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John Holmes Esq
Private Secretary to
the Prime Minister
10 Downing Street
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/8 November 1996

Dear John,

HUME/ADAMS: NEXT STEPS

You asked for advice following your conversation with Paddy Teahon on Friday.

The current position

To summarise:

- Sinn Fein are standing on their text of 10 October of our draft statement, although both the Irish Government and ourselves think this conceals some room for manoeuvre;
- our position rests with HMG's text of 5 November, which we gave to the Irish and US Governments (but not Hume - it is unclear whether it has reached Sinn Fein);
- the Irish Government responded with the Irish text of 5 November, based upon Sinn Fein's immediate entry to negotiations to sign up to the Mitchell principles in plenary, followed by bilateral consultations;

CONFIDENTIAL

- 1 -



- in an effort to persuade us to reconsider our position of 5 November, the Irish Government offered to see what language could be obtained in a ceasefire declaration;
- they have now returned having put Sinn Fein on notice that any declaration needs to go beyond the last one, but having obtained no specific language. Despite this, the Irish side have held to their text of 5 November (with minor adjustments in the less critical paragraphs).

HMG's objectives

These continue to be:

- to keep the talks process going, with or without Sinn Fein;
- to bring the Hume/Adams initiative to a conclusion with the Irish Government and SDLP supporting HMG's position, recognising that unless they do so they will not be prepared to see the talks move forward without Sinn Fein;
- to secure an unequivocal restoration of the IRA ceasefire, providing one is available on credible and dependable terms that does not require any substantive policy change from us;
- failing all else, to ensure that blame for any failure is not left with HMG.

But is this realistic?

Where next?

Following the Irish side's failure to obtain anything much from Sinn Fein, we would be entitled to camp on our own text of 5 November. We could:

- (a) either tell the Irish we could not move from the text of 5 November and do nothing else;
- (b) or publish our text of 5 November without further ado.

But neither of these options seems likely to advance us much towards our objectives. Simply reaffirming our text of 5 November leaves Sinn Fein able to continue to claim they have had no response to their text of 10 October; and we know already that the Irish Government will not support it if we publish it because they regard it as offering no realistic prospect of securing a ceasefire. Both these options therefore seem likely to lead to:

- no prospect of a ceasefire;
- the Irish Government blaming HMG for neglecting to secure a ceasefire on the basis of the Irish text of 5 November.

Clearly, however, we cannot accept the Irish approach as set out in their text of 5 November - not least because the Irish side have failed to deliver so far on what they were offering as inducements for movement. But instead, we could:

- (c) offer a revised text to the Irish Government, along the lines proposed in my letter of 8 November.



This envisages no substantive change to the policy position agreed by NI Committee on 31 October. But we would set out a process of entry to negotiations which, assuming it were successfully concluded by Sinn Fein, could lead to their entry to negotiations around the time agreed by NI Committee - ie when the talks reconvene in the New Year.

The advantages of putting such a revised text back to the Irish side are:

- it involves no substantive change of position for HMG;
- but it responds to the Irish text of 5 November and incorporates some of their approach, so improving the chances of recruiting their support or at least deflecting claims we had ignored their ideas altogether;
- it therefore offers a sound basis, if necessary, for bringing the initiative to a conclusion by publication of our own text.

It is this option which Ministers here consider offers the best prospect of securing our objectives. They are keen that the Irish side should have a revised text before (or at) the Intergovernmental Conference on Wednesday evening, when discussion is likely to focus again on this issue. There is also growing pressure from all sides in the current talks to bring this to a rapid conclusion.



