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FAX MESSAGE

6 December 1996

To: Mr. Paddy Teahon**From: Sean Ó hUiginn**

The attached Steering Note/Speaking Note are the position we are suggesting to the Tánaiste. He will no doubt be consulting with the Taoiseach before the event. In the meantime, if anything strikes you as objectionable, please let us know. We assume the Department of Justice will supply the Taoiseach and Tánaiste with an update on the security situation.

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Summit Meeting - 9 December 1996

Possible Points the Taoiseach might raise

- I welcome the opportunity for a serious stocktake of our joint search for peace in Northern Ireland.
- Our close cooperation is the enabling condition for all progress: we must see how we can advance it in what remains of the lifetime of this British Parliament.
- I assume the basis of our policy remains the same: we want an inclusive process, against a background of an unequivocal IRA ceasefire, as the optimum way of advancing the present talks process.
- All roads lead through a restoration of the IRA ceasefire. We had high hopes that could have been achieved, at the cost merely of a tactful presentation of your existing policies, on the basis of John Hume's approach.
- You mentioned the constraints which made it impossible for you to follow our approach, and I do not wish to revisit that point.
- We now need, however, a clear picture from you of how you see developments, and the shape of our further cooperation, for the lifetime of this Parliament.

[If Prime Minister Major says he is committed to the existing policy, but needs a ceasefire and to monitor developments for a period on the ground:]

- We believe an early ceasefire would make the difference between the consolidation, however untidily, of the trend towards peaceful politics, or, conversely, an escalating spiral of violence, almost certainly involving both sides.
- The deficit of trust is deeper now on both sides than in 1994.
- Understandably you are more reluctant to make any act of faith in Republican intentions, and vice versa.
- However you have a veto over Sinn Féin's entry into the talks, and we need to know precisely where you stand.
- Is an inclusive process possible in the lifetime of this Parliament, or is the threat of a unionist walkout an effective veto?
- If an inclusive process is still possible, what are the conditions for it?

[If Major says his problem is that a unionist walkout will effectively destroy the process:]

- We too will go to great lengths to keep the UUP at the table.
- In the worst case scenario, we believe a process could still be kept in being, aimed at bringing the unionists back to the table, and sufficient to maintain an IRA ceasefire.

- The refusal of inclusive negotiations reflects unionist leadership rivalries much more than the views of the unionist people in the streets.
- The growing confidence which could come from a consolidated ceasefire could also progressively improve the climate for Trimble in that respect.
- Given the joint commitment to dialogue, the Irish Government would be very reluctant to endorse a unionist refusal to talk as a valid veto on the many other parties who do want to negotiate a solution, or to morally equate the positions of those who want to talk with those who refuse to talk.

[If Prime Minister Major insists that any fixed date is impossible:]

- This approach puts us back in the “chicken and egg” dilemma we have been trying to break out of.
- The Republican movement cannot sell a ceasefire in return for a British decision on admission at some time in the future, to be decided flexibly on your own terms.
- They have a (no doubt exaggerated) sense of the influence of the UUP on the Government, and will therefore assume that that influence will be used to extend or “roll over” the “probation period” when the time comes.
- Moreover it is difficult to convince anyone that an eight or ten week period is in any real way a decisive indication of future IRA intentions.

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- Is it possible to say, as of now, that Sinn Féin will be at the table at a specific time (e.g. on resumption at end January) subject to an unequivocal ceasefire being declared and not being conspicuously breached in the interval?

[If Prime Minister Major sets out a "shopping list" which seems more tactical than realistic:]

- We have pressed hard for "good" language in any IRA ceasefire statement.
- Probably something could be achieved in that respect, even if it fell short of your ideal.
- However it is difficult to exert real pressure unless we can give a stronger sense that the road to inclusive negotiations is in fact open.
- As regards beatings, targeting, etc., we share your abhorrence of these things and believe they must stop.
- However, as in the case of the loyalists, we have been reluctant "to make the best the enemy of the good".
- There is a particular difficulty about the targeting etc. problem in that it is difficult to establish in a publicly demonstrable way.
- In summary, the difference seems to be that we would like you to make a commitment to Sinn Féin entry into negotiations, subject to early declaration and subsequent observance of the ceasefire.

