



10 DOWNING STREET

Prime Minister

An awkward
development. The public
line is uncomfortable,
though I don't have
an improvement to
offer yet.

Michael Ancram
suspects that Anthony
Bevin may have an
inkling of this.

Roderic
20/11

pl. v. ber - answer won't
do: why - on earth - did
Thomas accept it. 4.

SECRET AND PERSONAL
From: THE PRIVATE SECRETARY

(b5)

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZRoderic Lyne Esq CMG
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1A

20 April 1994

*Dear Roderic,***CLARIFICATION**

Quentin Thomas has been handed by his Irish counterpart, Sean O'hUiginn, a copy of a letter apparently from Gerry Adams to the Irish Government. Mr Adams' letter to the Irish Government encloses a list of 22 questions for clarification by the British Government. In handing this to Mr Thomas, Mr O'hUiginn made it clear that the Irish Government were not formally passing the letter and the questions to us: indeed, the letter from Mr Adams makes clear that the Irish Government is not meant to 'engage' the British Government 'until you receive confirmation that the British Government is willing to address the matters outlined above'. Of course, no such confirmation has been given.

The fact that we have seen a copy of this letter and its enclosure has potential for embarrassment if we are not careful. Although Mr O'hUiginn said that the Irish Government would not indicate publicly or privately that the paper had been passed to the British Government, we must anticipate that the Provisionals may attempt to make it

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public at some stage and may claim that they have asked the Irish Government to obtain clarification from the British Government. With this, and the line which my Secretary of State took in the US last week, in mind, I attach some defensive lines to take, approved by my Secretary of State, to respond to direct questions asking whether we know the specific issues on which Sinn Fein want clarification. When he sees Mr O'hUiginn tomorrow (Thursday), Mr Thomas will point out the potential for embarrassment and will discourage him from passing similar such communications to us.

Meanwhile we are urgently analysing the questions themselves. Mr Thomas' covering minute, also attached, provides a very initial analysis. The questions contain the plainest indication of Sinn Fein's purpose to draw us openly into negotiations in advance of any move by them to end violence. Nevertheless, if they are made public, it may be to our presentational advantage to be able to point out that the answers to at least some of the questions are already in the public domain, while many others raise issues not to do with the text and which are matters for political negotiations from which Sinn Fein currently exclude themselves. For the meantime, however, we should stand on the attached lines.

A copy goes to John Sawers and Melanie Leach.

Yours sincerely,

Eric Rogers

for JONATHAN STEPHENS
Private Secretary

SECRET AND PERSONAL

BB/SOFS/18146

Have you had any questions requiring clarification from Sinn Fein?

Sinn Fein have asked us no specific questions on the Joint Declaration on which they seek clarification. That is not surprising: the Joint Declaration is clear and both Governments have each said as much. [If Sinn Fein publicly put questions to us, we would, as my RHF made clear last week, consider our course of action in the light of all the circumstances.]

Do you know of any question Sinn Fein want clarified?

I will only know if and when they ask us. There have been a number of reports suggesting what Sinn Fein might want clarified, but no specific question has been addressed to us.

BB/SOFS/18146

Sinn Féin

15/4/94.

A Chara,

We appreciate your offer to obtain clarification for Sinn Féin from the British Government.

As we have already pointed out the British Government needs to provide full and frank clarification of matters contained in or related to the Downing Street Declaration so that republicans can properly assess its potential to move us in the direction of a lasting peace.

It is a matter of disappointment that they did not seize the opportunity of the recent unilateral and unconditional suspension of operations by the IRA to do so. I can only trust that the significance of this initiative has not been lost on the policy makers in London and that they will now act accordingly to move the situation forward.

The public refusal of the British to provide clarification in the way it did for all other political parties has, itself, created a political problem which would not be resolved if the clarification was provided secretly. In an atmosphere of continuing suspicion and mistrust, the British Government needs to provide some evidence that it is genuinely interested in developing a real peace process. The provision of clarification to Sinn Féin must, therefore, be accompanied by a public acknowledgment by the British Government that they have done so. In short, therefore, we are seeking some evidence that the British are now pursuing a strategy for peace rather than a strategy for victory.

Sinn Féin's democratic mandate has been publicly recognised by you. The democratic rights and dignity of our electorate must also be accepted and recognised by the British Government as part of, or in conjunction with, the provision of clarification.

