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SECRETARY OF STATE
FOR
NORTHERN IRELAND

Dr John Alderdice
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Dear John:

Last Friday a paper was passed to us by the Irish Government containing a number of questions from Sinn Fein. The Government announced then that it would consider those questions and make them public with our comments within a matter of days.

The Government has now determined its commentary on the questions, and I am attaching a copy of the statement we are issuing today for your information.

I believe that this statement speaks for itself. It is thorough and comprehensive, commenting on each of the questions. It nails definitively the point that there were difficulties or obscurities in the Government's position which could not be resolved by looking at the text of the Declaration and at other formulations in the public domain. We considered it necessary to make this response so that, consistently with our policy since 15 December, no one is left in any doubt as to our position on the Joint Declaration.

The fundamental question being asked by the people of these islands is for Sinn Fein to answer. They must choose between democracy and violence. They claim to be committed to the principle of self-determination, yet they have refused to heed the clear wishes of the vast majority of people in Ireland, North and South, and in both traditions, for an immediate and permanent end to violence. They should remedy that now.

*James
Dillon*

STATEMENT BY THE NORTHERN IRELAND OFFICE

Five months have passed since the British and Irish Governments published their Joint Declaration.

The Joint Declaration was framed as a balanced set of principles, fairly addressing the concerns and aspirations of both traditions in Northern Ireland. It demonstrated that, in their approach to Northern Ireland's future, the Governments of the United Kingdom and of the Republic of Ireland stand on common ground.

The Declaration underlined the principle that the future of Northern Ireland must be founded on consent. It offered the people of Ireland, North and South respectively, the basis to agree that their differences could be negotiated and resolved exclusively by peaceful political means.

The Declaration looked to the full participation in politics of "democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process". To join the political dialogue with the two Governments, parties were not required to accept the Joint Declaration. They were required only to declare and demonstrate a permanent end to violence, and to abide by the democratic process.

Since its adoption, the Joint Declaration has attracted very wide support throughout Ireland and far beyond.

More than ever, the people of Northern Ireland want to live in peace and to resolve their problems democratically and by negotiation.

Yet paramilitary and sectarian violence continues. They see no justification for this. The Joint Declaration shows that there is none.

It is against this background that we are today publishing the questions from Sinn Fein, passed to us by the Irish Government, within this statement.

We have always sought to ensure that our position on the Joint Declaration is clearly understood by all. As both Governments have repeatedly emphasised, the terms of the Declaration are not open to negotiation. Nor will we enter into questions about future arrangements in Ireland which can properly be decided only through negotiations involving democratic parties dedicated exclusively to peaceful political means. Both Governments are anxious to see such negotiations take place on a comprehensive basis, as set out in the Declaration.

Our comments on this document are as follows.

Commentary

As will readily be seen, the questions which have been passed to us range much more widely than seeking elucidation of the text of the Joint Declaration, though some can be dealt with by reference to it. The questions can be considered under these headings:

- (i) Questions involving an explanation of the text of the Joint Declaration.
- (ii) Questions which appear to seek to reopen the negotiations which led to the Joint Declaration.
- (iii) Questions concerning the British Government's policy in respect of Northern Ireland which, far from arising from any uncertainty about the text of the Joint Declaration, are answered by reference to it.

- (iv) Questions not arising directly from the text of the Joint Declaration but concerning procedures consequent on a cessation of violence, including questions about the agenda for subsequent substantive political dialogue.
- (v) Questions not arising from any obscurity in the text of the Joint Declaration, but raising substantive questions of wider Government policy, or questions which would arise in a process of substantive political dialogue following a cessation of violence.
- (vi) Questions repeating earlier questions or essentially covering the same ground.

These headings are dealt with in turn. There were 20 Questions in the paper passed by the Irish Government, and the question numbers which follow are those from that paper.

I. Questions Involving an Explanation of the Text of the Joint Declaration

Q.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?

Comment

The wish of a greater number of the people of Northern Ireland would be determined by a numerical majority of those validly voting in a poll fairly and explicitly organised for this purpose. Provision for such a poll is made in section 1 of the Northern Ireland Constitution Act 1973.

II. Questions which appear to seek to reopen the negotiations which led to the Joint Declaration

Q.2 Given that the document put to you in June 1993 was welcomed by the IRA leadership which commented, on October 3 1993, that it "could form the basis for peace", could you clarify the differences, if any, between this document and the Downing Street Declaration?

Comment

This question, referring to a document put to us by the Irish Government, does not arise from any uncertainty about the text of the Joint Declaration which was the product of detailed and extensive discussions between the two Governments. These discussions were largely directed towards ensuring that the Declaration was clear and unambiguous in its treatment of the key principles to which both Governments are committed - including consent, agreement, and parity of esteem and equity of treatment for both parts of the community in Northern Ireland. Therefore the only text that bears our name and on which we can comment is that which was issued on 15 December 1993 by the Prime Minister and the Taoiseach.

III. Questions concerning the British Government's policy in respect of Northern Ireland which, far from arising from any uncertainty about the text of the Joint Declaration are answered by reference to it.

