

An Chartlann Náisiúnta
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YE PSM; PSMS
2/9 Mr. Teahon
Dr. Mansergh
Joint Secretary
Anbs. W & L.

Confidential

Discussions with Senator Mitchell

1. I have had a series of meetings with Senator Mitchell in Belfast this week, usually accompanied by Bill Jeffrey of the NIO. We have been advising him across a range of issues, including his public presentations.

2. Mitchell formally opened the Review with a Press Conference on Monday, and followed it up that afternoon with meetings with the UUP, SDLP, DUP and Sinn Féin. He is meeting the smaller parties to-day (Tuesday). On Wednesday morning, he will meet Ministers from the two Governments to brief them on his meetings.

Meetings with Parties

3. **UUP** The UUP focussed heavily at their meeting on recent IRA activities and the enormous difficulties these had created for them. In this regard, Trimble handed over a letter (attached), and a dossier of these activities. In the final paragraph of his letter, Trimble asked for a roundtable meeting on the commitment of parties to democracy and non-violence. He went on to suggest that, in the light of this, participation in the talks should be "a collective decision for the parties".

4. Mitchell is rightly determined to avoid a roundtable meeting at this stage, which could only be a shouting match, and will therefore gently kick the Trimble letter to touch.

5. Trimble conveyed the view strongly to Mitchell that the Prime Minister should not become involved in the Review. He was also very critical of Tony Blair's handling of events in July. On the other hand, he suggested it would be helpful if, at the appropriate time, Mitchell was to bring the Sinn Féin and Unionist leaderships together with, it seemed, the objective of the Senator validating or bearing witness to what Adams and McGuinness had to say on decommissioning. The context here is that in July Trimble, while receiving positive messages (at second hand) from the British Prime Minister, failed to get the necessary precision up front from Sinn Féin.

6. **Sinn Féin** The party handed over a long analysis of the situation to the Senator, which they intend publishing (it has been sent to the Department separately). They began by making the point that, while they liked and respected the Senator, the key figure in resolving the impasse had to be the British Prime Minister.

7. The party was happy to reaffirm their full commitment to the Mitchell principles. Adams and McGuinness also reaffirmed their acceptance of the three principles agreed by the pro-Agreement parties on 25 June. They added however, in particular in respect of the third principle (decommissioning to be carried out in a manner determined by the International Commission), that this was conditional on the operation of the principles being within the context of the Good Friday Agreement. (The discussion on this arose in part from the fact that Bob McCartney had queried the Senator on whether Sinn Féin had in fact accepted the three principles).

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8. Arising from the Senator's discussion with the UUP delegation, some of whom seemed to believe that Sinn Féin wanted the Review to fail, Mitchell asked Sinn Féin directly about their intentions. In response, Adams and McGuinness confirmed their absolute commitment to the Agreement. They emphasised also that if the Agreement were to fail, it could have significant implications for their own leadership.

9. **DUP** To Mitchell's surprise (and regret), the DUP didn't announce their non-participation in the Review. However, they emphasised that they very much wished it to fail. Interestingly, they also said that they wouldn't take responsibility for the Review not succeeding - this, they argued, would be the fault of the pro-Agreement parties who hadn't got their act together and implemented their own text.

10. Paisley was also scathing about the role of Tony Blair in the process, and called him an "unmitigated liar". The reality, they said, was that the lies of all sides were now coming home to roost!

11. I advised the Senator that, as the objective of the DUP was to undermine the Review and to ensure that it failed, it didn't make sense to meet them in the same rhythm as the pro-Agreement parties.

Mitchell's approach

12. Mitchell is effectively ruling out the possibility of making any real progress in the first two weeks, given the coincidence of the publication of Patten on Thursday. He sees the substantive period of the Review as beginning, therefore, in the week of the 20th September. Around that time also, and depending on our collective assessment, he will give consideration to whether he should produce his own compromise proposals. In this regard, he has asked Bill Jeffrey and myself to do some preliminary thinking on a possible approach.

13. In the meantime, the Senator will hold meetings with the parties on Tuesday and Wednesday of next week and will review the situation with us before and after these meetings. He has also asked if it would be possible to draw up a composite text embracing both The Way Forward and the Hillsborough texts. Jeffrey and I said that this would be difficult given that they were different models and, in addition, that Hillsborough was simply a working draft. However, we would see what could be done.

Empey-McGuinness meetings

14. Finally, and encouragingly, Reg Empey and Martin McGuinness have met three times recently, the latest meeting being today. Their dialogue is to continue.

DMC.

Dermot Gallagher
7 September 1999

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THE NEW NORTHERN IRELAND ASSEMBLY

David Trimble MP, First Minister (Designate)

From the First Minister (Designate)

Senator George J Mitchell
Block B
Castle Buildings
Stormont

6 September 1999

Dear George.

THE MITCHELL REVIEW: TESTING PARTICIPANTS' COMMITMENT TO DEMOCRACY AND NON-VIOLENCE

1. The starting point for the current review should be a re-examination of whether all of the participants are genuinely prepared to adhere to the commitment they have made to democracy and non-violence.

2. A mechanism needs to be found which allows the participants to address the fundamental question of Sinn Fein/IRA's commitment to the peace process.

The Mitchell principles

3. The participants in the multi-party Talks had to affirm their total and absolute commitment to 6 principles of democracy and non-violence set out at paragraph 20 of the Report of the International Body, namely:

"(a) to democratic and exclusively peaceful means of resolving political issues;

(b) to the total disarmament of all paramilitary organisations;

(c) to agree that such disarmament must be verifiable to the satisfaction of an independent commission;

(d) to renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;

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(e) to agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,

(f) to urge that 'punishment' killings and beatings stop and to take effective steps to prevent such actions."

4. Although at the time of their entry to the Talks process Sinn Fein purported to affirm their commitment to these principles, there is some evidence to suggest that this was a commitment made (with the agreement of the IRA) qua individual Sinn Fein members rather than on behalf of the wider Republican movement.

5. It is also interesting to note the Mitchell report's condemnation of 'punishment' attacks which, it was said, "contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society" [paragraph 21.]

6. The following passage from the report also makes interesting reading at this time:

> "Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat" [paragraph 52.]

Commitment to democracy and non-violence

7. In the 'Declaration of Support', which is the preface to the Belfast Agreement, the participants make the following reaffirmation of their commitment to democracy and non-violence:

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> "We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise" [paragraph 4.]

8. This commitment (which is essentially a paraphrase of principles (a) and (d) of the Mitchell principles), may be regarded as a fundamental test of democratic legitimacy which any Party must meet if it is to be entitled to participate in, and to benefit under, the Agreement. Among the specific, tangible illustrations of this are the sanction of exclusion/removal from office for those failing to adhere to democracy and non-violent means [paragraph 25 of Strand I of the Agreement refers]. Similarly, the provisions for excluding from the early release of prisoners those organisations which are failing to adhere to the criteria specified in the Sentences Act.

Putting this commitment to the test

9. There is now a serious questionmark against the commitment of Sinn Fein/IRA to democracy and non-violence. The starting point for the Mitchell review should be a rigorous examination of this issue. Procedurally, this could take the form of a roundtable debate in which the Parties would be allowed to outline their concerns regarding the commitment of any other Party to democracy and non-violence. A similar procedure was used during the talks. Then, however, the decision on participation rested with the Governments. Now it ought to be a collective decision for the parties. In practice there will be no value in discussion of the detail of the implementation of the Agreement unless all the parties are committed to its basic precept and each participant establishes its bona fides.

David Trimble

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