



# An Chartlann Náisiúnta National Archives

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*Note*  
Further revised in the light of the Tascorbis comment and further internal discussions in this Division. Mr. Keeney, DIF Foreign Affairs was also on a personal basis, happy, while counselling against any too premature or too strong a form, at this stage on the alternative to the talks which may not, in any case, be all that viable.

**NORTHERN IRELAND STRATEGY PAPER**

**Overview of current situation**

1. Any strategy for achieving success in the talks will have to take account of the following:

*General*

- The highly contentious issue of how to handle decommissioning remains to be settled before the talks proper can begin.
- In view of the snail's pace of progress to date, there is an unhealthy degree of cynicism about the talks process.
- There is also a degree of despair about the prospects for an accommodation between Nationalists and Unionists, in light of the events of the marching season - and a danger that this could become a self-fulfilling prophecy.

*Position of Unionists*

- The Unionist parties, including the UUP, are opposed to giving executive powers to a North/South body [which - together with constitutional change - is a key issue for a successful talks outcome].
- Unionists may believe that they have nothing to gain - and much to lose - from an accommodation with Nationalists.
- Unionists tend not to see peace and stability as an incentive for them to make concessions, both for reasons of principle and, perhaps, because any linkage between politics and peace would involve conceding a linkage between Unionist behaviour during the Stormont era and paramilitary violence.
- Internal divisions within the UUP; competition between the UUP and the DUP and UKUP; tensions between the UUP and SDLP; and the apparently increased polarisation at grass-roots level between Unionists and Nationalists arising from Drumcree and Derry in particular will all tend to militate against compromise on the part of Unionists - in Northern Ireland, intransigence generally appears to be the safer bet (for both sides).

*Mr. Crittbin*  
*Is the final form of this paper on the relevant files? hkv*  
*12.9.96*



*Position of British Government*

- The British Government believe that their ability to influence Unionists is limited by the extent of Unionist distrust of the British Government and their willingness to defy it, as underscored by the events at Drumcree.
- The current British Government's willingness to exert pressure on Unionists/inject forward momentum into the talks may be limited by the following:
  - \* a preference not to undertake a significant new initiative in advance of a General Election
  - \* fatigue, in particular on the part of the SSNI
  - \* empathy/support for the basic Unionist position on the Union and Britishness - as evident for example in a degree of distancing from the FD and indeed the AIA (and the inclusion of the Union flag in the voluntary identity card, notwithstanding the objections of Mayhew and Ancram)
  - \* internal divisions within the Government and the Conservative party - and the Government's vulnerable position in the Commons
- Assuming a Labour victory in the General Election, the next British Government may have considerably less time to devote to Northern Ireland matters (although it has to be said that, whenever it is neglected, Northern Ireland has the capacity to force itself onto the attention of British Governments).

*Position of US Administration*

- The US administration's willingness to exert pressure/influence on the British Government may be limited by (i) the imminence of the forthcoming Presidential election and, associated with this, a desire to avoid fuelling the controversy sparked by Mr. Baker's recent attack on President Clinton and (ii) a preference, in light of recent terrorist actions directed against US civilians and military (Dhahran, Atlanta and (?) TWA), not to become too closely involved in Northern Ireland (or, particularly, with Sinn Féin), in the absence of an IRA ceasefire.

*Position of Nationalists*

- The SDLP appears to have lost ground to Sinn Féin over Drumcree and Derry and, generally, seems to be lacking in vigour, direction, and perhaps, above all, organisation.

- The ability/willingness of Nationalists to approach the talks in a spirit of compromise may be constrained by competition between the SDLP and Sinn Féin and grass-roots pressure arising from the events of the marching season and, associated with this - and the lack of movement since August, 1994 - a belief that Unionists are not open to change.

