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17 January 1997

Mr. Sean O hUiginn
Second Secretary
Anglo-Irish Division
Department of Foreign Affairs

COPY TO:
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PSS
MR. P. TEAHON
MR. S. DONLON
MR. T. DALTON

Dear Secretary,

**Conversations with Seamus Mallon MP**

As Ambassador Barrington mentioned yesterday in his report on David Trimble, Seamus Mallon called to the Embassy on Wednesday 14 January for a conversation with the Ambassador and myself which lasted some ninety minutes. Today Friday Colin Wrafter and I were Mallon's guests to lunch at the House of Commons. You may be interested in the main points to be distilled from the two conversations.

**The talks process**

It is very doubtful that a "negotiated settlement", meaning a settlement agreed among the parties by sufficient consensus, will ever be achieved. Some means must be found of "leap-frogging" the Unionists' inevitable opposition to compromise. This means proactive chairmanship. Ultimately and more fundamentally it means a determination by the two governments to move ahead.

In the short-term, it should be possible for the international chairmen and/or the two governments to produce a proposal, which would be presented as having a procedural character, to ensure that substantive negotiations in the three strands begin as soon as the talks resume after the general election. The establishment of a committee on decommissioning to run in parallel with the three strands would

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be part of such a proposal. There should be no difficulty in stating that the Mitchell report implies that decommissioning will happen during the negotiations. It would be counter-productive, however, to produce a precise schedule for decommissioning given that the hand-over of weapons will require the voluntary co-operation of the paramilitaries.

If sufficient consensus is not forthcoming for a package of this kind, the chairmen should nevertheless be willing to put it forward and to publish a head-count of the parties, that is, to announce that "x" parties to the negotiations have given their agreement to a particular approach.

Post-election the two governments must be willing to insist on progress. There should be an implicit willingness to "leap-frog" the parties whether by implementing important elements of a settlement in the light of the state of discussion in the negotiations or by proceeding to referendums without the formal agreement of the parties as required under the rules of procedure.

Any comprehensive settlement will be broadly in the territory defined by the Framework Document. With this in view, the two governments could promote elections to an assembly even in the absence of a final agreement in the negotiations and with or without a referendum in Northern Ireland. The incentive for politicians to participate in the assembly would be the fear that in their absence new leaders would take their place. Similarly, the two governments could implement forms of North-South co-operation with or without a conclusive agreement in the talks.

One way or another, the two governments must preserve the centrality of the political process. Northern Ireland needs a settlement or a deal or a compromise embracing Nationalists and Unionists. Peace will not be achieved by policies which bypass the search for such a settlement. For example, the governments should not focus excessively on contacts with the paramilitaries with a view to bringing or keeping them in, or pursue an agenda of piecemeal change in Northern Ireland.

**Bringing in the Republicans**

The recent uncompleted IRA operations have been in Belfast and Derry which are supposedly the domains of the "peace" wing of the Republican movement. This may be a clue that there has been no full-scale resumption of violence. On more

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general grounds, it is difficult to imagine that the IRA would be so inefficient as to fail to cause fatal casualties if that was their intention. If a 1,000 lb bomb is discovered in Tyrone or South Armagh, we may have to conclude differently.

The Government's current reticence about contacts with Sinn Fein is "not a problem".

As to the IRA's intentions, it should not be supposed that they are operating in blind rage at Mr. Major's position. We must presume there is a calculation behind their actions. Undoubtedly they are considering the implications of the British general election and perhaps of the Irish general election as well.

It remains very probable that a fixed date for Sinn Fein's entry to the talks on the basis of a ceasefire as defined in the ground rules is the way forward.

It should not be ruled out that the election period itself could serve as a useful interval between an IRA announcement and the entry of Sinn Fein into negotiations.

If this scenario fails to arise, we should try to persuade an incoming Labour government to take a specific initiative "on day one or day two" along the lines that the restoration of the ceasefire will lead to Sinn Fein's entry into negotiations without delay.

It can confidently be predicted that an initiative of this kind will produce a ceasefire. This is not to assert that the IRA would have changed for good. There would ensue a period of turmoil within the negotiations. It might take a year for the plenary to meet. For the Republicans, negotiations are an unknown of which they are greatly afraid. For them, pan-nationalism offers the "protection of the womb".

**On the quality of ceasefires**

There is widespread understanding in the Nationalist community in Northern Ireland of the reasons for keeping the Loyalists in the talks. At the same time, there is an awareness that on a strict interpretation of the Mitchell principles, they could be expelled. While the SDLP may be able for the time being "to live a lie", it will never be able to "tell a lie" if the matter is put to the test. The present situation is not sustainable indefinitely. Further Loyalist attacks could change

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things overnight.

Although the reality of paramilitary ceasefires is complex, admitting of degrees and qualifications of many kinds, it is essential to uphold the yardsticks established by the Mitchell report and the ground rules, namely that ceasefires should be unequivocal and that parties should establish a commitment to exclusively peaceful methods. To engage with the Republican movement on any other basis would shift attention away from the talks and in effect establish a pre-negotiation in which the IRA would be the dominant party.

**The British general election**

Following the death yesterday of the Conservative MP Iain Mills, the Conservatives are in a minority. Nevertheless, there is no obvious issue on which to base a vote of confidence. Major may therefore be able to survive until close to his preferred general election date of 1 May - perhaps until late April. By far the likeliest outcome of the election is an overall majority for the Labour party.

As regards the SDLP, Hume, Mallon, and McGrady should keep their seats (Mallon is quoted by the bookmakers at 1/4). Joe Byrne, the SDLP candidate in West Tyrone, has already taken three months leave of absence from his job as a teacher in further education and is likely to win the seat. Despite rumours to the contrary, Ken Maginnis is likely to hold Fermanagh and South Tyrone for the UUP. The difficult issue concerns Mid-Ulster. Would Hume stand in mid Ulster and guarantee a Nationalist gain, leaving Durkan to take Foyle, as he almost certainly would? This is a pipedream. Will the SDLP hold back in mid-Ulster with the implication that they could tolerate a Sinn Fein victory? It is too early to say. But any seat not contested is lost forever.

**A Labour government**

Blair's visit to Armagh was of tangible benefit to Mallon in the local SDLP-Sinn Fein struggle. Mowlam is showing signs of a stronger commitment and clearer grasp of the issues than ever before. She is to see Mallon next week to discuss "her first 100 days".

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**Parades**

Any tribunal established on foot of the North Commission should makes its recommendations public. However, everything in practice depends on the willingness of the Secretary of State to take a stand and where appropriate to deny certain routes to the marchers.

**The Forum**

In the event of an IRA ceasefire, an issue that will arise is whether to resurrect the Forum. It should be borne in mind is that if a Forum operates in Dublin, the SDLP position of not attending the Belfast Forum will become untenable.

Yours sincerely,

Philip McDonagh

Philip McDonagh
Counsellor

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