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TRIMBLE FAX OF 26 NOVEMBER: POINTS IN RESPONSE**A. Specific points**

- (i) Page one, paras 3&4: requirements of the legislation. The third paragraph of page one of the statement makes clear that the negotiations involve all the parties with a "commitment to exclusively peaceful methods". The third paragraph of page two of the statement refers both to the need for Sinn Fein commitment to the Mitchell principles (which include commitment to democratic and exclusively peaceful means of resolving political issues, and the renunciation of force and the threat of force), and to paras 8 and 9 of the Command Paper (attached), which also talk of the need for all parties to "establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process".
- (ii) Page one, para 5: confidence-building measures. The process set out on page 3 of the draft statement is explicitly designed to show whether the IRA/Sinn Fein mean what they say. The reference to confidence-building measures follows the need for assurances and is clearly intended to refer to the need for the IRA/Sinn Fein to build confidence (and should be seen in the light of the penultimate paragraph on page 6). There is certainly no trade-off intended - indeed we had not even imagined it in that way until David Trimble suggested it. We would make it very clear what was meant in any public explanation of the document.
- (iii) Page 2: matters omitted. Confidence-building measures are mentioned on pages 5/6 of the statement but absolutely no promises are made. The statement simply suggests that, in the context of a new ceasefire and a reduced threat, more CBMs could become possible. The indicative timeframe is not "eagerly embraced" but mentioned in such a way that, far

from imposition by the government or governments, control is entirely in the hands of the participants. There is no pre-emptive approach.

Hume and the Irish have not been encouraged by the text. We have also made absolutely clear that we do not envisage any changes to it. Sinn Fein have received the text, according to Hume. Adams' statement of 26 November was presumably a reaction to it, though he did not say so.

- (iv) Pages 2/3: conclusion. Most of pages 2 and 3 consist of a definition of an unequivocal ceasefire, spelled out post-Lisburn in a way which sets a stiff test for the IRA/Sinn Fein (no paramilitary activity, nothing inconsistent with Mitchell principles, need for sufficient time to judge all these things).

Promises: the promise the Prime Minister made consistently was that David Trimble would be shown the text before publication. The Prime Minister felt throughout, and said, that it was not fair on Hume to reveal correspondence to third parties. The Prime Minister has seen David Trimble very regularly over the last few weeks (far more regularly than he sees most of his Cabinet colleagues) and been open with him on every occasion. We have responded to every request for a meeting. He has only seen Hume once in the past few months.

The government do not give a higher priority to Sinn Fein than the present talks process. No one has worked harder than us to move the talks along. But we have always been careful not to say that Sinn Fein could never come into the talks, and careful to avoid a situation where we and the Unionists could be seen as the obstacles to progress. That is why we have dealt so carefully with Hume's efforts - without any change in policy.

B. General points

- The approach we have set out, in particular on the terms of entry for Sinn Fein after a ceasefire, is diametrically opposed to what the Irish and others wanted. They see us as having moved the goalposts by making Sinn Fein's entry more difficult than originally suggested, and trying to impose humiliating terms on Sinn Fein.
- The response to our latest text from the Nationalist side has been negative, as we expected. Adams has now spelled this out clearly on 26 November and wrong footed himself.
- Denunciation of the text and the approach by the Unionists will let Sinn Fein off the hook (and could make them see more merit in it).
- We believe the text is fair, balanced and reasonable and will be seen as such domestically and internationally when it is published.

Participation

8. 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 Communiqué of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

9. In the Communiqué 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.

10. There will be no limit on the overall size of the negotiating teams of the political parties and the two Governments (hereafter collectively referred to as "the participants"). However, for any one meeting, unless there is agreement otherwise, participants will generally be limited to teams of three, plus three in support (five in support in the case of the two Governments).

11. The negotiating team of each political party will be designated by the party leader from among the elected representatives. These teams may be supported in meetings by researchers and others who are not elected.

Opening of negotiations

12. Negotiations will begin on Monday 10 June 1996 with an opening plenary session involving all the participants in the negotiations. Each delegation would have the opportunity to make an opening statement setting out its approach to the negotiations and its position on key issues.

13. In their Communiqué of 28 February, the Taoiseach and the Prime Minister said:

"They recognise that confidence building measures will be necessary. As one such measure, all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body. They would also need to address, at that stage, its proposals on decommissioning. Confidence building would also require that the parties have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify."

14. The agenda for negotiations will be in accordance with this and therefore the opening plenary session will need to ensure that priority is given to these confidence building issues. The opening plenary session will also adopt, and commit the participants to negotiate, a comprehensive agenda which provides reassurance, both in terms of addressing the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered. This agenda will include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for agreement. The plenary session would also decide how to deal with any procedural issues which may require resolution in the negotiations.

15. Both Governments are determined that the structure and process of the negotiations will be used in the most constructive possible manner in the search for agreement. They will use their influence in the appropriate strands to ensure that all items on the comprehensive agenda are fully addressed in the negotiating process and commit themselves, for their part, to doing so with a view to overcoming any obstacles which may arise.