*Position of Paramilitaries*

- In the absence of a real prospect of political movement, it cannot be presumed that the IRA will refrain from further acts of violence in Britain and continental Europe or that the de facto ceasefire in Northern Ireland can be maintained indefinitely. Indeed, there are grounds for believing that the IRA may be gearing up for further acts of violence. [Highly confidential - to be elaborated on at meeting].
  - There does not appear to be any obvious reason to believe that the IRA will undertake a ceasefire in the short term - at least until the issue of how decommissioning is to be handled in the talks is settled [in saying this, it has of course to be recognised that the August, 1994 ceasefire came as somewhat of a surprise, following as it did the Letterkenny Conference].
  - The intensification of so-called punishment beatings would seem to point to a worrying level of militancy within Republican circles.
  - There is also a worrying development in terms of the Republican movement's apparent "urban strategy" of taking over certain neighbourhoods - both North and South - through a combination of politics/beatings and local defence - in effect, a form of cantonisation.
  - In addition, there have been suggestions that the boycott of Protestant-owned businesses is to some degree at least being orchestrated/supported by Republicans - capitalising on what appears to be in some measure a spontaneous Nationalist response of anger to developments surrounding this year's marching season.
  - The risk that maverick Republican paramilitaries may precipitate violence and Loyalist counter-violence cannot be discounted and, more generally, the maintenance of the Loyalist paramilitaries' ceasefire cannot be taken for granted.
  - In light of recent events during the marching season, the prospects for decommissioning of paramilitaries must be more remote than ever before.
2. In drawing attention to the negative factors as above, it is not intended to argue a counsel of despair but rather to point up (a) that the Irish Government will have to make a lot of the running if forward momentum is to be secured in the talks and (b)



that it will be facing an uphill task. In addition the following positive factors should also be borne in mind:

- \* that we have a talks vehicle in place and that once the agenda-based issues are settled, participants will of necessity have to address the substantive issues as they arise, including the question of a North/South body.
- \* that while progress to date in the talks has been slow, it has been measurable (procedures and Business Committee); and Mr. Empey of the UUP and Mr. Robinson of the DUP in particular have shown a willingness at the end of the day to adopt a constructive approach to keep the talks moving forward.
- \* that agreement on procedures may strengthen the Chairmen's ability to ensure forward momentum in the talks.
- \* that, following the events of the marching season, the pressure will be on all participants to show that high politics (as opposed to street politics) is relevant and can work.
- \* that when it came to the crunch, all concerned in the parades dispute drew back from the abyss; that new ground was broken in terms of dialogue; and that compromises were made - in effect, setting a headline for the talks.
- \* that there must at least be some degree of recognition that a talks failure would very likely lead to a resumption of violence and that this will act as an incentive to participants to make the talks a success.
- \* that, even if the window of opportunity may be narrowed by the upcoming Presidential elections, in the very short term the White House continue to be interested and engaged.

### **Suggested Strategy for a Talks Success**

3. It is recommended that the Government should adopt the following strategy to help make the talks a success, by injecting forward momentum:
  - a. Develop an approach to resolving all agenda-based issues in co-operation with the British Government, the UUP, SDLP and the Chairmen - if possible, in advance of 9 September.

Such an approach might, so far as the key issue of decommissioning is concerned, involve agreement on a detailed agenda/work programme for the decommissioning strand; an early and detailed outline of the two Governments' decommissioning legislation; and (?) an indicative time-frame for its enactment (although this could present difficulties).

The approach agreed at the Cabinet Sub-Committee meeting would need to be "sold" subsequently - and so far as possible before 9 September - to the British

Government and the Northern Ireland parties (at a minimum, the SDLP and UUP) and contacts/meetings would need to be arranged for this purpose.

- b. Use the opportunity presented by any such contacts/meetings to secure the public reaffirmation by those concerned to the talks process.
- c. Secure the British Government's agreement, in the contacts as above, to re-energising the talks process by:
  - (i) the participation of the Taoiseach and Prime Minister in the launch of the substantive phase of the talks. [This of course presumes success with 3(a)].
  - (ii) agreement by the two Governments that they will seek to ensure forward momentum in the talks (as per the Ground Rules), including by tabling joint position papers on selected topics as appropriate.
  - (iii) regular reviews of the talks at Summit meetings between the Taoiseach and Prime Minister, starting with a Summit on -
- d. Encourage John Hume privately to engage more actively - health permitting - in the talks so as to boost the talks process and to restore the SDLP's profile and/or seek to develop with the SDLP other strategies for raising the party's profile.
- e. Emphasise the importance of the talks process through public pronouncements and encourage British Government and US administration to do likewise (including, in the case of latter, through the Taoiseach's address to Joint Session of Congress and by using the opportunities presented by the US President's forthcoming visit to Ireland).

In this context, highlight the willingness to engage in dialogue and to compromise during the marching season as an argument for dialogue and compromise in the talks (and as an argument against the polarisation "school of thought").

