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10 DOWNING STREET
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From the Private Secretary

9 July 1997

Dee Paddy,

I attach as promised a copy of the letter to Sinn
Fein, as it was despatched this afternoon.

JOHN HOLMES

Mr Paddy Teahon

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FROM: John Holmes

~~**TO:**~~

DATE OF DOC: 9.7.97

TITLE: Letter to Mahin

~~With~~
Copy
to
M Mansergh
So h Myrum
Tim Dalton
MC Guinness
W Kiwan

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4



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9 July 1997

Dea Martin

You wrote to me on 2 July raising a number of specific questions on the Aide Memoire sent to you on 13 June and on the British and Irish Governments' proposals on decommissioning published on 25 June.

The Government's purpose in both papers was to set out its approach in clear terms on the key issues. It wants no genuine doubt or uncertainty to remain as a block to an unequivocal IRA ceasefire and inclusive negotiations. But it will not negotiate a ceasefire.

The Government is also serious about the timetable it has set out. It is determined to see substantive political negotiations under way in September. It wants Sinn Féin to be part of those negotiations, but that can only follow a genuine and unequivocal IRA ceasefire which is seen to be matched by word and deed. So, while the Government will do all it can to ensure its approach is clearly and fully understood so as to achieve this objective, it will not be drawn into open-ended exchanges with any party intended to delay the timetable.

With that in mind, I shall concentrate on what we understand to be Sinn Féin's key concerns.

The Prime Minister has repeatedly made clear his determination to see a negotiated settlement agreed and implemented. As he said in his statement to the House of Commons:

"I want to move as rapidly as possible to an agreed political settlement. The situation in Northern Ireland means that delay is not acceptable."

As he also said in his speech in Belfast on 16 May:

"This Government is fully committed to the approach set out in the Downing Street Declaration. I believe the Joint Framework Document sets out a reasonable basis for future negotiation. We must create, through open discussion, new institutions which fairly represent the interests and aspirations of both communities."

Overall agreement will only be achieved if all the issues on the table are resolved to the satisfaction of the participants. A successful outcome can only be based on the consent of both nationalists and unionists achieved through dialogue and negotiation.

Decommissioning is one - but by no means the only one - of the critical issues which need to be resolved satisfactorily. Both the British and Irish Governments share the view that:

"... voluntary and mutual decommissioning can be achieved only in the context of progress in comprehensive and inclusive political negotiations."

It is in this context that both Governments:

"... acknowledge a particular responsibility to carry the process forward with energy and determination so as to build confidence without blocking the negotiations."

The Government's policy on decommissioning is based fully on the Mitchell Report, the key part of which says:

"The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge."

The Prime Minister set out the Government's position clearly in his House of Commons statement on 25 June.

The joint proposals would mean that substantive political negotiations get under way at the same time as the International Commission and the Liaison sub-Committee on Decommissioning start their work.

The joint proposals would also provide a regular review mechanism to consider developments across the negotiations as a whole and to consider whether the necessary confidence and momentum towards agreement is being sustained. The purpose of the review is not of course to lead to a blockage of the negotiations, but on the contrary to allow each participant to raise concerns about progress on any issue in any part of the negotiations. So far as decommissioning is concerned, provided that all participants are acting on the basis of the implementation of all aspects of the Mitchell Report, in good faith, progress should be possible. When difficulties and blockages arise in the negotiations, as they undoubtedly will on any one of a number of issues, the proposals would provide for the Independent Chairmen to offer their judgement from time to time on the need for progress on particular issues if confidence and momentum towards agreement is to be sustained.

The Government believes that this approach offers the best prospect of building confidence without blocking the negotiations, providing the commitments which all participants would need to make are entered into and followed through in good faith. Good faith is essential. That is why, if a party demonstrably dishonours its commitment to the six Mitchell fundamental principles of democracy and non-violence, it is no longer entitled to participate. But this is the only ground for exclusion once a party has joined

the negotiations. Although any party can bring such an allegation, any appropriate action is for the two Governments alone.

We look for a benign mutual dynamic on all the issues in the negotiations, as the Mitchell Report envisages, so that as mutual progress is made on political issues, confidence-building issues and decommissioning, this can create growing mutual trust and confidence on all sides. Accordingly both Governments are committed to:

"... work to bring about due progress on decommissioning alongside progress in the substantive political negotiations."

