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AM SAID NA HEIREANN, LONDAIN



IRISH EMBASSY, LONDON

6 March 1998

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*cc Mr & Officer file
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Mr Dermot Gallagher
Secretary
Anglo-Irish Division
HQ

*M. McLaughlin
passed on to the
Taoiseach
6-3-98*

Dear Secretary

Conversation with Jonathan Powell, Chief of Staff to the Prime Minister

Jonathan Powell invited me to visit him in Downing Street yesterday after work. Powell made it clear that John Holmes has the main official responsibility on Northern Ireland. My impression is that the invitation to me was a gesture of friendship, given that Powell and I have known each other for many years, against the background of the important developments expected over the coming weeks. Much of our conversation was on personal and family matters.

Labour's "one shot"

Turning to the political talks, Powell said that the May deadline is crucial. Labour is having "one shot" at finding a solution. Powell asked me whether I am hopeful, and I said I am. Powell said that the Prime Minister is "optimistic". But Powell himself is less so. This is mainly because the true motives of the republican movement remain unclear.

** strong views over
position*
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Among the leaders of Sinn Fein, Powell fears that only Adams can confidently be said to be committed to the political strategy. The British side was deeply disturbed by their intelligence information (on which Powell did not elaborate) regarding the planning of the two killings which led to Sinn Fein's departure from the talks. The IRA must have been aware of the significance of the Dougan killing in particular. In the aftermath, the British Government was anxious to give the republican movement the benefit of any possible doubt. But the evidence was incontrovertible. The IRA itself, and not any fringe or cover organisation, was involved. Powell hopes, but is not absolutely confident, that further killings will be avoided in the coming months.

The UUP

I remarked that my own inclination in assessing the prospects of the talks would have been to start with the UUP. Is Trimble ready for a far-reaching settlement?

Powell said we should not underestimate Trimble's desire to arrive at a settlement, and one which will bring in Sinn Fein. He is interested in a leading role in Northern Ireland and in his own place in history. In particular, we should not underestimate the willingness of the UUP to make progress on North/South issues in direct discussion with ourselves.

I suggested that the UUP's position will be determined in large part by its estimate of the British Government's intentions. A British/Irish consensus is essential.

Powell said that the preparation of the Propositions paper, in which Trimble was brought along step-by-step in a haphazard way, offers the best model for making progress. The two Governments should table a draft agreement only if the Unionists are already "virtually on board" for its North/South element.

Strand One

Powell argued that a solution in Strand One can be found relatively easily on the basis of proportionality and safeguards for the minority. Weighted majorities, heads of department appointed on the basis of proportionality, to operate North/South institutions, a ways and means committee on the lines of

the US Congress, and the justiciability of decisions will all be parts of the solution. Powell does not believe in a consensus rule within an executive, because this would give both Sinn Fein and Paisley a blocking position. For similar reasons Powell opposes a sufficient consensus rule for important decisions of the Assembly: over time this could give Sinn Fein a too strong position in the system. We should not assume, Powell said, that there will always be two communities.

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to clarify
the
position

I observed that power-sharing as traditionally understood did not seem to figure in Powell's sketch of an agreement on Strand One.

Strand Two

order

On Strand Two, Powell urged that the less pressure the Unionists feel in the making of the agreement, the more likely they are to work the new institutions with good will. The key issue for the Unionists is that the new Assembly should intervene in the setting up of the implementing agencies. Powell added that he understood that our own position is somewhat different.

NOT ON.

PAR 28
FN.

I adverted to the necessary linkage between Strands One and Two, to the sensitivity of our referendum on the constitution, and to the place of the Framework Document in our thinking, and in the thinking of the SDLP and Sinn Fein. I pointed out that it is envisaged in the Framework Document that the functions of the North/South Body should be designated in legislation at Westminster and in Dublin.

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Powell's response was reasonably sympathetic. He said that "it is for you to secure your interests in detailed negotiations". Pleading that he is not a legal expert, he said that the subjects on which the North/South Council will make decisions will be addressed in the agreement among the parties, in legislation, and by the Assembly. The Unionists will argue against too much detail in the agreement and in legislation and in favour of a political role for the Assembly in constituting the North/South relationship. Nationalists can presumably work towards a situation in which the scope of North/South cooperation is part of the overall deal and is covered by appropriate legislative provisions.

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I underlined our willingness to fulfill completely our undertakings on subjects such as constitutional change and Strand Three. I could not foresee our being able to accept arrangements on Strand Two which were clearly against the spirit of the Framework Document.

Powell acknowledged that the North/South issue is at the core of the negotiations. The Unionists "have rejected the Framework Document". The Labour Government can accept the Framework Document but does not find it helpful to refer to it if the Unionists are to be brought along.

Policing/ equality/ justice/ prisoners

I said that non-institutional issues, such as policing, prisoners, and equality, will form an essential part of the agreement and may be decisive in influencing the debate within the republican movement. I referred favourably to the papers on policing and justice tabled at Stormont this week.

Powell responded with zest to this point. He said that a Labour Government is committed in any case to addressing these issues. If they are decisive for Sinn Fein, Sinn Fein's concerns can be met. Martin McGuinness is not essentially wrong when he refers to the problem of the "securocrats". The question is whether the changes that are desirable can be made if the IRA fails to abandon its campaign.

In the course of conversation, Powell said that the NIO has been provided with additional resources to address these issues. It is likely, however, that the full fruits of the work which is underway will only appear in the negotiations once the parties (by which I understood the Unionists) are securely on board on the three strands.

Roisin McAliskey

I raised the case of Roisin McAliskey. Powell acknowledged our concerns. He said that Downing Street have approached the Home Office and the Home Secretary a number of times and have been told that there are procedures which must be completed before a decision is taken.

Funding of political parties in Northern Ireland

I mentioned the difficulty which could be created for the SDLP if the Labour Government goes ahead with its proposal to ban the foreign funding of political parties and to force the disclosure of all donations above £5,000.

Powell was fully aware of the issue. He said that legislation is not now expected for about a year and that in the meantime the Neill Committee is preparing recommendations (the Neill Committee at the Houses of Parliament deals with a number of ethical issues in public life. Lord Neill himself is a retired head of an Oxford College who has worked as a barrister). Powell said that the SDLP should now bring its concerns to Lord Neill. The Labour Party has no reason of its own to insist that Northern Ireland should be included in the new legislation, although the Unionists will argue to the contrary. (It strikes me that the difficulty for the SDLP in approaching Lord Neill will be to ensure confidentiality.)

Exchange of words with the Prime Minister

By chance I briefly encountered the Prime Minister during my visit to Downing Street. Mr Blair warmly praised the Taoiseach and emphasised his good relations with the Irish Government ("it's a pleasure to work with you guys"). Jonathan Powell subsequently spoke in the warmest terms of the admiration which the Prime Minister has developed for the Taoiseach. By comparison, Trimble is "the weak link".

Yours sincerely

Anne Behan

fP **Philip McDonagh**
Counsellor