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BÉALFEIRSTE

BELFAST

18 October, 1993

Mr Wall

Confidential

Dr Murray

Mr. Sean O hUiginn
Assistant Secretary
Anglo-Irish Division
Department of Foreign Affairs
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Conversation with John Chilcot

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The Permanent Under Secretary of the NIO John Chilcot was here for a private conversation last week. The following were points of political interest.

19/10

Future of the Talks

More than anyone else in the NIO, Chilcot is willing to hazard various scenarios outside the official line and to look ahead. This time, his starting point was that the Hume/Adams process had taken over the political scene. How long would it be before it was shown to be producing results or not (more likely not in Chilcot's mind)? Christmas? If it did produce results, all might be transformed. But if it did not, there would be precious little time to make progress in the three-stranded talks before the onset of the European election campaign in, say, February. It might, therefore, be end-1994/1995 before we had another window of opportunity. Chilcot's main worry in this scenario was not that the Secretary of State and Minister Ancram were doing no more than mark time in bilaterals but rather that the Prime Minister would lose interest. He was beset by problems of one sort or another; and if he could not see anything happening he might just decide to return to a role of "maintenance" in Northern Ireland. Chilcot was sceptical that the IRA would cease their campaign of violence; and he made it quite clear that nothing less than the conditions laid down by the British Government, i.e. a renunciation of violence and a demonstration over a period of time that the renunciation was permanent would be sufficient to induce the British Government into talks with Sinn Fein. He asked at one stage whether the British Government's position was fully appreciated on our side and by the SDLP. We should not be misled by the fact that the Prime Minister was a courteous listener; he would not budge on this point. (I drew from Chilcot's remarks that the British Government would not be inveigled into any gradual process of talking to Sinn Fein. They would wish to maintain a clear distance until such time as their stated conditions were met - the statement by Adams later in the week that peace would come at the end of the process will have

increased that determination).

I said we would have to wait and see what the IRA did. As to Hume/Adams, I thought the statements that had been issued were already an achievement although the handling of them, especially the second one had left a great deal to be desired. I recalled that it had been on our minds since 1990 that two referenda North and South of the border addressing the same issue on the same day would, if successful, allow the Unionists and the British to say that Northern Ireland had expressed its wishes democratically while allowing the Nationalist side to say that this was the first demonstration of a democratic view by all the people of the island since 1918, with consequences for the legitimacy of the IRA campaign. Chilcot made clear that that idea was still valid so far as he was concerned although it remained to be seen how the Unionists and, indeed Sinn Fein, would react to it.

Chilcot said Martin Smyth's interesting statement last Monday was issued on behalf of the UUP and with the blessing of Molyneaux who had said similar things at the Tory party conference in Blackpool. Smyth had gone further in TV interviews but had not been disowned. We both thought that the UUP in the person of Smyth were on the one hand acting in a deliberately reasonable way to test the Hume/Adams process while at the same time indicating that the process could go on notwithstanding Molyneaux' recent announcement (which he has made a number of times in the past year or so) that the three-stranded talks were finished. In that respect, Chilcot said that Molyneaux had assured Mayhew at Blackpool of his continued willingness to participate in the talks process and also of his willingness to proceed without Paisley if necessary. I thought that leaving aside the Hume/Adams question which had a central bearing on all of this, the UUP would scarcely be able to engage in serious talks up to the European elections without the participation of Paisley. Their capacity for manoeuvre would be limited inevitably by a Paisley outside the tent preparing for the hustings. If on the other hand, Paisley were inside the tent whether by choice or necessity, things might be different. Chilcot pointed out that it had always been the British Government's view that Paisley could be induced/forced back into talks by evidence of progress. He agreed that if he was not working with the UUP, a window of opportunity for discussions would end sometime before the European elections. Hence his scenario that the process might well have to pause until late 1994/95.