The Government cannot answer for any party's good faith other than its own. But with good faith, the Government believes its target of the end of May can be met and for its own part it will, in co-operation with the Irish Government and the other participants, make every effort to ensure this is achieved.

It cannot give a guarantee of a successful outcome because that will require agreement and consent among both unionists and nationalists, as well as both Governments. There are many difficult issues, any of which if not addressed in good faith and resolved satisfactorily, could hold back overall agreement. But both Governments will be working to overcome obstacles to agreement and, if these negotiations do not succeed despite their best efforts, they will together continue to pursue rapid progress to an overall agreed settlement acceptable to both unionists and nationalists.

On confidence-building, as you acknowledge, the Government has set out the principles of its approach on all the issues you raise. Implementation of specific measures inevitably takes time - for example, legislation to implement the North Report's recommendations on parades could not be introduced in time for this summer, but will be in place before next summer. It would be unrealistic to expect an immediate and detailed programme of measures on what is a very wide-ranging agenda. If Sinn Féin, following an unequivocal ceasefire, joins the negotiations, then it will also have the opportunity to raise and explore these important issues with others in that context.

Progress on some, including those suggested in Chapter VII of the Mitchell Report, some of which are for the IRA to take, can only follow a restoration of the IRA ceasefire. But the joint proposals include the establishment of a sub-Committee on Confidence-Building Measures, "... charged with assisting the implementation of all aspects of the Report of the International Body relating to the further confidence-building measures mentioned in that report which participants may raise..."

On prisoners, the Aide Memoire recognised the particular sensitivity of prisoner issues on all sides. As a matter of general principle, the Government is committed to ensuring that prisoners are treated with dignity and respect for their rights and subject to no more security restrictions than the risk to the public requires. This principle will naturally be applied in considering the security classification and conditions of prisoners in the Special Secure Units, in the review which would be conducted consequent on any significant diminution of the security threat and the threat of escape attempts.

As successive Home Secretaries have made clear, the Government is also committed to the principle that prisoners should serve their sentences close to their family, wherever

practicable. In accordance with this principle, requests for transfer to Northern Ireland or repatriation to the Irish Republic are regularly considered.

Since April 1995, under both Governments, there have been 9 permanent transfers to Northern Ireland of prisoners convicted of terrorist offences. This is in addition to temporary transfers, and 6 repatriations to the Irish Republic of prisoners convicted of terrorist offences since the scheme began in November 1995. In the normal course of events, the Home Office expects to announce decisions in three further repatriation cases in the coming weeks, once some prior exchanges with the new Irish Government are completed satisfactorily. A further three cases are likely to be referred to the Irish Government for their consideration this week.

The position of long-term prisoners, who have served over 20 years, and who have applied for repatriations, is recognised as of particular concern. In accordance with the practice of successive Governments, the Home Secretary will shortly set tariffs for four such prisoners. This should enable early progress to be made on processing their applications to be transferred to the Irish jurisdiction, subject to the provisions of the Convention on the Transfer of Sentenced Persons.

The British Government's position on equality issues and on the Irish culture and identity is set out in paragraphs 19 and 20 of the Joint Framework Document. We have made clear that we will facilitate education through the medium of Irish, where there is the demand for it in accordance with objective criteria.

As to the other issues you raise I can confirm that, as envisaged in the Aide Memoire, Ministers will meet Sinn Féin in the period immediately following a ceasefire and will also encourage the Independent Chairmen to hold early meetings with Sinn Féin in this period. As to meetings with the Prime Minister, once Sinn Féin has joined the negotiations and made its commitment to the Mitchell principles, these would be dealt with on the same basis as for other participants. The calendar within the negotiations is yet to be agreed, but the rules of procedure set out the structure, sequence and conduct of the negotiations. The agenda is due to be adopted before the end of July and the agreed rules of procedure (paragraphs 17-19) ensure that the concerns of all participants can be raised.

The Government has established its good faith in setting out a clear approach and in removing any genuine uncertainties which remain. What now needs to be cleared up without further delay is whether the IRA will declare a genuine and unequivocal ceasefire, which alone can permit Sinn Féin to join the political negotiations when they get under way in September.

Yours sincerely

Quentin

QUENTIN THOMAS