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Reference Code: 2021/99/8

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To **Secretary
Taoiseach**

From **W Kirwan, Assistant Secretary**



Possible Joint Irish/British Government or Separate Irish Governments Statements on Next Post-Election Phase of the Belfast Multi-Party Talks

1. When we met British officials over dinner in Dublin on 16 January, there was tentative agreement on moving the multi-party talks towards a 'soft landing' before too long and that we should aim at having, on the occasion of the talks being parked, a managed set of statements from various interested players, including, desirably, the British Labour Party and the White House. Separately, discussions in Belfast, in the context of the talks, with the British and the Independent Chairmen, have focused on a statement, agreed by or acceptable to all the participants, that might be, issued, perhaps by the Independent Chairmen, on the occasion of the suspension of the talks in the light of the British General Election and also, perhaps, the Northern Ireland local elections fixed for 21 May. On 12 February the Taoiseach formulated proposals for the content of a joint statement that might be made by him and the British Prime Minister on the prospects for the talks in Belfast after the British election. Arising from these, the Secretary asked us to consider drafts of a letter to Mr Major from the Taoiseach and of the possible joint statement, with particular reference to the ideas formulated by the Taoiseach. This submission deals with all these matters.
2. It should first be mentioned that in the discussions in Belfast on the shape of a 'parking' statement by or on behalf of all the talks participants, the British have tended to favour a reasonably full statement. On the Irish side, however, there has been some concern that this might afford an opportunity to some of the less constructive participants to seek to reshape or to pre-empt aspects of the talks arrangements for the next, post-election phase. The Irish side have put it to the British, and the latter have agreed, that if there is any signs that such attempts are being made, the statement in question will be cut back to quite terse dimensions and terms. However, what is done about this 'statement by all' need not influence whether the Irish Government, on its own responsibility, or the two Governments jointly, issue a statement on the occasion of 'parking' the talks or the content of any such statement.

*Taoiseach
I have doubts on the value of an approach now given the British electoral situation and the position of the Unionists.*

Discussion nearer the date of the announcement of what now appears more definitively

to be a May/ British election may be more productive.

I have arranged to meet John Holmes in London on Tues 5 March

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3. The idea of a managed set of statements by relevant players, including the British Labour Party and the White House, still seems a good one. The aims of such an exercise could include
 - holding out hope to the general public in the North and throughout these islands
 - providing part of a basis for the loyalist paramilitaries maintaining their ceasefire
 - making a final 'pitch' to the Republican movement to avail of an election-related gap in the talks in order to create the conditions for their entry into talks
 - giving talks participants a push in the direction of resolving the decommissioning issue among themselves and a signal that the Governments are not prepared to allow this issue to block negotiations indefinitely.
4. Within the context of a managed set of statements, there would be clear advantages in having a joint statement by the Irish and British Governments. Such joint action would be much more effective in regard to all of the purposes just enunciated than a unilateral statement by the Irish Government. But there must be considerable doubt that Mr Major, in the current pre-electoral period and atmosphere, will be prepared to agree to any very substantive statement, especially one that would signal any significant development of policy such as is involved in the ideas formulated by the Taoiseach, particularly if he assessed that the ideas involved were likely to receive a hostile reception from unionists - given their pivotal position at Westminster. It might be felt that their leverage might decline once a General Election is called but Mr Major and, even more so, his Government colleagues, may have their eye on a possibly tight Parliamentary situation after the election, even if all current indications are for a comfortable Labour victory.
5. Even were Mr Major personally well disposed, it seems likely that a significant development of policy, especially if it were intended to be set out in a joint statement with the Irish Government, would have to be cleared by, at least, a Cabinet Committee dealing with Northern Ireland. Even taking account only of logistics and other current preoccupations, it seems quite probable that such a meeting would not be convened, unless there was some clear electoral bonus involved, such as an imminent restoration of the IRA ceasefire.
6. There could be a downside if new ideas are put, fairly explicitly, to the present British Government now and not acted on by them, as compared with holding such ideas to raise with the new Government, of whatever colour. If the Conservatives lose the election, it is widely considered that Mr Major will cease to be Party Leader, that the party may move to the

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right and that such a figure as Mr Michael Howard would be a strong contender for the leadership. If all that happened and new Irish ideas had been exposed in explicit form to him and his colleagues while still in office, they would be pre-alerted, if disposed, as would be quite likely, to oppose any move by a new Labour Government to embrace and take up the new Irish ideas.

