



# An Chartlann Náisiúnta National Archives

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AMBASÁID NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

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Mansergh & Dalton;  
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19 December 1997

Mr. Dermot Gallagher  
Second Secretary  
Anglo-Irish Division  
Department of Foreign Affairs

*ce mhíne r. oifige, be  
Note: stay hear room particularly  
close to claimant thinking and is  
an unhelpful and negative  
influence in the NIO.*

Dear Secretary,

**Conversation with Mr. Jonathan Stephens, Associate Political Director, NIO**

Jonathan Stephens, a long-standing contact, invited me to lunch yesterday.

**Unionist fears**

Stephens gave me his assessment of the past week in Belfast. In doing so, he emphasised that he was analysing Unionist attitudes, not those of the British government. Stephen feels that the obviously successful meetings of the Taoiseach with the Prime Minister and the President of the United States brought to the surface Unionist fears of coming under concerted pressure from the two governments. This came on top of Unionist dissatisfaction with our handling of Sinn Fein the previous week. The UUP consider that in their direct dealings with the SDLP and in their willingness to make at least some amendments to accommodate Sinn Fein, they proved their willingness to do business. In their own estimation they could afford to take a tough line on the formats question, which in all the circumstances is what they decided to do.

I pointed out that others have a different perception of this week's events. With a view to our meeting with the British side early in January, I probed Stephens about what, in his view, should happen next.



**The period from 12 January**

Stephens said that the fear of being overridden by the two governments, with the Americans in the background, is likely to influence Unionist behaviour in the New Year. One consequence of this is that they will almost certainly continue to resist a shift in the location for the talks, including the move to London on 26 January. Another consequence, according to Stephens, is that the Unionists are unlikely to want to reconstitute the "leaders' group". From their point of view, the remit of the group, covering all three strands, is too open.

*Not what  
I think  
is going  
to happen  
by us*

I said that in our view the move to London and Dublin has already been agreed. I asked Stephens how he sees progress being made.

Stephens, putting forward "one possible scenario", suggested that the parties will need to have an overview of the issues and of the shape of a settlement if they are to engage in detailed drafting. He suggested that the two governments will have the key role, perhaps in conjunction with the chairman, in providing this overview, although for tactical reasons they may not wish to take a single, high-profile initiative.

*discussions,  
if separate  
before*

I tried to draw Stephens out on when and how an "overview" could enter the public domain. In his responses he was deliberately vague. He referred to our own bilateral relationship with the UUP, which he said we would presumably replicate in relation to other parties. He mentioned that the so-called "heads of agreement" paper which emerged from the Liaison Committee on 5 December could prove useful. Between this paper and what the British themselves have been discussing with the Unionists, there is much common ground. Finally, Stephens seemed to imply that Senator Mitchell might do more to establish the parameters of discussion.

*has been  
revised,  
& will  
lead  
further  
work.*

*agreed*

Assuming that the need for a shared overview of the issues can be met. I asked Stephens how he would see the negotiations proceeding.

Stephens suggested that in the week beginning 19 January, and for a few weeks thereafter, there might be an agreement, arrived at in the Business Committee, to focus on Strand Two issues. If necessary occasional meetings on other subjects might also be convened.

From a Unionist point of view, according to Stephens, the advantage of this would be to put off any reconvening of the "leaders' group". From Sinn Fein's point of view, the advantage would be that hard decisions on a Northern Ireland Assembly could be postponed until the likely outcome on North-South issues is in sight. Stephens assumes that under the general heading of Strand Two, progress would be made on East-West and constitutional issues. The main difficulty with the approach suggested, he said, is that the Unionists will require strong private assurances from the SDLP and ourselves that a Northern Ireland Assembly will ultimately emerge out of Strand One.

### **The Republican movement**

Stephens asked me whether in my view the Republican movement is likely to support a settlement. He offered the personal view that this is a more black and white question than we sometimes suppose. The option of "acquiescing" in a settlement admitted to be unsatisfactory may prove too nuanced for the Sinn Féin leadership to carry off successfully.

