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Government Message Number...04/97... Date...2.4.97...

Leader plus...12...Pages

From: John Holmes  
(Prime Minister's Private Office)

To: Mr Kerwan

Subject: Hume / Adams

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cc: JB  
 SH

GERRY ADAMS  
 SINN FÉIN  
 PRESIDENT

21 March 1997

John Hume  
 Derry

John a chra

Many thanks for the letter dated 14 March from Patrick Mayhew, which I received on 18 March.

You will recall that the idea of these questions and answers is to provide clear and unequivocal assurances that a meaningful and inclusive process of negotiations is genuinely being offered. These assurances will empower us, with credibility, to seek an IRA cessation. I have already explained that Sinn Féin's attitude to these exchanges will be governed entirely by whether they can have that effect. You have explained your understanding that the British government accepts this and that our collective task is to find formulations which help to bring this about. You and I also agree that direct meetings are the best way to resolve these matters and I think it is important to put this once again to the British government. Surely if there is any real commitment to find a way to restore the peace process Mr Major should authorise such meetings.

In the meantime, I approached the Patrick Mayhew 14 March letter in a positive mode. I think it is possible to amend it to deal more clearly with the issues which need to be resolved so that a credible process can be re-established. These are:

Sinn Féin's entry into dialogue  
 Removal of preconditions  
 Timeframe  
 Confidence building measures.

In relation to Sinn Féin's entry into dialogue Patrick Mayhew states in his letter that the British government do not seek an unnecessary lapse of time in this regard. He should therefore state clearly and specifically when Sinn Féin will enter the negotiations in the context of the restoration of the IRA cessation.

The detail of the approach that the two governments will take to the removal of preconditions needs also to be spelt out clearly, particularly given the way that the decommissioning issue was used to block the commencement of negotiations to prevent any forward movement. In this regard I welcome the assertions in Patrick Mayhew's letter that beyond the restoration of the IRA cessation of August 1994 that the negotiations are without preconditions and that the government will seek to overcome any obstacles in the negotiation process. While Sinn Féin rejects any preconditions on our full and immediate

*with action*

involvement in the negotiations, or any second class status for our electorate, obviously if the British government matches these statements then this issue can be resolved. The detail of how the issue of decommissioning is to be dealt with needs to be clearly spelt out so that it is no longer used as a precondition or a blockage in the negotiations.

I note the British government's commitment in conjunction with the Irish government to bring forward proposals for an agreed indicative timeframe for the conduct of negotiations. The two governments should, of course, agree this in advance so that there is no misunderstanding on the timeframe envisaged. They should also spell out the approach they would take should all the main unionist parties withdraw from the negotiations.

I welcome also the British government's endorsement of the International Body's report including Chapter VII dealing with confidence building measures and in particular their recommendation that there should be action on:

Prisoners  
Emergency legislation  
Policing  
Plastic bullets  
Social and economic issues

All of these issues need speedy action, particularly the issue of prisoners. A programmatic approach to these confidence building measures needs to be set out in advance so that the language of the policy statement is reflected in a coherent programme which will raise confidence and build trust.

This programmatic approach needs to address the issues of;

- 1) Human, civil and democratic rights such as equality of opportunity and cultural equality; and
- 2) Issues of demilitarisation relating directly to the conflict such as emergency legislation and prisoners.

Find below suggested answers to the questions. I think these provide convincing assurances.

**Q1** Does the British Government remain operationally committed to inclusive and comprehensive negotiations, in accordance with the principles and understandings set out in the public documents which they have agreed with the Irish Governments on this issue?

**A1** The British Government remain fully and unreservedly committed to the principles and understandings which they subscribed to in these joint documents, and will be governed by them in their continuing search for a resolution of the conflict.

The Prime Minister has set out the purpose and aim of negotiations and confirmed in terms their comprehensive agenda, inclusive nature and democratic basis. He made clear that all parties would be treated equally in the negotiations and that the negotiations were completely open as to the final outcome, subject only to the need for agreement.

Except as regards fulfilling the inclusive nature of the negotiations, the present talks process meets each of these criteria and has the potential to address and advance agreement on all the issues underlying the conflict, and on the need for new political arrangements with which all can identify, in line with the approach set out by the two Governments in the documents agreed between them.

**Q2** What are the practical implications of these commitments for the inclusion of Sinn Féin in a meaningful negotiating process?

**A2** The British Government wish the Talks to become fully inclusive at the earliest attainable time, subject only to the requirements set out in the Northern Ireland (Entry to Negotiations etc.) Act 1996.