- f. Consider a meeting between the Government and Church leaders to talk up the need for dialogue and compromise in the talks process and to counter polarisation/sectarianism - and to undertake bridge-building exercises.
- g. Encourage Senator Mitchell to seek the agreement of the talks participants to his developing a higher (and positive) profile for the talks through regular press conferences - apart from emphasising the primacy of high politics, this would also serve to keep up the pressure on participants to move forward in the talks (and counter negative and damaging leaks).
- h. Seek to ensure the maximum degree of continuity in Ministerial participation in the talks, at least so far as particular blocks of work are concerned, so as to counter charges of "ad-hocery".



- i. Work up internally an Irish Government outline of a deal based on the FD and involving a North-South body and constitutional change, as well as human rights issues, with a view to having an opening position ready for deployment at an appropriate stage in the talks process.

This will involve progressing inter-Departmental work on the North/South body (under the aegis of the Department of the Taoiseach) and human rights (under the aegis of the Department of Foreign Affairs) and feeding this in to the Cabinet Sub-Committee on Northern Ireland, which is to deal with constitutional issues, including Articles 2 and 3.

It would appear necessary in the course of this work to consider internally what modifications may need to be made to the FD scheme in order to secure Unionist agreement while simultaneously keeping the SDLP on board.

- j. Continue to build bridges, through public statements and dialogue, with the UUP to secure their constructive engagement in the talks process. Consideration might also be given to reaching out to the unionist population generally through speeches and media engagements designed to offset, in a balanced way, misconceptions about the Irish Government's intentions and to reduce the level of distrust.
- k. Continue with official-level dialogue with Sinn Féin (i) to keep up the pressure for a renewed ceasefire, (ii) to keep Sinn Féin informed of progress in the talks, and (iii) to keep in touch with - and so far as possible take account of and/or have the British Government take account of - Republican thinking in ongoing policy formulation.
- l. Seek to maintain contact with Loyalist parties with a view to reassuring them about the Government's intentions, thereby helping to keep the Loyalist paramilitaries on board.

This could best be done through direct or indirect dialogue with the PUP and UDP in the margins of the talks or failing this, contact with Rev. Roy Magee and/or public pronouncements.

- m. Encourage the British Government to be more proactive in the area of confidence building, so as to offset impatience at likely slow progress in the talks.

This could perhaps be done by requesting the Department of Foreign Affairs to carry out an audit of progress/prospects on relevant issues (e.g. fair employment, oaths of allegiance etc.) and seeking British Government agreement, throughout the IGC, to action on these issues within a given time-scale and in a programmatic way.

- n. Keep security situation and security response measures under review, against the possibility of further acts of violence, including acts of violence directed against this State.

#### **Suggested Strategy for a Talks Failure**

4. It has to be recognised, in light of the negative factors already outlined, that the talks may fail. A talks breakdown could occur (a) over decommissioning - either before the commencement of the talks proper or following Sinn Féin's entry into the talks after an IRA ceasefire or (b) over an issue of substance, especially the question of executive powers for a North/South Body and/or constitutional change. The following is suggested as a strategy for use *in the event of such a breakdown*:
  - (a) Seek the British Government's agreement to setting a time-frame of one month for intensive bilateral discussions, focussed particularly on the SDLP and UUP, to secure agreement on a package based around the FD.
  - (b) Indicate, as an incentive to agreement by the parties, that at the end of this period, the two Governments would consult with a view to making a call on outstanding issues and putting a package to referendum (North and South).
5. The question has of course to be asked as to whether, even if the package was carried (through the support of a sufficient number of grass-roots unionists) in the referendum, it could subsequently be made to work without at least the cooperation of the UUP. In any event, it is quite possible that an FD-based package would not be carried in a referendum. It is suggested that the best option in this situation might be to secure the British Government's agreement:
  - (i) to a more pro-active working of the Anglo-Irish Agreement on the basis of an agreed work programme and associated time-frames covering parity of esteem issues such as fair employment, oaths of allegiance, job and Board quotas in the public sector, flags and emblems, police reform, parades, economic regeneration especially in the most deprived areas - as well as issues such as integrated education, and
  - (ii) to the introduction of human rights legislation backed (as suggested by Mr. Robin Wilson of Democratic Dialogue and the Boyle, Campbell and Hadden consultancy study for the Forum on human rights) by the establishment of a new constitutional court for Northern Ireland, accompanied by a new or revamped human rights commission with enhanced advocacy powers. [The issue of human rights legislation is of course already earmarked for consideration in the multi-party talks].

