



# An Chartlann Náisiúnta National Archives

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## CONCLUSIONS OF THE GOVERNMENTS ON THE POSITION OF THE ULSTER DEMOCRATIC PARTY IN THE TALKS

- 1 This document sets out the conclusions of the Governments on the position of the Ulster Democratic Party in the talks.

### **Background: The Rules and Principles, and Procedures followed**

#### *Rules of procedure*

2. Rule 29 of the Rules of Procedure for the Negotiations agreed on 29 July 1996 says.

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.

#### *The Mitchell principles*

- 3 The relevant passage of the International Body's Report reads:

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

- To democratic and exclusively peaceful means of resolving political issues;
- To the total disarmament of all paramilitary organisations,
- To agree that such disarmament must be verifiable to the satisfaction of an independent commission,
- 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;
- 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.
- To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.

4. In the light of the UFF statement of 23 January, at the meeting of Strand Two on 26 January the Chairman proposed a meeting of the plenary. The two Governments supported the proposal, the Secretary of State and Minister of

State O'Donnell recording that they 'believe the UFF statement, given its relationship with the UDP, and the statement by the UDP in response, raises the issue under rule 29 whether the party has demonstrably dishonoured its commitment to the Mitchell principles'. The Secretary of State's statement was circulated to participants.

5. The position was discussed in the plenary starting at 12.40. The UDP were permitted to make an opening statement; other participants were then permitted to contribute, in accordance with Rule 29; finally the UDP was permitted to reply. The Governments have since considered the question of appropriate action, in the light of all the material available to them and having due regard to the views of participants.
6. Rule 29 requires it to be shown that the Mitchell principles have been "demonstrably dishonoured" by the participant or participants complained against. The two Governments noted in their conclusions on representations considered in September 1996 and September 1997 that the terms of Rule 29, and the gravity of the potential sanction, require a clear and unmistakable demonstration by those who assert it that there has been a dishonouring of the principles. As has also been made clear, however, if it is found that the commitment to the principles of a participant has been demonstrably dishonoured, the participant cannot be allowed to remain in the talks.

#### Facts raising an issue under rule 29

7. A number of sectarian murders have taken place in Northern Ireland in recent weeks. The Chief Constable on 22 January said that he had no doubt the UFF had been involved in some of the murders. The following day, a statement was issued in the name of the Ulster Freedom Fighters in the terms attached (Annex A). The Ulster Democratic Party the same day issued the statement at Annex B.

#### The plenary discussion

8. In the plenary, the UDP said it participated in the talks on the basis of its elective mandate. It had sought to develop a voluntary relationship with the paramilitaries, so as to persuade those associated with physical force to desist. But it had no direction over those people. During the recent killings, it had acted, and the killings had ultimately stopped but it could not say how influential its arguments were in reaching that conclusion. The party's commitment to the Mitchell principles had been, and remained, unequivocal.
9. In discussion
  - a) delegations expressed their abhorrence of the recent killings;
  - b) some believed the UDP should not be removed, arguing that the party itself had made great efforts to oppose violence, had not itself committed any violation of the principles, and had been honest.

- c) others believed the UDP should be removed, without delay. It was suggested the talks could not proceed if a breach of the Mitchell principles had been committed, the UDP had not disowned the perpetrators of recent killings, there should be no double standards.
  - d) some of those who favoured the removal of the UDP made clear they had confidence in the good faith of its representatives in the talks, some also indicated their willingness to go on talking to them while outside the talks.
  - e) it was also suggested that the UDP's removal would not necessarily be definitive; if the UFF ceasefire were demonstrated over a period to be genuine in word and deed, the party might be readmitted
- 10 Responding, the UDP made clear that it was non-selective in its opposition to violence. It had at times gone to extreme lengths to exert influence against violence. A possible consequence of its expulsion was a reduction in its influence.

