of policing - and bad policing - over generations is the primary driving force in trying to resolve that issue. The imperative that drives us on is that our community needs a proper, accountable and professional police service, and we have always wanted and still want that.

In relation to dissident republicans or loyalist groups, we do our best to encourage people to support the process in which we have engaged so far as these institutions, the Good Friday Agreement and the peace process are concerned. To a fair degree, we have been successful in keeping people on board with regard to that process. We are not responsible for other organisations, and the best way of dealing with any of those groups is to prove that the political system that was set up under the Good Friday Agreement is working and that the institutions that we have created in this Building and in the North/South bodies can and do work. Any of the issues that people feel may concern them can be resolved through dialogue in rooms such as this.

Dr Farren: A great deal has been said, particularly this morning when we began questioning Sinn Féin, about confidence building and the measures that need to be taken to do that. In the light of a lot of what has been said, will Gonor and his colleagues not at least recognise that, fundamentally, suspension was not a function of the legislation that provided for it or, indeed, the result of the threat of parties to withdraw from the Executive without cause? Will they recognise that it was about the lack of confidence that had arisen due to the lack of progress with respect to the question of the ending of paramilitarism and the decommissioning of paramilitary weapons, particularly in the timescale that had initially been indicated in the Good Friday Agreement? It was only several years after that that the IIGD was able to report that decommissioning had been completed to its satisfaction.

Since time does not stand still and parties, observing the lack of progress, cannot be expected to suspend their judgement and their reaction to that lack of progress, it is not surprising that the lack of confidence that precipitated suspension in the first place magnified over time, particularly as other events diminished confidence. Paramilitary involvement in criminality, and more direct paramilitary activity, such as surveillance, the apprehension and trial of people involved in various forms of paramilitary activity - not least attempts to procure arms -- and what happened in the South, as well as in the North, all reduced confidence.

That underscores the point that I made at the very beginning: we must almost overreach ourselves in trying to make good the confidence deficit. One concrete way that Gonor and his colleagues might do that is by adopting a qualified approach to involvement in the Assembly. The parties are under absolutely no obligation to attend any or all the debates in the Assembly. If a party were to judge that a motion on the Order Paper was unlikely to contribute to preparation for Government or to restoration, it would decide not to participate. However, attending debates could be seen as a gesture or move to build confidence.

I accept all the objections that can be made to participating in Assembly debates: people would use them to express, stridently and otherwise, their grievances, their accusations and lack of confidence and the ill will that exists towards others. We had a great deal of experience of that in the last Assembly; indeed, we have seen evidence of it here over the past fortnight.

Nevertheless, a qualified participation could help in our immediate circumstances to bring the work of the Assembly and of this Committee together. Although the SDLP would prefer any subcommittees to deal with the issues to be the children of this Committee, yesterday I tried to see whether we could find a way through the two seemingly irreconcilable positions. If we are serious about restoration, we must perhaps overreach ourselves, and that goes for those on all sides of this table, not just one side.

I put it to Conor and his colleagues again that they might begin to address issues in a practical way, at least to reduce the confidence deficit.

Mr Murphy: As I said earlier, confidence measures go both ways. Republicans have always been prepared to examine and consider action that we could take to enhance confidence.

We will have to agree to differ on whether suspension was an inevitable outcome or whether it encouraged people to adopt the stances that they took. I recall the former Deputy First Minister, Seamus Mallon, resigning his position and expressing frustration at the lack of movement among unionists in getting the institutions fully functioning. Confidence and frustration and the approaches to the procedures of this institution were all a feature of the last Assembly.

We will have to agree to differ on the current debates. The Hain Assembly is not what we wanted, and I am sure that it is not what the SDLP wanted. It approaches the type of Assembly that the DUP is on record as saying that it wanted - a shadow Assembly in which it could debate issues without any responsibility for taking decisions. We suspended our scepticism about what may be going on and about people's serious intent as regards getting the institutions functioning again. The primary focus of the Hain Assembly, as described by the Governments, is to get the institutions restored by 24 November 2006. We suspended our scepticism and came in here to try to do business with the DUP and with the other political parties. We went to what we considered the only purposeful Assembly business in the Chamber - the attempt to elect the First Minister and the Deputy First Minister. That was not successful, but not by our doing.

We have engaged in this Committee and we have asked the DUP to engage. We have asked the DUP time and time again to show some serious intent that it wants to do business in this Committee. It does not want subcommittees formed; it simply wants to identify the issues that it considers obstacles to devolution. Having done that, it considers the Committee's work to be done. We see this Committee's work as preparation for Government, and that is why we want not only to identify issues that are important for preparation for Government, but to get down to some serious work on them. That would be a clear signal from the Democratic Unionist Party that it is intent on getting back into Government before the 24 November deadline and that it wants to work with the rest of us in addressing issues that are of concern to us all. As yet, we have not seen that.

We have had no direct engagement with the DUP in this Committee; we engage with its Chairman, but that is under a different guise. We have had no indication, despite

repeated requests, that there is an intent to get down to business or to get proper engagement going in order to get the institutions up and functioning again by 24 November. We made it very clear that, although others expect the real business of this institution to happen in the autumn, we expect to see signs before the summer that this institution is getting down to business. We will judge over the summer and there was a sceptical approach by many republicans - our experience here to date.

Therefore I will have to agree to disagree with Sejm in relation to the impact that Sinn Fein's turning up at a plenary debate may have. We have tried in earnest in this Committee and in the Business Committee to work in good faith with other parties, yet we have seen no sign that others are prepared to debate anything other than the positions that they stated publicly on coming into this institution: shadow Assembly arrangements, in which we could play at politics without having any responsibility for engaging in them in any serious fashion.

Dr Farren: I do not have any lengthy comment to make on that. When faced with a stand-off, we should try to find ways round it rather than leave it as a trap for us; we seem to be very good at that. I hope that we can move forward.

I indicated the SDLP's preference for, and understanding of, what should happen with this Committee, but we are faced with a stand-off, and I certainly do not advocate a compromise towards what the DUP has been proposing. We must try to find a way around it, so that we can really get into what Mr Murphy emphasised as most important, which is engagement and not another series of stand-offs. However, each party judges whether it can move.

2.45 pm

Mr Murphy: Just for the record, I remind Sejm Farren that Sinn Fein has made a range of proposals since it first came to this Committee. Martin McGuinness described some of those as compromise proposals, many of which have been rejected. Sinn Fein has engaged; it has not come to this Committee with a position to defend to the last, but it has genuinely tried to seek ways of moving forward on issues that have blocked this Committee since the minute and hour that we walked into this room. We have sought ways to try to move business forward, but that has been against the backdrop of no firm or clear indication from the DUP that it wants to get down to business with the rest of us.

Ms Ritchie: I want to ask Conor Murphy and his colleagues for an explanation in order to tease out some points in the Sinn Fein document. Point 5 states that:

"The work of this Committee is to carry out the necessary-preparatory work for government, not to do the work of a future Executive. "

Point 6 refers to "a number of key issues", one of which is "priorities for Government".

My perhaps limited understanding, not having been here under the previous mandate, is that the Executive dealt with issues of Government and matters forthcoming from Ministers. Perhaps Conor Murphy could further explain the preparatory work for Government and. priorities for Government, if that is not to be the future work of an Executive. People in the community want the institutions up and running and an end to stand-offs, and they want us to try to achieve that for which we were elected.