Major/Mayhew

I mentioned that the Secretary of State had flagged with us in advance a line to be taken at Blackpool to the effect that the British Government would stand behind the democratically expressed wishes of the people of Northern Ireland. I said I had noticed, however, in press reports that the Prime Minister had gone further, repeating his remarks that the Tories were a Conservative and

Unionist party and that they stood four-square behind the Union. Chilcot said the Prime Minister had ad libbed on something like these lines. I reminded him that on the first occasion we met here in 1990, he had asked me what I thought of a key statement in the briefing given to him that whereas we in the South had an interest in Northern Ireland, the British Government were "neutral". I recalled that I had contested that idea at the time. Was it not clear from the Prime Minister's comments in several statements made by him and the Secretary of State this year that the British Government could no longer make such a claim? Chilcot said he had always disliked the phrase "neutrality" and preferred to say evenhanded (difference ?) but his main point was the familiar one that from time to time the British would have to calm Unionist anxieties and that such occasions were tactical rather than strategic. I said a certain amount of this would be understood in Dublin, but there was a strong impression that the Secretary of State had always been intent, and was still intent, on a settlement which is essentially devolution with walk-on parts for the other two strands of the process. Chilcot disputed any such impression, saying the Secretary of State was deeply committed to all three strands of the process. Indeed, as he had suggested earlier, the Secretary of State rather than the Prime Minister had the greater willingness to persevere with the 26 March 1991 statement.

Molyneaux meeting with the Tánaiste ?

Chilcot referred to the recent suggestion by Molyneaux that perhaps Hume/Adams should be balanced by another channel between the UUP and Dublin. He asked if anything had come of this. I said I was not aware that anything had and, on past performance, I thought it unlikely that Molyneaux would engage himself; we had some hope of a meeting but it might well be that Molyneaux would continue to deal through intermediaries for the time being. Chilcot thought those who were in touch with us - he spoke specifically of Maginnis and the McGimpseys - were politically and intellectually lightweight. He did not suggest any alternative; his hope seemed to be that in some way Molyneaux himself might become engaged with us or, if not, one of the more substantial figures in the party.

Select Committee

Chilcot seemed less concerned than others that the Government would feel obliged to make a concession in order to help Molyneaux' position within his party; he suggested that Molyneaux was playing a long game and might be quite happy to nudge the British Government towards repeated and clearer statements of support for the Union.

Chilcot does expect, however, that a Select Committee will be established in due course (he did not mention a change in the method of Orders of Council but he may include that with the Select Committee). He believed that if an early day motion were put down

in the House of Commons, the greater majority of MPs would have no hesitation in supporting it; and he repeated that the whole matter was one for the House of Commons. I said I could see the argument that a Select Committee would enable better scrutiny of legislation brought before the Commons but the fact was that this and any other matter that concerned relations between Westminster and institutions present or future in Northern Ireland, had been included in the framework of the 26 March 1991 statement at the request of the Unionists; and I pointed out that the British Government had themselves suggested to the Committee on Procedures that this was a matter for discussion in the talks process and that it would be better to await the outcome. I said we had noted the Secretary of State's remarks that the whole business was one for the House of Commons but we also knew the truth that the Committee on Procedures had already taken very seriously the advice offered by the Government and that the Government would have a major, perhaps decisive, influence on any move by the Committee in the future.

Local Government

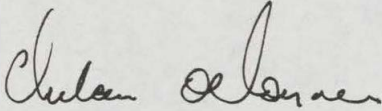
I sought Chilcot's help in a longstanding confusion that seems to exist in the Secretary of State's mind about the powers that might be devolved to a new executive on the one hand and the enhancement of local government powers as advocated by Molyneux on the other. The answer I got suggested that the Secretary of State sees the question of powers for local government as a separate issue and, granted the Government's present relations with the UUP, is certainly not going to rule out a move in this area within or without the talks process. Chilcot asked if we fully appreciated the support including from SDLP people like Mark Durcan for such enhanced powers. Did we realise the extent to which change had already occurred? I thought the British were exaggerating the importance of the welcome, but limited, degree of office-sharing by Unionists and Nationalists now obtaining in a third of the councils; in most cases, it did not extend to power-sharing in committees.

Sinn Fein Extradition Hearings

Chilcot gave evidence recently to the extradition hearing of Jim Smith in San Francisco. He said there was no expectation on the British side that they would succeed at this level, a prediction also made to us by others. The British would, however, appeal. I have heard separately that the British wish to get as much as possible on the record in San Francisco and will appeal to the US Supreme Court if necessary. The British hope that the fact that Jim Doherty received no credit for his years in American prisons pending the resolution of his case will influence Smith (this idea may have also been behind the similar decision recently in the McKee case which involved our courts; I have written separately on that case to Mr Hennessy).

decisions on bail reversed on appeal in California. That said, he did not think she was someone out to use the case to make a name for herself in the political or judicial spheres. He doubted if she had the capacity to advance in either one.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Declan O' Donovan".

Declan O' Donovan /
Joint Secretary