

fax sent by

GERRY ADAMS
SINN FÉIN
PRESIDENT

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John Hume
Derry

John a chara

Many thanks for the letter dated 14 March from Patrick Mayhew, which I received on 18 March.

You will recall that the idea of these questions and answers is to provide clear and unequivocal assurances that a meaningful and inclusive process of negotiations is genuinely being offered. These assurances will empower us, with credibility, to seek an IRA cessation. I have already explained that Sinn Féin's attitude to these exchanges will be governed entirely by whether they can have that effect. You have explained your understanding that the British government accepts this and that our collective task is to find formulations which help to bring this about. You and I also agree that direct meetings are the best way to resolve these matters and I think it is important to put this once again to the British government. Surely if there is any real commitment to find a way to restore the peace process Mr Major should authorise such meetings.

In the meantime, I approached the Patrick Mayhew 14 March letter in a positive mode. I think it is possible to amend it to deal more clearly with the issues which need to be resolved so that a credible process can be re-established. These are:

Sinn Féin's entry into dialogue
Removal of preconditions
Timeframe
Confidence building measures.

In relation to Sinn Féin's entry into dialogue Patrick Mayhew states in his letter that the British government do not seek an unnecessary lapse of time in this regard. He should therefore state clearly and specifically when Sinn Féin will enter the negotiations in the context of the restoration of the IRA cessation.

The detail of the approach that the two governments will take to the removal of preconditions needs also to be spelt out clearly, particularly given the way that the decommissioning issue was used to block the commencement of negotiations to prevent any forward movement. In this regard I welcome the assertions in Patrick Mayhew's letter that beyond the restoration of the IRA cessation of August 1994 that the negotiations are without preconditions and that the government will seek to overcome any obstacles in the negotiation process. While Sinn Féin rejects any preconditions on our full and immediate

involvement in the negotiations, or any second class ^{with actions} status for our electorate, obviously if the British government matches these statements then this issue can be resolved. The detail of how the issue of decommissioning is to be dealt with needs to be clearly spelt out so that it is no longer used as a precondition or a blockage in the negotiations.

I note the British government's commitment in conjunction with the Irish government to bring forward proposals for an agreed indicative timeframe for the conduct of negotiations. The two governments should, of course, agree this in advance so that there is no misunderstanding on the timeframe envisaged. They should also spell out the approach they would take should all the main unionist parties withdraw from the negotiations.

I welcome also the British government's endorsement of the International Body's report including Chapter VII dealing with confidence building measures and in particular their recommendation that there should be action on:

Prisoners
Emergency legislation
Policing
Plastic bullets
Social and economic issues

All of these issues need speedy action, particularly the issue of prisoners. A programmatic approach to these confidence building measures needs to be set out in advance so that the language of the policy statement is reflected in a coherent programme which will raise confidence and build trust.

This programmatic approach needs to address the issues of;

- 1) Human, civil and democratic rights such as equality of opportunity and cultural equality; and
- 2) Issues of demilitarisation relating directly to the conflict such as emergency legislation and prisoners.

Find below suggested answers to the questions. I think these provide convincing assurances.

Q1 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 Governments on this issue?

A1 The British Government remain fully and unreservedly committed to the principles and understandings which they subscribed to in these joint documents, and will be governed by them in their continuing search for a resolution of the conflict.

The Prime Minister has set out the purpose and aim of negotiations and confirmed in terms their comprehensive agenda, inclusive nature and democratic basis. He made clear that all parties would be treated equally in the negotiations and that the negotiations were completely open as to the final outcome, subject only to the need for agreement.

Except as regards fulfilling the inclusive nature of the negotiations, the present talks process meets each of these criteria and has the potential to address and advance agreement on all the issues underlying the conflict, and on the need for new political arrangements with which all can identify, in line with the approach set out by the two Governments in the documents agreed between them.

Q2 What are the practical implications of these commitments for the inclusion of Sinn Féin in a meaningful negotiating process?

A2 The British Government wish the Talks to become fully inclusive at the earliest attainable time, subject only to the requirements set out in the Northern Ireland (Entry to Negotiations etc.) Act 1996.

The British Government are legally bound by Section 2 (2) of that Act, which requires the Secretary of State to invite as soon as practicable after the elections each party for which delegates have been returned in accordance with Schedule 1 of the Act. The only qualification permitted on that requirement is in Section 2 (3) of the Act, which obliges the Secretary of State to refrain from inviting and to exclude delegates from any party if and for as long as he considers that the requirements set out in paragraphs 8 and 9 of Command Paper 3232 ("The Ground Rules Paper") are not met by that party. It must be stressed that the terms of the Act preclude the Secretary of State from having regard to other factors in making this decision, for example political expediency, or the likely reaction of other parties, and require him to make it "as soon as practicable" after the requirements of the Act have been fulfilled.