Mr Murphy: I concur with Ms Ritchie's view. People do want that, and that view is not confined to the nationalist community, which our parties broadly represent. I answered a similar question from Naomi Long this morning on the difference between a Programme for Government and priorities for Government. A Programme for Government is largely worked out by the parties and the Executive, with close working co-operation with senior civil servants and officials from the various Departments on current programmes, the available budgets and what can be done under a Programme for Government.

I suggested that this Committee, in preparing for Government, could usefully identify a number of themes that may be priorities for the Government, which would inform the work of a Programme for Government in the Executive. I gave a fuller explanation this morning, but that is essentially the difference. The parties could do some useful preparatory work that would lead to a Programme for Government discussion in the Executive.

Ms Ritchie: Mr Deputy Speaker, I thank you for your indulgence. I have a supplementary question for Con or Murphy. What does Sinn Fein perceive to be those priorities for Government? I apologise if he has already answered a similar question.

Mr Murphy: We have not detailed what Sinn Fein believes to be the specific priorities for Government. Sinn Fein has its own priorities such as poverty, targeting social need, infrastructure and investment. Those are priorities for us all in trying to get the economy working in the interests of everyone who inhabits this part of the island, and in the all-Ireland working arrangements with the rest of the island.

It would be useful for the parties to try to agree a number of common themes that would inform the necessary work of crafting and creating a Programme for Government. That would involve a much more detailed look at available budgetary allocations, current priorities, the priorities not met by the last Executive and whether those needed revisited, or whether things had moved on substantially and new priorities should be addressed.

The Alliance Party expressed a view that a party that would not be in the Executive may not want to participate in that type of discussion because it may want to keep its independence and its ability to be in opposition, and that is fair enough. However, the four parties who make up the Executive could agree on some themes that could govern the Programme for Government discussions.

Ms Ritchie: Does Conor agree that, as part of trying to eliminate poverty and targeting social need, there should be support for ending criminality? I live close to the family who were imprisoned as a result of the Northern Bank robbery, and I know the terror and trauma that they have suffered. That family and the community that I represent want an end to that and want all parties to subscribe to an end to that.

Mr Murphy: I will repeat my response to a question that specifically focused on south Armagh. The people we represent want a proper policing service. They are lawful people who want to live under normal peaceful circumstances with a proper democratically accountable professional policing service, and that is what we have been working towards for some time.

Mr Paisley Jnr: I have a series of questions, but I will preface them with these comments. It is difficult to take seriously the submission that has been made, given that it can only be described as "Sinn Fein Elite" - light in substance but not

generating light of the other kind - when people have been probing for most of the day to try to get answers. We have certainly had a lot of flannel, but we have not had many answers.

Yesterday, there were over four and a half hours of interrogation of the Democratic Unionist Party's position. During that time, a number of obstacles were probed and identified, and I would have assumed that Sinn Fein's submission today would have at least tried to address some of those obstacles. However, Sinn Fein appears only to be able to dismiss those obstacles.

I want to ask some questions that, hopefully, will start to address the issue of confidence on matters that unionists believe are essential. I am setting this test for Sinn Fein that if it says it is essential for parties to engage with this Committee, I assume that means that it is essential for parties to answer questions. Although answering questions is a voluntary process, the failure to answer questions will be an indication, in the DUP's view, of significant bad faith. We will examine that test and decide for ourselves whether Sinn Fein is just talking the talk but not actually walking the walk.

Throughout questions today, Sinn Fein has given a standard answer on the issue of obstacles. In response to the question that I think Sean Farren asked about the legitimacy of the issues that have been raised, Sinn Fein appears to accept that it is OK for issues to be raised. Does Sinn Fein accept the legitimacy of the obstacles that the DUP has identified in its paper?

Mr Murphy: I will preface my remarks by saying that my party members and I have endeavoured to answer fully any questions that were put to us. Ian Paisley Jnr's approach to all of this is to seek to find reasons to further his viewpoint, which is that his party should not do business with Sinn Fein. That has been his consistent position. No matter what answer I give to Ian Paisley Jnr on any of these issues, he will seek to use those answers to reinforce his previously held viewpoint that his party should not be doing business with Sinn Fein. The only reasons that guide the DUP's participation in this Committee are to refuse to engage on a meaningful basis, to take as much offence as possible and to use its experience on this Committee to further reinforce its position that it should not be doing business with Sinn Fein.

I will endeavour to give as honest an answer as I can, but I do so in a strong belief that any answers that Michelle Gildernew or John O'Dowd give to Ian Paisley Jnr or to the DUP delegation will be interpreted and used to reinforce its position, which is that it should not be doing business with Sinn Fein. I agree that the DUP has legitimate concerns in relation to what it considers to be difficulties in entering into power sharing arrangements with Sinn Fein and the other political parties. I agree that republicans and members of Sinn Fein should work with the DUP to address its issues of concern.

In my own view, there are certain issues that the DUP does not wish to be convinced of, and it has a world view that under no circumstances should the DUP do business with Sinn Fein. However, I will suspend that judgement and argue my party's approach, which is that we should work with the DUP to try to address issues of concern.

I happen to think that some of the issues that the DUP considers to be of concern have already been addressed through the Good Friday Agreement and the arrangements of the IICD. Mr Paisley Jnr happens to think that they have not been addressed, and there is a difficulty in resolving that. However, I am prepared to sit

down in any room with Mr Paisley Jnr, and with members of his party, to discuss all those issues. I am prepared to discuss them here.

I would like to see a proper engagement with Mr Paisley Jnr, but to date I have not seen that engagement. I am not in here setting tests or trying to be provocative to Mr Paisley Jnr or members of his delegation. I am merely stating my experience to date. The Member's position - stated publicly and privately in this room - appears to be that he wishes not to find any elucidation of any of these issues and not to be convinced in relation to his position on them, but rather wishes to seize whatever answers we give him, and, in many cases to date, misrepresent those answers, to further reinforce his own position, which is that he should not be doing business with Sinn Fein.

If the Member has genuine concerns, and I accept that he may have, then let us sit down and talk about them, not by setting tests or putting it up to each other, but by making a serious attempt to address those concerns.

Mr Paisley Jnr: Mr Deputy Speaker, this is not about me. This is not about my view, my world view or anything else. This is about Sinn Fein answering questions and addressing issues. Our paper put forward numerous issues, including paramilitarism and decommissioning, on which Sinn Fein's paper did not comment. Does Sinn Fein now accept that they are not legitimate concerns, but legitimate obstacles, and that those obstacles have to be addressed principally by Sinn Fein?

I just want a clear answer that these are legitimate obstacles for us to consider.

Mr Murphy: Could Ian clarify whether they are obstacles to the restoration of devolution or obstacles, in his party's view, to political progress?

Mr Paisley Jnr: I am not here to answer questions. There was enough questioning of the DUP yesterday, and that needs to be made very clear; we are here to scope these issues. I will put the question again, but it concerns me, Deputy Speaker, that we cannot get a straight answer to a very straight question. Does Sinn Fein accept the legitimacy of the obstacles identified by the Democratic Unionist Party?

