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Annex D

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.

[Longer alternative answer]

Yes.

The British Government's operational commitment has been demonstrated in the efforts which 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 genuinely 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.

Sinn Féin say that they can, "with credibility", seek an IRA ceasefire "when a meaningful and inclusive process of negotiations is genuinely being offered". Such a process already exists and Sinn Féin will be invited to join it once there is a genuinely unequivocal restoration of the IRA ceasefire. We can see no cause for further uncertainty, prevarication or delay. Sinn Féin should now seek an immediate and genuinely unequivocal ceasefire.

✓ [Shorter alternative answer]

Yes.

Inclusive and comprehensive negotiations are available in the current talks process which began on 10 June 1996. This is intended to be inclusive, on the basis set out in paragraphs 8 and 9 of the Ground Rules, agreed with the Irish Government. It is also comprehensive, as set out in the agreed rules of procedure adopted by all the current participants.

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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 a genuinely unequivocal restoration of the IRA ceasefire.

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

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. The Secretary of State is also committed to consulting the Irish Government.

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. Indeed, the statute requires the issuing of an invitation as soon as practicable once the requirements are met.

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[An addition to the answer, which adds nothing to declared policy but which for the first time spells out an illustrative scenario.]

Thus, if for example, a convincingly unequivocal ceasefire now were to be declared, and words, actions and all the circumstances were consistent, so that the requirements of paragraphs 8 and 9 of the Ground Rules were clearly met before the talks resumed after the elections, then, as required by the statute, Sinn Féin would be invited to participate from when the talks resumed.]

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

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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. If it would be helpful, the Government will bring forward, in conjunction with the Irish Government, proposals to the participants for the adoption 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, including continuing to apply the principles of equality of opportunity, equity of treatment, parity of esteem and equal respect for the varied cultural traditions of both communities across the spectrum of issues. 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 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. We therefore welcome Sinn Féin's endorsement of the suggestions in Chapter VII of the International Body, including:

- the early termination of paramilitary activities, including surveillance and targeting;
- the provision of information on the status of missing persons;
- the return of those who have been forced to leave their communities under threat.

The Government has already endorsed the Report as a whole, including Chapter VII.

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