

**FAXED**

To PM at home 16:00  
22/11/96 JH

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JH 17/12*

**From: JOHN HOLMES**

**Date: 22 November 1996**

**PRIME MINISTER**

**NORTHERN IRELAND**

The process of checking that NI members are content is not yet complete. But it is well on the way. I have spoken to Cranborne, as has Paddy Mayhew. He seems entirely happy but wants to check finally with Trimble. Portillo and Howard are OK, as is Rifkind. The Attorney General is proving difficult to contact. No answer yet from the DPM or the Chancellor.

.. On the assumption that NI is finally lined up completely later today, I attach draft letters to the Taoiseach and John Hume. That to the Taoiseach would go today. The one to John Hume would go tomorrow, or possibly Sunday/Monday. You will see that both letters are drafted with a view to the public record, as much as to their intended recipients.

If you are happy with the texts, perhaps you could sign copies of both today, so that we can deploy them as soon as NI is lined up.

.. I attach the text again, and your speaking note. I have tried through a system of numbers to show how the two correspond.

*JH*

**JOHN HOLMES**

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THE PRIME MINISTER

I have been reflecting on the position we have reached following our phone conversation on 6 November.

Since the summer when I first discussed this matter with John Hume and in my recent discussions with you, I have had two concerns. First, the IRA's actions on the ground, and what we know of their future plans, are incompatible with what we have been told is Mr. Adams' readiness to guarantee a permanent ceasefire immediately following a Government statement which, as I have said throughout, can only repeat existing policy positions. But, secondly, I am determined that the peace process should continue because that is what the people of Northern Ireland want and deserve. We have therefore kept the door open for Sinn Fein to join the negotiations if there is a genuinely unequivocal restoration of the IRA ceasefire. But each atrocity the IRA has committed has widened the credibility gap to be bridged in the event of a new ceasefire.

As I have repeatedly made clear, I cannot - and will not - negotiate Government policy in exchange for a ceasefire. All along, I have said I will stick strictly to what is existing Government policy as set out on the public record. The text I was given by John Hume on 10 October departs from existing Government policy in places. I cannot accept it as it stands.

When we spoke following the text we showed you on 5 November, we agreed that any ceasefire declaration needed to offer more credible guarantees than the last one. I made clear we would need to be convinced that a new

ceasefire would be intended to last and that we also looked for more commitment to the consent principle and parallel decommissioning. You therefore agreed to ask Sinn Fein for the terms of an IRA ceasefire declaration. I said that if these were sufficiently clear and dependable this would create a new situation, and we might be prepared to reconsider the language used in our text of 5 November about the terms of entry for Sinn Fein following a ceasefire.

I am very grateful for your determined efforts but, as I understand it, Sinn Fein have failed to respond with any language. I am told Sinn Fein said they were not prepared to spell out the bottom line of their language until they were sure what we would say in our statement.

Let there be no doubt I want progress and not stalemate, if that is achievable. Since Sinn Fein failed to respond to your efforts, we have now reached the point where it is right for me to set out our firm position so that Sinn Fein are in no doubt of it and can respond accordingly. The attached text does this.

I believe it is a reasonable and fair position, consistent with our existing policy and with our obligations under the law. It does what John Hume originally told us would deliver an IRA ceasefire - a ceasefire which would be for good this time. It sets out key reassurances on the basis of our existing policy. It takes account of the suggested approach you put to us on 5 November and sets out a process of entry to the negotiations which seeks to take account of the political realities on all sides. I know you understand these realities - created by the IRA's own actions. It is neither credible nor deliverable to ignore them.

What this text cannot, of course, do - not least because Sinn Fein have refused to tell you - is take account of what the IRA will say if they declare a ceasefire and how that will be reflected on the ground. If there is a new



ceasefire and how that will be reflected on the ground. If there is a new ceasefire, our reaction to it will depend crucially on both of these things.

We now need urgently to establish whether a genuine and dependable ceasefire will be delivered if the British Government sets out its existing policy position on the negotiations and how Sinn Fein may join them in the terms attached. It should lead straightaway to an unequivocal restoration of the IRA ceasefire, which should never have been abandoned. That would greatly enhance the prospects for lasting peace and an overall political settlement.

