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POLITICAL DEVELOPMENT
TEAM

14 OCT 1996

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FROM: J A STEPHENS
IPL DIVISION
11 OCTOBER 1996

cc: PS/Michael Ancram (L&B) - B
PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Steele - B
Mr Thomas - B
Mr Bell - B
Mr Ray - B
Mr Watkins - B
Mr Beeton - B
Mr Hill - B
Mr Maccabe - B
Mr Perry - B
Miss Bharucha
Ms Mapstone
Mr Budd, Cabinet Office - T
HMA Dublin - B
Mr Westmacott, via RID - B
Mr Lamont, RID - B

PS/SECRETARY OF STATE (L&B) - B

HUME/ADAMS: LATEST TEXT

Edward Oakden's letter of 10 October encloses the latest text from Hume, together with Hume's repeated assertion that Adams and the IRA guarantee that a permanent cessation would follow publication of this text.

2. Edward Oakden's letter helpfully offers an analysis of the key differences. We agree with much of this but would add the following comments:

- decommissioning: the reference to "without blocking the negotiations" is a reference back to the Prime Minister's article in the Irish Times of 16 May 1996 in which he said:

"Decommissioning will also need to be addressed at the beginning of the talks and agreement reached on

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how the Mitchell recommendations on decommissioning can be taken forward, without blocking the negotiations."

- role of Government and the parties: the small amendment by Hume actually returns the sentence to a more accurate quotation from paragraph 4 of the Downing Street Declaration;
- Irish culture: part of the suggested text here uses language from paragraph 19 of the Joint Framework document;
- more generally, the text omits some of our language at various points. Omission, however, does not negate our policy positions - particularly where they are already a matter of public record. For example, the sentences omitted from the paragraph on decommissioning are largely quotations from the Mitchell report itself: omitting them from this text does not alter that, nor our support for the Mitchell report;
- Mr Oakden says that Trimble has read the text. I assume that means he has been shown it recently, because when the Secretary of State briefed him he was not shown the text. If he has been shown it, then perhaps the more relevant consideration is whether he retained the text, which would permit him to undertake a line-by-line comparison.

3. Alongside the changes proposed to the text we sent Hume, it is worth noting the significant areas where no change is sought:

- the reference to consent;
- the requirement for an unequivocal restoration of the ceasefire;

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- the need to make a commitment to the Mitchell principles;
- perhaps most significantly, the reference to the two Governments looking for the commitment of all participants to work constructively during the negotiations to implement all aspects of the Mitchell report. That strongly suggests Sinn Féin would be in a position to give such a commitment;
- the dropping of virtually all the republican "wish list" of confidence building measures;
- the reference to an end to punishment beatings and other paramilitary activities, including surveillance and targetting, as demonstrating real commitment to peaceful methods.

4. These were all changes we made to the previous Adams' text. He has apparently accepted them.

5. As to substantive policy issues on which Adams seems to be seeking a change on Government policy, these come down to one or, possibly, two:

- an agreed timeframe would clearly be a shift in Government policy;
- the language on decommissioning, while moving clearly in our direction, remains somewhat vague.

6. Beyond that, however, it is difficult to see that Adams is seeking to negotiate any substantive policy change in the Government's position.

7. Mr Oakden offers four broad options:

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- (i) not publish at all;
- (ii) publish the text we gave Hume on 27 September;
- (iii) publish a text which takes on board Teahon's amendments, such as the text you sent to John Holmes on 2 October;

(iv) publish a text that tries additionally to take on board the latest amendments where they do not to be change or compromise our existing policy.

8. So that Ministers can consider the full range of options on the basis of developed texts, I attach a possible text following the approach in option (iv). Like the previous texts, it seeks to stay strictly within existing Government policy.

9. Ministers may want to review these options at the strategy meeting on Monday afternoon. In doing so, they might like to bear in mind:

- the close link between this issue and the various options identified in my submission of tonight on "Breaking out of the Impasse". For example, a response to this latest text could be combined with the idea of a "closing offer";
- most of the options in "Breaking out of the Impasse" require SDLP support for some form of non-inclusive talks process. It may be difficult to persuade Hume to give this support if he thinks we have not followed his current initiative to a conclusion.

SIGNED

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(11 October 1996)Possible text in response to text of 10 October

This Government has made clear its approach to the search for peace in Northern Ireland on many occasions. But we continue to be asked about this or that aspect, particularly about the multi-party negotiations which started on 10 June in Belfast. There has been continued speculation about a new IRA ceasefire, despite the latest huge arms and explosives find in London. This has renewed questions about what effect this would have on the negotiations, and our approach to these negotiations. It may therefore be helpful to spell out our position again.

