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26 November 1996

Mr Sean O hUiginn
Second Secretary
Anglo-Irish Division
Department of Foreign Affairs

~~Secretary~~

You may wish to note - I had
repeated earlier in this dinner with

L. O'Neil,

S. Han

(28)

Dear Second Secretary

Conversation with John Chilcot

Sir John Chilcot, the Permanent Under-Secretary at the NIO, was our guest for dinner in the Secretariat last night.

In the course of an essentially social occasion, a number of points of interest arose which are worth recording.

The Prime Minister's statement

- We suggested to Chilcot that the draft forwarded last Friday, in relation to which there had been contact between the Taoiseach and the Prime Minister on Saturday, might not succeed in closing the gap between the British Government and Sinn Féin.
- In particular, the text continued to emit a strong flavour of a probationary period which the Republican movement would have to sustain following a restored ceasefire and which would leave very considerable discretion to the British Government ("convincingly unequivocal", "sufficient time", etc). We did not see how Sinn Féin, from our knowledge of their position, could be brought to accept entry terms of this kind.
- Chilcot readily acknowledged that the gap might be unbridgeable. He emphasised the size of the effort made by both Governments over recent weeks to meet Sinn Féin concerns on the text. However, the British Government had a political need to avoid

any suggestion of "moral equivalence" between a party which had not yet renounced support for terrorist violence and the "democratic parties". Some distinction had to be preserved in the latter's favour.

- The Prime Minister, Chilcot continued, felt that he had spent long enough trying to achieve a text which Sinn Féin could support but which would not at the same time alienate his Conservative colleagues and the Unionists. He felt it was time to put forward his best judgement in this regard - and was, in any event, under mounting political pressure to do so. Chilcot represented the Prime Minister's concern to go ahead over the next few days as "basically a political call".
- He would be doing so against a background of continuing hard intelligence, which they had shared with us, about IRA plans for a renewed terrorist campaign (targeting of senior security figures etc). This clearly fuelled suspicions that any ceasefire which might now be declared would have a purely tactical purpose.
- We made the obvious points about the importance of any text which emerged being one which would have the desired effect on the Republican movement. If there were significant doubts on this score, as we had clearly signalled, the text should be looked at again. A very limited opportunity existed to achieve a restored ceasefire via a statement of this kind. If this exercise were to be brought to an end prematurely, the result could be a resumption of full-scale IRA violence, with the attendant likelihood of a collapse of the Loyalist ceasefire.
- Chilcot accepted that the latest British text was indeed unlikely to have the desired effect. He was less certain, however, about full-scale violence resulting from its rejection. He thought it more likely that the IRA would keep their options open by going for a limited campaign in the short term and awaiting more propitious circumstances for Sinn Féin's participation in talks (such as a future British Government, whether Labour or Conservative, with a strong majority).
- As to timing, Chilcot hinted that the statement might be made on Thursday (with the Prime Minister briefing colleagues on the margins of the regular Cabinet meeting).
- He made clear his appreciation for the efforts which we had made, and were continuing to make, to bring Sinn Féin on board (notwithstanding the limitations of

the text from the latter's perspective). He described the process in terms of two pieces of cloth which almost fitted together, but not quite ("the difference may not seem enormous but it runs deep").

Talks

- We rehearsed the points made on a number of occasions about the deficiencies of the approach signalled in the recent British paper.
- Chilcot, who underlined his own relative detachment from the talks (where he is not a regular attendee), did not mount a particularly strenuous defence of this paper. He agreed that the talks were effectively on hold pending the outcome of the initiative referred to above.
- In more general terms, he looked ahead to the situation following a possible collapse of the present talks and wondered whether, given that this would be the third successive talks process to run into the sand (beginning in 1991), some alternative approaches should be canvassed with a view to averting a political vacuum in the short to medium term.
- The two ideas which he threw out on a personal basis did not come as a particular surprise. First, he suggested that the Molyneaux approach of building consensus "from the bottom up" through the development of new local government structures might be revisited. Second, he saw value in a possible widening of the current process to include representatives of the "civic society" of Northern Ireland as mediated, for example, through the Opsahl Commission. The Forum was in principle designed to facilitate such an input but had manifestly failed in this role.
- We responded sceptically to the former idea, noting long-standing nationalist opposition to an enhancement of local government and questioning its relevance to the search for a stable accommodation which would safeguard the interests of the minority. We saw some value in finding ways of incorporating the constructive elements identified by Opsahl (as had happened, for example, with the success of the NIWC). We suggested, however, that democratic mandates would have to remain paramount and that the involvement of non-elected groups would have to be clearly

an adjunct to, rather than a substitute for, the political process.

- We also emphasised the overriding importance of the two Governments taking the lead in any alternative approaches which might be considered. Chilcot agreed that this was common ground between us but warned against any impression of the two Governments imposing a solution over the heads of the parties.

Future Labour Government

- Chilcot commented on the impressive preparations which Labour's front-bench team on Northern Ireland appear to be making for a possible Labour Government following the next election (a far higher level of detail and commitment in their "shadowing" of Sir Patrick Mayhew and his colleagues than anything he has experienced from aspirant Labour Governments before).
- He expects that, to keep himself free for the inevitable imbroglios over Europe and Scottish devolution in the early part of his administration, Tony Blair will delegate as much as possible of his Northern Ireland policy to Mo Mowlam as Secretary of State. We commented that John Major's "hands-on" involvement in the peace process had been crucial to the success of the latter and that the personal commitment of his successor would be no less important for future policy initiatives by the two Governments.
- Chilcot thought it likely that an incoming Labour Government would move early on to incorporate the European Convention on Human Rights in British law. There could be, in addition, an instrument applying these safeguards specifically to Northern Ireland in the form of a Bill of Rights - which, we both agreed, would be a useful means of addressing a possible political vacuum.

Decommissioning Legislation

- Chilcot confirmed that the British Government intend to introduce their decommissioning legislation (the subject of a letter he had sent yesterday to Secretary Dalton) by the end of this week or the beginning of next week.

- The first debate (the Second Reading stage) would take place probably in the week beginning 9 December (two weekends after tabling of the Bill). The Committee stage would be reached in mid-January (Parliament resumes on 16 January).

Life sentence review

- Chilcot (who is Chairman of the Life Sentence Review Board here) referred in very disparaging terms to the recent proposals by Andrew Hunter for accelerated release for Loyalist prisoners. He found it hard to understand how Hunter would have run publicly with proposals which, his contacts with Ministers and officials must have told him, were unworkable. The Loyalists prisoners themselves, Chilcot noted, were not seeking a separate regime and the basis for the whole initiative was puzzling.

Unionist voting intentions

- Chilcot speculated that the Unionists would withhold support for the British Government in the special debate on EMU which has been agreed for the week after next. (As against this, Michael Ancram told us today that there would not necessarily be a vote to conclude this debate; the Embassy in London will no doubt be able to advise further).
- He also suggested that, as the Tories have slightly improved their standing in the polls, Labour may now have a greater interest in foreshortening the period between now and the election - and would, therefore, be more interested than before in enlisting the Unionists to help to bring down the Government on a confidence vote.

Yours sincerely

David Donoghue
Joint Secretary