7. In our view, there is also a strong argument, in Northern Ireland electoral terms, against setting out quite so explicitly, just ahead of an election in Northern Ireland, the ideas formulated by the Taoiseach. The argument is that this could play into the hands, electorally, of the DUP and the UKUP, who have been maintaining all along that the talks are a charade and that the true intention of the Governments is to impose their ideas, as set out in the Joint Framework Document. In the current atmosphere among a substantial section of the unionist population, this could risk boosting the electoral performance of the DUP and the UKUP at the expense of the UUP. While a result of this sort would not, in itself, change the relative representation at the talks and related calculation for the purposes of determining sufficient consensus - which would, legally, remain based on the results of the talks/Forum election - the political reality is that if the UUP suffered an electoral rebuff, the chances of securing agreement among the talks participants would be seriously damaged.
8. However, there are also strong arguments in favour of the two Governments issuing a joint statement which, if not quite as explicit as the ideas formulated by the Taoiseach, would nevertheless have a thrust in the direction he envisages. It is certainly the case that there is widespread despair and cynicism about the lack of progress in the talks. It is not appropriate that sovereign Governments should appear to be helpless or paralysed in the face of the block to real negotiations caused by the decommissioning logjam. It seems necessary to send signals, both to the general public, to the talks participants and to the loyalist paramilitaries and their political representatives that the Governments will not remain inactive in the face of immobilism in the talks.
9. There is also the consideration that if the present, Conservative Government, under Mr Major could be induced to join with the Irish Government in a joint statement before the British election, this would bind in the Tories and make it easier for a new Labour Government in London to join in action on the lines contemplated by the Taoiseach.
10. If one were to accept the arguments in the preceding two paragraphs for some joint statement before the election, a less drastic way of sending the signals the Taoiseach has in mind would be to refer, as mooted by the Secretary, to the intention of the two Governments, if the participants do

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not themselves break the deadlock, to initiate negotiations in Strand Three. As per the Joint Framework Document and the proposed agenda for that strand agreed by the two Governments last October, that strand can have quite a wide ambit, an aspect that would not be lost on unionists and talks participants generally.

11. However, for the two Governments to move directly to negotiations in Strand Three would be, technically, in breach of the agreed arrangements and programme for the talks they had themselves been party to, since these provide that the talks in the strands cannot commence until certain other matters are first disposed of. It might be felt that this is a nicety that cannot be allowed to hold matters up and, ultimately, if it is doing so, there will be no alternative for the Governments but to override it. However, in this pre-electoral period and to avoid supplying heavy ammunition, at this stage, to obstructionists, an alternative would be to say in the statement that the Governments will proceed now with preparatory work for the Strand Three negotiations and, when the talks resume, hold intensive consultations with the talks participants on Strand Three issues, on the basis of this work. This should still send a signal that participants should have no difficulty in decoding, while avoiding placing the Governments in breach of the agreed rules and programme.
12. One could argue that even this course, in its transparency, would still give some ammunition to the obstructionists for use in their electoral campaigns and that one should avoid any explicit reference to Strand Three in a joint statement before the election and rather send broad hints by, for example, references to a stocktaking summit meeting and to the readiness and resolve of the Governments to assume and exercise their responsibilities.
13. Thus, there are three options, in declining order of explicitness
 - (1) language including or going close to, in its explicitness, the ideas formulated by the Taoiseach and co-opting a reference to an intention to move into Strand Three on the resumption of the talks; or
 - (2) less explicit language and a reference to the two Governments undertaking, during the elections gap, preparatory work for Strand Three negotiations; or
 - (3) guarded language, giving broad hints as to the Government's intentions if deadlock persists but avoiding any clear, explicit references.

Draft letters and accompanying statements are attached for each of these options. The draft statement for Option 1 is cast in the form of a unilateral Irish statement, simply to illustrate the form this might take if the British

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were unwilling to agree to a joint statement. Similar unilateral forms could easily be provided for Options 2 or 3.