The negotiations have one overriding aim: to reach an overall political settlement, achieved through agreement and founded on consent. They will address all the issues relevant to such a settlement. Inclusive in nature, they involve both Governments and all the relevant political parties with the necessary democratic mandate and commitment to exclusively peaceful methods.

It is important to emphasise that all parties are treated equally in the negotiations in accordance with the scale of their democratic mandate. The negotiations require consensus among parties across the two communities in Northern Ireland. But no one party can prevent them continuing by withdrawing from the negotiations. No party has an undemocratic advantage.

The prospects for success in these negotiations will obviously be much greater if they take place in a peaceful environment. Under the legislation setting up the talks, if there was an unequivocal restoration of the IRA ceasefire of August 1994, Sinn Féin would be invited to nominate a team to join the negotiations at that stage. We would of course need to be sure that any restoration was indeed unequivocal, particularly in view of events on the ground. Beyond

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the unequivocal restoration of the IRA ceasefire, the British and Irish Governments are agreed that these negotiations are without preconditions.

It is equally clear that, to be successful, the negotiations must be based on exclusively democratic and peaceful means. There must be no recourse to the threat (actual or implied) or use of violence or coercion. So, on entering the negotiations, each participant needs to make clear their total and absolute commitment to the principles of democracy and non-violence set out in the Report of the International Body chaired by Senator George Mitchell. The parties in the talks have all done just that already.

The range of issues on which an overall agreement will depend means that the negotiations will be on the basis of a comprehensive agenda. This will be adopted by agreement. Each participant will be able to raise any significant issue of concern to them, and to receive a fair hearing for those concerns, without this being subject to the veto of any other party. Any aspect can be raised, including constitutional issues and any other matter which any party considers relevant. No negotiated outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement.

Among the crucial issues is decommissioning. The opening plenary will address the International Body's proposals on decommissioning of illegal arms. In their report, the International Body said the parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations. We and the Irish Government support this compromise approach. Agreement needs to be reached on how to take this forward, without blocking the negotiations. So both Governments have already said they will be looking for the commitment of all participants to work constructively during the negotiations to implement all aspects of the International Body's report.

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It is essential that all participants negotiate in good faith, seriously address all areas of the agreed agenda and make every effort to reach a comprehensive agreement. For their part, the two Governments are committed to ensure that all items on the comprehensive agenda are fully addressed. They will do so themselves with a view to overcoming any obstacles which may arise.

For our part, we are wholly committed to upholding our responsibility to encourage, facilitate and enable agreement in the negotiations. This must be based on full respect for the rights and identities of both traditions. We want to see peace, stability and reconciliation established by agreement.

We are also determined to see these negotiations through successfully, as speedily as possible. This is in line with the hopes and aspirations of people in both the United Kingdom and the Irish Republic. These have already given momentum to a process which will always have difficulties. We support the adoption by the participants of an agreed indicative timeframe for the conduct of the negotiations and the accompanying confidence-building measures. We have already proposed that a plenary meeting should be held in December to take stock of progress in the negotiations as a whole. The two governments will also review progress at regular intervals. I shall be meeting the Taoiseach again before the end of the year.

Meanwhile we are committed to raising confidence, both through the talks and through a range of other measures alongside them. The International Body's report itself proposes a process of mutual confidence-building.

So we will continue to pursue social and economic policies based on the principles of equality of opportunity, equity of treatment and parity of esteem irrespective of political, cultural or religious affiliation or gender. We support, with equal respect, the varied cultural traditions of both communities.

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We are also committed to strengthening policing arrangements so that the police service should enjoy the support of the entire community.

It is worth recalling that, in response to the ceasefires of Autumn 1994 and the changed level of threat, we undertook a series of confidence-building measures. These included changed arrangements for release of prisoners in Northern Ireland under the Northern Ireland (Remission of Sentences) Act 1995, security force redeployment, a review of emergency legislation and others. If the threat reduces again, the opportunity for further confidence-building measures returns.

But confidence-building is a two-way street. Support for the use of violence is incompatible with participation in the democratic process. An end to punishment beatings and other paramilitary activities, including surveillance and targeting, would demonstrate real commitment to peaceful methods and help build trust.

The opportunity for progress has never been greater. The negotiations are widely supported internationally. The negotiations also benefit from independent chairmen from the USA, Canada and Finland. They also have the overwhelming support of the people throughout these islands. They want them to take place in a peaceful environment, free of all violence. That is our aim too.

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