The British Government are legally bound by Section 2 (2) of that Act, which requires the Secretary of State to invite as soon as practicable after the elections each party for which delegates have been returned in accordance with Schedule 1 of the Act. The only qualification permitted on that requirement is in Section 2 (3) of the Act, which obliges the Secretary of State to refrain from inviting and to exclude delegates from any party if and for as long as he considers that the requirements set out in paragraphs 8 and 9 of Command Paper 3232 ("The Ground Rules Paper") are not met by that party. It must be stressed that the terms of the Act preclude the Secretary of State from having regard to other factors in making this decision, for example political expediency, or the likely reaction of other parties, and require him to make it "as soon as practicable" after the requirements of the Act have been fulfilled.

The sole criterion for Sinn Féin admission is, therefore, whether the terms of paragraph 8 and 9 of the ground rules are fulfilled in their regards. These read:

"Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communiqué of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.

In the Communiqué of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994."

In the absence of an unequivocal restoration of the ceasefire of August 1994, any further consideration of the issue of Sinn Féin's admission clearly does not arise.

In the event of an unequivocal restoration of the ceasefire of August 1994, the Secretary of State would invite Sinn Féin to nominate a team to participate, from that point, in the negotiations.

**Q3** What assurance is there that engagement on the key political issues underlying the conflict, which must be the purpose of any meaningful negotiation, will not be thwarted by recourse to unreasonable or undeliverable preconditions?

**A3** The British and Irish Governments agree that, beyond the unequivocal restoration of the IRA ceasefire, the negotiations are without preconditions.

It would be clearly at variance with the terms of the Act governing the election in which all the parties took part, if the negotiations were now to be made subject to an added precondition of prior decommissioning. Both Governments are agreed however that decommissioning is among the crucial

issues, and that a satisfactory resolution of this issue must be an essential part of any overall agreement. So the opening plenary is addressing the International Body's proposals on decommissioning of illegal arms. This issue needs to be addressed without blocking the negotiations. Both Governments believe that the way to achieve this is to persuade all participants to work constructively during the negotiations to implement all aspects of the International Body's report, and they will for their own part maintain this latter approach as their joint policy.

**Q4** What assurance is there that Unionist politicians, as the incumbents and beneficiaries of the status quo, will not simply exploit that advantage to use an open-ended negotiating process as a tactical instrument to ward off, rather than to seek agreement on political change?

**A4** The British Government does not accept that any party questions the necessity of meaningful negotiations, since to do so would be to deny the need to resolve problems which are both very serious and self-evident. Furthermore, the participation of the parties in elections specifically for the purpose of selecting negotiators confirms this is the case. The rules of procedure adopted by participants in the Talks also explicitly pledge that they will negotiate in good faith, seriously address all areas of the agreed agenda and make every effort to reach a comprehensive agreement.

For their own part the Governments are committed to ensure that all items on the comprehensive agenda are fully addressed, and to doing so themselves with a view to overcoming any obstacle which may arise. Clearly any negotiating process which became terminally stalemated could no longer serve as the means for advancing agreement and this would have obvious implications for the Government's commitment to encourage, facilitate and enable agreement over a period through the negotiations, which we are determined to see through successfully, as speedily as possible.

The British and Irish governments are committed to an agreed timeframe and calendar for the conduct of the negotiations. We will seek, with the Irish Government, to ensure that the negotiations enter substantive issues within a specified period, at a minimum as regards Strand Three issues which are between the two Governments, with provision for the extensive consultative procedures which are envisaged with the parties on these issues.

Without prejudice to the essential freedom of any participant to assert and defend their position in the negotiations as they themselves see fit, the Government will ensure that no party can prevent the negotiations continuing by withdrawing from them or can misuse them in a way which would amount to one tradition exercising a veto over the legitimate rights of the other. The policies of the Government will be based resolutely on full respect for the rights and identities of both, and the negotiating process must serve to advance rather than hinder this principle.

As has already been stated, the progress of the negotiations, including the issue of their time-frame, will be subject to regular review both among the participants and by the two Governments at Prime Ministerial and Ministerial level.

Q5 It is generally accepted that the lack of trust and confidence has been a major obstacle in the peace process so far. What contribution would the British Government make to confidence-building in the event of an unequivocal restoration of the ceasefire?

A5 We have repeatedly made clear our commitment 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, and its various ideas in this respect would obviously be part of the agenda in our taking forward the implementation of all aspects of the Report.

As the government has already made clear, confidence building is a two-way street, and on our side the opportunity for such measures depends directly on the reduction in the level of threat.