But if the IRA chooses not to take this route to inclusive negotiations, it should be under no illusions. The IRA will not bomb Sinn Fein to the negotiating table, now or in the future - further violence will simply expose Sinn Fein's words about peace as a cynical ploy which commands no credibility. As you and I have both made clear, the talks will go forward without Sinn Fein.

If Mr. Adams is serious, the clear position set out in the attached text offers the basis on which Sinn Fein can set out the terms of an IRA ceasefire, in which case I hope we can quickly bring this to the conclusion which we all desire. Christmas then offers a natural break over which all can reflect on the new situation. But if not, then to end the current uncertainty and speculation, I believe I must set out our position in public before the end of this month.

I shall be writing shortly in similar terms to John Hume.

Mr. John Bruton, T.D.





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THE PRIME MINISTER

I have been reflecting carefully on the position we have reached following our various discussions.

Since the summer when I first discussed this matter with you, I have had two concerns. First, the IRA's actions on the ground, and what we know of their future plans, are incompatible with what you have told me is Mr Adams' readiness to guarantee a permanent ceasefire immediately following a Government statement which, as I have said throughout, can only repeat existing policy positions. But, secondly, I am determined that the peace process should continue because that is what the people of Northern Ireland want and deserve. We have therefore kept open the door for Sinn Fein to join the negotiations if there is a genuinely unequivocal restoration of the IRA ceasefire. But, as you have said yourself, each atrocity the IRA commits means the credibility gap to be bridged is that much wider.

As I have repeatedly made clear, I cannot - and will not - negotiate Government policy in exchange for a ceasefire. All along, I have said I will stick strictly to what is existing Government policy as set out on the public record. The text you gave me on 10 October departs from existing Government policy in places, so I cannot accept it as it stands.

When we last spoke we agreed that any ceasefire declaration needed to offer more credible guarantees than the last one. I suggested, off-the-cuff, some language that might be helpful. You agreed to explore with Sinn Fein the terms of an IRA ceasefire declaration. The Irish Government have done so also.

I am very grateful for your determined efforts but, as I understand it, Sinn Fein have failed to respond with clear language which meets our concerns.

Let there be no doubt I want progress and not stalemate, if that is achievable. So, since Sinn Fein failed to respond to your efforts, we have now reached the point where it is right for me to set out our firm position so that Sinn Fein are in no doubt of it and can respond accordingly. The attached text does this.

I believe it is a reasonable and fair position, consistent with our existing policy and with our obligations under the law. It does what you originally told us would deliver an IRA ceasefire - a ceasefire which would be for good this time. It sets out key reassurances on the basis of our existing policy, which is a matter of public record. It sets out a process of entry to the negotiations which seeks to take account of the political realities on all sides. I know you understand these realities - created by the IRA's own actions. It is neither credible nor deliverable to ignore them.

What this text cannot, of course, do - because Sinn Fein have refused to tell us - is take account of what the IRA will say if they declare a ceasefire and how that will be reflected on the ground. If there is a new ceasefire, our reaction to it will depend crucially on both of these things.

We now need urgently to establish whether a genuine and dependable ceasefire will be delivered if the British Government sets out its existing policy position on the negotiations and how Sinn Fein may join them in the terms attached. It should lead straightaway to an unequivocal restoration of the IRA ceasefire, which should never have been abandoned. That would greatly enhance the prospects for lasting peace and an overall political settlement.

But if the IRA chooses not to take this route to inclusive negotiations, it should be under no illusions. The IRA will not bomb Sinn Fein to the negotiating table, now or in the future - further violence will simply expose Sinn Fein's words about peace as a cynical ploy which commands no credibility. The talks will go forward without Sinn Fein.

If Mr Adams is serious, then the clear position set out in the attached text offers the basis on which Sinn Fein can set out the terms of an IRA ceasefire, in which case I hope we can quickly bring this to the conclusion which we all desire. Christmas then offers a natural break over which all can reflect on the new situation. But if not, then to end the current uncertainty and speculation, I believe I must set out our position in public before the end of this month.

I have written in similar terms to the Taoiseach.

John Hume Esq MP MEP



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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

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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. But in the light of the breaking of the ceasefire and the events since then, assurances are obviously needed that any new ceasefire would be intended to be genuinely unequivocal, i.e. lasting and not simply a tactical device. Consistent with this, the process set out below would follow the declaration by the IRA of an

① - unequivocal restoration of the ceasefire with the stated purpose of the conflict being permanently ended.

