



# An Chartlann Náisiúnta National Archives

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4 December 1995

Mr Sean O hUiginn  
Second Secretary  
Anglo-Irish Division  
HQ

COPY TO:  
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 MR. F MURRAY  
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 MR. S. DONLON  
 MR. T DALTON

*Mr. Murray*  
*Frank*  
*8/12*

*Mr. Gillin*  
*SH*

Dear Secretary

Meeting with Jonathan Stephens, NIO

I was the guest of Jonathan Stephens to lunch on Friday 1 December.

Decommissioning: X and Y

Stephens and I considered at some length the implications of the twin track initiative for the future handling of Washington Three.

I made it clear that the position of the Irish Government is that the cessation of violence in itself should in principle be Sinn Fein's passport to all-party negotiations. Disarmament would be a part of those negotiations.

Stephens found it hard to see how the British Government could engage in a stark climb-down from the position it has taken on "a start to decommissioning".

In a spirit of exploration, I suggested to Stephens that from speaking to Conservative MPs, including representatives of the right wing, I could see some scope for a compromise based on the "timing" or "scheduling" of the start to decommissioning.

For example, I could not see the Prime Minister being undermined from the right if all-party negotiations began on the basis of

- a clearer statement from Sinn Fein on the permanence of the ceasefire and
- agreement on a phased process of disarmament to begin in parallel with negotiations on a political settlement.

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Nor could I see the right wing of the Conservative Party disowning any way forward that proves acceptable to David Trimble and the UUP.

Stephens was inclined to accept this analysis of parliamentary opinion. But we agreed that our exploration of the above ideas would have little relevance unless Sinn Fein is willing to go down the route described.

Stephens agreed with me that one way or another the way through the impasse on decommissioning is likely to involve a bargain or understanding with Sinn Fein and the Loyalist parties, rather than submission by them to "decontamination" - in the form of an externally imposed requirement.

On the assumption that a bargain is to be sought, I asked Stephens to clarify the British Government's current position on Washington Three: if X equals a start to decommissioning, what does "X" comprise and is there a "Y" which the British Government would be prepared to offer in return?

Stephens readily accepted that to define X and Y could be a fruitful approach. (He implied that the British Government had been open to such an approach within the exploratory dialogue with Sinn Fein.)

As regards X, Stephens said that although as of now there is no precise definition within the British system of what a start to decommissioning should involve, a number of points can be made:

- \* X will require verification: it will not be enough for the IRA to announce that it has in private "destroyed two tonnes of semtex"
- \* X will not require the prior establishment of an inventory of IRA weapons: both Governments "believe they have a clear enough picture" on this
- \* the timing of X could be a matter for discussion.

As regards Y, it could have two elements:

- \* responsive measures by the security forces
- \* a political response: for example, there could be a statement that in the view of the British Government, Sinn Fein has satisfied all the conditions necessary for its inclusion in all-party negotiations.

I put it to Stephens that Y should include the actual convening of negotiations. His response was that this might drive the Unionists from the table but that a clear statement by the British Government, backed up by the thrust of British

policy, would make it difficult for Unionists to reject negotiations.

I suggested to Stephens that on the basis of an X/Y trade-off of the kind described, it would be unlikely that Sinn Fein would be in a position to describe here and now the further phases of the disarmament process. A degree of un-specificity would remain. Stephens was disposed to agree with this; one of the incentives for Unionists to participate in all-party negotiations would be the tangible prospect of shaping a future disarmament process.

#### Elections to an Assembly and a statement of principles

Stephens said that while it would be "an administrative nightmare", involving new legislation, it would be desirable to have early elections in Northern Ireland. As the Assembly idea is "the only constructive idea to come from the Unionists" in recent times, it is essential to make use of it. It was hard to see how any democratic party could oppose elections.

I responded that in parliament on Wednesday Richard Spring MP called for elections to an Assembly as a good thing in itself, with no reference to the need for widespread agreement or for a wider process of negotiation. That and other statements, as well as speculation in the press, made one wonder whether the British Government might be contemplating a unilateral step [comment: as I have already reported, James Cran, PPS to Sir Patrick Mayhew remarked to me in passing last week that if twin-track fails, the British Government may call an election anyway in Northern Ireland].