Mr Murphy: I appreciate that (an has avoided any direct engagement with us to date. That may well be his continued position, and that is regrettable.

I ask the question because these could well be obstacles to the DUP's ability to do business with anyone. Do I consider the issues outlined in the DUP's paper to be obstacles to the restoration of devolution? No, is the straight answer. Sinn Fein has said that there is no reason why the institutions cannot be reinstated tomorrow. There was no reason why, when Mr Paisley's father gleefully rejected Gerry Adams's proposal in the Chamber, we could not have had a First Minister and a Deputy First Minister elected and the institutions restored. In our view, the issues that the Member has outlined are not obstacles to the restoration of devolution. They may well be obstacles to the DUP's ability to do business on a genuine basis with our party, but they are obstacles that can be worked through with a genuine engagement between our parties and the other political parties.

3.00 pm

Ian Paisley Jnr: It is important that the record shows that Sinn Fein does not believe that they are legitimate obstacles. That calls into question the credibility of the process in which we are engaged. Certainly it has exposed Sinn Fein's position on

that point. If it does not accept the legitimacy of the obstacles that not just my party, but any party, feels should be addressed, it's not just dismissing the party, it is dismissing the credibility of this Committee to scope what it feels are legitimate obstacles.

It requires a degree of arrogance and a certain mindset for one party to determine what is or is not an obstacle for all parties. If a party brings issues to the table, they are obstacles and must be scoped and addressed.

I turn to issues that were raised earlier, but which are important in relation to decommissioning. There have already been some questions about it, but it is important to put on the record what the IMC said in its February report:

"We have... received reports that not all PIRA's weapons and ammunition were handed over for decommissioning in September.

These reports are not able to indicate precisely what is the nature or volume of any remaining weapons but suggest two things: first, that there is a range of different kinds of weapons and ammunition; second, that the material goes beyond what might possibly have been expected to have missed decommissioning, such as a limited number of handguns kept for personal protection or some items the whereabouts of which were no longer known. "

Setting aside the source of the information - because we have heard today that Sinn Fein totally dismisses the IMC - I want to know from Sinn Fein if it believes it would be possible for that scenario to be correct.

Mr Murphy: No, I do not believe that it would be possible. Mr Paisley Jnr quoted from that report, but he stopped short. The IMC did not find that to be so; as I remember, the report went on to say:

"If this was to be the case':

The IMC did not come down on whether the suggestions from unnamed sources were accurate.

When the IRA said that it had dealt with the issue, and the IICD was satisfied, all of us - apart from the DUP, and I accept that - agreed and were satisfied that the issue had been dealt with. I am satisfied that the issue was dealt with.

Mr Paisley Jnr: I say again that we have a situation in which Sinn Fein does not accept the IMC. Perhaps it accepts what the 'Sligo Champion' said two weeks ago:

"Up to 10,000 rounds of high velocity ammunition have been uncovered by Gardai at an arms dump in a wooded area near Cliffoney ... The ammunition, which was found in a pipe that was sealed at both ends, would have been there for some time and would have belonged to the IRA according to sources."

Again, I put it to Sinn Fein: does it believe that this material could have belonged to the IRA? If not, who does Sinn Fein think owned it?

Mr Murphy: I am not sure; I do not read the 'Sligo Champion'. I am glad to see that you put such strength in its reports. I do not know to whom the material belonged; I repeat that the IRA has stated that its material has been dealt with. The IICD and

both Governments are satisfied with that, and Sinn Fein is satisfied that that is the case.

Mr Paisley Jnr: Again, if the guards are dismissed as a source - and it was not the RUC whispering in anyone's ear, but the guards who indicated that this was IRA material - I want to know whether Sinn Fein expects unionists also to dismiss the word of the guards.

Mr Murphy: The guards believe and state that that is the case. That is their view. The guards also believe that unionists were involved in the Dublin/Monaghan bombings, and that the security services here, to which you give such allegiance, were up to their necks in shooting, killing and bombing people all around the border area and as far down as Dublin. Do you believe the guards when they make that assertion, or do you selectively quote from the guards to reinforce your own position - as you selectively quote from us in this Committee to reinforce your own position?

The guards may well believe that, and that is a matter for them. I am satisfied that the process of dealing with arms - as described under the Good Friday Agreement - has been dealt with to the satisfaction of the IICD, the Governments and ourselves. That remains our position.

Mr Paisley Jnr: Mr Deputy. Speaker, once again for the record, this is not about me. It is not about the Democratic Unionist Party. It is about whether Sinn Fein, to use its much-trotted-out phrase, is serious about engagement, and in its terms I assume that engagement means answers, not flannel.

It is not about me. Again, I pose the question: should unionists believe the guards on this issue?

Mr Murphy: That is for unionists. I cannot answer for unionists. Unionists can weigh up everything that they see in front of them and make their own judgements. They can weigh up the attitude of the republican movement over the past 10 years, they can weigh up the historic events of last August, and they can make their own judgements. Undoubtedly Ian Paisley Jnr will tell unionists that which he thinks will excite them most and cause the most negative reaction within unionism. Not just the Member personally, although he has quite a strong role to play in all of that, but his party generally will tell unionists that which it thinks will excite them most to be against co-operating in a meaningful institution with the rest of us.

Unionists may make up their own minds. All we can do is present our case and hope that wiser counsel prevails. However, given our experience in dealing with the DUP in this institution to date, that may be a forlorn hope. Nonetheless, we will continue to turn up to these Committee meetings and try to make them work.

Mr Paisley Jnr: Mr Deputy Speaker, I accept that unionists can make up their own minds. Given that, how would Sinn -Fein advise republicans to make up their minds? Should they believe the guards on this issue?

Mr Murphy: Republicans will believe the republican movement. It is not the first time that the guards have got it wrong. That is their assessment. It may be an honest assessment of it may not be, but republicans believe, in my view - as many people outside the republican movement believe - that the issue of weapons has been dealt with to the satisfaction of anybody who wants to be reasonably satisfied under the terms of the Good Friday Agreement.

If there are others who do not wish to be satisfied, I have no doubt - as I have stated here several times today - that they will find reasons, or others will provide them with reasons not to be satisfied, and to reinforce their own world view or their party's world view of how things are and how they should progress or not progress. If that is the case, so be it. We will endeavour to engage in good faith. Anybody who supported or endorsed the Good Friday Agreement and the arrangements for dealing with the issue of weapons - and I note we are only talking about IRA weapons and not Ulster Resistance, UVF or UDA weapons - must be satisfied that not only were those conditions met, but additional witnesses were allowed to give additional confidence that those conditions were met.

Mr O'Dowd: In continuation of Mr Murphy's point, I would be surprised if many members, or the majority of the members of the unionist community, are sitting in their homes worried about IRA weapons, considering that since the Democratic Unionist Party came to the fore within unionism 26 members of the Protestant community have been murdered by loyalist weaponry. Even in Mr Paisley Jnr's own constituency, nationalists in isolated villages such as Ahoghill will be more concerned about what sort of summer they will have at the brunt of loyalist violence. It would be , more beneficial to the community that it represents if the Democratic Unionist Party were to use its influence in those matters, instead of wasting energy worrying about weapons that mayor may not be there.