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- You want to keep your option open for a month or two, leaving the leap of faith more or less entirely on the Republican side.
- We reluctantly conclude that those terms are unlikely to be saleable for Adams.

The Talks Process

- The experience of the talks so far has been very dispiriting for all concerned.
- The decommissioning issue has lost none of its proven capacity to block the road to political progress.
- We have taken all steps possible to reassure the unionists on this front: we have had the Mitchell Report, the elections, the Forum, the promise of legislation, the submission of legislation, the promise to implement legislation and so on.
- In spite of all these things unionists are still, effectively, back at "Washington Three".
- If the unionists use decommissioning essentially as the tactical block against Sinn Féin, these talks will fail.
- Our position is clear and consistent: we believe decommissioning is an indispensable condition for any agreement, but, by definition, voluntary decommissioning must be negotiated, like any other aspect of the problem.

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- The Mitchell Report is clear that political progress is the enabling condition for decommissioning.
- The unionists are deeply "in denial" on these obvious facts.
- We feel the only possible solution remains a commitment to all aspects of the Mitchell Report.
- We would not agree to anything which seems, effectively, to "split the difference" between Washington Three and the Mitchell Report, such as your most recent proposal.
- We are in the market for any realistic exit strategy, but we cannot allow ourselves to be ratcheted further towards a Washington Three-type scenario.
- If you can show us some reasonable way in which unionists can come to terms with decommissioning on the basis of the Mitchell Report, we will do everything possible to make it work.
- If however we believe this process is going to fail on decommissioning anyway, we see little value in buying a couple of weeks at the cost of going further into a totally unrealistic cul-de-sac on this issue.
- Here again we would very much welcome your view of the way forward.
- We will be anxious to help, and to have any genuine exit strategy, provided it does not prejudice the prospects of agreement in the long term.

[If it appears to the Taoiseach at the end of the meeting that Prime Minister Major is unable to offer any fixed date, on any achievable circumstances:]

- We set out in the February communiqué and in the Ground Rules paper, against the background of conflict, a clear scenario which offered Sinn Féin access to the talks in return for an unequivocal restoration of the ceasefire.
- There was no suggestion in June that your interpretation of these paragraphs involved a probationary period.
- Such a period may or may not be justified in the light of further atrocities, but my point is that this is a unilateral definition.
- We are not bound by the terms of British legislation, nor are we bound to follow your definition when that is against our own judgement.
- We will not of course seek to highlight our differences, but as I made clear in my statement at the time, we reserve the right to make our own judgement in the light of circumstances.
- How can we handle the press presentation to avoid exacerbating the differences between us?
- More importantly, how in substance do we limit the practical damage arising from the fact that we are now operating on two quite different interpretations of the same supposedly joint texts?
- How do we handle the future of the talks in these circumstances?

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- Are we into a "soft landing" scenario in relation to the talks, and if so, how do we manage this?
- What are the security consequences of the likely degradation of the security situation?

Summit on December 9th : Possible Approach

1. This Summit is of importance in setting the basis and tone of cooperation between the two Governments for the remainder of this British Parliament.
2. The stated basis of the joint policy of the two Governments is unlikely to be called into question. The public presentation is likely to be one of continued commitment to an inclusive process, subject to an unequivocal restoration of the IRA ceasefire, and a determination to work the present process should the ceasefire fail to materialise.
3. However, the substantive question to be settled is whether an inclusive process is in fact achievable in the lifetime of this British Government and, if so, under what conditions. The prognosis is not encouraging, and it is likely that any gains in this respect will be more in the realm of private signals from the Prime Minister that an opening may still exist under certain terms, rather than in any public reversal of his position as set out in the "Hume-Adams" statement.
4. On Anglo-Irish policy generally and on the Talks process, the Taoiseach is entitled to put the onus on the British to say how they now see the way forward, given the scant attention they paid to our advice on the handling of the Hume/Adams paper. In particular we should seek to have them describe the scenario they envisage between here and the British election, and the policy options or consequences for the two Governments.

