



An Chartlann Náisiúnta National Archives

Reference Code: 2021/100/3

Creator(s): Department of the Taoiseach

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Confidential**Procedures Regarding Alleged Breaches of the Mitchell Principles**

1. Paragraph 29 of the Rules of Procedure provide:

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.

2. The response to the two formal representations which have thus far been made is set out below and illustrates the precedent established thus far i.e. that allegations are debated in plenary and that both governments then make an adjudication: parties may make a reply in plenary and the matter may then be deemed closed by the Chairman.
3. Since neither allegation was confirmed in the view of the Governments, the precise manner in which to proceed should an allegation be substantiated remains open. However, it would seem reasonable to suggest that the party concerned would be allowed an appeal or process of redress, i.e. to take appropriate steps to rectify the situation.

DUP allegation against PUP/UDP

4. On 9 September 1996, the DUP made a submission alleging that the PUP and UDP were in breach of the Mitchell Principles because of their failure to condemn the Combined Loyalist Military Command (CLMC, i.e. UVF, UDA, UFF; this has since been disbanded) threat against LVF leaders Billy Wright and Alec Kerr, and its failure to condemn an attack on the home of Mr. Kerr's parents. The following day, the allegations were considered in a plenary session of the talks on the basis of the DUP submission; a joint PUP/DUP written response; and oral presentations by all delegations. On 11 September, the two Governments presented their conclusions (attached) which found that there had been no breach of the Principles. In plenary session the following day, the DUP were given an opportunity to criticise this finding. The Chairman subsequently ruled that the matter had been concluded.

Alliance allegation against UUP and DUP

5. On 11 September 1996, Alliance alleged that the UUP and DUP had breached the Principles because of, respectively, Drumcree and Mr. McCrea's presence at a rally in support of Billy Wright. Parties supplied written responses which were considered in Plenary on 18 September. The two Governments' decision (attached) rejecting the allegation was circulated on 23 September.

Current Situation

6. The current situation clearly takes the Governments and the parties into uncharted waters. The UFF statement of 23 January (attached), in confirming its involvement in recent sectarian killings, means that a constituent part of the UDP may now be deemed to have breached the Principles. The UFF statement claiming that it has now effectively restored its cease-fire, and affirming that "it remains committed to the search for a peaceful resolution of the conflict", may be interpreted to mean that the UFF is not now in breach of the Principles.
7. The Secretary of State issued a statement on 23 January (attached) which states, *inter alia*, that "we believe that participants in the talks are likely to want to offer views at the Lancaster House sessions next week, and the UDP may want to explain their position further. It will be for the two Governments to decide what action to take, in the light of what is said."
8. Despite the statement by the UFF, a Catholic man was subsequently killed on the evening of 23 January in a sectarian attack.
9. The approach to be taken by the two Governments requires the closest consultation. Options might include suspension for a period, or a strong warning to the UDP by the Governments, with regular reviews of the situation. At the very least, a strong public statement by the two Governments, especially the British, is essential. There should also be an appropriate public statement by the UDP which would attempt to reassure the Catholic community (i.e. they need to "grovel").

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