

C O N F I D E N T I A L

F Joint Declaration

PUS/ 822

10 FEB 1994

N.I.O. LONDON

PUS

Comments invited.

FROM: J A DANIELL
SIL/TPU
10 FEBRUARY 1994
(X 6587 OAB)

- cc PS/PUS (L&B) - B
- PS/Mr Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Watkins - B
- Mr Williams - B
- Mr Brooker - B
- Mr Quinn - B
- Mr Maccabe - B
- Mr Rickard - B
- Mr Beeton - B

MR BELL - B

POSSIBLE SINN FEIN RESPONSES TO THE JOINT DECLARATION

Jonathan Stephens, in his minute of 7 February, asked for advice on the various responses we might get from the Provisionals (other than straight acceptance, rejection or continued prevarication) and how we might handle them. A draft reply is attached, and I should be grateful for comments from addressees by noon tomorrow.

2. I should particularly value advice from Mr Rickard on whether there are other scenarios which might be considered.

(signed)

J A DANIELL

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DRAFT MINUTE TO PS/SECRETARY OF STATE

POSSIBLE SINN FEIN RESPONSES TO THE JOINT DECLARATION

In your minute of 7 February, you asked for advice on how we might deal with possible responses to the Joint Declaration on the Provisionals' part, other than outright acceptance, outright rejection and continued prevarication.

2. We are of course in the realms of speculation here, given the range of circumstances which might apply. However, in the attached annex, I have described a number of scenarios, together with the considerations which might be taken into account in responding to each, and possible lines to take.

3. It will be important not to be rushed into a final and definitive attitude towards a Sinn Fein response, especially if, as is likely, it contains ambiguities. We would need to analyse the terms of the response carefully, take account of the prevailing circumstances which might contain pointers to the Provisionals' true intentions and look to Liaison Staff for a full assessment. In particular judgement would be crucial on whether an unclear response:- was in effect a move towards a renunciation of violence (perhaps Sinn Fein would be unable to go all the way at once, for fear of splitting the movement) and a desire to leave the door open; or constituted a decision to reject the Declaration (they might fear that a public statement of outright rejection would bring opprobrium and cost them electoral support). Similar considerations apply in the event of continued prevarication.

4. It would be necessary to consult the Irish and, if possible, to adopt with them a common line.

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5. In considering the possible scenarios, it is worth keeping in mind the basic elements that Ministers have said should be present if Sinn Fein were to be invited into exploratory dialogue. There have been a number of formulations in statements and speeches, but the following are the key conditions to be satisfied:-

- (i) a democratically mandated party - with sufficient electoral support to be described as "a main constitutional party". This could become a problem in the event of splits in the Provisional movement;
- (ii) committed exclusively to the democratic process;
- (iii) a permanent end to [PIRA] violence;
- (iv) a renunciation, for good, of violence as a means to achieve political objectives;

6. Some of this material has already gone to No 10 with your letter to Roderic Lyne of 17 December.

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POSSIBLE SCENARIOS

1. Declared permanent cessation of violence accompanied by Sinn Fein misinterpretation of the Joint Declaration - in other words Sinn Fein would issue a statement "clarifying" the JD in a way that was unacceptable to HMG and/or others.

In such circumstances, it would be important to avoid a response that would be confrontational, perhaps precipitating a reversion to violence or a split in the Provisional movement. At the same time, we would need, for other audiences, to make it clear that their misinterpretation would not prevail. The trick might be to emphasise the positive benefits to them, that would flow from the cessation of violence. Something along the following lines might work:-

Naturally we welcome the Provisionals' decision to give up violence. Hope that in the coming weeks they prove that they really mean it. Understand that they have a view about what the Declaration implies, and that it is different from ours. We are ready to explain what we believe to be clear already. There will be no adjustment to the Declaration, and no side deals. What the Declaration makes clear (para 10) is that the important thing for the Provisionals is that they have stopped the use of or support for violence for good. That will enable us within 3 months to enter into exploratory dialogue with Sinn Fein (about their entering the talks process, etc) and to talk with them about the whole range of political and substantive issues that we discuss with the other parties.

2. A ceasefire, whether announced or unannounced, but without comment on the Joint Declaration or political matters - perhaps in the aftermath of an atrocity and/or in an attempt to claim the moral high ground.

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The following line could be deployed:- clear challenge to the Provisionals. They should give up violence for good, and

Pleased [that there has been no violence for some while] [with this development]. It is much better to have peace on the streets rather than shootings and bombings. But we should not draw any hasty conclusions. What is necessary is that the IRA and Sinn Fein should renounce for good the use of and support for violence. We have to see that, and see that they mean it, before they can join in dialogue on the way ahead.