14. On balance, I would recommend the second option and the related drafts of the letter and joint statement. It would be possible to also send a second enclosure to the letter, with a more explicit indication, that would be kept private to the two Governments, as to what steps the Irish Government propose. This would provide a basis, to which the Taoiseach could refer more openly later, for example after the British election, if the circumstances made such a course desirable. I have prepared a draft of such a second enclosure, to conform to the Taoiseach's wishes in this regard, but even in drafting it, the difficulties of prescribing now for the period after the British and local elections and the resumption of the talks, especially given all the uncertainties, for example, about Sinn Féin entry to the talks, became very apparent to me. This is in addition to the argument raised in para 6 above for avoiding giving too explicit an outline of our thinking to the Conservatives, in this pre-electoral period in London. All in all, it seems preferable not to put forward proposals now which would have the effect of jettisoning the three-stranded talks before there has been experience of trying to work these talks with a possible new Labour Party Government in Britain and a possible completely different parliamentary balance at Westminster. Thus, I would recommend against such a second enclosure.

15. All of the draft statements include a paragraph setting out the position as to Sinn Féin entry to talks. An initial reaction might be that this is inappropriate, given the recent stepping up of the tempo of the IRA campaign of violence, culminating in the murder of the soldier at Bessbrook. Certainly all the signs are that, for the present a militant approach is in the ascendant in the Republican movement. Consequently, one does not have much hope that they would react positively to an attempt to offer them a further opening to call a ceasefire, an opening centred on the gap for the elections, analogous to the Christmas/New Year gap on which we were focusing late November/early December of last year. But as this gap will arise and as it appears, from the papers we have seen, that the issues between Sinn Féin and the British, apart from the timing aspect, were very narrow and surmountable, I would strongly suggest that we make one final effort. Nothing is lost if they again fail to take the opportunity, especially as the relevant paragraphs in all three options for the draft statement also make clear that, if there is no new genuine ceasefire, the Governments will not wait around for Sinn Féin but will press on with the negotiations. But it is a very regrettable reality that in war conditions, fatal violence can continue right up to the moment a new ceasefire comes into effect and while it is certainly highly discouraging, it does not absolutely follow that recent violence means a ceasefire is totally out of the question.

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16. In drafting the inclusivity paragraph, it was necessary to take on board some of the language as, for example, to "words, actions and circumstances" from Mr Major's published position of 28 November. This is simply because without a strong reflection of what he has already published, there would be no prospect of Mr Major agreeing to a joint statement which included such a paragraph. This is all the more the case, in view of the intensification of the IRA campaign of violence. The draft omits the specification of detailed, graduated steps of 'decontamination' which were included in Mr Major's published statement but even with the limited amount of his language, the paragraph may be too demanding for Republicans. One can only say: if so, tough! - unless one wants to go the route of a separate Irish Government statement, which omits reference to "words, actions and all the circumstances". But in view of recent events, the Taoiseach will scarcely wish to go that route which would lack credibility.
17. The aspect of Sinn Féin entry raises the issue of the date of resumption of the talks. To allow a long enough gap for the British to test the genuineness of any fresh ceasefire, it would be desirable - other things being equal - that the talks not resume until after the local elections. The participants in Belfast were agreed, on 11 February, that if the election is on 1 May, resumption should be held over until after the local election. The strong speculation is that a 1 May election would be called in mid-March. From there to 26 May, the Monday following the local election, is close to 2½ months. The talks participants felt, however, that if the election were on 20 March, the talks should resume for two weeks between that and the local elections. This would leave two separate gaps of, say, one month and three weeks. This would not facilitate the entry of Sinn Féin in the event of a new ceasefire. If one goes for the option of the Governments undertaking preparatory work for Strand Three, as a basis for consultations on this after the election, it might provide enough cover for the loyalist parties and obviate the need for a two weeks resumption with their concerns in mind. Of course, other parties may favour such a resumption for other reasons. The phrase "other things being equal" was used above but it has to be conceded that a resumption of talks on 26 May would bring them quite close to the marching season, with all its pressures.
18. The rationale of the various paragraphs in the different options for the draft statement - and most paragraphs are common to all three options - should be reasonably self-evident. They take many of the Taoiseach's formulations on board, subject to the points already raised about explicitness. I am attaching a commentary on aspects of the Taoiseach's formulations, where the numbers refer to numbered references, in the margins, to his formulations.

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19. Whatever course of action is ultimately favoured by the Taoiseach, it would appear necessary to consult the Tanáiste and, probably other Ministers concerned, possibly in the framework of the Cabinet Committee, before drafts issue to Prime Minister Major.



17 February, 1997