Revised text

I attach a revised text approved by our Ministers. The key passage is paragraphs 7 and 8 which build on our proposal of 8 November on which you commented on 14 November:

- we have revised the introduction to paragraph 7 to use some language by Martin McGuinness last week about a permanent end to the conflict. We also use "would" rather than your suggestion of "could" because our purpose here is to provide some certainty about the process of entry - but always subject to the qualifications set out in paragraph 8;

- we have retained a reference to Ministers meeting with Sinn Fein. NI Committee were content for Ministers to do so after a ceasefire and our Ministers have already made clear to the Irish side that they would be prepared to do this;

- we have revised the fourth tirect, in line with your own suggestions (but using preferable language which points towards paragraph 8);

- we have retained the last tirect. This is essential to the overall scheme: the current participants will want some indication of when the plenary session is to be reconvened; the suggested timescale picks up the Irish proposal for a month of bilaterals; the language does not commit us to inviting Sinn Fein into the negotiations at this point. All it does is state the possibility that Sinn Fein could have successfully concluded the entry process by this point - which is, in fact, the point of entry contemplated by NI Committee;

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sort of! U

- we have also reflected the minor Irish suggestions on the rest of the text in paragraph 14 (bringing forward proposals on an indicative time frame) and paragraph 16 (an explicit reference to the Irish language).

Why should
we include
these?

Conclusion

Now that the Irish side have failed to deliver anything on the terms of an IRA ceasefire statement, we need to rapidly bring this initiative to a conclusion. An essential prelude to that is responding to the Irish side with a text that, while making no substantive change in policy, takes account of their own proposal of 5 November and responds to it. The Secretary of State is therefore anxious to give the attached text to the Irish side as soon as possible - ideally, tomorrow but certainly no later than Wednesday's IGC.

Copies go to the William [✓]Enman (FCO), Colin Budd and to Sir Robin Butler.

Yours ever,

Ken

W K LINDSAY

(18 November)

Possible text in response to Hume text of 10 October

1. This Government has made clear its approach to the search for peace in Northern Ireland on many occasions. But we continue to be asked about this or that aspect, particularly about the multi-party negotiations which started on 10 June in Belfast. There has been continued speculation about a new IRA ceasefire, despite the no-warning attack on Thiepval barracks, Lisburn and various arms finds, including the huge find in London. This has renewed questions about what effect this would have on the negotiations, and our approach to these negotiations. It may therefore be helpful to spell out our position again.
2. The purpose of the negotiations is to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. The negotiations have one overriding aim: to reach an overall political settlement, achieved through agreement and founded on consent.
3. They will therefore address all the issues relevant to a settlement. Inclusive in nature, they involve both the British and Irish Governments and all the relevant political parties with the necessary democratic mandate and commitment to exclusively peaceful methods.
4. It is important to emphasise that all parties are treated equally in the negotiations, in accordance with the scale of their democratic mandate and the need for sufficient consensus. But no one party can prevent the negotiations continuing by withdrawing from them. No party has an undemocratic advantage. Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.

5. The prospects for success in these negotiations will obviously be much greater if they take place in a peaceful environment. The loyalist ceasefire has made an important contribution. It made it possible for the loyalist parties to join the negotiations. They are now playing their part in shaping Northern Ireland's future, as I have acknowledged by meeting their leaders.

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

Five key paragraphs

7. Both Governments consider that, following the declaration by the IRA of an unequivocal restoration of the ceasefire with the stated purpose of the conflict being permanently ended, the process of Sinn Fein's entry into negotiations would be:

- Ministers would meet with Sinn Fein, following preparatory exchanges with officials, to explore with them the nature of the ceasefire, what assurances either way and what confidence-building measures either way could be established;
- the British and Irish Governments would invite Sinn Fein to meet them together for the purpose of making a total and absolute commitment to the principles of democracy and non-violence, a commitment already made by all the current participants who could also be present at this meeting;
- the two Governments would report this commitment to the independent chairmen and invite them formally to notify the other participants;
- the two Governments would then propose bilateral and other consultations with all the parties to seek to determine how, assuming the successful conclusion of this process with Sinn Fein's entry, the negotiations could most constructively be advanced, including the issue of the participants adopting an agreed indicative timeframe for taking stock of their progress;

- the two Governments would expect the independent chairmen to reconvene the plenary session, with Sinn Fein invited formally to participate, assuming the successful conclusion of this process, within a further 4-6 weeks or the most practicable date thereafter, to consider the outcome of these consultations and the future programme of work.