3. A temporary ceasefire, possibly with conditions attached - Much will depend on the circumstances. A short 3 day ceasefire might not be of much significance and indeed could be represented as tantamount to holding a pistol at our head. The response could be robust:-

What all the people of Ireland and Great Britain want to hear from the Provisionals is that they have given up violence for good. Sinn Fein has talked a lot in the past months about the need to take risks for peace. It's a pity they do not take their own words seriously. Any day without killing is welcome. But there can be no excuse now for avoiding a permanent renunciation of violence.

A longer (say 3 months) ceasefire would be different in character and would be more likely (though not invariably) to indicate a genuine desire to seek peace. It could well be accompanied by conditions, such as a demand that HMG enters into dialogue before the ceasefire period is up. A more conciliatory tone might be appropriate from HMG, but it would not be defensible to enter into dialogue before a permanent cessation of violence. However we might (depending on the circumstances) consider making it clear that the "within three months" time-scale could begin to operate once the violence had stopped. So, if after a period of weeks the ceasefire was transformed in a permanent cessation of violence, dialogue with Sinn Fein might begin shortly thereafter:-

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The Joint Declaration set out a clear challenge to the Provisionals. They should give up violence for good, and show that they have done so. The way would then be open for them to enter the political arena. Hope that a period without violence will bring home to them the benefits of peace. Once violence has come to an end, we could be in dialogue with Sinn Fein within 3 months - provided that it is clear that that cessation of violence is permanent and Sinn Fein have renounced violence for good.

4. Split between PIRA and Sinn Fein, with the latter accepting the terms of the Joint Declaration.

The crucial test will be to use all of the evidence at our disposal to determine whether the split and any permanent renunciation of violence on Sinn Fein's part are genuine. This will take time, and the three months lead in time before dialogue takes place can be used to the full. There might be criticism of delay on our part (again much will depend on the circumstances); but we can point to statements from Sinn Fein leaders over the years "understanding" and "supporting" the concept of violence as requiring that we make every effort to ensure that their "conversion" and split from PIRA is genuine. We would be looking for Sinn Fein to condemn PIRA violence in clear and unambiguous terms (although it might not be feasible to expect them to repent for past violence).

If after three months, we were to be convinced that the split was genuine, then the circumstances would point to admitting Sinn Fein into exploratory dialogue, notwithstanding the continuation of PIRA violence.

5. Variation on the split theme - it is possible to envisage a split within PIRA over the Joint Declaration and/or within Sinn Fein. The former would be easier to handle, especially if the

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political wing of the Provisional movement came out unequivocally in favour of the Joint Declaration and a permanent end to violence. In these circumstances a public line might be taken as follows:-

Tragic that there are still some people who prefer violence to peace. Their decision to continue with murder and destruction will not be welcomed anywhere in Northern Ireland, and will not shift us an inch from our determination to pursue dialogue with all those who are committed to exclusively peaceful methods and show that they abide by the democratic process.

A split within Sinn Fein would be more complex. Much would depend on where the dividing line fell between the pro and anti JD factions. If only a relatively small rump declared themselves in favour of the JD, it might be difficult to argue that they had the democratic mandate eventually to take them into the Talks process - if they, why not the Workers' Party? If on the other hand the majority and the leadership favoured the JD and renounced violence, then we could proceed on the "within three months basis", deploying the line described above.

6. A reasoned rejection - again much will depend on the circumstances. The more it is apparent that the Provisional movement is united against any kind of concession to peace in the foreseeable future, the more straightforward and dismissive our response can be, although in order to retain the moral high ground, we will want to hold out the prospect of returning to the peace agenda. On the other hand, and probably more likely, our judgement might be that:- a process has been started; there are elements in the Provisional movement who would like to get off the hook; at some point within a reasonable time-scale peace will again be on the agenda. In such circumstances, we might want to place more emphasis on the fact that the lock remained in place (it might get a little rusty as time passes) and Sinn Fein still held the key.

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7. A PIRA spectacular - There will be a temptation to regard a spectacular as in itself a definitive response to the Joint Declaration. It is possible that this will in fact be so, in which case we can respond accordingly. On the other hand, it may be simply another attack, which by chance, has horrendous consequences beyond those which were intended. That does not detract from the firmness with which the attack should be condemned and the hypocrisy of PIRA and Sinn Fein (interested in peace yet continuing to carry out callous attacks) pointed out. But we would need to look at Sinn Fein's response to the attack - and be prepared to comment in terms which did not close the door on the peace process:-

Condemn the attack. Futility of IRA's agenda. Furthered no cause by their actions - quote Seamus Mallon in saying IRA and Sinn Fein have done more damage to the cause they claim to espouse than any other single factor. Attack demonstrates just how important it is to stand by principles of Joint Declaration. It stands and will stand no matter what the Provisionals' response. Sinn Fein can enter exploratory dialogue if But judge their commitment by what happens on the ground. These events demonstrate hypocrisy of calls for clarification etc. How can x deaths be justified in the name of clarification? No let up in commitment to combat terrorism.

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