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20 September 1996 **No of pages including this one: 1**

To: HQ **From: Belfast**
For: Second Secretary O hUiginn **From: Joint Secretary**

Subj: Drafts received from British

1. We have just received the attached two documents from the British side:

   (a) A draft determination of the Alliance complaint;

   (b) A revised draft of the joint proposal paper (presented now as "suggested conclusions" to the Plenary address to decommissioning).

2. In relation to the latter, I spoke yesterday to Peter Bell on the lines we discussed, making clear that, for the reasons I outlined, we no longer saw merit in handing over a paper of this kind to the UUP. He subsequently reported these points. The draft at (b) has now come back with the accompanying comment that British Ministers consider it essential to present a paper along these lines to the UUP on Monday for the purpose of testing whether a deal can be struck. They envisage discussing this matter with our Ministers at the bilateral which has been suggested for early Monday afternoon in preparation for the trilateral.

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[Revised Draft: 19/9/96]

DRAFT SKELETON DETERMINATION OF ALLIANCE PARTY REPRESENTATIONS

I. REPRESENTATION RELATING TO DRUMCREE

1. The Governments acknowledge that aspects of the events surrounding Drumcree constituted either the use of force or the threatened use of force. There can be no excuse for them; they were reprehensible.

2. In order to establish that those events constitute a breach of principle (d) it must be shown that they were intended to "influence the course or the outcome of all-party negotiations".

3. It has not been established that those events were so intended, and therefore in any event it has not been established that there has been a demonstrable dishonouring of principle (d) by any of the named parties.

4. In order to establish whether there has been a breach of principle (a) it is again necessary to have regard to the intentions of the relevant participants at Drumcree.

5. In particular, it is incumbent on those asserting that there has been a breach by the named parties of principle (a) to show that it was the intention of their participant leaders to act otherwise than in accordance with their publicly stated commitment to democratic and exclusively peaceful means of resolving political issues.

6. It has not been established that any actions of the Orange Order at Drumcree were carried out under the authority or direction of the UUP or the DUP.

7. It has not been established that those participant leaders intended to use force or threaten to use force or to pursue their objectives by other than democratic and exclusively peaceful means.

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8. Therefore it has not been established that there has been a demonstrable dishonouring of principle (a) by any of the named parties.

9. The UUP and DUP have asserted, and continue to assert, their total and absolute commitment to the principles of democracy and non-violence set out at paragraph 20 of the Report of the International Body.

10. Therefore no further action is appropriate.

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II. REPRESENTATION RELATING TO THE CLMC THREAT

1. The substance of this representation is identical to a representation previously made by the DUP in respect of the PUP and UDP.

2. The Governments consider therefore that the matter to which the current representation relates has already been addressed in the Conclusions issued on 11 September 1996.

3. The Governments do not consider that any further action is appropriate in respect of the current representation.

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III. REPRESENTATION RELATING TO THE DUP AND BILLY WRIGHT

1. This representation rests on the Reverend William McCrea MP's participation in a public rally in Portadown on 4 September 1996 in support of Billy Wright.

2. Mr Wright was the subject of a death threat issued by the CLMC.

3. Mr McCrea has asserted that his presence and actions were intended to express support for the right of anyone not to be threatened with murder.

4. No evidence has been presented to substantiate the accusation that the Reverend McCrea is supportive of the "policies and actions" with which Mr Wright is allegedly associated.

5. The Reverend McCrea's actions have not been shown to be inconsistent with his declared opposition to the threat issued by the CLMC against Mr Wright.

6. Therefore it has in any event not been established that there has been a demonstrable dishonouring of principle (a) or principle (d) on the part of the DUP in respect of the matters complained of.

[19/9/1996]