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FROM: STEPHEN LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
29 AUGUST 1996

DESK IMMEDIATE

Mrs Magazine
Mr Stephens
30/8

Copy to Mr Budd
NIO thinking this
for

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N 1047
30 AUG 1996
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KC

cc: PS/Michael Ancram (L&B) - B
PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir D Fell - B
Mr Thomas - B
Mr Legge - B
Mr Bell - B
Mr Ray - B
Mr Steele - B
Mr Watkins - B
Mr Wood (L&B) - B
Mr Beeton - B
Mr Lavery - B
Mr Hill - B
Mr Stephens - B
Mr Perry - B
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LETTER FROM PETER ROBINSON: POSITION OF LOYALIST PARTIES IN TALKS

The DUP are (predictably) seeking the suspension of the PUP and UDP from the Talks process on the basis that the CLMC's statement of yesterday breaches the International Body's principles of democracy and non-violence, subscription to which is of course a condition of participation in the Talks.

2. Peter Robinson's letter is based on the misunderstanding (which is not confined to him) that the Secretary of State has the power and responsibility to exclude from the Talks parties participating in them which become ineligible through dishonouring the Principles. This is of course incorrect. While the Secretary of State has the power under section 2(3) of the Act to:

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"... exclude delegates already nominated from entering into the negotiations if and for as long as he considers that requirements set out in paragraphs 8 and 9 of Command Paper 3232 are not met in relation to the party [which in relation to the loyalists means "a commitment to exclusively peaceful methods and [showing] that they abide by the democratic process"],

that power only applies before parties enter the Talks and subscribe to the Principles. Once within the talks, "the conduct and outcome of the negotiations is exclusively a matter for those involved" (Rule of Procedure 2); and any representations that parties have dishonoured the Principles are to be dealt with on the lines set out in rule 29. This states that:

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

3. Thus, while the Governments do ultimately have to reach a view on the appropriate action they should take, this is the final stage in a clearly defined process. Mr Robinson should therefore make his representations to the Chairmen, and I attach a deadpan draft reply pointing him in this direction.

4. On the substantive issue, it would of course be helpful if the PUP and UDP repudiated the CLMC statement, but they are most unlikely to feel able to do this. In an interview today David Ervine did, however, reaffirm the PUP's adherence to the Principles, while refusing to condemn the CLMC on the not unfamiliar basis that his party did not believe in "the politics of condemnation".

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5. We will provide further advice on the handling of this issue should Robinson pursue it with the Chairmen. The two Governments have to take the views of the other parties into account in deciding on appropriate action; and it may well be unlikely (particularly in view of the unionists' perceived resort to force at Drumcree) that there will be a consensus to make a major issue out of this incident. There is, I think, some understanding around the Talks table that the loyalist parties are fundamentally on the side of the angels, but have a difficult hand to play; and that it would not be in the wider interests of the process to try and force them out.

SIGNED

S J LEACH
APD(L)
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