Mr Paisley Jnr: There is no point in me questioning Sinn Fein about UVF weapons, UDA weapons, UFF weapons or Ulster Resistance weapons or anything else like that, because if Sinn Fein cannot answer in respect of IRA weapons, it will hardly be able to shed any light on those matters. I would not expect them to. Therefore, I want to focus on issues on which, as spokespersons for the republican community and the republican movement, Sinn Fein may be able to provide some answers. Let the record show that Sinn Fein does not want to answer those questions; it wants to divert to other issues.

Sinn Fein had all day yesterday to ask the DUP questions on those issues, and questions were asked on a number of issues. If Sinn Fein did not get satisfaction yesterday, it should have continued questioning, because the DUP was here all day yesterday to answer questions. Today, however, it is Sinn Fein's turn.

It is interesting that there is hostility that these issues are being raised and there is hostility that unionists should be at all concerned about tho?e matters. Well, unionists are concerned, which is why questions are being posed. I will not ask questions about loyalist guns, because Sinn Fein is clearly not in a position to answer. However, that party is in a position to answer questions about IRA weapons. I want to know, for the record, whether Sinn Fein believes that any of the weapons mentioned in the newspaper article that the guards contributed to could have been IRA material? If it is not IRA material, whose material does Sinn Fein believe it to be?

Mr Murphy: Mr Paisley Jnr has already asked that question. I have no idea whose material it is. I state for the record that Martin McGuinness asked William McCrea yesterday to give his view on Sir Reg Empey's comments that all unionist parties had engaged with and used loyalist paramilitary groups over the past 20 or 30 years and to give the DUP's attitude to those comments. William McCrea did not answer that question.

The DUP may well have some knowledge of, responsibility for or view on weapons - particularly those of Ulster Resistance, but perhaps also on UVF and UDA

weapons. We did not get any answers to those questions yesterday; we probably did not expect any, but we could not even get a view on Reg Empey's comments that all unionist parties had engaged and used loyalist paramilitaries at some stage.

Mr Kennedy: As a point of clarification, it is important that Sir Reg Empey's remarks are not misinterpreted or misrepresented. I must caution Conor Murphy about that.

Mr Paisley Jnr: There was some failure yesterday by Sinn Fein to ask the right questions or to probe and get the right answer. That was Sinn Fein's problem. Today, we are trying to get answers from Sinn Fein. So far, the tests have been very clearly put to Sinn Fein, but it is not really living up to those tests. Sinn Fein does not really want to engage; it wants to flannel and avoid the issue.

I want to ask some specific questions about the decommissioning process. That is a legitimate obstacle because it affects unionist confidence, which is crucial for us. Was anyone from Sinn Fein present at the decommissioning process?

Mr Murphy: Not that I am aware of.

Mr Paisley Jnr: So there may have been?

Mr Murphy: I am not aware of who was present, apart from Gen de Chastelain and the two ministers.

Mr Paisley Jnr: Let us be absolutely clear: you will not go on the record and say no.

Mr Murphy: I am not aware of who was at the decommissioning process, apart from Gen de Chastelain and the two witnesses. That is as much as has been made public as to who was involved in that process.

Mr Paisley Jnr: Does Sinn Fein feel that it is in the dark on this issue?

Mr Murphy: Sinn Fein's only interest in this issue was that it was dealt with under the terms of the Good Friday Agreement as we agreed with the two Governments and the other political parties. The terms of the Good Friday Agreement specified that the IICD would deal with that issue; they did not specify that political parties, or their representatives, should be present.

The agreement specified that the IICD would directly engage with those who held weapons and deal with their disposal. The IICD has reported that it is satisfied that that is the case in relation to the IRA, and the IRA alone. Sinn Fein is satisfied that that is the case.

Mr Paisley Jnr: Would Sinn Fein be able to find out whether any of its members were present at the decommissioning process?

3.15 pm

Mr Murphy: The issue has been dealt with to our satisfaction, and we have no further interest in how it was done, who was there and who might have witnessed it. However, the point in relation to the DUP's protestations around this issue and desire for photographic evidence is that this was the part of the deal in which Ian Paisley Jnr and his father ended the possibility of agreement in 2004.

The point has been made to me on various occasions by various people not from the republican movement that if his father had been present at that process and had taken photographs, at the end of it he would have had to ask the representative from the IRA: "Is that it?" The representative from the IRA would have had to say: "Yes." And Ian Paisley would have had to accept or not accept that. So, while it is the case that no one knows exactly how many weapons were in the possession of the IRA, at some stage people have to accept its word that the weapons have been dealt with. The IICD has accepted its word, and that is the process by which all of the rest of us agreed that this would be dealt with. We are satisfied that IRA weapons have been dealt with in a satisfactory manner. We have no further interest in who happened to be there or not there.

Mr Paisley Jnr: Mr Deputy Speaker, once again we go back to the issue that although Sinn Fein may not have an interest in this, the unionist community does. It is an obstacle for it. While Sinn Fein may be able to take the word of the Provisional IRA, unionists cannot. That is not rocket science; it is pretty straightforward stuff. On that basis, I ask again: although Mr Murphy may not have any interest in it, would he be in a position to find out whether anyone from Sinn Fein was at the decommissioning process?

Mr Murphy: No, I would not be in a position to find out.

Mr Paisley Jnr: But you cannot clearly state for the record that members of Sinn Fein were not there?

Mr Murphy: I have no idea who was at the decommissioning process other than Gen de Chastelain and the two witnesses.

Mr Paisley Jnr: Sinn Fein claims that the IRA has decommissioned all of its weapons. I want to know if it is aware of when the organisation decided in principle that it would completely disarm. When was that decision taken in principle?

Mr Murphy: I have no idea.

Mr Paisley Jnr: You do not believe that it is important that you try to build unionist confidence about that decision?

Mr Murphy: Perhaps the best way, if you have specific questions in relation to that, would be for yourself and representatives from your party to go and engage with the IRA leadership and put that range of questions to it. You can put that range of questions to us, but I am afraid that I am not in a position to answer them, because I do not have the knowledge. I presume that people in the leadership of the IRA would have the knowledge, and if there are issues in relation to that, and if you genuinely want to satisfy yourself in relation to some of those issues, you would be best talking to the people in charge of the process.

Mr Paisley Jnr: Mr Deputy Speaker, again I want to know if Sinn Fein would support the unionist confidence; would it support the early publication of an inventory of the weapons that have to date been destroyed?

Mr Murphy: What we did support are the arrangements made under the terms of the Good Friday Agreement. That is what all of the parties and the two Governments signed up to. Now, with regard to the sort of conditions that Ian Paisley Jnr and the DUP had wanted in those arrangements, it is quite possible we would never have been able to get to the stage where those arrangements were satisfied. That may

well have been the desire of the DUP, because I understand from reports at one stage that members of the DUP advised the loyalist paramilitaries not to engage in any ceasefires or decommissioning acts, but it may well be the case that the DUP wanted such clauses inserted, so that this process would not have been possible at all.

