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TRANS

FROM: S J LEACH  
ASSOCIATE POLITICAL DIRECTOR (L)  
16 September 1996

1. ~~File~~ 18/9  
2. ~~File~~

PS/Michael Ancram (B&L) - B

PS/Secretary of State (B&L) - B

cc PS/Sir John Wheeler (B&L) - B  
PS/PUS (B&L) - B  
PS/Sir David Fell - B  
Mr Thomas o/r - B  
Mr Legge - B  
Mr Bell - B  
Mr Steele - B  
Mr Watkins - B  
Mr Wood (B&L) - B  
Mr Beeton - B  
Mr Hill (B&L) - B  
Mr Lavery - B  
Mr Maccabe - B  
Mr Perry - B  
Mr Priestly - B  
Mr Stephens - B  
D. 16/9 Ms Bharucha - B  
Ms Mapstone (B&L) - B  
Mr Whysall (B&L) - B  
Miss Collins, Cabinet Office  
(via IPL)  
Mr Lamont, RID - B  
Mr Nissan, HOLAB (via IPL)  
HMA, Dublin - B  
Mr Campbell Bannerman - B

#### HANDLING THE ALLIANCE REPRESENTATIONS AGAINST PUP/UDP

At this morning's discussion of how the Chairman should handle the Alliance representations against the PUP/UDP (which are one of the three sets of allegations contained in the Alliance document dated 10 September), it was agreed that a possible way forward might involve the Governments, after the circulation of the representations and responses, making clear that they would not be addressing this Alliance allegation because it covered exactly the same ground as a DUP one they had already determined. On this basis, the Chair would then indicate its intention of ruling that no

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débate was needed, but (in accordance with rule 25) would allow a counter-proposal to be put to the vote if the Unionists wished to advance one. But there would, of course, be no sufficient consensus on any such proposal, since the Governments would vote against.

Statement by the British and Irish Governments

2. I have accordingly prepared a draft setting out this gameplan in more detail, and another setting out a draft statement which the Governments might issue. (This draft, and of course the strategy as a whole, would need to be agreed with the Irish.)

(Signed SJL)

S J LEACH

APD(L)

CB 22286 OAB 6469

This same allegation against the DUP and UDF was among those made in the DUP's 'Notice of Indictment' against those parties which was determined on 11 September in accordance with Rule 29 of the Rules of Procedure. Specifically, paragraph 8 of the paper produced by the Governments on that date - 'Conclusions of the Governments on Representations made by the DUP against the DUP and the UDF' - noted that one of the DUP points was

\*(a) Failure to condemn the CLMC threat

1. In respect of this DUP representation, the Governments reached the following conclusion after consideration of the documents tabled on both sides, the oral statements and responses made in the course of discussions, and the differing views of the other participants as expressed in the plenary session on 10 September.

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ALLIANCE PARTY SUBMISSION

Statement by the British and Irish Governments

[for issue after circulation of Alliance representations and rebuttals by parties]

1. The Alliance Party submission dated 10 September makes three separate representations that the principles of democracy and non-violence have been demonstrably dishonoured by other participants in the negotiations. The second of these is against the PUP and UDP, on the grounds that  
  
"... the Combined Loyalist Military Command has issued a threat to Mr Billy Wright and other dissident members ... Failure to condemn these threats would place the [PUP and UDP] in breach of Principles a/ and d/..."
- 2, This same allegation against the PUP and UDP was among those made in the DUP's "Notice of Indictment" against those parties which was determined on 11 September in accordance with Rule 29 of the Rules of Procedure. Specifically, paragraph 8 of the paper produced by the Governments on that date - "Conclusions of the Governments on representations made by the DUP against the PUP and the UDP" - noted that one of the DUP points was  
  
"(a) Failure to condemn the CLMC threat ..."
3. In respect of this DUP representation, the Governments reached the following conclusion after consideration of the documents tabled on both sides, the oral statements and responses made in the course of discussions, and the differing views of the other participants as expressed in the plenary session on 10 September:

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"The failure to issue a public and explicit condemnation of the threat in the context of active and continuing steps being taken by the parties to oppose the issuing or implementation of the threat did not of itself demonstrably dishonour the Mitchell principles. We consider further that these steps are not compatible with the establishment of any dishonouring by association."

Overall, the Governments determined that

"it has not been established that the UDP and PUP have demonstrably dishonoured the principles of democracy and non-violence set out in the report of 22 January 1996. No further action is therefore appropriate."

4. Against this background, the Governments consider that the Alliance representation against the PUP and UDP is indistinguishable from one of the DUP representations which the Governments have already considered and determined, having due regard to the views of the participants. The Governments have therefore reached the view that it would be wholly inappropriate for them to enter into renewed discussion and consideration of this matter, and that they should take no further action on it.

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ALLIANCE REPRESENTATIONS AGAINST PUP/UDP

POSSIBLE GAMEPLAN

Not later than Monday 1600 hours: Alliance representations and responses by parties circulated to all participants.

Monday evening (after circulation) or Tuesday morning: Governments to issue joint statement specifying that they will not take any further action in respect of the Alliance representations against the PUP and UDP since these have already been addressed and disposed of.

Monday evening or Tuesday: Brief meeting of Plenary to schedule debate on Alliance representations. The Chairman might say:

- Governments have circulated statement making clear that they will not discuss, or consider any further action in respect of, the Alliance representations against the PUP and UDP.
- In view of this, it does not seem to me that any useful purpose could be served in scheduling time for a debate on those representations - although I do intend to schedule appropriate time for debate on the other representations made by Alliance - first against the UUP and DUP; and then against the DUP on separate grounds.
- Before making a final ruling on this matter, rule 25 envisages that I may apply the rules for determining sufficient consensus. Accordingly, if any party wishes to put forward a proposition that time **should** be scheduled for a debate on the Alliance representations against the PUP and UDP, I am willing to have that put to the vote to determine whether there is sufficient consensus for that proposition.

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If the Unionists do put forward a motion on the lines suggested, this would be lost in the vote, since, leaving the other participants aside, both Governments would vote against it.

The Chairman would then move on to schedule the timings for debates on the other Alliance representations. These might allow for the fact that there are two sets of these - the "Drumcree" ones and those against the DUP alone on the basis of Mr McCrea's participation in the Portadown rally. Each one might broadly follow the precedent set in the procedure used for the representations against the loyalist parties - ie

- up to 30 minutes for the party making the representations to put its case;
- up to 30 minutes (in total) for the parties against whom the representations are made to reply;
- 1½ (say) hours for a general debate giving the participants the opportunity to set out their views.

This would give a total time for the two debates of 5 hours, which means they could both be accommodated on **Wednesday**.

The initial view of the British side is that the Governments should aim to give their determination of the Alliance complaints on **Monday 23 September**.

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