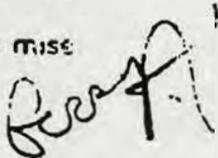
We have already set out in various public statements our commitment to pursue social and economic policies based on the principles of equality of opportunity, equity of treatment and parity of esteem, irrespective of political, cultural or religious affiliation or gender. This will ensure that there is just and equal treatment for the identity, ethos and aspiration of both communities, including equal treatment for the Irish language and culture.

We recognise the relationship between the prison population and the wider community and the role of the prisoners in supporting the search for a lasting peace. It is our intention to address the issues of prisoners in a way which contributes to building trust and confidence.

We are also committed to the creation of a policing service which can enjoy the support of the entire community.

Sin é John.

15 MISE



GERRY ADAMS



Minister of State

NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

PRIVATE

John Hume Esq MP MEP                      by FAX  
5 Bayview Terrace  
Londonderry  
BT48 7EE

26 March 1997

*Dear John,*

I thought I would drop you a note to confirm where I think things stand following our meeting this morning. It is approved by the Secretary of State.

It was helpful to go over the text which you sent me on Saturday. As I have explained, we have given our answers to your questions, in the Secretary of State's letter of 14 March, and those answers stand. They cannot be for negotiation. They spell out very clearly our position on a new ceasefire and Sinn Fein's entry into talks, as stated in the talks legislation, the Ground Rules and the Prime Minister's statement of 28 November.

The purpose of the exchanges that have taken place between us is, for my part, to ensure that you, and those with whom you are in contact, are in no doubt about our position on those areas where your questions sought reassurance. I do not want to leave any room for accusations of ambiguous language or bad faith at a later date. I do not think I would be putting words into your mouth if I said that your own hope is that, by removing any uncertainties, these exchanges could be relevant to the establishment of an unequivocal ceasefire.



Minister of State

When we met this morning I explained that while many parts of the text you sent me were broadly consistent with Government policy, others were ambiguous or otherwise fell short of an accurate description of our position. We discussed whether these differences between this new text and our answers, in the Secretary of State's letter, were of a real or merely a presentational kind.

One important area of concern for me was the last paragraph of the answer to Question 2 in your text. I explained that, in my view, this was ambiguous since it was unclear precisely what point in time was being referred to at the end of the sentence. On one reading the paragraph could be taken as meaning that from the moment that a ceasefire was called, provided only that it used the word 'unequivocal', Sinn Fein would straightaway be invited to talks. If this were the intended interpretation it would not be an accurate description of the Government's policy, in that the nature and quality of a ceasefire must be taken into account for the purpose of the Ground Rules.

On the other hand, the paragraph could be taken to mean that once an unequivocal restoration of the ceasefire of August 1994 had been established, in that the requirements of the preceding paragraphs in the text were fulfilled, then at that point, and without undue delay, Sinn Fein would be invited to talks. If this is what is intended then it would be an accurate account of our position.

You raised the issue of decommissioning, which arises in Question 3. Your text does not accurately reflect our position, which is that the issue of decommissioning should be dealt with on the basis of the whole of the International Body's report, and in accordance with the compromise proposed in paragraph 34 of that report, under which some decommissioning would take place during the process of all party negotiations and as part



Minister of State

of the confidence building process. This commitment to implementing all aspects of the Mitchell report accepts by definition that there is no precondition of some decommissioning before negotiations.

There was also some discussion between us about the answer to Question 4, and in particular the second and fourth paragraphs of your answer. I explained that while it is indeed the case that we are committed to ensuring that all items on a comprehensive agenda are fully addressed, and obstacles overcome, and that we would seek to ensure that the negotiations were not prevented from making progress if one or more of the participants withdrew, our influence could not be relied upon to be decisive. In the final analysis, participants will act in accordance with their conscience and no Government could compel attendance or agreement. Moreover, the Government, like the other participants, is bound by the agreed Ground Rules. These allow the negotiations to proceed on the basis of sufficient consensus; as such they provide flexibility so as to reduce the scope for stalemate but, as part of that flexibility, do not require the agreement of all participants on matters for decision. They do, however, require that those elements necessary for sufficient consensus are present. That is something that we cannot ignore if we are to work within the process which we have so painstakingly created.