I contend that we are in a much better place now than we have been since the start of the Good Friday Agreement. The issues of the IRA weapons and activities have been dealt with. If that is not the DUP's view, it might want to take up matters with the leadership of the IRA. The issues have been dealt with under the terms of the Good Friday Agreement. We are satisfied. We also believe that they probably could not have been dealt with under any other terms, and they have now been dealt with under those terms. The focus of people who have genuine concerns about the issue of illegal weaponry should be to try to ensure that the rest of the illegal weaponry, which is out there, is dealt with under the same terms. I have no desire to see inventories of UVF, Ulster Resistance or Third Force weapons, if there happened to be any, but I want to see those weapons out of circulation. I would not have it as a precursor or as a prerequisite to the DUP's coming into Government, but there should be a genuine desire among people who want to move forward in a more peaceful society to see all of those weapons dealt with.

First, in relation to inventories, the DUP could help to speed that process along by getting involved in encouraging loyalist paramilitary groups to decommission. My understanding of that process is that no inventory will be published until all decommissioning has taken place. Since it is up to loyalist organisations to move, if the DUP wishes to see those inventories published, it has to go down that road.

I wish to make it clear that there is no hostility towards the point of view that the unionist community has serious concerns about decommissioning. I am questioning whether it is the main focus of the unionist community's attention, or whether it is a deal breaker for that community. I am not diminishing the need for that. However, I imagine that if you were sitting in Newtownabbey, the Rathcoole estate, the Shankill or Ballymena, you would not be concerned about IRA weapons. The UDA and UVF weapons that are being used against the community would be the main source of concern.

Mr Paisley Jnr: Once again, Mr Deputy Speaker, I will be the best judge of what my community wants, but let us focus today on what questions Sinn Fein is prepared to answer, if any.

I am not asking whether Sinn Fein supports the Belfast Agreement or its terms. Sinn Fein seems to be clinging to the Belfast Agreement with its fingernails. I want to know whether it would support - in order to build unionist confidence - the early publication of an inventory of the weapons that have, to date, been destroyed.

We know that not only IRA weapons have apparently been destroyed. Very publicly, UVF weapons have been destroyed. I want to know whether Sinn Fein supports the early publication of an inventory in order to address this issue in a way to engage and to ensure that there is unionist confidence and to speed up the dawning of the day when an Executive is re-established in Northern Ireland.

Mr Murphy: That was interesting in relation to UVF weapons and the public dealing with those. I asked William McCrea yesterday whether he felt that the way that the UVF had dealt with some of its weapons had given any degree of confidence to the nationalist community, and he did not answer that question.

We support the arrangements that were outlined under the terms of the Good Friday Agreement. John has outlined some of the arrangements in relation to publication of inventories, and we support that process.

The best thing for the DUP to do is to encourage that process among loyalist paramilitaries, rather than abdicating any responsibility to deal with that. Again, if there are issues of a technical nature that DUP members wish to talk to the IRA about, they should raise those with the IRA.

Mr Paisley Jnr: Mr Deputy Speaker, this perhaps goes to the heart of the matter. If Sinn Fein is absolutely satisfied that the process of decommissioning is a settlement - a signed, sealed and agreed package - but believes that on the big political and constitutional issue it is only a space or a halting point toward greater things, do not understand how it can have that double-headed position. One matter is a moveable object, but the other is hard and fast.

Again, I put the question: in order to assist and develop unionist confidence, which is an obstacle to this process moving forward, will Sinn Fein support the publication of an inventory of IRA weapons? After all, they have been destroyed, so who is being hurt by this? We may as well know what has been destroyed. We may as well find out. Why do we have to be kept in the dark? What is the secret?

Mr Murphy: I am happy to acknowledge that the Member has acknowledged that the IRA weapons have been destroyed. I think that that is a step forward. There is, as I say, a process for dealing with that. I am not quite sure how he can try to marry the constitutional issue, under the Good Friday Agreement, with the dealing with weapons, which is a by-product of that agreement.

The Good Friday Agreement allowed people to pursue their own constitutional preferences in relation to this state. We are entitled to do that, as are others. The agreement outlined how weapons would be dealt with, and, in our view, they have been dealt with under those terms in a satisfactory manner.

Mr Paisley Jnr: Could I turn to the issue of paramilitarism, which is included in our submission? I want to know whether the Sinn Fein delegation believes that the IRA has been involved in any paramilitary activity whatsoever since the IRA statement of last July.

Mr Murphy: No. I believe that the IRA statement of last July, which instructed all volunteers not to engage in any activity whatsoever, has been held to. That is my experience from the area in which I live, and from hearing from people on the ground in republican areas right across the North.

Mr Morrow: I want to ask a supplementary question. Sinn Fein says that decommissioning has been carried out to its satisfaction. Does Sinn Fein accept that it was not a question of whether decommissioning was carried out to its satisfaction but of its being carried out to unionists' satisfaction? It was unionists who lacked confidence in the decommissioning process. Furthermore, would Sinn Fein accept the publication of an inventory if it served to boost unionist confidence?

Mr Murphy: Mr Morrow is wrong on both positions. Decommissioning does not have to be carried out to our satisfaction or to his: it has to be carried out to the satisfaction of the arrangements that were agreed under the terms of the Good Friday Agreement - the arrangements of the Independent International Commission

on Decommissioning. The commission has expressed itself satisfied, as have both Governments, with the decommissioning process; and Sinn Fein is satisfied with that. There was no requirement to satisfy Sinn Fein; neither was there a requirement to satisfy unionists. In our view, the requirement under the terms of the Good Friday Agreement has been met.

Mr Paisley Jnr: Sinn Fein indicated that it does not believe that the Provisional IRA . has been engaged in any paramilitary activity whatsoever since last July. I want to look at intelligence gathering by paramilitary organisations. I refer the Committee to paragraph 3.19 of the IMC's eighth report, which said:

'We referred in our last report to intelligence gathering. We believe that the organisation continues to engage in it, and has no present intention of doing otherwise. This is an activity which we believe is authorised by the leadership and which involves some very senior members. While some of it may be for defensive purposes, it is predominantly directed towards supporting the political strategy. It involves among other things the continuation of efforts to penetrate public and other institutions with the intention of illegally obtaining or handling sensitive information.'

Does Sinn Fein accept that that fact alone blows out of the water any credibility that unionists could give to an organisation that, on the one hand, wants to engage in what the IMC report has found it to be engaged in, while, on the other hand, wants to be in an Executive with the Democratic Unionist Party? Does Sinn Fein see that as a legitimate obstacle that it must address? If so, how does it intend to stop the intelligence gathering that undermines the institutions of the state?

Mr Murphy: I have outlined our view of the IMC and its reports on more than one occasion already today. That is the IMC's view. However, I have raised numerous caveats about how it conducts its business, its personnel, the people to whom it speaks, the standards of evidence that it uses - indeed, the IMC uses no recognisable standard of evidence - in producing its reports. I suggest that Ian Paisley Jnr and other members of the DUP regularly receive intelligence from people in the security services. Members of the DUP may make such intelligence public William McCrea attempted to do so in the House of Commons several months ago.

Ian Paisley Jnr's father has often done the same. The DUP has often shown documents and similar intelligence that it received from people who gathered it on behalf of the British Government.

The IRA statement of last July stands: its volunteers have been instructed to engage in no activity whatsoever. In my view, that instruction has held firm. A great deal of intelligence gathering goes on among political parties - and outside them - in this part of the world. I do not believe that the IRA is involved in it.