Q.1 The long term political objectives of the two Governments are of crucial importance if we are to move out of the conflict situation caused by the present failed political structures. The Taoiseach has 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?

Comment

Paragraph 4 of the Joint Declaration already fully spells out the British Government's objectives and interests in relation to Ireland - in terms which speak for themselves. In particular it states that the British Government's "primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such an agreement, which will embrace the totality of relationships".

Q.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?

Comment

Paragraph 4 of the Joint Declaration makes it clear that the British Government "will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland". Further, the Government reaffirm as a binding obligation that they will introduce the necessary legislation to give effect to any measure of agreement on future relationships in Ireland which the people living there, North and South, may themselves freely determine without external impediment. These statements confirm that in political dialogue no outcome is either predetermined or ruled out.

In relation to partition, both Governments are guided by the reality of the present situation and the principle of consent. This is reflected in Article 1 of the Anglo-Irish Agreement, and in paragraph 7 of the Declaration:

"Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded, both Governments will support and give legislative effect to their wish."

Q.7 Given the British Government's statement in the Downing Street Declaration 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?

Comment

The British Government's position on self-determination in paragraph 4 of the Joint Declaration - that it is to be exercised "on the basis of consent, freely and concurrently given, North and South..." - is entirely consistent with that of the Irish Government set out in Paragraph 5 of the Joint Declaration in which the Taoiseach:

"accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and civil rights and religious liberties of both communities".

IV. Questions not arising directly from the text of the Joint Declaration, but concerning procedures consequent on a cessation of violence, including questions about the agenda for subsequent substantive political dialogue

Q.8 In the Downing Street Declaration the British Government gives a commitment to allow the Irish people to freely determine our future without external impediment or interference, to encourage, facilitate and enable agreement on this basis and to introduce the necessary legislation to give effect to this agreement. Does this mean that the Government of Ireland Act, Section 75 of which states "the supreme authority of the parliament of the United Kingdom shall remain unaffected and undiminished over all persons, and things in (Northern) Ireland and every part thereof", would be needed as part of an overall agreement?

Comment

The content of an overall agreement will depend on the outcome of negotiations within the talks process. The British Government have confirmed that they will introduce the necessary legislation to give effect to any measure of agreement on future relationships which the people of Ireland may freely determine on the basis set out in paragraph 4 of the Joint Declaration. The implications for the Government of Ireland Act would depend on the nature and content of any such agreement.

Q.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?

Q.12 (b) Will the Government of Ireland Act be on the agenda for negotiation?

Comment

The 26 March 1991 statement, outlining the basis for the three stranded talks, said that "in order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships, including constitutional issues, or any other matter which it considers relevant". No political objective could properly be excluded from discussion in the talks process.

Q.13 Does the British Government accept that while the consent of a majority of the people of the six 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?

Comment

Both Governments make clear in the Joint Declaration that any change in the constitutional status of Northern Ireland would be subject to the consent of a majority of its people as set out in the Anglo-Irish Agreement, itself an international instrument registered at the United Nations.

Q.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?

Q.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?

Comment

In paragraph 1 of the Joint Declaration both Governments recognise an "absence of a lasting and satisfactory settlement of relationships between the peoples of both islands... ". Constitutional issues are among those eligible to be addressed in the talks process.

Q.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 and the UUP have said that it has run its course.

(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?

Comment

The Declaration is an agreed position between the two Governments. It does not depend for its validity on the attitude of other parties, who are free to determine their own views on it, and to represent those views in future negotiations.

Acceptance of the Joint Declaration is not a precondition for entering the talks process. What is required is a permanent end to the use of, or support for, paramilitary violence. The two Governments say in the Joint Declaration that "...in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead".

Q.18 Exploratory Dialogue

Sinn Fein, 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 Fein 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

Fein 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 Fein. What does this mean?
- (d) What would be the purpose of the exploratory dialogue between Sinn Fein 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?

Comment

The position of both Governments is set out clearly in Paragraph 10 of the Joint Declaration. There has to be a permanent end to the use of, or support for, paramilitary violence. In these circumstances "democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead."

For Sinn Fein and the IRA this would involve a public and permanent renunciation of violence as a means of achieving political ends, and commitment to peaceful and democratic means alone.

Within three months, as has already been publicly made clear, the British Government would in these circumstances begin exploratory dialogue with Sinn Fein. The purposes of such dialogue would be:

- i) to explore the basis upon which Sinn Fein would come to be admitted to an inclusive political talks process to which the British Government is committed but without anticipating the negotiations within that process;
- ii) to exchange views on how Sinn Fein would be able over a period to play the same part as the current constitutional parties in the public life of Northern Ireland;
- iii) to examine the practical consequences of the ending of violence.

The reason for the time lapse between a permanent cessation of violence and exploratory dialogue is to enable the commitment to exclusively peaceful and democratic methods to be fully demonstrated.

The British Government accept the validity of all electoral mandates, including that of Sinn Fein; and, being committed to the democratic process, endorses the freedom of voters to choose their elected representatives. There is no inconsistency between this and requiring that all who join in political dialogue should demonstrate a commitment to exclusively peaceful methods and to the democratic process. Democracy and violence cannot be reconciled.

