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Meeting with the Secretary of State, London, 6 February 1997

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Summary Report

The Tánaiste met the Secretary of State, Sir Patrick Mayhew, in Lancaster House for a working dinner, beginning at 9.30 pm and lasting for three hours. The Tánaiste was accompanied by Sean Ó hUiginn, Ted Barrington, David Donoghue, Colm Ó Floinn and the undersigned. The Secretary of State was accompanied by Michael Ancram, Quentin Thomas, Peter Bell, Jonathan Stephens and John Fisher. Most of the meeting was devoted to a wide-ranging discussion of the prospects for the multi-party negotiations and the intentions of the Republican movement as regards the peace process. Other matters touched upon were Bloody Sunday, the North Review, the situation at Harryville and Ireland's bid to host the Special Olympics.

The Multi-Party Negotiations

Both sides agreed that there was little chance of progress in the multi-party negotiations before the forthcoming General and District Council Elections in Northern Ireland and that the wisest course was to prepare for a soft landing. The British side seemed to envisage that the talks could not last beyond the end of this month, but Ancram mused somewhat vaguely that something might be found to occupy the parties until the talks resumed. He cited the concerns of the loyalists that there should be an alternative to violence.

While the British were concerned that the agreed statement suspending the talks should seek to record the maximum level of agreement so as to allow the talks to resume in the best possible circumstances, they appear to accept our concern that negotiations on the statement should not be such as to endanger the basis on which the talks were originally established.

In response to questioning from the Irish side, Mayhew was adamant that the Forum would be suspended at the same time as the negotiations.

Republican Intentions

There was a lengthy discussion on the intentions of the Republican Movement with the British side probing our views in some detail. Their interest went beyond whether there was a prospect of an early ceasefire and included whether Republicans would accept the Framework Document as the basis for a lasting agreement; whether they would accept the democratic verdict on any such agreement and whether Adams and McGuinness had a common position.

The Secretary of State was strongly of the view that the IRA campaign was serious and that only a combination of luck, good police work and public cooperation had prevented a death

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in the recent attacks on security forces. He felt that such a death was certain to occur soon and that this could push the loyalists over the edge. As to why the IRA had been unusually ineffective, Mayhew speculated that they were training in the "second eleven" and that many of the "first eleven", recognising that the end of the campaign of violence could be in sight did "not want to be among the last to go down for 20 years"!

The British were interested to know whether the Government's recent decision to restrict further meetings with Sinn Féin had produced any reaction. The Tánaiste suggested that it would have been viewed as a political setback, particularly for Adams. The British side probed whether we felt Adams and McGuinness were following the same political strategy. Both the Secretary of State and Ancram appeared reluctant to accept that McGuinness was genuinely committed to the peace process. Thomas, however, shared our view that, while different in personality, the two Sinn Féin leaders were committed to a common line.

The Secretary of State, while doubting that Sinn Féin would be able to accept an agreement which fell short of a United Ireland, said that he was nevertheless convinced that they had to be brought into the political process and confronted with the democratic verdict. The British side went to some lengths to emphasise how far they had gone in their attempts to bring Sinn Féin into the process. Ancram recalled that, during the ceasefire, not only had he participated in a one to one meeting with McGuinness in a house in Shantallow, but that the Secretary of State had subsequently accompanied to him to a further meeting held in a private house.

Asked if they were currently in contact with Sinn Féin, the British said nothing to confirm that this was the case.

The Secretary of State mentioned that he had received some proposed questions and answers from John Hume and that he would be taking the opportunity to restate British Government policy on Sinn Féin entry in the near future.

Bloody Sunday

The Secretary of State opened discussion of this item in typically forthright terms by describing Bloody Sunday as "an absolute disaster", much to the discomfort of Ancram who suggested that "tragedy" might be a better description. Mayhew stood his ground, however, insisting that his own assessment was the most appropriate. He suggested that the British Government might not have a problem expressing "profound regret" for what had occurred, but to apologise would be to accept liability and this could not be justified on the available evidence. He repeated the Prime Minister's assurance that his Government would look at any new evidence that emerged.

The Tánaiste said that this was a very sensitive issue; he wanted to see the chapter of Bloody Sunday closed in a dignified way and had no desire to subscribe to a Provo agenda. He pointed out that new evidence was emerging and wondered could the British Government not respond to this without establishing a new tribunal.

The Secretary of State accepted the strong emotions that this matter continued to provoke.

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particularly for the people of Derry. He insisted that he wanted justice for both sides; this meant the families of the bereaved and the soldiers. While claiming not to have seen the reported new evidence, he did not appear to be overly impressed by what he had heard of it. Nevertheless, he noted that the process of criminal prosecution could be activated in response to convincing new evidence. He also recalled that there was also an application for a judicial review of Widgery. He had examined this application and while he was not yet sure how the Courts would respond to what was a novel initiative, he expressed the personal view that there was not much prospect of Widgery being overturned on the basis of the current application.