As I have pointed out publicly, Sinn Féin has no great concern to be engaged in bi-lateral negotiations on constitutional matters with the British Government. In a statement on Monday 14th March I said:

"I welcome the IRA statement (of 13th March) which I consider to be a positive reiteration of its commitment to reaching a negotiated peace settlement. The search for that settlement remains the greatest challenge facing us all.

It is worth pointing out at this time that Sinn Féin has no great concern to be engaged in bi-lateral discussions on constitutional matters with the British government. These matters are more properly the business of all party talks, including the British government and with the Dublin government as the principle representative of the Irish side.

However, if the British government wishes to indicate a genuine interest in developing a peace process they should recognise our rights as a political party, the validity of our mandate and the rights of our electorate. This

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is not an attempt to place conditions on talks. It is a recognition of political reality and an obvious requirement if progress is to be made.

As far as such talks are concerned : have no doubt that Sinn Fein and the British government will be involved in dialogue. The British have conceded this in principle. Unfortunately they have stalled on the conditions.

These issues are not the point of the reasonable call for clarification being made by us. Clarification has been provided to all other parties on request. Sinn Fein and our electorate have the right to equality of treatment.

Neither is clarification required as a means of negotiation. Clarification is necessary so that we can properly explore how the peace process can be moved forward. It should be provided on that basis".

The British Government has rejected this position. On Saturday, 19th March, Patrick Mayhew again dismissed our request for clarification. He, and the British Prime Minister, did so again during the recent IRA suspension of operations which presented a real opportunity to break this stalemate. The British Government stone-walled. This takes us to the nub of the problem of communication at this time.

We are prepared to be flexible, particularly given the obvious difficulties that the British have created for themselves by their public stance to date on this issue. We are not demanding a public climb-down by the British but neither can we be expected to simply concede this issue to accommodate British mishandling of the situation. The rights of our electorate and present political reality, therefore, demand that there be a public dimension to British clarification.

The provision of proper clarification combined with the recognition of our democratic mandate and the rights of our electorate would, we believe, end the present impasse and allow us to move forward.

Please find below some of the issues which require clarification by the British Government. You should not proceed however to engage with them on these until you receive confirmation that the British Government is willing to address the matters outlined above.

Is Mise.

The matters relating to the Downing Street Declaration which require clarification are:

- a) Matters of text;
- b) Its interpretation by the two governments and conflicting commentary on what it means;
- c) The peace process which the two governments envisage developing from the declaration.

To avoid the problems which occurred in the recent past clarification by the British Government would of necessity be formal, in writing, properly authenticated and publicly acknowledged. Though it may not be necessary there needs to be a facility for supplementary questions to be answered, if these arise.

1.
The long term political objectives of the two governments are of crucial importance if we are to move out of the present failed political structures. While accepting what he regards to be present political realities the Taoiseach has, nevertheless, clearly stated the long term objectives of the Irish Government in the search for a lasting settlement. It is essential that the British Government displays the same honesty and frankness in outlining its long term attitude towards the Irish people. What are the British Government's long term interests and objectives in relation to Ireland?

2.
The Taoiseach has made it clear that he sees no major difference of substance between the position put by him to you in June 1993 and the Downing Street Declaration of December 15.

- a) Do you share this view?
- b) On what basis did you reject the June position?
- c) If the difference is, as is claimed, minimal are you prepared to assist in closing this gap?

3.
The British and Irish Governments have said that political structures cannot be predetermined, now, or in the future. How do you reconcile this with your adherence to the partition of Ireland and the maintenance of the union?

4.
The British Government says, in the Downing Street Declaration, "that they will uphold the democratic wishes of a greater number of the people of Northern Ireland".
What is the British Government's precise definition of "a greater number of the people of Northern Ireland" and how would this be measured in practical terms?

5.
The British Government has said that it has "no selfish strategic or economic interest in Northern Ireland". Would it not be more in accord with democratic principles for the British Government to base its Irish policy on the objective of ending the union?

6.
On March 23, 1993, a representative of the British Government told representatives of Sinn Féin that:
"The final solution is union. It is going to happen anyway. The historical train - Europe - determines that. We are committed to Europe. Unionists will have to change. The island will be as one".
Is this the position of the British Government?

