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Dear John

HUME/ADAMS INITIATIVE

Thank you for your letter of 6 November recording Teahon's enquiry as to what we thought of the Irish text, leaving aside the fundamental policy difficulty over whether Sinn Fein enter the negotiations at once.

Of course, that is asking for an awful lot to be laid aside. We think it would be dangerous, however contingently, to get into any discussion of the Irish text on that basis.

However, we have been giving some thought here to how, while holding to the fundamental political reality that some time must elapse before Sinn Fein enter the negotiations, we could transpose the Irish text and put back to them language which they would have difficulty resisting.

The attached text is the result, with the key section highlighted in bold on pages 2 and 3.

We have tried to build on an exchange right at the end of the Secretary of State's meeting with the Tanaiste on Tuesday. The Irish side said that Sinn Fein needed immediate access to the process. We asked whether it had to be the process of negotiations or any process. Mr O hUiginn showed interest.

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In the first of the paragraphs in bold on page 2 of the attached text, we have therefore set out a process of entry to negotiations. Sinn Fein could start on this almost straightaway after a ceasefire declaration but the process would continue over some time before concluding only at the point of Sinn Fein's actual entry into the negotiations. The target for this entry point would be the same as agreed by NI Committee: entry in the New Year after the Christmas recess, assuming all the indications were consistent.

This process of entry into negotiations would include:

- following preparatory exchanges with officials, (perhaps a week or so after the declaration) there would be Ministerial contact with Sinn Fein (perhaps after a further week). The prospect of Ministerial contact was mentioned in the draft letter to Hume agreed by NI Committee last week;
- then a meeting with both Governments (perhaps some 3-4 weeks after a declaration), in the presence of any other parties who wished to attend, to hear Sinn Fein's formal commitment to the Mitchell principles, so using the Irish idea but without meaning that Sinn Fein gets entry to the negotiations at that point. (If that is avoided, then there is every advantage in the earliest possible commitment by Sinn Fein to the Mitchell principles);
- then a round of bilateral consultations in the negotiations. This would simply reflect the reality, following an IRA ceasefire, that there would be no substantive progress in the negotiations until Sinn Fein join them. (Indeed, it may be best formally to adjourn the plenary, although that is not part of the attached text);
- a target for Sinn Fein's entry to the negotiations would then be a plenary session meeting a further 4-6 weeks later. This sort of timetable would run up against the Christmas recess, so Sinn Fein would not participate in the negotiations until they reconvened in the New Year.



Critically, the next paragraph in bold in the attached text makes the successful conclusion of this process depend on the consistency of words, actions and all the circumstances with the declared ceasefire. This paragraph retains most of the language and all the substance of the existing paragraph approved by NI Committee. It also makes it clear that, if there were developments during the process of entry to negotiations which were incompatible either with an unequivocal restoration of the ceasefire or Sinn Fein's commitment to the Mitchell principles, then they would affect the process of entry adversely (by, for example, requiring more time).


The final paragraph in bold simply picks up part of the Irish text which is uncontroversial, dealing with the agreed procedure for excluding a participant once they have entered the negotiations.

This approach involves no substantive change to the approach endorsed by NI Committee. We can still say (and tell unionists) that:

- Sinn Fein will not get into negotiations at once (barring, of course, some quite incontrovertible development);
- the judgment still turns on consistency of words, actions and circumstances;
- the paramilitary activity criteria, including surveillance, targeting and weapons preparation, taken from the UUP's own paper, are just as relevant as before;
- sufficient time will be taken to ensure all the requirements are met.

But the approach should also offer some attractions for the Irish Government too (although whether or not they could sell these to Sinn Fein is a different question):



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- it offers a process of entry to negotiations on which Sinn Fein could start at once, although the process only concludes with Sinn Fein's actual entry some time later;
  - it picks up the Irish idea of an early commitment by Sinn Fein to the Mitchell principles and their idea of bilateral consultations among the parties to fill the gap before Sinn Fein joins substantive negotiations;
  - it offers a target period for these bilateral consultations, as did the Irish draft, while leaving room for it to be increased or decreased according to the IRA and Sinn Fein's performance during this period.

The Secretary of State has considered carefully with Sir John Wheeler whether there is a case, in the light of what we know of the GAC outcome, for requiring a different delay period to that NI Committee contemplated last week. They noted that it was unclear whether the GAC had made a ceasefire more or less likely (although our policy should not in any case depend on this). While on one reading of the outcome a ceasefire could be thought to be less likely, it is possible to see the burden of the main changes as part of a careful political manoeuvre to prepare the way for a ceasefire by reassuring the wider movement on its management and tying in harder line elements to its review and ratification.

Although it is not possible to reach any conclusive view on where the IRA is headed - indeed, that may in part depend on what we do - both the Secretary of State and Sir John Wheeler agreed that there was no need to change the substantive policy agreed by NI Committee last week.

It may be that the Taoiseach comes back having accomplished his mission, although that seems unlikely. But if he does not, then he is likely to be putting further pressure on us to amend our position.





We always hold the option of publishing a text of our own at any stage, but to publish a text which we know the Irish side will not support remains unattractive because it will lead neither to a ceasefire nor to Irish support for carrying the talks forward without Sinn Fein.

So if the Taoiseach does not come up with the IRA language we are looking for, we suggest you float the idea of a process of entry to negotiations across Teahon and offer to follow it up with a cock-shy at a possible text (in fact, the text attached or just the paragraphs in bold). This involves no change to the fundamental reality that Sinn Fein cannot achieve immediate access to the negotiations, but presents this in a positive fashion which the Irish side will have some difficulty in rejecting outright and which may even offer the sort of presentation of any delay period which Sinn Fein would need if they were to accept one.

(We have also suggested a small change - in bold in paragraph 14 - to reflect Irish comments on the presentation, not the substance, of the paragraph on timeframe.)

Copies go to William Ehrman, Jan Polley and Colin Budd.

*Yours ever*  
*David Vyle*  
pp W K LINDSAY

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See paras 7-9  
for new language.

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 acknowledged when I met their leaders in July.

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

7. Both Governments consider that, following the declaration by the IRA of an unequivocal restoration of the ceasefire with the stated intent of never resuming the conflict, the process of Sinn Fein's entry into negotiations (starting at once) <sup>as follows</sup> would be:

- <sup>meetings with</sup> (Ministers would meet) Sinn Fein (following preparatory exchanges with officials) to explore with them the nature of the ceasefire, what assurances could be given and confidence-building measures 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 to seek to determine how, <sup>if Sinn Fein entered,</sup> on the entry of Sinn Fein, the negotiations could most constructively be advanced, including the issue of the participants adopting an agreed indicative timeframe for the conduct of the negotiations and for taking stock of their progress;

(- the two Governments would expect the independent chairmen to convene the plenary session with Sinn Fein participating 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 satisfactory conclusion of this process would turn 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 relevant. Developments which were incompatible 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 met before Sinn Fein were 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. 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 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.