7 The successful conclusion of this process would depend on whether words,

③ - actions and all the circumstances were consistent with a lasting ceasefire. For

example, how far the declaration of a new ceasefire was convincingly unequivocal

④ - and intended to be lasting would be an important indicator. Whether or not any

paramilitary activity, including surveillance, targeting and weapons preparation

⑤ - continued would also be directly relevant. Developments which were inconsistent

with an unequivocal restoration of the ceasefire or the Mitchell principles would

⑥ - affect consideration adversely. Sufficient time would have to be taken to ensure

the requirements of paragraphs 8 and 9 of Command Paper 3232 were accordingly

⑦ - met before Sinn Fein were invited to participate in negotiations.

8 We envisage that the process would involve:

⑨ - meetings with Sinn Fein at various levels to explore with them what assurances could be given and what confidence-building measures established;

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- the British and Irish Governments would invite Sinn Fein to meet them together for the purpose of making an early total and absolute commitment to the Mitchell principles of democracy and non-violence;

(10)

- the two Governments would then propose bilateral and other consultations with all the parties to seek to determine how, if this process were successfully concluded, the negotiations could most constructively be advanced, including the issue of the participants adopting an agreed indicative timeframe for taking stock of their progress;

(11)

- following a successful conclusion of the process set out above, including due time for consideration, the two Governments would expect the independent chairmen to convene a plenary session for all participants, with Sinn Fein invited formally to participate, to consider the outcome of these consultations and the future programme of work.

(8)

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

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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.

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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 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. 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

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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.

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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SINN FEIN: ENTRY CONDITIONS

*Why / where is this in the reply to them?*

- the Secretary of State must be satisfied that the terms of the legislation are met: there must be an unequivocal restoration of
- ① the ceasefire of August 1994 and Sinn Fein must establish a
- ② commitment to exclusively peaceful means and show that they abide by the democratic process;
- ③ words, actions and circumstances would need to be consistent with any purported restoration of the ceasefire. We would have to look at the words of any ceasefire declaration: was it
- ④ clearly unequivocal and intended to be lasting?
- it would also be necessary to have regard to whether any
- ⑤ paramilitary activity (including surveillance, targeting and weapons preparation) was continuing;
- developments which were incompatible with an unequivocal restoration of the ceasefire or which would constitute a breach of the Mitchell principles would obviously affect the conclusion reached. Sufficient time would be needed to ensure that the
- ⑥ requirements of paragraphs 8 and 9 of Command Paper 3232 were met before Sinn Fein were invited to participate in the
- ⑦ negotiations;
- are not convinced that a ceasefire is likely at present. In many ways, the indications are to the contrary - eg find of command wire in Londonderry;
- however, if a ceasefire were to be declared, would be advantageous for us to have considered how we would respond. Perhaps more important, must avoid being wrong-footed by Sinn Fein or the Irish Government who want us to say Sinn Fein would formally join negotiations at once;
- this would be wrong: does not give us sufficient time to assess ceasefire carefully. Know it would cause you problems;

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- as a contingency, therefore, we have been giving some preliminary thought as to how to manage the time after a ceasefire declaration in such a way that we can resist the pressure for immediate entry to negotiations;
- at an early stage in our thinking on this, but the intention would be to set out a process, to take place over a period of time, which would test Sinn Fein's intentions and give time to see if the credibility of any ceasefire can be demonstrated to our satisfaction;
- such a process might involve, for example, meetings with Sinn Fein at official level, followed by Ministerial contact, to test what assurances they could give us about the ceasefire. They would also deny Sinn Fein the easy propaganda claim that even after a ceasefire we refused to talk to them;
- we would want an early commitment, not part of the formal negotiations, to the Mitchell principles;

Quotes from  
the Mitchell  
principles.

this would mean Sinn Fein were tied down to giving a commitment, for example, to exclusively peaceful means, to total disarmament of all paramilitaries and to oppose the use or threat of force to influence the outcome of negotiations;

- meanwhile of course we would have bilateral or other consultations with the parties to determine how negotiations could be advanced most constructively;

Not explicitly  
in the text  
but implicit  
in all of  
it.

there would, therefore, be a significant period of testing. The IRA would have to show consistency of words and actions over a period. No question of Sinn Fein sitting down with other parties in negotiations until they have met the criteria and sufficient time has passed;

- interested to hear your initial thoughts?