Q.20 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 as part of a process of dialogue, reconciliation and demilitarisation leading to peace and a political settlement?

Comment

Paragraphs 10 and 11 of the Joint Declaration and associated statements (see comment on Question 18 above) spell out what will happen when there is a permanent cessation of violence. The exploratory dialogue leading to Sinn Fein's involvement in the political talks process would then begin. A lasting and general peace would render military operations in support of the police no longer necessary.

If the Joint Declaration is "the starting point of a peace process", the next step is for the violence to end for good.

V. Questions not arising from any obscurity in the text of the Joint Declaration, but raising substantive questions of wider Government policy, or questions which would arise in a process of substantive political dialogue following a cessation of violence.

Q.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?

Comment

The Joint Declaration makes it clear that the British Government is committed to upholding the principle of consent.

Q.6 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 reached, particularly if the unionist leadership refuses to engage in the search for agreement?

(b) What does the British Government consider to be a "reasonable time-scale" for agreement to be reached?

(c) What is the framework which the British Government intends to create for the achievement of agreement.

- (d) Does the British Government accept that, given the weight of nationalist opinion throughout Ireland in opposition to partition, that substantial movement on constitutional issues by the British Government and the Unionist Parties will be required if democratic agreement is to be reached?
- (e) 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?

Comment

In Paragraph 4 of the Joint Declaration, the British Government commits itself to working together with the Irish Government to achieve peace, stability and reconciliation established by agreement among all the people who inhabit the island and to "encourage, facilitate and enable the achievement of such agreement...". No organisation has a veto over that process, whether by withdrawing from it or by refusing to renounce violence. The two Governments will continue to seek agreement between themselves and the main constitutional parties in Northern Ireland on the basis of the agreed statement of 26 March 1991 - focussing on the three main relationships which are those within Northern Ireland, among the people of the island of Ireland and between the two Governments. A keynote of the Joint Declaration is that any new arrangements must be founded on consent. It would be wrong to attempt to anticipate the outcome of the discussions or to set an artificial time limit on the achievement of agreement on issues of fundamental importance to the people of these islands. Other issues raised in this question are properly the concern of participants in the process of political dialogue.

Q.16 The Taoiseach has said that Unionists possess a veto only 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?

Comment

No group or organisation has a veto over the policy of a democratically elected Government. The policy of both Governments, set out in the Joint Declaration, is however founded firmly on the principles of democracy, agreement and consent.

Q.19 (a) Given the declared opposition of both Governments to coercion, how will the coercion of Northern nationalists into the six 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?

Comment

This question is based on assumptions which have no foundation in reality. The Government's approach is reflected by paragraph 4 of the Joint Declaration which includes the statement that:

"The role of the British Government will be to encourage, facilitate and enable the achievement of...agreement over a period through a process of dialogue and cooperation based on full respect for the rights and identities of both traditions in Ireland."

It is the clearly declared aim of both Governments that all new arrangements agreed in the course of political dialogue should be based on consent. An end to violence would open the way for a comprehensive reassessment of existing provisions against terrorism, many of which would become irrelevant and obsolete in a climate of peace.

With regard to the British Government's declared lack of "specialist" or "special" interest in Northern Ireland, what is the British Government's political interest in Northern Ireland?

These points are covered in comment on questions 1 & 2.

Does 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 not subject to agreement on this basis?

(b) Is the continued existence of the Union subject to agreement on this basis?

Comment

There is nothing to add to the comments given above. Paragraph 4 of the Joint Declaration could not spell out more clearly the position in relation to the Union.

VI. Questions repeating earlier questions or essentially covering the same ground

Q.9 How does the British Government reconcile its stated objective of maintaining the union with its declared lack of strategic or economic interest in Ireland?

Q.10 Given the British Government's declared lack of "selfish strategic or economic interest in Northern Ireland", what is the British Government's political interest in "Northern Ireland"?

Comment

These points are covered in comment on questions 1 & 8.

Q.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?

Comment

There is nothing to add to the comments given above. Paragraph 4 of the Joint Declaration could not spell out more clearly the position in relation to the Union.

The Question for Sinn Fein

Sinn Fein have asked their questions. But the most fundamental question being asked by the people of these islands is for them to answer. Democracy and violence cannot be reconciled. Sinn Fein must choose. They know what they have to do if they are effectively to fulfil their democratic mandate. The democratic path leads to a meaningful role in the political process: a process in which, as has been explained, all issues are open for discussion and negotiation. The alternative is isolation - standing on the outside while those committed to democracy shape the agreement, structures and institutions that will determine the relationships between the peoples of these islands.

Sinn Fein claim a commitment to the principle of self-determination. That means abiding by the will of the people. The vast majority of people in Ireland, North and South and of both traditions, demand an end to violence now. Their wishes could not be clearer. There is no conceivable justification for continuing to rob people of their lives, least of all a call for a textual explanation of the Joint Declaration.

Sinn Fein ask what comes next. Certainly no further playing for time. If the Joint Declaration is "the starting point of a peace process", the next step is for violence to end for good.