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29 JUNE 1995

(27)

ROINN AN TAOISIGH

Uimhir.....

CONFIDENTIAL

TO: Taoiseach

cc P. Teahan

FROM: Seán Donlon

SUBJECT: Decommissioning and Political Talks.

Before answering your specific question may I make the following general points:

- there is absolutely nothing to suggest that the IRA will begin decommissioning until they see the shape of a political package;
- this applies equally north and south of the border;
- no external pressure will change the IRA's position;
- involvement by us in efforts to do so runs some serious political risks including straining our relationship with Sinn Féin and possibly with the SDLP. There are issues on which political risks are worth taking but this is not one of them;
- it will probably be necessary to enter into heavy and confrontational debate with Sinn Féin on at least two aspects of a political settlement viz full acceptance of the principle of consent and the 'permanence' of the settlement. We should reserve our energies for those discussions rather than dissipate them on an aspect of decommissioning which we cannot win.

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Against that background, the following are answers to your specific questions:

1. An American role in decommissioning might be useful, particularly in securing agreement on modalities. It is not, however, likely to push the IRA into decommissioning much quicker than they might otherwise accept it.
2. Given the history of difficulty with the word "permanent" it would not be helpful to recommence another debate around that word at this stage. The cessation of violence has continued for ten months and it seems likely to continue at least as long as there is life in the peace process. Unfortunately a return to violence by the IRA cannot be excluded and, helpful though it might be, we are unlikely at this stage to be able to persuade Sinn Fein to use the word permanent either in relation to a cessation of violence or in relation to decommissioning.
3. Attempts to get Sinn Fein to enter into a written agreement will succeed only if a political settlement is part of that agreement. In the context of inclusive all party talks Sinn Fein is likely to

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want a written agreement covering everything, including decommissioning.

4. Sinn Fein are well aware that IRA arms dumps here are illegal but they will not at this point do anything formally to acknowledge either the legitimate authority of this State or the illegality of arms dumps. You will have noted that Gerry Adams and his colleagues continue to refer to the "Dublin Government" and to say as little as possible about acknowledging the legitimacy of our institutions.
5. The influence of Unionists politicians on the loyalists is limited. The politicians are jealous of the recent lionisation of the paramilitaries. The paramilitaries regard the politicians with contempt.
6. Unanimity between the three main parties at Westminster e.g. in 1985 and again on publication of the Joint Framework Document appears to be of little concern to the Unionists. There is no reason to believe that an agreed motion at Westminster at this stage would be any more influential than similar motions in the past.

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7. The SDLP's failure to respond to Mayhew derives in part from their normal carelessness about correspondence but also reflects a conviction that there is little point in their entering into talks with Mayhew until the Sinn Fein/British situation is resolved.
8. The obstacle to the creation of a consultative assembly is the Unionists objection to sitting down with Sinn Fein until the decommissioning issue has been resolved. There is no information to suggest that even the UUP might be persuaded to change their position on this point.
9. It would obviously require British co-operation to set up new north/south institutions. This might be forthcoming at some future point but it will be difficult to secure. To some extent, particularly through the Anglo-Irish Intergovernmental Conference, the north/south process is, from the point of view of nationalists, developing nicely. It might indeed be helpful to publicise this more actively so that unionists become aware that, despite their attitude, north/south life goes on.

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10. There should be a contingency plan ready to cope with any resumption of IRA violence. The plan should include both political and security elements and preparation should be put in hand without delay, probably by an Interdepartmental Committee with input from the Garda Siochana and possibly the Army. We might also consider discussing possible joint contingency plans with the British even though there are risks in doing so - the British would inevitably wish to focus heavily on security, including joint internment, rather than political contingencies. It might, however, be better to have such discussions now rather than hurriedly in response to an unexpected resumption of violence.

11. Until there is a political settlement acceptable to the Republican movement, Sinn Fein are unlikely to subscribe to a charter renouncing the use of violence to achieve their political objectives. We might in due course seek to make it part of the political package.

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12. It should be relatively easy, in a technical sense, for the British to do something about legally held weapons in Northern Ireland. They are licensed and, as I understand it, licences can be revoked or not renewed essentially at the discretion of the issuing authority. This might usefully be brought into play at some point as a counterpart to an IRA decommissioning contingency plan.



29 June, 1995.

DECOMMISSIONING AND POLITICAL TALKS

- How and when can we use Americans to lever Sinn Féin?
Could a "Clinton peace plan" drive PIRA to begin decommissioning?
- Will use of word "permanent" by Sinn Féin help?
- Will a written agreement by Sinn Féin help?
- Will Sinn Féin address the question of IRA's relationship with the legitimate authority of this state and this states policy on the private holding of weapons? Do they acknowledge that IRA arms dumps here are illegal?
- Will Unionists agree to influence Loyalists to decommission? What have they done about it? What pressure can be put on them?
- How can Labour and Liberal Democrats be used to pressure Unionists to move on this issue, and on opening talks - e.g. agreed motion in both Parliaments.
- Can we ask S.D.L.P. directly why they did not respond to Mayhew's invitation?
- Is there any way we can rework the Unionist's own idea of a consultative assembly with a time limit to get some sort of talks process, including Sinn Féin members, going?
- Could we begin process of setting up North/South institutions between officials to show Unionists that they can't hold progress up just by doing nothing?
- What would be our reaction to a resumption of PIRA violence? Do we have any worthwhile options?
- Could Sinn Féin subscribe to a Charter of Rights which includes a right to freedom from threat of Paramilitary violence? A Bill of Rights is one of the few things on which all N.I. Parties were agreed in the 1992 talks.
- What can be done about legally held weapons in N.I. - Could British offer some "contingency plan" on this to be a counterpart to a Sinn Féin "contingency plan" on decommissioning?