8. The successful conclusion of this process would depend on whether words, actions and all the circumstances were consistent with the declared ceasefire. For example, whether or not any paramilitary activity, including surveillance, targeting and weapons preparation, continued would be directly in point. Developments which were inconsistent with an unequivocal restoration of the ceasefire or Sinn Fein's commitment to the Mitchell principles would affect the process of entry adversely. Sufficient time would have to be taken to ensure the requirements of paragraphs 8 and 9 of Command Paper 3232 were accordingly met before Sinn Fein were accordingly invited to participate in negotiations.

9. From their entry into negotiations onwards, Sinn Fein would, in common with all the other participants, be subject to all the agreed provisions and rules of procedure. These include those governing the contingency where any participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence. //

10. The range of issues on which an overall agreement will depend means that the negotiations will be on the basis of a comprehensive agenda. This will be adopted by agreement. Each participant will be able to raise any significant issue of concern to them, and to receive a fair hearing for those concerns, without this being subject to the veto of any other party. Any aspect can be raised, including constitutional issues and any other matter which any party considers relevant. No negotiated outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement.

11. Among the crucial issues is decommissioning. So the opening plenary will address the International Body's proposals on decommissioning of illegal arms. In their report, the International Body said the parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations. We and the Irish Government support this compromise approach. Agreement needs to be reached on how to take it forward, so that the process of decommissioning is not seen as a block to progress in the negotiations, but can be used to build confidence one step at a time during them. So both Governments have already said they will be looking for the commitment of all participants to work constructively during the negotiations to implement all aspects of the International Body's report.

12. It is essential that all participants negotiate in good faith, seriously address all areas of the agreed agenda and make every effort to reach a comprehensive agreement. For their part, the two Governments are committed to ensure that all items on the comprehensive agenda are fully addressed. They will do so themselves with a view to overcoming any obstacles which may arise.

13. For our part, we are wholly committed to upholding our responsibility to encourage, facilitate and enable agreement over a period through the negotiations. This must be based on full respect for the rights and identities of both traditions. We want to see peace, stability and reconciliation established by agreement.

14. We are also determined to see these negotiations through successfully, as speedily as possible. This is in line with the hopes and aspirations of people in both the United Kingdom and the Irish Republic. These have already given momentum to a process which will always have difficulties. We will encourage the adoption by the participants of an agreed indicative timeframe for the conduct of the negotiations and, if it would be helpful, will bring forward proposals for this. We have already proposed that a plenary meeting should be held in December to take stock of progress in the

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negotiations as a whole. The two Governments will also review progress at regular intervals. I will be meeting the Taoiseach on 9 December and the Secretary of State regularly meets the Tanaiste. Progress will be reviewed again by the end of May 1997, a date set in the legislation.

15. Meanwhile we are committed 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.

16. So we will continue 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. We support, with equal respect, the varied cultural traditions of both communities including the
New. Irish language. We are also committed to developing policing arrangements so that the police service should enjoy the support of the entire community.

17. It is worth recalling that, in response to the ceasefires of Autumn 1994 and the changed level of threat, we undertook a series of confidence-building measures. These included changed arrangements for release of prisoners in Northern Ireland under the Northern Ireland (Remission of Sentences) Act 1995, security force redeployments, a review of emergency legislation and others. If the threat reduces again, the opportunity for further confidence-building measures returns.

18. But confidence-building is a two-way street. 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.

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19. The opportunity for progress has never been greater. The process of peace and reconciliation has received valuable economic support from the United States, the European Union and through the International Fund. The negotiations are widely supported internationally and benefit from independent chairmen from the USA, Canada and Finland. They also have the overwhelming support of the people throughout these islands. They want them to take place in a peaceful environment, free of all violence. That is our aim too.

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- 12 -