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Reference Code: 2021/98/20

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AN ROINN GNOTHAI EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN

Personal and Confidential

14 October, 1996.

Mr Paddy Teahon
Secretary
Department of the Taoiseach
Upper Merrion St
Dublin 2

Dear Paddy,

The following are possible changes which might be acceptable. I suggested them to JH yesterday.

Yours sincerely,

E. Downes

pp.
Seán Ó hUiginn

cc. Secretary Dalton
PST
PSS

COMPOSITE TEXT (10 OCTOBER 1996)

Note: this text incorporates the Hume/Adams amendments of 10 October into the text sent to Hume with the Prime Minister's letter of 27 September. Normal type represents the 27 September text, and italics the 10 October amendments.

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 latest huge arms and explosives 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.

The negotiations have one overriding aim: to reach an overall political settlement, achieved through agreement and founded on consent. They will address all the issues relevant to such a settlement. Inclusive in nature, they involve both Governments and all the relevant political parties with the necessary democratic mandate and commitment to exclusively peaceful methods.

[changed placing:]

It is important to emphasise that all parties are treated equally in the negotiations in accordance with the scale of their democratic mandate. No party has an undemocratic advantage. *[omits sentence: "The negotiations will operate on the basis of consensus, requiring at least the support of parties representing a majority of both the unionist and nationalist communities in Northern Ireland."]*

The prospects for success in these negotiations will obviously be much greater if they take place in a peaceful environment. Under the legislation setting up the talks, if [omits "the Government considered that"] there was an unequivocal restoration of the IRA ceasefire of August 1994, Sinn Fein would be invited to nominate a team to participate, *from that point*, in the negotiations. [omits: "We would of course need to be sure that any restoration was genuinely unequivocal, particularly in view of events on the ground."] *Beyond the unequivocal restoration of the IRA ceasefire*, the British and Irish Governments are agreed that these negotiations are without preconditions.

It is equally clear that, to be successful, the negotiations must be based on exclusively democratic and peaceful means. There must be no recourse to the threat (actual or implied) or use of violence or coercion. So, on entering the negotiations, each participant needs to make clear their total and absolute commitment to the principles of democracy and non-violence set out in the Report of the International Body chaired by Senator George Mitchell. The parties in the talks have all done just that already.

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.

Among the crucial issues is decommissioning, *which must be resolved without blocking the negotiations*. So the opening plenary will address the

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International Body's proposals on decommissioning of illegal arms. At that stage *and without blocking the negotiations*, we, along with the Irish Government, will be looking for the commitment of all participants to work constructively during the negotiations to implement all aspects of the

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International Body's report. [*omits*: "This includes its compromise approach, under which some decommissioning would take place during the process of negotiations. We want to make urgent progress in this area, so that the process of decommissioning is not seen as a precondition to further progress, but is used to build confidence one step at a time during the negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps, in a progressive pattern of mounting trust and confidence."]

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.

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For our part, we are wholly committed to upholding [*omits*: "so far as we can"] our responsibility to *encourage, facilitate and enable* agreement in 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.

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

11 momentum to a process which will always have [omits: "its"] difficulties. *The British and Irish governments are committed to an agreed timeframe and calendar for the conduct of the negotiations.* [replaces: "We will support any agreed timeframe for the conduct of the negotiations adopted by the participants."] We have already proposed that a plenary meeting should be held at a suitable date to take stock of progress in the negotiations as a whole.

12 *The two governments will also review progress at regular intervals including at a summit meeting to be held before the end of the year.*

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.

13 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. *This will ensure that there is just and equal treatment for the identity, ethos and aspiration of both communities, including equal treatment for the Irish language and culture.*

14 We are also committed to *the creation of a policing service which can enjoy the support of the entire community.* [replaces: "increasing community identification with policing in Northern Ireland"]

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.

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.

(15) The opportunity for progress has never been greater. The negotiations are widely supported internationally. *Accordingly we welcome the contribution of the European Union to the resolution of the problem. Likewise we welcome the interest and involvement of the United States, arising from the special affinity shared between all the peoples of these islands and people in the United States. In particular we welcome the contribution of areas of successful conflict resolution such as South Africa.* The negotiations also benefit from independent chairmen from the USA, Canada and Finland. They also have the overwhelming support of people throughout these islands. They want them to take place in a peaceful environment, free of all [*omits: "paramilitary"*] violence. That is our aim too.

1. This idea is already enshrined in the Rules of Procedure of the negotiations (30-36). It is presumably not helpful to SF to highlight that sufficient consensus could theoretically occur without them. Since its omission will not in any way diminish the force of the existing Rules of Procedure there is no real need to include it and it should go. The British should be told this is different from the issue of consent. A fall-back might be a reference to accepting the existing rules and procedures of the Talks.

- 2,3. This affects the issue of whether an unequivocal restoration of the ceasefire is sufficient to admit SF to Talks without any further "purgatory" period. The amended version seems an accurate reflection of the face of the British legislation. It would be advisable to have agreement in advance about how the British Government would handle such a scenario, particularly a temporary or permanent UUP walkout.

4. The British Government will worry that accepting to drop this sentence could be misinterpreted as a signal that they might be flexible on "unequivocal". SF will worry that this masks the intention to apply new tests (on the lines of the "permanency" debate earlier). The best compromise might be to keep the sentence but seek an understanding on what it means in practice, confirming it is not intended as a new hurdle.

5. This is merely a drafting change consequent on earlier SF amendment.

6. The word "resolved" could have connotations of "implemented". Would "taken forward" or "progressed" be better?

7. The second "without blocking" is probably a bit pointed for an article over Major's name. If accepted in the first - overall - reference that should cover this particular case also.
8. "All aspects of the International Body's report" covers, of necessity paragraphs 34 and 35 which are paraphrased (a bit tendentiously) here. We should seek to persuade the British that their position is covered by "all aspects" and to drop the rest. If they insist on some extensive reference it should not be the paraphrase they put forward.
9. "As far as we can" is weakening the commitment and should be dropped.
10. These verbs are an echo of the Joint Declaration and should not cause a problem.
11. The time-frame is a substantive problem, and the drafting must take its cue from whatever is agreed in substance. Perhaps a draft linked to "momentum": e.g.

"To enhance this momentum the two Governments will seek the support of the participants for an agreed timeframe and calendar which they will seek to achieve for the conduct of the negotiations."

12. There is an existing commitment to twice yearly summits, where a review of negotiations must inevitably feature. This should not be a problem.

13. The British will have a problem with "equal treatment" for the Irish language, which they will argue means a fully bilingual policy. One might either add (linguistic and) cultural heritage after identity, ethos, etc., or substitute "practical measures of support for the Irish language and cultural heritage, on the lines of corresponding measures in Scotland and Wales" (??)

14. The British will balk at the open admission that the RUC would have to be replaced, clearly implicit in "creation of a policing service etc.". They might live with e.g.

"We are committed to seek as one of the outcomes of negotiations a policing service which can enjoy the support of the entire community."

15. The reference to EU, South Africa would have some presentational difficulties for Major. They might be asked to rework the EU reference in a way more comfortable for them (e.g. reference to the Peace Fund). SF might be persuaded to forego S.A. reference.