It is suggested further that this option might usefully be aired - subject to the agreement of the British Government - as an incentive to Unionists to reach



agreement on an FD-based package, following a talks breakdown. It is a reasonable assumption that Unionists would prefer an FD-based solution - which would confer on them a measure of control over their destiny - to an AIA-based solution, with its connotations of joint sovereignty. In addition, Unionists might well be apprehensive that a British Labour Government would be attracted to an AIA/rights/economic regeneration package and this could be a further incentive to them to agree to the alternative FD-based option.

6. A possible variant on the idea of putting an FD-based package to referendum would be to hold a (p)referendum to establish the wishes of the people of Northern Ireland in more general terms e.g. (as suggested by Robin Wilson) as between:
- (i) progress in the direction of Irish unification
  - (ii) a shared, pluralist Northern Ireland, linked to both the UK and the Republic
  - (iii) further integration of Northern Ireland into the UK.

This would have the advantage of avoiding the connotations of an imposed settlement which would be associated with a referendum on an FD based package. However, even if a majority of voters opted for (ii), they would still be dependent on their political representatives to do a deal on this basis, so that in a sense we would be back to square one. In any event, it is likely that in the absence of detail on what would be involved in (ii), voters would opt for (i) or (iii) and that a (p)referendum held on this basis would simply give a polarised outcome. It would also, so far as the two Governments were concerned, involve putting the clock back by suggesting that there was an alternative to the three-stranded approach to the problem of Northern Ireland, which is the basis for the 26 March 1991 Statement, the Joint Declaration and of course the Framework Document. In addition, Nationalists would react strongly against a referendum within Northern Ireland only, with all its resonance of an internal approach to the problem. [All this said, it may still be worth examining further whether or not some variant on this approach could be helpful in any way].

7. There does not appear to be any realistic alternative to the strategy outlined at paragraph 4 for dealing with a talks failure. While Mary Holland has suggested (Irish Times of 8 August, 1996) that Drumcree and Derry have brought repartition, in the shape of cantonisation, back onto the political agenda, this hardly constitutes a realistic alternative. Dr. Maurice Hayes has set out very forcefully the argument against cantonisation (Irish Independent of 22 August, 1996), which is worth stating in full:

"This is shorthand for abandoning human rights and conceding that each lot is free to kick its own minority. In an area where there are very few ethnically pure districts it is a recipe for ethnic cleansing. Where would that leave the Catholic population in Belfast?"

Furthermore, people who have been fighting for a 32-county Republic are hardly likely to be satisfied with 29½ counties. And a population which was chronically and paranoiacally insecure in a six county area are unlikely to feel more secure in two and a half.

Cantonisation works in its native Switzerland perhaps because there are Alps between the cantons. In Northern Ireland it would be a recipe for going downhill very fast in a grand slalom".

While Dr. Hayes may have overstated the case somewhat, the arguments against cantonisation nevertheless appears to be very compelling - not to say, conclusive. They include the following:

- \* that Nationalists and Republicans would be likely to view such a project as spelling the end to any prospect of eventual Irish unity, given that cantonisation would institutionalise existing divisions.
- \* that conversely, Unionists and Loyalists could see it as a further step on the way to British disengagement and ultimate withdrawal.
- \* that there would be considerable practical difficulty in applying the idea to Belfast.
- \* that it would be impossible to draw boundaries in a way which would result in totally homogenised cantons; and that it would be very difficult to secure cross-community consent to cantons which would put one or other community in a minority position - especially if there was any prospect of the cantonisation of policing and justice.
- \* that cantonisation would very likely lead to population outflows by those who found themselves in a minority position.
- \* that there would be a danger that paramilitaries would be tempted to seize territory by force to influence the shape of cantonisation.
- \* that the British Government might well insist on the Irish Government undertaking at least a share of the burden of subventing Nationalist cantons.

While there might be some superficial attraction in the idea of using the threat of cantonisation/repartition to pressurise both Nationalist and Unionists into compromising on an FD based solution, it would hardly be credible for the Governments to lend any support to a concept which is the antithesis of pluralism and the broad-based three-stranded approach. It would also be wholly irresponsible to float an idea against which the paramilitaries of both sides - if they took it seriously - would be likely to react violently.

Simon Hare  
Department of the Taoiseach