Mr Paisley Jnr: If the IRA were involved in any intelligence gathering, would you accept that that would be a breach of the July statement?

Mr Murphy: If the IRA were involved in any activities whatsoever, it would be a breach of the July statement; however, I believe that its statement has held firm. It is clear that the Democratic Unionist Party has received, deployed, leaked and exposed intelligence material and raised it in the House of Commons. The DUP's question time is over, but perhaps that party might reflect on the effect that such actions have on the confidence of the nationalist and republican community in the policing and intelligence services - services to which the DUP asks us to give unqualified allegiance.

Mr Paisley Jnr: I want to check one thing. Was it said that any activities whatsoever by the Provisional IRA would be a breach of the IRA statement?

Mr Murphy: The IRA statement instructed its volunteers to engage in no activities whatsoever. If volunteers have engaged in activities, they would obviously be in breach of that statement.

3.30 pm

Mr Paisley Jnr: Again, this is an issue that I want you to reflect upon before you answer. Are you suggesting, not only to this room but to the unionist community, that it should believe the IRA on these issues rather than the IMC. Remember just for a moment how the unionist community that I represent actually views the IMC. We certainly do not view it as our buddies. We certainly do not view it as our hand picked people. We view it as people who have been put there independently of us people who have been prepared and who have cross-examined. But it is a monitoring commission independent of our political party and therefore independent. We have to therefore view its reports, not with scepticism, not from a position where we dismiss them out of hand, but seriously.

Sinn Fein seems to be coming from the position of complete hostility to the IMC and its membership - to one because he is often described as a British Lord, and to another because he came from the security services. We want to know whether Sinn Fein seriously believes that the unionist community should believe the word of the IRA on these issues rather than that of the IMC. Unionists are not going to believe the IRA, so who else should we believe on these issues?

Mr Murphy: Well, unionists have a variety of sources from which to draw their conclusions in relation to all of that. Some of it is their own experience, and some of it is the declared intentions of people. They can judge the journey that has been made over the past 10 or 15 years in trying to develop a more peaceful future. We have expressed our view on the IMC's membership, on the way it gathers its information and on the sort of people who feed it information - the same people that feed your party its snippets of intelligence and documents - and their purpose in feeding that information to the IMC. It is similar to the purpose they have in feeding you and your party that sort of information. It is not to enhance the peace process or to allow us to move forward in a productive fashion together, but to block progress.

It is not for me to say that the unionist community should believe the IRA as opposed to the IMC. People can draw their own conclusions from a variety of sources, and from observing what has happened on the ground. Sinn Fein is endeavouring to develop the most positive atmosphere and framework possible in order to get the institutions reinstated. If all the other parties adopted that approach, it might go some way to achieving that.

Mr Paisley Jnr: The issue of criminality is cited as an obstacle. We believe it is important, and we expected Sinn Fein to at least attempt to address it. Earlier today "Slab" Murphy's name was mentioned. I just want to confirm for the record - is "Slab" Murphy a relative of anyone in the Sinn Fein delegation?

Mr Murphy: Well, he might be a relative of someone in the DUP. He is not a relative of anyone in the Sinn Fein delegation.

Mr Paisley Jnr: That is interesting. OK. If, as has been stated by the Guards and by the police that it is clear that "Slab" Murphy is wanted for very serious organised

crime, would Sinn Fein welcome "Slab" Murphy's arrest? Would it call for him to hand himself over for investigation by the police?

The Chairman (Mr Molloy): I urge caution. Some of these issues may be sub judice because of ongoing investigations by the Assets Recovery Agency and the police. It is just a wee word of caution in answering questions, because I was criticised earlier today for not cautioning and not protecting people.

Mr Murphy: Well, allegations and accusations have been made. You say that the Guards and the police say that they want to arrest that gentleman. Let them present the evidence and arrest him, and let the law take its course.

Mr Paisley Jnr: Well I am not really interested in that. I am interested in whether Sinn Fein would do the community leadership thing. Would it go out and show leadership, not "followship", by calling for this person, who is wanted on both sides of the border by the lawful authorities of Northern Ireland and the Republic of Ireland, to hand himself over to the police for investigation?

Mr Murphy: I am not clear that he is wanted by the lawful authorities on both sides of the border. You state that that is the case. If that is the situation, the lawful authorities can deal with the case. A substantial degree of hype surrounds evidence and information in relation to this and several other issues. When a case is brought to court, quite often there is hype but very little substance.

Sinn Fein has a jaundiced view about agency personnel turning up to arrest people accompanied by TV cameras, as they turned up, ostensibly, to raid this Building, accompanied by TV cameras. Our experience is that they never searched the offices in here at all. We are sceptical. The onus is not on the individuals that the authorities claim to be seeking but on the agencies that claim to have evidence to put up that evidence, arrest the people, charge them and bring them to court. A trial should not be conducted through the media. If the agencies are sure that they have the evidence to convict someone, surely they can arrest that person and not arrive, as they did in this Building, with TV cameras, only to find that the entire case that they had puffed up had collapsed around their ears.

Mr Paisley Jnr: I take the view that the police should do their duty. However, I am not asking the police that question; I am asking Sinn Fein. Would it behave in a community-spirited way and call for people who are wanted by the lawful authorities to hand themselves over for investigation? That is a legitimate question that addresses the issue of whether unionists can be confident that they could form a Partnership with Sinn Fein. It is important that that question is answered.

Mr Murphy: As you said in relation to your community, I would not dare to speak on behalf of it. You would not wish to speak on behalf of the community that I represent. The community that I represent has a healthy degree of scepticism when the police come calling with TV cameras and when aspects of their investigation are conducted through selected journalists. My community has a healthy degree of scepticism about whether that is part of a genuine investigation or is part of a political frame-up. If people claim to have evidence, let them present that evidence. I would not advise one to do anything based on the manner in which the police and other agencies have presented their case in the media and have not presented it in court.

Mr Paisley Jnr: Gerry Adams is on the record as describing "Slab" Murphy as a respected businessman and a republican. Is he a member of Sinn Fein?

Mr Murphy: Not that I am aware of.

Mr Paisley Jnr: So he could be a member of Sinn Fein, but you may not be aware of it?

Mr Murphy: I do not have the membership for all the people in north Louth who are members of Sinn Fein. I am not aware that he is a member of Sinn Fein.

Mr Paisley Jnr: Would you be aware if he has ever made a contribution to Sinn Fein's election programme?

Mr Murphy: I am not aware of that.

Mr Paisley Jnr: So he could have made a contribution?

Mr Murphy: Again, I am not aware of that. People can buy tickets and make all kind of contributions at all levels across the community. I do not have access to that type of information.

Mr Paisley Jnr:

So he could have bought tickets to assist Sinn Fein's election campaign?

Mr Murphy: I have no idea.

Mr Paisley Jnr: It was you who brought tickets into the equation. He could have bought tickets to assist the Sinn Fein election machine - is that right?

