F J.D.

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HCS/408/94

FROM: D FELL
6 APRIL 1994

cc DM 6/4
PS/PUS (L&B) - B
Mr Legge - B
Mr Thomas (o/r) - B
Mr Deverell - B
Mr Watkins (o/r) - B
Mr Daniell - B
Mr Archer, RID - B
HMA Dublin - B

MR BELL - B

CLARIFICATION

1. Further to our discussion earlier this afternoon, I have re-read the Adams piece in this morning's Guardian, and also his interview with Anne Cadwallader in the Irish Press, and though, as you pointed out, both do spell out rather more of what is sought by way of clarification than we have seen before, neither really home in on the text of the Declaration itself.

2. In the Guardian, for example, Adams identifies 'generic' areas requiring clarification as:

- 'Matters of text in what is an ambiguous declaration;
- Differences in interpretation and commentary of the Declaration;
- The steps envisaged to advance the peace process'.

And more pointedly, he enquires 'is it unreasonable to ask the British Government what process, time-frame and framework it proposes for reaching [such] agreement. Is it

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unreasonable to seek to establish Britain's long-term intention towards Ireland?' Whatever one's views of these questions (and the last one offers further evidence of what PUS has described elsewhere as a depressingly Bourbon approach in implying a deadline for withdrawal), the fact is that none of them <u>specifies</u> what, in the <u>text</u> of the Declaration, Adams wishes to have clarified.

3. In the Irish Press interview, Adams is rather more specific. Thus, he says:

- 'Section 75 of the Government of Ireland Act is not even mentioned [in the Declaration]';
- 'We need to know the next practical steps on from the Declaration which the British envisage';
- 'How does the British Government intend moving forward - let them spell it out.'
- 'A crucial issue which still needs clarification is the status of the unionist veto'.

I would argue that the only issue on this list which falls into the category of clarification of the <u>text</u> of the Declaration is the one relating to the 'Unionist veto', and I would further argue that the Declaration is absolutely clear in spelling that out, on behalf of both Governments, in the context of the consent principle.

4. So, though as I said to you, in pressing my point about saying something about clarification in No 10's response to Adams' two letters, I recognise that (both politically and practically) I am almost certainly seeking to push water up a hill, I still see merit in trying to do so (provided we relate it strictly to the text of the Declaration) in order, at best, to give the Provos some reason for an extension of their paltry 72-hour ceasefire, and at worst, to deflect the criticism which will undoubtedly come from some quarters

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(including Irish America, where the Secretary of State might have a more difficult hand to play next week than we might have predicted) that HMG, by its inflexibility, had thrown away the best chance of peace in a generation. (Mallie, in today's Irish Independent, is worth reading in this context.)

5. Thus, building on my suggestion to you on the telephone, I wonder if we might not say something like this in the draft reply:

'There are many who believe that your continuing demands for clarification are no more than a cynical tactical ploy to enable Sinn Fein to engage in direct discussions with the British Government before your Party renounces support for violence, and there is a permanent cessation of violence. As many have pointed out - including, in recent days, the Taoiseach, the Tanaiste, Mr Brian Lenihan and the Moderator of the Presbyterian Church in Ireland - you have at no time identified in clear and unambiguous terms what part of the text of the Declaration you feel needs clarified. Had you done that, then the world at large would have been able to judge whether your interest was genuinely in textural clarification, or merely in circumventing the terms of the Declaration, in which both Governments spelt out very clearly the route into the democratic process for Sinn Fein. The commitments of the Declaration remain in place.'

6. We might have a further word on the phone when you receive this.

Signed David Fell

DAVID FELL