### Conclusions

11. The Governments regard the UFF involvement in sectarian murders, which has been well attested by information in the security forces' possession, to be admitted in their statement. The statement itself asserts that these murders were a 'measured military response' to 'Republican aggression'. If this was the motivation of the perpetrators it is all the clearer that the murders constitute a manifest breach of the first Mitchell principle of democratic and exclusively peaceful means of resolving political issues. We find the UFF's use in this context of terms like 'military response' outrageous, unsustainable and deeply offensive to the families and friends of their innocent victims.
- 12 The Governments accept that the Ulster Democratic Party may have sought to use its influence to oppose the violence of the UFF, and take full account of the acknowledgment by other participants of the UDP's efforts.
- 13 But there is also no doubt in the Governments' minds that there are close links between the Ulster Freedom Fighters and the UDP, and that the question whether the party has demonstrably dishonoured its commitment to the Mitchell principles has to be considered in the light of that
- 14 The Governments are obliged to conclude that by reason of the UFF murders, there has been the clearest breach of the UDP's commitment to the Mitchell principles. The UDP is therefore no longer entitled to participate in the negotiations. The UDP has now withdrawn from the talks, which in view of the course of events seems to the Governments an appropriate gesture
- 15 The UFF statement indicates that its involvement in killings has for the present come to an end, in that what it terms its military response is now concluded. The statement leaves room for doubt, however, as to how unequivocal the restored ceasefire is. The ambiguity here must be resolved.

- 16 If over a period of weeks a complete, unequivocal and unqualified UFF ceasefire were demonstrated, and established through word and deed to have been fully and continuously observed, the Governments would consider the possibility of the UDP rejoining the negotiations. The Governments would welcome that prospect in such circumstances. With that possibility in mind they, with their advisers, will keep the situation under the most careful review. The Governments will, of course, do nothing incompatible with the integrity of the process, which depends on the total and absolute commitment of all participants to democratic and exclusively peaceful means of resolving political issues required by the Mitchell principles

## ANNEX A

## UFF STATEMENT ISSUED 23 JANUARY 1998

"On August 25th we adopted a policy of no first strike: since the Canary Wharf bomb the UFF has endured severe provocation from the Republican movement without response.

The current phase of Republican aggression initiated by the INLA made a measured military response unavoidable.

That response has concluded.

We note that all media and political attention has focused on the UFF while ignoring the accusation by the RUC Chief Constable that the IRA has engaged in military activity under a cover name.

That selectivity is a matter of concern.

The UFF wishes to make it clear that it remains committed to the search for a peaceful resolution of the conflict and supports the efforts of the UDP to secure a democratically acceptable political agreement

The UFF recognises the importance of ending the current crisis and is prepared to fulfil its responsibility.

The Republican movement must now rein in its dogs of war or the policy of no first strike policy will not remain in force "

**ANNEX B**

**UDP STATEMENT, 23 JANUARY 1998**

We will continue to use all our influence both inside and outside the negotiative process in a wholly positive manner.

The opportunity remains for the peace process to be stabilised and for the emergence of political agreement. It is vital that the UDP remains in a viable position to contribute to the negotiating process.

(Draft of 9am)

Talks, 26 January

## POSITION OF THE UDP

### Speaking note for the Secretary of State

*The British and Irish Governments share the*  
~~We are all very aware of the~~ grave public concern over the UFF involvement in recent killings in Northern Ireland, an involvement confirmed by the intelligence of which the Chief Constable has spoken, and then the statement of the UFF itself on Friday.

~~While there appeared to be some comfort in the UFF's indication in the statement that its involvement in violence was apparently over for the time being, the implication that it might resume in the future is wholly unacceptable.~~  
*we noted*

Since that statement, there have been further deplorable attacks, on which we are seeking further information.

I am very ready to believe that the UDP have made wholehearted efforts to bring attacks by the UFF to an end.

~~Nevertheless,~~ it has been and must remain the case that parties participating in the talks stand by their total and absolute commitment to the Mitchell principles of democracy and non-violence, and that in assessing whether they have done so, we take full account of the activities of groups with which they have a clear link.

The ~~British~~ <sup>s</sup>Government ~~are aware of no representations under rule 29],~~ but we believe the UFF statement, given its relationship with the UDP, and the statement by the UDP in response, raises the issue under rule 29 whether that party has demonstrably dishonoured its commitment to the Mitchell Principles.

Other parties will want an opportunity to express their views on this. The UDP may want to offer a further explanation of its outlook, and if it wishes answer other participants' questions. We therefore propose, Chairman, a plenary session ~~[tomorrow morning]~~ for the purpose.

The two Governments would then reflect on what further action is appropriate. For my own part I should also want to consider any further advice the Chief Constable may offer in the light of the UFF statement and the attack <sup>s</sup> on Friday <sup>since</sup> ~~afternoon~~.

jc/talks