7.
The British Government has said that its primary interest is to see agreement reached between all the Irish people.
a) Given the continued intransigent attitude of the Unionist leaderships, how, in real terms is such agreement to be encouraged?
b) What will be the response of the British Government if the Unionist parties refuse to engage in the search for agreement?
c) What does the British Government consider to be a 'reasonable time-scale' for agreement to be reached.
d) What is the framework which the British Government intends to create for the achievement of agreement.
e) Does the British Government accept that, given the preponderance of the nationalist position and opposition to partition among the Irish people as a whole, that substantial movement on constitutional issues by the British Government and the Unionist Parties will be required if democratic agreement is to be reached?
f) How is agreement to be measured in practical terms and at what stage does the withholding or absence of agreement on the part of one section of the Irish people become a veto over change?

8.
Given the British Government's agreement that it is for the Irish people to exercise our right to self-determination, what is the basis for the British Government's qualification of this right in Paragraph 4 of the Downing Street Declaration?

9.
In the Downing Street Declaration the British Government gives a commitment to allow the Irish people to freely determine their future without external impediment or interference. Do you accept that the Government of Ireland Act, particularly Section 75, directly affects present political structures and that it can only be regarded as an external impediment and interference in the free determination by the Irish people of their future?

10.

How does the British Government reconcile its stated objective of maintaining the union with its declared lack of strategic or economic interest in Ireland

11.

Given the commitment by the two governments that everything will be on the table for negotiation;

- a) Will the union between Ireland and Britain be on the agenda for negotiation.
- b) Will the Government of Ireland Act be on the agenda for negotiation?
- c) Will you give a commitment to end the Government of Ireland Act as part of an overall settlement?

12.

Given the statement by the British Government in the Downing Street Declaration that "it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent;

- a) Is the continued operation of the Government of Ireland Act subject to agreement on this basis?
- b) Is the continued existence of the union subject to agreement on this basis?

13.

Does the British Government accept that while the consent of a majority of the people of the 6 county state to constitutional change, as referred to in the Downing Street Declaration, may be desirable it is not a legal requirement in international law?

14.

Given the commitment in the Downing Street Declaration to work towards a balanced constitutional accommodation does the British Government accept that the present structures and arrangements do not represent a balanced constitutional accommodation?

15.

Given the commitment in the Downing Street Declaration to work towards a balanced constitutional accommodation, what constitutional options does the British Government see as being consistent with this objective?

16.

The Taoiseach has said that Unionists only possess a veto in regard to whether to belong to a sovereign United Ireland or the UK, that they do not possess a veto over the policy of the two governments or over interim measures which may be adopted. Is this also the position of the British Government?

17.

The Taoiseach has said that political parties need not accept every phrase or word in the Downing Street Declaration. In fact the DUP have rejected the declaration in total.

✓ a) Does absolute rejection of the declaration by a political party exclude that party from involvement in talks on the development of new political arrangements.

b) Do parties which are opposed to aspects of the Downing Street Declaration have the right to dissent from it and yet be engaged in talks on the development of new political arrangements.

18.

Exploratory Dialogue.

Sinn Féin, as a matter of policy, advocates inclusive dialogue without preconditions. We do not accept the imposition of preconditions on our party or on any other party. However, in the interests of clarity we wish to explore the British Government position on these matters as outlined in the Downing Street Declaration.

✓ a) The British Government has called upon Sinn Féin to renounce violence. What does this involve?

b) Patrick Mayhew is reported as saying that a permanent cessation of violence "is the way in which full recognition can be accorded to the mandate which Sinn Féin candidates are accorded at the polls" (Irish Times, Thursday, 14/4/94).

✓ How does the British Government reconcile its refusal to recognise our democratic mandate with its stated commitment to democratic principles?

c) The British Prime Minister has referred to a period of decontamination for Sinn Féin. What does this mean?

✓ d) What would be the purpose of the exploratory dialogue between Sinn Féin and the British Government?

✓ e) How long would this exploratory dialogue last?

✓ f) Within this process, when would negotiations about the future constitutional and political shape of Ireland take place?

19.

a) Given the declared opposition of both government's to coercion, how will the coercion of northern nationalists into the 6 county state be addressed in real terms?

b) How will the denial of nationalist rights be redressed in real terms?

c) When will repressive legislation be ended?

20.

How would the process of demilitarisation be implemented in real terms.

21.

An amnesty for political prisoners is an obvious element of a peace process. How will the British Government address this issue?

22.

The Downing Street Declaration is described as "the starting point of a

peace process designed to culminate in a political settlement". What are the subsequent steps which the British Government envisages in this suggested peace process?