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DRAFT LETTER FROM MR THOMAS
TO

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July 1997

You wrote to me on 2 July raising a number of specific questions on the aide memoire sent to you on 13 June and on the British and Irish Governments' proposals on decommissioning published on 25 June.

The Government's purpose in both papers was to set out its approach in clear terms on the key issues. It wants no genuine doubt or uncertainty to remain as a block to an unequivocal IRA ceasefire and inclusive negotiations. But it will not negotiate a ceasefire.

The Government is also serious about the timetable it has set out. It is determined to see substantive political negotiations under way in September. It wants Sinn Fein to be part of those negotiations, but that can only follow a genuine and unequivocal IRA ceasefire which is seen to be matched by word and deed. So, while the Government will do all it can to ensure its approach is clearly and fully understood so as to achieve this objective, it will not be drawn into open-ended exchanges ^{with any party} intended to delay the timetable.

With that in mind, I shall concentrate on what we understand to be Sinn Fein's key concerns.

The Prime Minister has repeatedly made clear his determination to see a negotiated settlement agreed and implemented. As he said in his statement to the House of Commons:

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"I want to move as rapidly as possible to an agreed political settlement. The situation in Northern Ireland means that delay is not acceptable."

As he also said in his speech in Belfast on 16 May:

"This Government is fully committed to the approach set out in the Downing Street Declaration. I believe the Joint Framework Document sets out a reasonable basis for future negotiation. We must create, through open discussion, new institutions which fairly represent the interests and aspirations of both communities."

Overall agreement will only be achieved if all the issues on the table are resolved to the satisfaction of the participants. A successful outcome can only be based on the consent of both nationalists and unionists achieved through dialogue and negotiation.

Decommissioning is one – but by no means the only one – of the critical issues which need to be resolved satisfactorily. Both the British and Irish Governments share the view that:

"... voluntary and mutual decommissioning can be achieved only in the context of progress in comprehensive and inclusive political negotiations."

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It is in this context that both Governments:

“... acknowledge a particular responsibility to carry the process forward with energy and determination so as to build confidence without blocking the negotiations.”

The British Government's policy on decommissioning is based fully on the Mitchell Report, the key part of which says “The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge”. The Prime Minister set out our position clearly in ^{his} ~~the~~ House of Commons ^{statement} on 25 June, ~~both in and after his Statement~~. The joint proposals would mean that substantive political negotiations get under way at the same time as the mechanisms necessary to agree the modalities of decommissioning – an International Commission and a Liaison sub-Committee of all the participants – start their work.

The joint proposals would also provide a regular review mechanism to consider developments across the negotiations as a whole and to consider whether the necessary confidence and momentum towards agreement is being sustained. The purpose of the review is not of course to lead to a blockage of the negotiations, but on the contrary to allow each participant to raise concerns about progress on any issue in any part of the negotiations. So far as decommissioning is concerned, provided that all participants are acting on the basis ^{of the implementation of all} ~~set out by the~~ ^{aspects of the Mitchell Report} ~~Mitchell Report~~, in good faith, progress should be possible. When difficulties and blockages arise, as they undoubtedly will on any one of a number of issues, the proposals would provide for the Independent Chairmen to offer their

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judgment from time to time on the need for progress on particular issues if confidence and momentum towards agreement is to be sustained.

The Government believes that this approach offers the best prospect of building confidence without blocking the negotiations, providing the commitments which all participants would need to make are entered into and followed through in good faith. Good faith is essential. That is why, if a party demonstrably dishonours its commitment to the ^{SK} Mitchell principles ^{of democracy and non-violence}, it is no longer entitled to participate. This is the only ground for exclusion once a party has joined the negotiations. Although any party can bring such an allegation, any appropriate action is for the two Governments alone.

We look for a benign mutual dynamic on all the issues in the negotiations, as the Mitchell Report envisages, so that as mutual progress is made on political issues ^{confidence building issues} and decommissioning, this can create growing mutual trust and confidence on all sides. Accordingly both Governments are committed to:

".... work to bring about due progress on decommissioning alongside progress in the substantive political negotiations."

The Government cannot answer for any party's good faith other than its own. But with good faith, the Government believes its target of the end of May can be met. ^(X) It cannot give a guarantee of a successful outcome because that will require agreement and consent among both unionists and nationalists, as well as both Governments. There are many difficult issues, any of which if not addressed in good faith and resolved satisfactorily, could hold back overall agreement. But both Governments will be working to overcome obstacles to agreement and, if these negotiations do not succeed despite their best efforts, they

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will together continue to pursue rapid progress to an overall agreed settlement acceptable to both unionists and nationalists.

On confidence-building, as you acknowledge, the Government has set out the principles of its approach on all the issues you raise. Implementation of specific measures inevitably takes time. It would be unrealistic to expect an immediate and detailed programme of measures on what is a very wide-ranging agenda. But if Sinn Fein, following an unequivocal ceasefire, joins the negotiations, then it will ^{also} have the opportunity to raise and explore these important issues. *with others in that context.*

Progress on some, including those suggested in Chapter VII of the Mitchell Report, some of which are for the IRA to take, can only follow a restoration of the IRA ceasefire. But the joint proposals include the establishment of a sub-Committee on Confidence-Building Measures, " charged with assisting the implementation of all aspects of the Report of the International Body relating to the further confidence-building measures mentioned in that report which participants may raise....".

On prisoners, the aide memoire recognised the particular sensitivity of prisoner issues on all sides. The Government is committed to ensuring that prisoners are treated with dignity and respect and subject to no more security restrictions than the risk to the public requires. ^Y As successive Home Secretaries have made clear, the Government is committed to the principle that prisoners should serve their sentences close to their family, wherever practicable. In accordance with this principle, requests for transfer to Northern Ireland or repatriation to the Irish Republic are regularly considered. Since April 1995, under both Governments, there have been nine permanent transfers to Northern

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Ireland of prisoners convicted of terrorist offences. This is in addition to temporary transfers, and six repatriations to the Irish Republic of prisoners convicted of terrorist offences since the scheme began in November 1995. In the normal course of events, the Home Office expects to announce decisions in three further repatriation cases in the coming weeks, once some prior exchanges with the new Irish Government are completed satisfactorily. A further three cases are likely to be referred to the Irish Government for their consideration next week. (2)

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(62)

As to the other issues you raise, ~~my understanding is that you regard these~~ as essentially "housekeeping" details. I can confirm that, as envisaged in the aide memoire, Ministers will meet Sinn Fein in the period immediately following a ceasefire. As to meetings with the Prime Minister, once Sinn Fein has joined the negotiations and made its commitment to the Mitchell principles, these would be dealt with on the same basis as for other participants. The rules of procedure for the negotiations set out the structure, sequence and conduct of the negotiations, how the agenda is to be adopted and the role of the Chairmen and the Business Committee in convening and scheduling meetings.

The Government has established its good faith in setting out a clear approach and in removing any genuine uncertainties which remain. What now needs to be cleared up without further delay is whether the IRA will declare a genuine and unequivocal ceasefire, which alone can permit Sinn Fein to join the political negotiations when they get under way in September.

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