Optimum Goals

5. The optimum achievement from our point of view would be to achieve inclusive negotiations and have them "bedded down", even if not far into real substance, before the general election. The necessary steps for this would be:
 - (a) unequivocal IRA ceasefire;
 - (b) Sinn Féin admission to Talks;
 - (c) management of unionist reaction;
 - (d) transition to substantive negotiations, including management of decommissioning issue.

6. The unequivocal restoration of the ceasefire (assuming there is a genuine will on both sides) involves accommodating the constraints on both sides - the Republicans' need to show their followers that an unequivocal restoration will open the way into Talks without a further probation period, on the one hand, and the British need for some such probation period, to reassure themselves and the unionists they were not being gullible.

7. The latter requirement probably derives from the need to manage unionist reactions and prevent a walkout, with its consequent impact on the Tory right. That in turn raises the question whether the threat of a unionist walkout now amounts to a veto over an inclusive process, and whether at the end of the eight weeks, which can hardly offer any truly reliable indication of future IRA behaviour, the unionist difficulty will not be just as intractable, or even more so. (All of this of course presumes that Prime Minister Major will

wish to go to the limits of his parliamentary term. A February/March election, now being increasingly mooted in some quarters, would of course change everything.)

8. We face something of a "chicken-and-egg" dilemma in that neither the Republican movement nor the British Government seems prepared to make a move in the absence of prior comfort about the intentions of the other. However, since the British have the veto over Sinn Féin's entry to the Talks, it seems reasonable to press for clarity from their side at the Summit.

9. The Taoiseach's argument might be that an open-ended probation period to be adjudicated in flexible terms by the British was never saleable on the Republican side, and would be less so now. The treatment of the "Hume-Adams" paper has increased suspicion that the Prime Minister is now terminally hostage to the unionists, and therefore to Trimble's inability to face down Paisleyite objections to any inclusive process. It will be necessary therefore, if we are to exert any pressure on the Republicans, to give a specific scenario, as of now, which would follow an unequivocal restoration. (A British insistence that seven or eight weeks prior monitoring of their actions on the ground is a decisive precondition is unconvincing, and is open to the interpretation that it is simply a tactic to buy time without losing of room to manoeuvre.)

10. The British instinct may well be to offer us comfort on the level of rhetoric, but to keep all their options completely open in practice. The Taoiseach might stress that our concerns go in the opposite direction. We need to satisfy ourselves privately whether an inclusive process is still to play for, and on what terms, since there is little point in pressurising the Republicans

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to link a ceasefire (which we will press for in all circumstances) to a particular scenario which will not in fact materialise.

11. The Prime Ministers will obviously discuss the future of the Talks process and particularly the decommissioning issue. In practice the unionists are likely to maintain the decommissioning hurdle at the requisite height for as long as the danger of Sinn Féin entrance to the talks exists. Conversely, if Sinn Féin entry is definitely excluded, the decommissioning issue will then become tactically and substantively marginal to their concerns. The Taoiseach might indicate we are open to any genuine "exit strategy" on decommissioning, but, in view of our experience to date, will not allow ourselves to be ratcheted back by the unionists to an unrealistic "Washington Three" scenario. At this stage the onus is on the British to show that the unionists are prepared to address decommissioning on the basis of the Mitchell report. If not, the talks will inevitably fail on this obstacle, and in the longer term it is probably better for this to happen "up-front" rather on the basis of some elaborate and unrealistic contrivance which buys only a few weeks and draws us further into a "Washington Three" type cul-de-sac, which would damage any capacity to rally everyone around the Mitchell report at some future time.
12. Given the many prior indications from the British that any date certain for Sinn Féin entry is a political impossibility for the British, the essential balance which the Government will need to strike is between
 - (a) not gratuitously widening the sense of difference between the two Governments; and

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- (b) maintaining a clear independent room for manoeuvre, and the right to make our own decisions on the ceasefire issue, irrespective of any unilateral shifts - however understandable - in the British interpretation. In the nature of things such a position will be distinct both from the British and Republican positions. In essence that is the position already struck in the Taoiseach's statement after Mr. Major's publication of the "Hume/Adams" document.

S. O hUiginn

Department of Foreign Affairs