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cc PCT, PSM, PSMC, PSIG, Mrs Teahon, Mrs Dalton, Mr Monaghan, Ambassador + Dep, Private Sec, CMOA-1, Talks Team

Secret

Sec Gallagher

Seamus Mallon's Views on Working Towards 30 June

1. As arranged, I had a lengthy meeting with Seamus Mallon at the Carrickdale Hotel, near Dundalk, this morning, to get his assessment on the various issues to be addressed in working towards the 30 June deadline for devolution. Although tired after a long day on the European elections campaign trail yesterday, he was in relaxed form, and we had a full - and very frank - run over the field. This note sets out the main points to arise.

30 June Deadline

2. I sketched out for Mallon the broad outline of the way forward we were considering. In response, his core message was that it was essential that the Governments make clear, in the starkest terms, that the 30 June was indeed an absolute and final deadline for devolution to take place. Speaking frankly, he said that it must be brought home to all sides that, in the event of failure, "everything goes" - the Assembly, the Offices of First and Deputy First Ministers, salaries. His contention is that "this is not a matter of time - if it cannot be done now, it cannot be done in September". Borrowing from the approach taken by George Mitchell last year in setting a deadline for the completion of the Multi-party Talks, Mallon said that the moment for decisions had arrived.

3 I told Mallon that the strong inclination on our side was that the consequences of failure needed indeed to be painted in stark terms, but that we were conscious of the personal implications for him, his Assembly colleagues and his staff. Before coming to a definitive position, therefore, the Government wished to have his advice on what were very sensitive issues. He responded firmly - "the only way to protect the livelihoods of all involved, if that is a concern, is to ensure that 30 June is an absolute deadline".

4. Expanding, he said he was certain that, left to their own devices, all sides would prefer to play things long and seek to avoid the risks involved in compromise. But playing long was not sustainable and the credibility of the Agreement would collapse before much longer on that basis. The only means of saving the Agreement, therefore, was to force people to face the hard choices now. He was certain that, if faced with the choice between the end of the Assembly and making now the kind of compromises necessary to break the impasse, the UUP and Sinn Fein would opt for the latter. Certainly, there were real risks involved in such a strategy, but he was convinced it was the only approach that would work. Private contact with several members of the UUP Assembly party had strengthened him further in this view. He

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was also certain that a majority in the DUP, whatever they might say publicly, privately felt that it was imperative that the Assembly be preserved. There was also a strong mood among a majority in the wider public which believed that it was time to make the necessary compromises and move on. [Note: In an interesting *vignette* in this regard, Mallon was approached while we spoke by a stranger who introduced himself as a "constituent from the other side" who wanted to take the opportunity to thank him for everything he was doing and to express the hope that a breakthrough would come soon - "I have three young children and I want them to have a chance". It was clear that the man was nervous in approaching Mallon and that it had been a very deliberate gesture on his part to do so, he told me privately as he walked away that "not enough people from our side (ie ordinary unionists) are speaking out".]

5. Interestingly, Mallon expressed strong opposition to the idea, in the event of failure, of a review of even a limited kind (focussing only on the Executive and decommissioning), either in July or September. He argues that we have, in effect, had a review of the Executive/decommissioning underway for almost a year. Moving to a formal review after 30 June would be another fudge in his view. The deed is either to be done now or we will have to walk away from the project for a very considerable period (his point being, as mentioned, that time is not the issue - if a breakthrough cannot be made now, it will be no more achievable in three months, six months or a year).

Running d'Hondt

6. He fully shares your view about the importance of running d'Hondt at a very early point after the European elections. He agrees that Trimble's article in the *Belfast Telegraph* makes this less problematic than we had feared.

Mallon Guarantee

7. Mallon shares our view on the value of an IRA statement in breaking the impasse, but feels that some variation of his "guarantee" (if there is no decommissioning by May 2000, Sinn Fein to be expelled from Assembly) will be necessary as a counter-balance to the absence of "product" at the point of devolution. We talked through some of the implications. I pointed out that one obvious difficulty was the fact that such a mechanism was not contained in the Agreement itself, and that, therefore, introducing it now could be counter-productive. I suggested, however, that, since the unionists had raised the issue (Reg Empey to you), it was in any case going to be on the table in the run-up to 30 June as a possible element; no decision needed to be taken on it one way or another until that point.