I explained that the third paragraph of your answer to Question 4 is also not an accurate reflection of Government policy. We are certainly prepared to encourage the adoption of an agreed indicative timeframe but we cannot, of course, force others to accept one. An agreement by the two Governments alone would have little effect if it were not supported by the other participants. In addition, if an indicative timeframe were agreed, I would regard our aim as being to seek, with the Irish Government, to ensure that the negotiations entered substantive issues in all three strands, not just Strand 3, within the terms of that agreed timeframe. I also underlined to you the benefit, in our view, of regular reviews of progress to maintain pressure and momentum.



*Minister of State*

The answer to Question 5 is also not on all fours with our stated policies. As a matter of practicality we cannot ensure equal treatment for the identity, ethos and aspiration of both communities, including the Irish language and culture, although we can ensure equal respect. In the following paragraph we would express our commitment to prisons issues in terms of Chapter 7 of the International Body's report and, in the last paragraph, our commitment on the police would more accurately be described as a commitment to develop policing arrangements so that the police service should enjoy the support of the entire community.

This is a rather long letter but I hope you will find it useful for ensuring that the various points that we touched upon this morning are understood between us. It is essential that there are no misunderstandings between us and I want to do everything I can to ensure that you have the clearest possible understanding of what our position is.

*Yours sincerely  
Michael*

**THE RT HON MICHAEL ANCRAM QC DL MP  
Minister for ~~Political~~ Development**

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**10 DOWNING STREET  
LONDON SW1A 2AA**

From the Private Secretary

2 April 1997

*Dear Wally,*

... We spoke about the most recent exchanges with John Hume, following the letter sent to him by Sir Patrick Mayhew on 14 March. I now enclose, in case you have not seen it, a copy of a letter to John Hume from Gerry Adams, which John Hume gave to us a few days before Easter. As I explained, Michael Ancram subsequently met John Hume to discuss these "revised answers", to explain that we had already given our answers, and set out why the proposed revisions did not in any case accurately represent our policy. Michael Ancram then wrote to John Hume to confirm these points. I enclose a copy of this letter too. The exchange rests there for the moment.

*Yours ever*

**JOHN HOLMES**

Mr. W. Kirwan  
Office of The Taoiseach  
Dublin

**CONFIDENTIAL AND PERSONAL**

Private Secretary  
The Taoiseach  
will wish to see  
the material beneath  
re Hume - British -  
Adams, received  
this p.m. from Mr John Holmes



Roinn an Taoisigh  
Department of the Taoiseach

Taoiseach,  
To see please.

John  
7/4/97  
SEEN BY  
Taoiseach  
7/4/97

2 April, 1997.

Mr. Seán Ó hUiginn,  
Second Secretary,  
Department of Foreign Affairs.

Dear Seán,

Pursuant to our conversation earlier today, I now enclose copies of the material supplied by Mr. John Holmes. It was passed to me by Paddy Teahon's office only at 4.30 p.m. today.

I had previously seen the proposed answers contained in Gerry Adam's letter of 21 March to John Hume but not the letter - type material in the first two pages. I had not previously seen the letter of 26 March from Michael Ancram to John Hume. In part, it brings out the accuracy of your forecasts of the likely British reaction to the formulations from Adams.

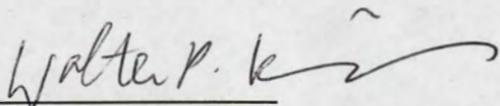
To us here, it seems that the nub of the continuing impasse is that the Republican Movement fails to acknowledge that the continuation of their own campaign strengthens the tendency to seek time to check how far actions or their absence would match words as regards any "unequivocal restoration of the August, 1994 ceasefire". The more they engage in violence, the less are people generally, but crucially the British Government, prepared to accept that a restoration stated to be unequivocal is, in fact and in intention, unequivocal. In all these exchanges, Republicans constantly seek to airbrush out the time/verification aspect. In view of their experience following the 1994 ceasefire, this is, in one way, not surprising but they are seeking a guarantee (as to timing) that their own actions have made it impossible for them now to get. I only hope somebody in the course of all these exchanges, is pressing them privately, as the Government have done publicly, to take the leap of calling a ceasefire now, relying on the gap available up to 3 June being long enough to

Wally  
I agree strongly with your  
letter but do you really believe the  
Unionists at all?  
I don't.  
2-4-97

test matters, particularly for the most likely incoming British Government. My worry is that all this dancing on pinheads around texts is distracting the main direct interlocutor they have - John Hume - from getting this message across in unclouded clarity.

I am bringing the papers enclosed with this letter to the Taoiseach's attention.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Walter P. Kirwan". The signature is written in dark ink and is positioned above a horizontal line.

Walter P. Kirwan  
Assistant Secretary.