The sole criterion for Sinn Féin admission is, therefore, whether the terms of paragraph 8 and 9 of the ground rules are fulfilled in their regards. These read:

"Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communique of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

In the Communique of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994."

In the absence of an unequivocal restoration of the ceasefire of August 1994, any further consideration of the issue of Sinn Féin's admission clearly does not arise.

In the event of an unequivocal restoration of the ceasefire of August 1994, the Secretary of State would invite Sinn Féin to nominate a team to participate, from that point, in the negotiations.

Q3 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?

A3 The British and Irish Governments agree that, beyond the unequivocal restoration of the IRA ceasefire, the negotiations are without preconditions.

It would be clearly at variance with the terms of the Act governing the election in which all the parties took part, if the negotiations were now to be made subject to an added precondition of prior decommissioning. Both Governments are agreed however that decommissioning is among the crucial

issues, and that a satisfactory resolution of this issue must be an essential part of any overall agreement. So the opening plenary is addressing the International Body's proposals on decommissioning of illegal arms. This issue needs to be addressed without blocking the negotiations. Both Governments believe that the way to achieve this is to persuade all participants to work constructively during the negotiations to implement all aspect of the International Body's report, and they will for their own part maintain this latter approach as their joint policy.

Q4 What assurance is there that Unionist politicians, as the incumbents and beneficiaries of the status quo, will not simply exploit that advantage to use an open-ended negotiating process as a tactical instrument to ward off, rather than to seek agreement on political change?

A4 The British Government does not accept that any party questions the necessity of meaningful negotiations, since to do so would be to deny the need to resolve problems which are both very serious and self-evident. Furthermore, the participation of the parties in elections specifically for the purpose of selecting negotiators confirms this is the case. The rules of procedure adopted by participants in the Talks also explicitly pledge that they will negotiate in good faith, seriously address all areas of the agreed agenda and make every effort to reach a comprehensive agreement.

For their own part the Governments are committed to ensure that all items on the comprehensive agenda are fully addressed, and to doing so themselves with a view to overcoming any obstacle which may arise. Clearly any negotiating process which became terminally stalemated could no longer serve as the means for advancing agreement and this would have obvious implications for the Government's commitment to encourage, facilitate and enable agreement over a period through the negotiations, which we are determined to see through successfully, as speedily as possible.

The British and Irish governments are committed to an agreed timeframe and calendar for the conduct of the negotiations. We will seek, with the Irish Government, to ensure that the negotiations enter substantive issues within a specified period, at a minimum as regards Strand Three issues which are between the two Governments, with provision for the extensive consultative procedures which are envisaged with the parties on these issues.

Without prejudice to the essential freedom of any participant to assert and defend their position in the negotiations as they themselves see fit, the Government will ensure that no party can prevent the negotiations continuing by withdrawing from them or can misuse them in a way which would amount to one tradition exercising a veto over the legitimate rights of the other. The policies of the Government will be based resolutely on full respect for the rights and identities of both, and the negotiating process must serve to advance rather than hinder this principle.

As has already been stated, the progress of the negotiations, including the issue of their time-frame, will be subject to regular review both among the participants and by the two Governments at Prime Ministerial and Ministerial level.

Q5 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?

A5 We have repeatedly made clear our commitment 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, and its various ideas in this respect would obviously be part of the agenda in our taking forward the implementation of all aspects of the Report.

As the government has already made clear, confidence building is a two-way street, and on our side the opportunity for such measures depends directly on the reduction in the level of threat.

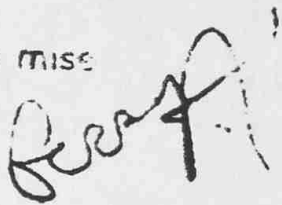
We have already set out in various public statements our commitment to pursue social and economic policies based on the principles of equality of opportunity, equity of treatment and parity of esteem, irrespective of political, cultural or religious affiliation or gender. This will ensure that there is just and equal treatment for the identity, ethos and aspiration of both communities, including equal treatment for the Irish language and culture.

We recognise the relationship between the prison population and the wider community and the role of the prisoners in supporting the search for a lasting peace. It is our intention to address the issues of prisoners in a way which contributes to building trust and confidence.

We are also committed to the creation of a policing service which can enjoy the support of the entire community.

Sin é John.

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GERRY ADAMS