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POSSIBLE ANSWERS TO QUESTIONS FROM MR HUME

Question 1 Does the British Government remain operationally committed to inclusive and comprehensive negotiations, in accordance with the principles and understandings set out in the public documents which they have agreed with the Irish Government on this issue?

Answer: Yes. The British Government remains committed both as a matter of policy and practice to the principles and understandings set out in the documents agreed with the Irish Government.

Its operational commitment has been demonstrated in its persistent efforts to bring as many of the parties as possible around the table in comprehensive negotiations. These efforts have resulted in the current talks process which began on 10 June 1996.

As paragraphs 8 and 9 of the Ground Rules agreed between the British and Irish Governments set out, these negotiations are intended to be inclusive: they are open to all the parties which successfully contested the May 1996 elections and which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process. Sinn Féin's participation requires the unequivocal restoration of the IRA's ceasefire of 1994. Beyond this the negotiations are without pre-conditions.

These negotiations are comprehensive: the agreed rules of procedure, accepted by all the current participants, provide for:

- all the key relationships to be covered;

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- all participants to negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement;
- a comprehensive agenda for the negotiations as a whole to be adopted by agreement and each participant to be able to raise any significant issue of concern to them and receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations;
- no negotiated outcome to be either predetermined or excluded in advance or limited by anything other than the need for agreement.

Question 2 What are the practical implications of these commitments for the inclusion of Sinn Féin in a meaningful negotiating process?

Answer: The practical implication is that for Sinn Féin to participate in these negotiations, there needs to be an unequivocal restoration of the IRA ceasefire.

A comprehensive negotiating process exists which is statutorily open to Sinn Féin if the requirements in paragraphs 8 and 9 of the Ground Rules are met. As soon as those requirements are met, the Secretary of State must, in accordance with the statute, invite Sinn Féin to nominate its team to participate in the negotiations.

The Government statement of 28 November 1996 set out the process which would follow the declaration by the IRA of an unequivocal restoration of the ceasefire, in order to ensure that assurances were in place that any new ceasefire was intended to be genuinely unequivocal, ie lasting and not simply a tactical device.

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[There is nothing in the 28 November statement to preclude Sinn Féin's early participation in the talks after a ceasefire:] that depends on the words and deeds of the IRA and Sinn Féin. The Government will not seek to avoid or delay Sinn Féin's entry once the requirements are met; indeed, the statute requires ^{the issue} thereafter of an invitation as soon as practicable. Nor does any other party have a right of veto over Sinn Féin's entry.

The talks may be suspended quite soon until after the elections. If an immediate and convincingly unequivocal ceasefire were to be declared and words, actions and all the circumstances were consistent so that the requirements of the Ground Rules were met before the talks resumed, then Sinn Féin would be invited to participate from when the talks resumed.

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Questions
3 and 4

What assurance is there that engagement on the key political issues underlying the conflict, which must be the purpose of any meaningful negotiation, will not be thwarted by recourse to unreasonable or undeliverable preconditions?

What assurance is there that Unionist politicians, as the incumbents and beneficiaries of the status quo, will not simply exploit that advantage to stall indefinitely, in effect using an open-ended negotiating process as a tactical instrument to ward off, rather than to seek agreement on political change?

Answer: All participants in the current negotiations are committed, under the agreed rules of procedure, to negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement.

We agree that there needs to be a determined and sustained engagement on the key political issues underlying the conflict. It is only through such a process of engagement, leading to a political agreement and democratic ratification embracing all the key issues and relationships, that progress can be made in resolving the

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underlying conflict. That engagement needs to involve both main traditions, as well as the British and Irish Governments as appropriate.

The consent of both main traditions - unionist and nationalist - to any agreement, is essential. But such consent must be freely given on both sides: it cannot be forced or coerced.

The British Government's role is to encourage, facilitate and enable the achievement of such agreement over a period through a process of dialogue and co-operation based on full respect for the rights and identities of both traditions. It cannot, however, force or guarantee agreement: in particular it cannot secure unionist agreement or even participation where the consent of unionist representatives and people is absent.

The Government is, however, fully committed to using its influence to ensure that all items on the comprehensive agenda are fully addressed and to doing so, for its part, with a view to overcoming any obstacles in the negotiating process. The Government has already set out in "Frameworks for the Future" its assessment of the parameters of a possible outcome to the talks process as an aid to discussion and negotiation.

Timetables cannot guarantee agreement; this can only come about through a good faith engagement by all sides. The Government is, however, prepared to encourage the adoption by the participants of an agreed indicative timeframe for the conduct of negotiations.

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Question 5

It is generally accepted that the lack of trust and confidence has been a major obstacle in the peace process so far. What contribution would the British Government make to confidence-building in the event of an unequivocal restoration of the ceasefire?

Answer:

The Government's statement of 28 November set out its commitment to raising confidence, both through the talks and through a range of measures alongside them. It set out how it would continue to pursue a process of mutual confidence building and how the opportunity for further confidence building would be enhanced by a restoration of the IRA ceasefire.

The statement also envisaged that the first step in the process following the declaration of an unequivocal restoration of the ceasefire would be meetings with Sinn Féin at various levels to explore with them what assurances could be given and what confidence building measures established. As the statement also explained, confidence building is a two-way street. As the Mitchell Report said: "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."

POSSIBLE QUESTIONS FROM HMG

1. What assurance will there be that, if the IRA declare an unequivocal restoration of the ceasefire, it will indeed be genuinely unequivocal, that is to say lasting and not simply a tactical device; and how would that assurance be reflected in words and deeds?

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2. When Sinn Féin join the negotiations they will need to make a total and absolute commitment to the Mitchell principles. In view of the close association between Sinn Féin and the IRA, what assurances will there be that the IRA will not resort to violence to influence the course of negotiations or alter any aspect of the agreed outcome with which they disagree?

3. Is it the case that if Sinn Féin were to join the inclusive talks process, they would be ready to abide by all the agreed provisions and rules of procedure?

4. Do Sinn Féin understand that if they were to join the inclusive talks they would first of all have to commit themselves to the principles in paragraph 20 of the Mitchell report and that if, during the negotiations, they demonstrably dishonoured their commitment to those principles, they would no longer be entitled to participate in the negotiations?

5. Martin McGuinness said, in a statement of 14 November 1996, that the issue of arms should be dealt with to the satisfaction of all the participants in the process of negotiations. It seems to us that, for that to happen, the only likely area of agreement is around the compromise approach set out in paragraphs 34 and 35 of the Mitchell report and which the report asks all parties to consider. Is Sinn Féin prepared to endorse that compromise approach to decommissioning, under which some decommissioning would take place during the process of all party negotiations?

6. What contribution would Sinn Féin and the IRA expect to make to confidence building in the event of a restoration of the IRA ceasefire, bearing in mind the observations in Chapter VII of the Mitchell Report?

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