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TO: (1) Mr. Paddy Teahon
(2) Wally Kirwan

c.c. Attorney General

FROM: Taoiseach

The following are my comments on the document entitled "composite text (10th October, 1996)", and on the commentary on this document prepared by Sean O hUiginn and suggested by him to J.H. on 13th October.

On the first page of the composite text in the last paragraph there is a sentence which Sinn Féin wish to have omitted which refers to the negotiations operating on a basis of consensus etc. Rather than spelling out the way in which consensus is to be measured as the sentence now does it might be best simply to insert a reference to the relevant paragraph in the ground rules paper.

This has the merit of saying what is to be said for the record, but without rubbing peoples noses in it.

Turning ~~over the page~~ to the top of page 2 of the composite document, I could not agree to the proposed Sinn Féin insert in

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the last sentence. It is not the case that the British and Irish Governments are agreed that "beyond the unequivocal restoration of the IRA ceasefire, the British and Irish Governments are agreed that these negotiations are without preconditions". The Mitchell principles have to be subscribed to. Paragraph 8 and paragraph 9 of the ground rules paper have to be agreed to. A ceasefire on its own is not enough, in the sense that the negotiations can only proceed if the ground rules are complied with, and if the participants subscribe to the Mitchell principles which they must do at the outset of their participation in the negotiations. There is a real risk that this particular presentation, as suggested, could be seen as rowing back on the ground rules paper and the Mitchell principles, and this is not something that is viable. Again I think the best way to deal with this, without being offensive or provocative, is to make a simple cross reference to the ground rules paper and the Mitchell Report by reference to paragraph numbers with ^{out} spelling out the full detail of what is contained in those paragraphs.

In regard to the last paragraph on page 2 of the composite text, I wonder if it would be better to refer to the decommissioning issue "not blocking other aspects of the negotiations". I think the

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inclusion of the reference to "other aspects" would make it clear that the decommissioning issue is interdependent with other aspects of the negotiations and not free standing from them. The present text could be interpreted by Sinn Féin as suggesting that decommissioning is entirely detached from the negotiations and that the negotiations must be concluded and implemented regardless of what is happening on decommissioning. In this context a cross reference to the relevant document which uses the principle that nothing is agreed until everything is agreed might be useful, but of course one would not wish to spell that out on the face of the article because that would convey to Unionists that there would be no decommissioning at all until the end of the negotiations.

In the first paragraph of page 3 there is a long passage that Sinn Féin wishes to see omitted. This begins with the words "This includes" and ends with the words "trust and confidence". I think that the best compromise here would be to eliminate the first sentence of the passage in question, but leave the second two sentences in place. I cannot see how Sinn Féin could object to the expression of opinion by the British Government contained in these two latter sentences.

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I agree with the Sinn Féin suggestion that the words "so far as we can" be eliminated in the second last paragraph of page 3.

At the top of page 4 I believe that the statement that the British and Irish Governments are committed to "an agreed timeframe" for the talks is unrealistic. A timeframe suggests a definite time.

There is no way that the two Governments can ordain any definite time for these discussions. As I have said many times, the problem that these negotiations are setting out to solve has not been solved in over 400 hundred years. It has not been solved by twenty five years of violence. The idea that it could be said that it will definitely be solved by twenty five weeks of talks, or twenty five months for that matter, is simply unreasonable.

On the other hand, I think that the concept of a "calendar" is much more realistic. It is important that the parties should be pushed to agree a calendar for dealing with all of the issues, so that all of the issues are actually addressed. There is a real risk that, without a calendar, one party could block the discussions on the first few issues on the agenda, to the extent that other issues were never reached at all.

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I agree, of course, that the two Governments should review progress on a regular basis and would be quite happy to see this sentence strengthened further if that's any help. I did put on paper some general ideas in the area of the how the Governments might manage the negotiations, in a different context, earlier. These ideas maybe useful in this regard but I do not have them to hand as I am dictating this note.

I agree with Sean O hUiginn's comments on the reference to equal treatment of the Irish language. Perhaps it might be helpful to introduce the words "parity of esteem" into this sentence. I think it would convey better what we are talking about in regard to the Irish language than the notion of "equal treatment".

I also agree with the comments made by Sean O hUiginn on point 14 suggested by Sinn Féin. I wonder would it be any additional help if we were to add a sentence to the effect that the Governments will work in the meantime to bring practical improvements in policing into effect. We should not suggest that nothing at all can be done about policing until the negotiations are over. Improvements in policing are confidence building measures

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that could help the atmosphere for the negotiations, as well as being an outcome of the negotiations.

I think that their reference to South Africa will be seen as deeply offensive by the Unionists. I think there is no chance that John Major will accept it, and even if he did, I think we would have to object to it ourselves on the grounds that it would be unnecessarily offensive to another section of the people.

I have just seen a new draft possible paragraph in the article suggesting a "short recess" to allow consultations aimed at providing reassurances envisaged in the Mitchell report, particularly the principles of democracy and non violence specified in paragraph 30 and 31 of the report. My understanding of the relevance of the acceptance of the Mitchell principles was that it should be made in the presence of all of the other participants in the talks. The idea that Sinn Féin might go off into a corner and make their acceptance of the Mitchell principles in a period of recess in the talks is inconsistent with this. I also believe that the Unionists are genuine in seeking to make some form of agreement with the SDLP in advance of Sinn Féin entering the talks. The idea that they would be prevented from so doing by the

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Governments agreeing to a recess in the talks as a result of an IRA ceasefire would be seen as a gratuitous rejection of Unionist ambitions in this matter. It would place the two Governments in a false position vis-a-vis the Unionists. My own belief is that it is more promising to concentrate on using any delay to look at the conduct of the republican movement in matters like surveillance, targeting and weapons preparation. The practical evidence arising from this observation would be helpful in evaluating the weight to be given to any formal acceptance of the Mitchell principles.

Furthermore, I think it is a bit one sided that we are looking at the draft of an article that would be representative of the positions of the two Governments, without having any knowledge of what might be the terms of any IRA ceasefire announcement.

It is quite possible that very strong statements from the IRA in their ceasefire announcement would obviate the need for delays or queries about conduct. On the other hand, a very brief ceasefire announcement, which gave no clues as to longer-term intentions, would leave so many questions remaining to be answered that any proposed delay would be inherently insufficient, without further

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statements from the IRA, for the satisfaction of the other parties to the talks.

I realise that there are inherent difficulties in asking about the terms of any IRA announcement. But there are equally grave difficulties in volunteering Government statements on matters relating to future IRA activity when we do not know what the IRA would be saying when they are announcing their ceasefire.