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From: THE PRIVATE SECRETARY

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NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

John Holmes Esq
Private Secretary to
the Prime Minister
10 Downing Street
LONDON SW1

File
JH
u/di

19 November 1996

Dear John

HUME/ADAMS: NEXT STEPS

Following this afternoon's meeting with the Prime Minister, I attach a revised version of the suggested text. The key changes are:

- we have reversed the order of the two key paragraphs 7 and 8, so that the conditions of entry are set out upfront in what is now paragraph 7, followed by the suggested process of entry in what is now paragraph 8;

- we have emphasised that the first exchanges with Sinn Fein after a ceasefire would be at official level followed then by Ministerial contact (as proposed in NI (96)11) and we have changed the language to emphasise that the purpose of these changes would be to explore what assurances could be given about the ceasefire;

- we have removed the references to the parties or the Independent Chairman having a role in hearing Sinn Fein's early commitment to the Mitchell Principles, which could be misinterpreted as suggesting that this commitment was part of the formal negotiations, which it would not be;

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- We have reversed the order of the final tiret to make it clear that Sinn Fein secure their invitation to the reconvened Plenary only if they have successfully concluded the process by meeting the terms set out in paragraph 7.

Comparison with 5 November text

In terms of comparing this text with that agreed by NI and sent to the Irish Government on 5 November:

- the terms of entry remain the same. There must be an unequivocal restoration ceasefire and this must be judged by whether words, actions and all the circumstances are consistent with the declared ceasefire. The reference taking account of paramilitary activity, including surveillance, targetting and weapons preparation, is the same. We continue to make clear that sufficient time would be taken to ensure that the requirements in the legislation were met;
- the opening of what is now paragraph 8 makes clear that we are looking for some statement about permanence in the ceasefire declaration. This was not included in the text of 5 November and if our final public position is left at that will not be reflected in any text that is published;
- we say, following a ceasefire, that there would be official contact leading to Ministerial contact. NI Committee had this proposal before them, and it was part of the draft letter to Hume which was before the Committee. We could make this a reference to meetings at large without specifying that they would necessarily involve Ministers. But, the reality is that, having said such meetings were not possible because

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there was no ceasefire, once a ceasefire was declared we would be widely expected to enter into such meetings. If we define it now as part of our process of entry to negotiation then we are seen to be more in control of events. Unionists should understand that such meetings are necessary - particularly if they help to secure a delay, as is the intention here, in the moment when Sinn Fein join the negotiations;

we ask for an early commitment, before Sinn Fein join the negotiations, to the Mitchell 6 principles. That is to our gain because it ties Sinn Fein down to a commitment, for example, to exclusively peaceful methods, to total disarmament of all paramilitaries and to oppose the use or threat of force to influence the outcome of negotiations. It would look odd to be deliberately putting off the day when this commitment were made. But it does not secure Sinn Fein's entry into negotiations - that continues to depend on the requirements set out in paragraph 7, the same as agreed by NI Committee, and on entry to negotiations they would have formally to commit themselves to the Mitchell principles for the official record of the talks.

we propose a series of bilateral consultations followed by a reconvened Plenary 4-6 weeks later (ie 8-10 weeks from a ceasefire declaration). This reflects the reality that once a ceasefire is declared there will be no progress in the talks until the issue of Sinn Fein's entry is resolved. It does not guarantee Sinn Fein's entry at the end of the period of 4-6 weeks. That continues to depend on upon all the requirements of paragraph 7, and could take a significant period.

The critical point is that in all of this the crucial decision to invite Sinn Fein to participate in negotiations is reserved to the Secretary of State alone under the legislation. He has to be satisfied that the terms of the legislation are met: an unequivocal restoration of the IRA ceasefire; and Sinn Fein's commitment to exclusively peaceful methods and showing that they abide by the democratic process. Paragraph 7, responding to unionist requests, sets out how he will make that judgement. Paragraph 8 sets out the process that will go on until that judgement is made - answering unionist questions about how the process of entry will be conducted.

The Secretary of State remains convinced that our position will be significantly stronger if we can table a text along these lines which, for the reasons set out here, he does not believe will exacerbate Unionist anxiety more than the text agreed by NI Committee on 5 November - indeed, in some respects it will answer questions they want answered. He continues to see a real danger that, without tabling a text of this sort, we give an easy excuse to Sinn Fein to fail to come up with the terms of a ceasefire and will leave the Irish Government and SDLP blaming us and therefore unwilling to secure movement in the talks process without Sinn Fein.

I also attach a possible draft letter which the Prime Minister might send to the Taoiseach accompanying this text (although any channel could be used). This sets out how we could present this to the Irish Government as a firm but fair bottom line which, if it secured no response from Sinn Fein, we would publish anyway. The Secretary of State thinks this letter and text offers a stronger position on which to sign off, if that is what is the reality.

The Secretary of State needs to know whether the Prime Minister is prepared to proceed along these lines before tomorrow evening's IGC.

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Copies go to the Private Secretaries, the Foreign Secretary and
Sir Robin Butler and to Colin Budd.

Yours ever
David Vyle
for W K LINDSAY

32265

(19 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. ~~In that event there would need to be a process of entry into the negotiations for Sinn Fein.~~

7. ~~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.~~

8. ~~The process of Sinn Fein's entry into negotiations, following the declaration by the IRA of an unequivocal restoration of the ceasefire with the stated purpose of the conflict being permanently ended; would be unequivocal, i.e.~~

~~following preparatory exchanges with officials, Ministers would meet with Sinn Fein to explore with them what assurances could be given and what confidence-building measures established;~~

~~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;~~

- the two Governments would then propose bilateral and other consultations with all the parties to seek to determine how, ^{if it} assuming the ~~successful conclusion of this process~~ ^{it would be successfully concluded} 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;
- ^{if it were} with Sinn Fein ^{following} invited formally to participate ^{for all participants} assuming the successful conclusion of this process, the two Governments would expect the independent chairmen to reconvene ~~the~~ a plenary session 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.

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 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 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.

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.

DRAFT LETTER FROM THE PRIME MINISTER

John Bruton TD

November 1996

I have been reflecting carefully 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 murderous actions on the ground, and what we know of their future plans, are wholly 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. So Sinn Fein can still join the negotiations if there is a genuinely unequivocal restoration of the IRA ceasefire, but 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 I was given by John Hume on 10 October departs from existing Government policy in places, so 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. You agreed to ask Sinn Fein for the terms of an IRA ceasefire declaration. I said that if these were sufficiently clear and dependable, we would be prepared to re-consider the language used in our text of 5 November.

I am very grateful for your determined efforts but, as I understand it, Sinn Fein failed to respond at their meeting with your officials last Friday. 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. 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 John Hume originally told us would deliver an IRA 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 takes careful 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 the political realities - created by the IRA's own actions. It is neither credible nor deliverable to ignore them.

We need urgently now to establish, clearly and honestly, 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 these terms. 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 deliberately to spurn the route to inclusive negotiations, it should be under no illusions of the consequences. 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 meaningless and cynical ploy which commands no credibility. As you and I have both stated the talks will go forward without Sinn Fein.

If Mr Adams is serious, then our clear and firm position 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, I believe I must set out our position in public by the end of this month.