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**CONFIDENTIAL****ENTRY TO AND EXCLUSION FROM THE NORTHERN IRELAND TALKS**Admission

1. Criteria on admission to the talks are set out in paragraphs 8 and 9 of the Ground Rules for Substantive All-Party Negotiations, published as Cm 3232 in April 1996, which are given statutory authority in this context by section 2 of the Northern Ireland (Entry to Negotiations, etc) Act. They thus applied last June to the loyalist parties - as respects whom they are now spent, since those parties have entered the talks; and they still apply to Sinn Féin:

8. Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communiqué of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

9. In the Communiqué of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994.

2. Restoration of the ceasefire is thus the key, as regards Sinn Féin. If he believes the requirements in paragraphs 8 and 9 are not met, the Secretary of State may not invite Sinn Féin to send a negotiating team to the talks. If he considers they are met, he must do so.

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**CONFIDENTIAL**Exclusion

3. The criteria for exclusion from the talks are quite different. They are (as is generally true of the framework for the conduct of the talks) non-statutory.

4. Participants in talks are required to affirm, in accordance with the recommendations of Mitchell, their total and absolute commitment to the Mitchell principles (which, for ease of reference, are set out in the annex). The Loyalist parties did so on 12 June last year. Paragraph 17 of the Ground Rules envisages exclusion where a participant has dishonoured such a commitment:

If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy and non-violence set out in the report of the International Body by, for example, resorting to force or threatening the use of force to influence the course or the outcome of the negotiations, or falling to oppose the efforts of others to do so, it would no longer be entitled to participate in the negotiations.

5. Rule 29 of the rules of procedure agreed by the talks participants in July 1996 provides a mechanism to give effect to paragraph 17 (though in principle the Governments might act under that paragraph without the rule 29 procedure being invoked):

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.

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6. No representations have been made under rule 29, though the DUP (which has made representations against the Loyalists before and had been expected to make them this time), with Mr McCartney's UKUP, have urged the Government to act itself to exclude those parties.

7. None of the Mitchell principles turn directly on the existence of ceasefires. The only one of them relevant to the loyalist attacks currently complained of appears to be (a), the commitment to democratic and exclusively peaceful means of resolving political issues.

8. Since it is not alleged that anyone involved with the parties participated in the attacks in question, this raises the difficult issue how far the conduct of the paramilitaries is to be regarded as engaging the parties themselves. Mr McMichael of the UDP has spoken to the media this week of his party's active opposition to violence, picking up the reference in paragraph 17 of Ground Rules (see above) to opposing the use of force by others: this provides some reassurance about his party's continued commitment to the principles.

Northern Ireland Office  
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