I said that from talking to Republican prisoners, my impression is that their great fear is of being trapped or deceived. The first requirement is to show that their ceasefire has led to a serious political engagement with the British government and other parties. It must be made clear that there is no basis for their suspicion that the security establishment is using, e.g., prisoners issues to destabilize the Republican movement.

On the longer term political issue, I suggested that two grounds for optimism are that (a) the IRA is a disciplined organisation and (b) the leadership presumably regards the Framework Document as a yardstick of what is achievable in the talks.

This led to a discussion on North-South co-operation, the concept of balanced constitutional change, East-West issues, policing, and prisoners.

### **The North-South relationship**

Stephens was hopeful that common ground can be found between Nationalists and Unionists on North-South issues, using European examples as a springboard. Stephens said that Unionists would be wary of (a) an "override facility" for the two governments in the event of policy differences between North and South and (b) a European-style Commission.

I underlined the centrality of the North-South issue for Nationalists. Executive powers and where necessary the establishment of agencies with specialised functions, must be part of the solution.

### **Balanced constitutional change**

Stephens said that Trimble has already agreed to the repeal of section seventy five of the 1920 Government of Ireland Act. The British are also willing to embody in legislation the "positive" as well as the "negative" implications of the principle of consent. He asked me whether in my view "balance" requires any further steps.

I observed that the Framework Document (paragraph 20, etc) implies that the British government will make commitments on parity of esteem going beyond a simple recognition of two constitutional options.



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*weak word*

Stephens, not disputing this, wondered whether the quality of the settlement as a whole, including cross community participation in Northern Ireland institutions, a North-South dimension and rights legislation of different kinds, might in combination fulfill the requirements of the Framework Document. In a speculative way, Stephens wondered whether the introduction of the sufficient consensus rule into the decision making procedures of the assembly and its executive could be a way of ensuring that the Nationalist identity is recognised in the governance of Northern Ireland.

Stephens expressed the hope that on the Irish side we would do enough in terms of constitutional change to enable Trimble to argue that the "constitutional imperative" has been removed. Stephens made the particular point that the new agreement should be subscribed to by the "government of Ireland" and the "government of the United Kingdom of Great Britain and Northern Ireland", an outcome which it was not possible to achieve at the time of the Anglo-Irish Agreement. Stephens claimed that this is implicit in paragraph 21 of the Framework Document.

I said that the same section of the Framework Document refers to the "special position" of Northern Ireland.

### East-West issues

*?*

Stephens said that his preliminary thinking is that a settlement will bring into being two secretariats, one for North-South issues, and one for East-West issues including intergovernmental co-operation on Northern Ireland. The advantage of merging Maryfield with an East-West secretariat is that it will help the two governments to retain an element of oversight and primacy in any arrangements involving Scotland and Wales.

*why*

While the North-South secretariat would ideally be at a single location, an obvious compromise would be "bi-location" on the European model. Stephens seemed to envisage that Maryfield will remain in existence as a component of an East-West secretariat largely based elsewhere.

### Policing

Stephens acknowledged that the policing item is so far very undeveloped in the negotiations. He referred to firm indications from Scamus Mallon that it will need to be addressed.

In a spirit of brainstorming between non-experts, we discussed regionalisation, the centralisation of certain functions, the North-South dimension, and possible arrangements for the recruitment of new (Catholic and Nationalist) members to the police.

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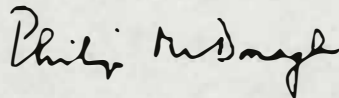
Stephens demonstrated open-mindedness in this discussion. He remarked, however, that other colleagues in the NIO have the leading role on policing issues and that the possibility of a large-scale return to violence is an important factor in their thinking.

**Prisoners**

Stephens did not dispute my view that the two governments should do everything possible short of undermining the rule of law to build confidence on prisoners issues.

We discussed the options open to the Home Secretary on the McAliskey case. Although Stephens was correct in his responses, the mention of Ms. McAliskey cause him to bridle as no other issue had done in the course of a two hour discussion.

Yours sincerely,



Philip McDonagh  
Counsellor