I strongly urged on Stephens that for the British Government to be seen to impose an election on Northern Ireland would be a mistake in tactical terms and in terms of preserving a reputation for fair dealing.

Tactically, to hold elections against a background of immobility or failure in the peace process could damage the moderate politicians. To speak only of the nationalist side, the SDLP and Sinn Fein would campaign on basic principles and could expect together to achieve over 40% of the vote.

Of even greater significance would be the potential damage to the British Government's role if it were to be perceived as unilaterally altering the context within which it is pursuing an accommodation in Northern Ireland. Explaining this point, I suggested that in the Framework Document and elsewhere the two Governments have attached a particular weighting or significance to each of several frames of reference: Northern Ireland, the island of Ireland, these islands, Europe. The British Government should not, by making the wrong move on elections, unilaterally alter the existing balance.

I suggested to Stephens that the efforts of the British Government should be devoted to persuading Sinn Fein and the SDLP that elections could be in their interest.

One angle is that of the "passport to negotiations". Sinn Fein might wish to explore Trimble's remarks about talking to them in an Assembly before a resolution of the decommissioning issue.

Secondly, if Sinn Fein is to be asked to prove itself by standing for election on a peace platform, would it not be reasonable to expect other parties to offer one another assurances as to the basis on which they would contest elections? Would it be feasible for the parties to reach agreement on a number of general principles, including non-violence, as a prelude to elections?

Stephens agreed with both of these considerations. On the latter point, he suggested that in the political part of the twin-track initiative the parties might usefully agree on a set of principles on the analogy of the "principles and realities" to be agreed by the Forum. Sinn Fein might be willing to go further in such a context than in a declaration or manifesto to be issued solely on its own behalf.

I underlined to Stephens that although the Irish Government is willing to look constructively at proposals for elections, we would expect any election to be set firmly in the context of all-party negotiations covering the three strands.

Stephens speculated about a possible scenario in which the following elements stood out:

- \* the first purpose of an elected body would be to choose "negotiating teams", in proportion to party strength, to take part in a three-stranded negotiation
- \* these teams would in effect be the Northern Ireland component of a process broadly similar to that of 1992
- \* one consequence of this would be that decisions within the negotiations would be adopted by consensus - or possibly "by widespread agreement"
- \* a second purpose for the elected body or Assembly would be to serve as the first part of the "triple lock" - parties, people, parliament - which the British Government has promised must ratify any agreement. An issue which might arise in this connection is whether the Assembly should decide by a weighted majority whether to accept the outcome of all-party negotiations.

Prisons

I emphasised the importance of prisons' issues, not least as Christmas approaches. I expressed disappointment that despite several hints of movement, nothing seems to have been done about the transfer of Patrick Kelly to Northern Ireland.

Stephens hinted that pressure of work over the past few days may have been responsible for slight administrative delays in the NIO. The Secretary of State would not, however, withhold agreement from any course of action which the Home Secretary is willing to accept. [Comment: Stephens' cryptic comments tie in with Friday afternoon's report from Maryfield about on-going negotiations between the NIO and the Home Office.]

Other issues

I drew attention to the adverse effects of the briefing in which the British side engaged over the weekend of 25-26 November. Stephens agreed that some of the briefing by the British side served no useful purpose. He said he was unaware of the source of such briefing.

Stephens and I briefly discussed the implications of the divorce referendum for Irish politics.

Comment

My impression, for what it is worth, is that the main conundrum for British official thinking on the peace process is how to bring the UUP - and perhaps also as a consequence the DUP - into all-party negotiations without a direct or obvious confrontation between them and the British Government.

To this end, it is hoped that

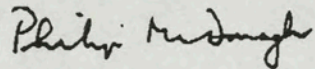
- \* Sinn Fein will agree to "a start to decommissioning" either as a confidence-building measure in itself or as the logical consequence of an agreed disarmament scheme
- \* Sinn Fein and the SDLP will support elections to an Assembly.

The clear signal is that the British Government is willing to drop Washington Three, understood as a precondition, on the basis either of an understanding with Sinn Fein (X for Y) or a broader agreement involving elections, all-party negotiations, and a start to decommissioning.

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In British eyes, the weakest link or most worrying feature calling this approach into question is the absence of any sign from Sinn Fein that it is ready to do further deals in order to bring negotiations about.

Yours sincerely



Philip McDonagh  
Counsellor