Mr Murphy: Jan, you are trying to make the point that "Slab" Murphy has been successful in business, and somehow that benefits Sinn Fein substantially. I reiterate: how Sinn Fein raises, lodges and spends its own money is all open to scrutiny. That issue has been scrutinised and has been found to be above board. If you have specific allegations about the way in which Sinn Fein operates its money, as opposed to how other parties operate their own banking systems, you may as well make those accusations rather than dance around the issue about whether someone has bought a ticket in a lottery.

Mr Paisley Jnr: I am certainly not dancing around issues. I am looking at someone who is dancing around answering questions.

Let us take the discussion away from Thomas "Slab" Murphy and ask a specific and , generic question about criminals. Would Sinn Fein display leadership and public spirit by calling on those people who are wanted by the Police Service of Northern Ireland for serious and organised crime to hand themselves over to the police?

Mr Murphy: I am not aware of who is wanted by the police for serious and organised crime. If the police operated on case-by-case basis, we could try to make a judgement.

We stand against criminality in our communities. We have put forward and support arrangements through which other people can work to address issues of criminality, given that the reality is that we deal with an unprofessional and partisan policing service. We have tried to work with that reality. We have no qualms whatever about standing by our record of dealing with criminality.

If Ian Paisley Jnr wants this to be an exercise of asking whether people will stand up publicly and call for others to support policing services and structures in advance of working out the proper arrangements, mechanisms and outstanding issues on policing, he is barking up the wrong tree. We have issues on policing that we intend to resolve. We want to see a lawful and peaceful society. The communities that we represent and the people who vote for us want to see that. We endeavour to help people, and we call on people to stand together to resist criminality. We will do that, and we will continue to struggle as best and as quickly as we can to address the outstanding policing matters.

However, you can try to poke at this all that you want to find some snippet with which you can run back to the media or to the Democratic Unionist Party meeting in Ballymena and say: "Here we have it: Sinn Fein will not do this or will not do that." Our issues on policing are quite clear: there are outstanding issues, our community has difficulties with policing, and we will give leadership in trying to address those matters. You can try to poke through it to find some further reason for reinforcing your party's world view of why it should not go into any further arrangements. You can describe the issues as ones that you genuinely want to see resolved to give you confidence. I happen not to believe that; I believe that you are searching for more issues to identify as obstacles.

However, we can go through this exercise, and I am quite happy to do that. Our position on policing is clear. Our community has difficulty with policing and with people who were previously handed over to the police as a result of their criminal activities only to re-emerge as informers with impunity to carry on with those activities. All those experiences exist, and we are trying to deal with their legacy. We are not dealing with a policing service that has had - or still has - a clean record in its dealings with our community. However, we are trying to deal with the issues.

Mr Paisley Jnr: We will come to the Police Service in a moment.

Mr Q'Dowd: I agree with Conor Murphy that it is unfortunate that the DUP has presented criminality but does not want to explore it in such a way that it can be resolved. However, criminality occurs throughout Western and Eastern society. I know that the DUP does not want to answer questions, but perhaps it could outline how it deals with criminality in areas such as Ballymena. Ballymena has the highest incidence of drug use in Ireland; it is the hard-drugs capital of Ireland. It has more heroin users than any other town in Ireland, and it is very sad that we have so many drug users in that area.

Ballymena has a DUP-dominated borough council. At Assembly level it is dominated by the DUP -

Mr Paisley Jnr: Mr Deputy Speaker, this is not an answer to a question; this is a series of questions:--We are here to get answers to specific questions.

Mr O'Dowd: I am exploring it in the sense that if the DUP has a resolution on criminality that it could present to us at the end of this, we would be more than happy to listen to it.

We have a place that is dominated by the DUP, yet criminality still exists. How do you resolve that situation?

Mr Paisley Jnr: It is important that paramilitaries, no matter where they are, stop selling drugs, stop bringing them into this society and stop gaining from the sale of drugs and giving that money to political parties. However, we have tried to explore matters today on a case-by-case basis. One case is that of Thomas "Slab" Murphy, which Sinn Fein does not want to talk about. We have also tried to look generically at the issue; it does not want to talk about that, but it wants to talk on a case-by-case basis.

Therefore let us look at crime generically. Does Sinn Fein believe that it has a responsibility to address crime? Does it have a responsibility to address unionist confidence in it as potential partners in Government? If a person is raped in west Belfast or robbed in south Armagh, or if a shop is raided by criminals in any part of this country, does Sinn Fein believe that if it knows who was involved in those crimes, it should hand them over to the police so that they can deal with them? Will it call on people to hand those people over to the police

3.45pm

Mr Murphy: We recognise that the community that we represent - in fact, it is probably broader than the community that votes for us - has little or no confidence in policing. We recognise past experience, when names have been given to the police only for them to be taken in and repackaged as low-level informers in their own communities with impunity to carry on with their criminal activities including rape, robbery, and raiding shops. Recognising all of that, Sinn Fein has nonetheless asked people, if they have information about serious issues of this nature, to make it available to people in whom they have confidence to treat the issue seriously. That recognises the very difficult policing reality in our own communities.

Obviously, there is also a difficult policing reality in the community that the Member represents, given the level of crime and drug-taking that goes on in it. We recognise the difficulties about policing in our community and have tried to give leadership. We help people who want to have serious issues dealt with, and try to find mechanisms to do that, while recognising that the very police whom people might have turned to in the past have allowed criminals and others to prey on the community.

Mr Paisley Jnr: Is that advice not to go to the police, to go to the police, or a fifty-fifty bet?

Mr Murphy: That advice is that, if people have confidence in the police, they should go to the police. The reality that we recognise, and in which we work, is that a substantial section of the community that we represent does not have confidence in going to the police because of its experience of criminality in its community, and of who has been directing and facilitating that criminality. The police have benefited from that criminality. Our approach recognises that experience and takes it into account. We tell people that if they have confidence in the police, they should certainly give their information to the police. If they do not have confidence in the police, we tell them to bring that information to reputable people who can progress it in a proper way.

Mr Paisley Jnr: If people have confidence, the Member is clearly happy for them to go to the police. Would he then take the next logical step, to provide leadership and call on people to go to the police when they are aware of people in their community who are involved in rape, robbery and other serious and organised crime? It is a logical step. Would he take it?

Mr Murphy: I have already advanced what we do in the current circumstances. Let me advance what we will do in leadership. We lead our community - we do not ask our community where they are and then decide to adopt that position. As best we can, we will advance the policing issues that we see to be outstanding. Some of that involves getting into power with the DUP. We will advance that, and then, in that situation, we will recommend to our party that it endorse policing arrangements. We will give leadership in our community and try to bring it to terms with policing arrangements too.

That is giving real leadership. Real leadership does not mean standing on a soapbox or appearing on TV, making a call for something and then going back to your constituency, regardless of the consequences. Real leadership is trying to work the issues through to a solution, to find a proper solution to policing, to deliver that solution within your own community and to give leadership on that solution - not asking your community where they are on an issue and adopting that position.

Mr Paisley Jnr: There appears to be a dichotomy between what Alex Maskey said earlier in the Committee and what is now being said. I want to clear that up. What comes first in the chicken-and-egg scenario of policing and justice? Will Sinn Fein fully support the policing and justice system prior to the devolution of policing and justice powers, or will it wait until the devolution of those powers is complete?