Process

8. He was broadly supportive of the kind of process we have in mind, as set out in your paper of 1 June. On the question of venue, however, he felt very strongly that the location for the Prime Ministerial sessions should be "new and secluded" - new to signify the seriousness, and very different nature, of the exercise and secluded to ensure as little external distraction as possible. He thought that all previous venues

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(including Castle Buildings) were out, as they would simply denote "routine" and more of the same. This would contradict the notion of a process at a fundamental cross-roads. He thought that a hotel somewhere in Northern Ireland should be explored. Looking ahead to 30 June, he thought it was important also that the British Government had all the necessary technical preparations finalised (including the laying of the necessary Order before Parliament) to ensure that, in the event of success, devolution could indeed take place by that date.

9 On the question of involving the smaller parties, he saw a role for the PUP and UDP, but questioned the value of having the Women's Coalition and Alliance present For one thing, he felt that their involvement would compound the difficulties of confidentiality. I got the impression, however, that he would not die in the ditch on this point.

David Trimble

10. Mallon is close to despair about Trimble. As we were aware, the relationship between the two of them is now zero - "we have not had a meeting in months". Mallon regards Trimble as essentially impossible to do business with. To the question "how can this be done without Trimble?", Mallon responds "how can it be done with him"?! Mallon has also observed with some disbelief how Trimble has treated Jim Nicholson in the European election campaign (eg taking two trips abroad at critical periods). Mallon poses the question "if this is how he treats his own party, what can we expect from him in Government?" Mallon's perception is that Trimble has sought at every turn to "break" the Office of Deputy First Minister and to operate as an essentially unfettered Prime Minister. Mallon contrasts this with the concept in the Agreement, which envisaged the two Office-holders as essentially co-equal partners.

11. Mallon has no doubt but that Trimble wants to play the creation of the Executive long. Trimble does not take the 30 June deadline seriously and is convinced that the Governments will fudge it in the event of failure and keep the Assembly and the Offices of the First/Deputy First Ministers in place over the Summer. Mallon believes that Trimble would be shocked if he felt that 30 June was indeed a hard deadline. But, in Mallon's view, Trimble's own leadership position in the UUP would be better served by facing the crunch in June. Playing it long carried even greater dangers for him than forcing decisions now, Mallon felt, as, with no breakthrough, Trimble's credibility would ebb away at the same rate as that of the Agreement itself. Mallon accepts that taking the leap in June without prior decommissioning would be very difficult for Trimble to pull off, but that the balance of advantage lay with that course for him.

European Elections

12. He said that, despite the disorganised UUP election campaign, he was confident Jim Nicholson would retain his seat. Mallon had studied the figures and, unless there was a total collapse in the unionist voter turn-out, he could see no way how Nicholson could lose. He was pleased with the SDLP campaign and was confident that John Hume would top the poll.

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Mallon's Own Position

13. Mallon is giving much thought to his own position at the moment. He is clearly frustrated by the manner in which matters have gone over the year he has been in office. Even though he does not say so explicitly, he is clearly gratified by his own continuing high ratings in the polls and the widespread appreciation of the difficulties he has to face. At the same time, he cannot see how he can continue in this way for much longer. He commented to me that, although he had not taken a formal decision, he had not ruled out the possibility of resignation should it be decided, in the event of failure by 30 June, that the Assembly and his/Trimble's Offices be nonetheless kept in place over the Summer. [I stress that he has taken no such decision yet, and his comments were made in a low-key, matter-of-fact way without any sense of rancour - his point, it appeared to me, being that, in those circumstances he would have taken matters as far as he could and that it would then be time for somebody else to try their hand.] At the same time, he is confident, however, that if the impasse can be broken, the process can be made to work successfully, despite the many difficulties which would continue to be encountered.

Comment

14. Mallon is deeply convinced that a firm approach on the deadline issue can be instrumental in breaking the impasse. While I put the case to him on the need, in the event of failure, for a possible further attempt of whatever kind (whether through a review or another means) in the Summer /Autumn, he is adamant that more time will solve nothing. In terms of substance and process, he is, as mentioned, broadly supportive of the approach we are proposing. It would be desirable that, as always, we remain in close touch with him as the details are developed.

Q.C

T O'Connor
4 June 1999

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