Asked by the Tánaiste if there was not some way in which the British Government could move beyond the position set out by the Prime Minister's in 1992 in his letter to John Hume, the Secretary of State again suggested that it might be possible to express "profound regret" and wondered whether this would be enough to satisfy the families. He thought it might be. The Irish side suggested that the best course would be for the Secretary of State to take up the matter with John Hume, who would be well placed to advise on this point.

The North Report

On the North Report, the Secretary of State said that he would be introducing an Order shortly implementing those recommendations of the report which were to be acted on immediately. As regards the proposal that the proposed commission should have powers of adjudication, he will be placing adverts in Monday's papers inviting views.

The Tánaiste expressed disappointment at the British Government's reluctance to implement all the reports recommendations with immediate effect, pointing out that when the review had been discussed at the Anglo-Irish Conference in November, it had been understood that the intention was that any resulting measures would be in place in time for the 1997 marching season. The Secretary of State insisted that his Government's reaction to the report had been fully justified and that Dr. North had told him personally that it had been entirely consistent with the expectations of the review body and the terms of their report.

The Secretary of State said that, without prejudice to the British Government's eventual decision on the question of granting adjudicating powers to the Commission, he was confident that implementing legislation could be in place by June and that this view was shared by Mo Mowlam. We pointed out that our understanding of Mowlam's views was less reassuring.

As regards the likely composition of the future Commission, the Secretary of State indicated that some names were under consideration, but that he felt to ask John Dunlop to serve would be unfair, given the extent to which he has already "stuck his neck out" within his own community.

As regards prospects for the current marching season, the Secretary of State reported that there was a widespread recognition that we could not afford a repeat of last year. He said that the Orange Order itself was anxious that the Drumcree Church parade should not become a

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focus for further conflict. He had met the Orange County Grand Master (Watson) and a Chaplain (Bingham), who were determined to "get a grip on Gracey". Eames was also involved.

Harryville

Both sides made clear their disgust at the continuing picketing of Catholic Mass at Harryville. Ancram said that he had contemplated attending Mass there last Saturday but, following discussion with John Hume, had decided that it would not be helpful.

The Secretary of State lamented that the situation had been undermined by the failure to implement an agreement arrived at between the Orange Order and the Dunloy residents last December. He claimed that on the day on which it had been arranged for the Orange to march, the tardy deployment of the RUC had enabled outsiders to enter the village and block the route; weight of numbers had then obliged the RUC to accept that the march could not proceed. It had subsequently proved impossible to reinstate the earlier agreement.

The Secretary of State very much regretted the application by 22 bands to march past the Harryville Chapel. Paisley had been to see him and had subsequently urged that the parade either remain silent during Mass or be delayed until the Mass was over. Nevertheless, the Secretary of State's assessment was that Paisley was playing election politics.

The Secretary of State said that he had spoken to the Chief Constable and said that he wished to assure the Tánaiste in emphatic terms that the parade would not be allowed to pass the Chapel during Mass. He nevertheless asked, due to the extreme sensitivity on the Irish Government's role on the parades issue, that this information should be treated with absolute confidence by us.

The Casement Three

The Tánaiste asked whether, in light of the independent legal opinions submitted to the British Government in respect of the Casement Three, there would be an early decision in respect of this case, inspired by the prompt decision on Clegg. While obviously taken unawares at the raising of this matter, the Secretary of State demonstrated detailed knowledge of the case.

He rejected the analogy with Clegg, arguing that the cases of two other British soldiers, Knight and Fisher, were better comparisons. There was an ongoing campaign for their release backed by veteran's organisation in Britain. However, unlike Clegg, who the secretary of State said had acted on the spur of the moment in response to a car breaking through a checkpoint, Knight and Fisher had pursued their victims down two streets before shooting them.

The Tánaiste pointed to other mitigating factors in respect of the Casement Three, particular the retarded mental age of Patrick Kane. The Secretary of State accepted that this was "a painful and difficult case which worries me a lot", adding that if ever there was case which

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warranted a discretionary rather than a mandatory sentence, this was it.

Nevertheless, the Secretary of State indicated that it would not be right to indicate that action on his part was imminent in this case.

The Special Olympics

The Irish side explained the background to our bid to host the Special Olympics and our request for Northern support in hosting the participants. We assured the British side that this would not have financial implications for either the British Government or local Government in the North. The Secretary of State said that subject to receipt of a piece of paper setting out such assurances, he would be ready to signal his support along the lines requested.

David Cooney
Department of Foreign Affairs

7 February 1997