Mr Murphy: There are a number of issues concerning policing. Some of those will be resolved under the transfer of policing and justice powers, which is a key issue. There are other outstanding issues on which the British Government have promised to produce legislation. We have yet to see that legislation, and we have yet to see the passage of that legislation through the Houses of Parliament, which on two occasions undid previous legislation that was to reflect Patten. Therefore, there are still issues we must satisfy ourselves on. If and when we are satisfied, we have made a public commitment to go to our party and our community and argue for acceptance of those policing arrangements.

Mr Paisley Jnr: Mr Deputy Speaker, it is well known that it would take, at best, 18 months to two years to fully devolve - if there was agreement - the matters of policing and justice to the Northern Ireland Assembly.

What I want to know is whether Sinn Fein is saying that it would take it two years, until all of that works itself out, before it would fully support the police and the justice system. Again, it is an evens bet that Sinn Fein might support it, but not until it sees the entire workings of the devolved process.

Mr Murphy: In relation to the timescale, I suggest that if it had not been for yourself, Ian Paisley Jnr, and your father, this timescale could have kicked in in December 2004, and we would be well on the way to achieving these goals, if not already there. I am not sure what the time frame will be for the transfer of powers on policing and justice. What I do know is that with political will those time frames can be speeded up considerably. We have the political will to address those issues, and we look to you to have the same political will.

Mr Paisley Jnr: Mr Deputy Speaker, there is a failure to answer the very obvious question: will Sinn Fein support the policing and justice mechanisms prior to the full devolution of policing and justice powers or is it waiting until after? This morning, Mr Maskey indicated that it was waiting until that was complete. There appears to be some fuzziness as regards when Mr Murphy believes his party will support the policing and justice mechanisms. It is important that we get clarity on that.

Mr Murphy: As I said, there are a number of issues outstanding. Some relate to the transfer of powers on policing and justice; some relate to measures that the British Government intend to introduce into legislation. We will judge those as we see them. When we consider that we are in a position to make an argument, to our party in the first instance and then to our community, that what has been achieved to date on policing issues is enough to allow us to go forward, then we will make that argument. We will make that judgement when we see that.

We are not now in the position of specifying time frames or dates that mayor may not suit the DUP. We have a judgement to make, and when we consider that enough has been given to allow us to make that judgement, we will make it. I would argue that if a deal had not been scuppered in 2004 we could well be beyond that time frame now. However, we are in this time frame now, so let us take it forward as fast as we can from there.

Mr Paisley Jnr: Again, there is no clear answer, which is very discouraging. We need clarity about what Sinn Fain actually means. On four occasions today Sinn Fain has said that if people have evidence they should go to the courts. Does Sinn Fain therefore accept the legitimacy of the courts as currently constituted? You are encouraging people to go to the courts if they have evidence. Do you accept the legitimacy of our court system?

Mr Murphy: If the policing service and other services that gather evidence have evidence, let them go to the courts that they use. Do I have confidence in the courts as currently constituted? Not a lot. That is an honest answer. However, people use the court system here. We are part of a process that is trying to work through criminal justice issues to improve the working of the courts. We are in this institution. I do not have a lot of confidence that it will work, particularly given the experience over the last number of weeks.

Nonetheless, we took the decision to engage in institutions and to try to work them in the interests of the people whom we represent and the broader number of people on this island, and also in the interests of a better future for all our people. So we will engage in institutions as we find them. We will try to improve those institutions. There are other matters that need to be dealt with before we can engage in a policing institution. We will take that forward as we find it.

Mr Paisley Jnr: I am not concerned whether people have confidence or no confidence. It is their entitlement and, indeed, their right to have confidence or to not have confidence in something. What I want to know, Mr Deputy Speaker, is: does Sinn Fain believe that the court system here is the legitimate court system?

..

Mr Murphy: It is the legitimate court system of this state. The question is whether Sinn Fain believes that this state is legitimate.

The answer is no. Sinn Fain wishes to end the existence of this state. We operate the court system of this state because it is the authority of this state. However, it is Sinn Fain's clear intention to end the existence of this state and move to a new constitutional arrangement on the island.

Mr Paisley Jnr: That is the third time today, Deputy Speaker, that Northern Ireland's legitimacy has been called into question.

Mr Murphy: It is not the first time in its history, that is for sure.

Mr Paisley Jnr: Post 1998, someone expressed the view that Northern Ireland was recognised as a legitimate part of the United Kingdom. Does Sinn Fein hold to that position?

Mr Murphy: I am interested to know who expressed that view. Certainly no one in Sinn Fein said that Northern Ireland was a legitimate part of the United Kingdom; we have always contested that, and we will continue to contest it. Our very existence as Irish republicans contests that notion. We will work in a peaceful and political fashion to end Northern Ireland's position in the United Kingdom. Sinn Fein stated that objective, as did the SDLP.

Mr Paisley Jnr: I want the record to show that, in answering some questions today, Sinn Fein failed to support the legitimacy of the state, the police and the courts. Yet Sinn Fein says that it wants expedition in getting into Government with a party that endorses the legitimacy of the state, the police and the courts. I have not heard anything in Sinn Fein's answers about how it wants to address that huge quantum gap that is between us. It is important that Sinn Fein at least attempts to address that. However, it is unfortunate that it has failed.

The Chairman (Mr Molloy): There was reference to the notes of the meeting. I will clarify for the record that Hansard staff are recording all the time, so although the Clerks are not taking details of proceedings, those will be recorded in Hansard.

Mr Paisley Jnr: What time will we break today?

The Chairman (Mr Molloy): We had planned to break at 4.00 pm, but that is in the hands of the Committee.

Mr Paisley Jnr: I have another 25 questions on criminality and further questions on some of the political policies that have been identified in the Sinn Fein paper.

Mr McFarland: The Committee had a good day yesterday and is having a good day today. There is nothing to stop the Committee continuing that movement tomorrow morning. Parties, will take their turns when it shuffles out. It is encouraging stuff, so to cut it short or not to allow the DUP to explore its questions

The Chairman (Mr Molloy): We do not want to cut any party off from exploring or asking questions and engaging in dialogue. We can adjourn at 4.00 pm and continue tomorrow morning.

Mr Paisley Jnr: I am happy to adjourn now, because if we came on to a new issue, we would only be getting started. ..

The Chairman (Mr Molloy): I am advised that it is called suspending, not adjourning.

Mr Kennedy: Deputy Speaker, when will the Hansard report be available? I have not seen it yet, but perhaps that is my fault.

The Committee Clerk: We hope to have yesterday's transcripts available in draft tomorrow; Hansard staff have been given a 48-hour turnaround. Members may have thought that there was an overnight turnaround, but the turnaround time for Committee is longer than for plenary. That is because Hansard staff do not have

access to the visual commentary, which they do for a plenary. Therefore they have to wait until they get the tape before they can transcribe.

Mr Kennedy: Can I presume that the Hansard report of today's hearing will be available on Friday and will be sent to members over the weekend? Is that optimistic?

The Committee Clerk: If there is a plenary on Monday, it will take longer, but 48 hours is the time that we have been given.

Mr Murphy: Just for the purposes of diary arrangements, what time did we say that we would meet tomorrow?

The Chairman (Mr Molloy): We planned to meet from 10.00 am to 12.30 pm.

Adjourned at 3.56 pm.