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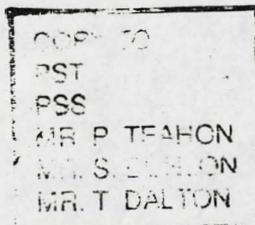


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4 September 1996

Mr. Seán Ó hUiginn  
Second Secretary  
Anglo-Irish Division  
Department of Foreign Affairs  
St. Stephen's Green  
Dublin 2



Dear Secretary,

Conversation with Nigel Warner of Mo Mowlam's office

I met with Nigel Warner, Mo Mowlam's advisor, for two hours yesterday morning and had a further conversation with him later in the day about the Secretary of State's article in the Belfast Telegraph. The following are the main points which arose.

Labour policy: Mowlam's interview with Barry White

Warner said that Mowlam's thinking on the political process could be summed up in two points:

- \* consent will remain a principle
- \* there must be significant change: the status quo is not an option

The main point of Mowlam's interview on Monday was to underline the second of these points. Warner reiterated that change to the constitution of Northern Ireland will form part of a settlement.

A second general theme of Warner's was that under a Labour government "confidence-building", in such areas as the economy, policing, fair employment, and the protection of rights, will be pursued in parallel to the search for a comprehensive settlement. Confidence-building and political negotiations can reinforce one another.

I said that it will be important to avoid any suggestion that a programme of piecemeal reform can in some sense substitute for a political settlement. Warner fully agreed with this. He insisted that change in particular areas can prepare the ground for the overall political change which is required.

A third general theme of Warner's was "the first 100 days". He surmised that Mowlam has borrowed this term from American politics. If Labour is elected, Mowlam will want to demonstrate quickly that Labour will make a difference.

### Cantonisation

In response to a question from Warner, I said that the one puzzling aspect of Mowlam's interview was her statement that she has not been involved personally in any discussion on "cantonisation". Did this imply a reluctance to distance herself completely from such ideas? I said that "cantonisation" is very remote from the thinking of the Irish Government. My own feelings centred on three points:

- \* most of the European experience suggests that the creation of new enclaves as the means of dealing with communal divisions permits the same divisions to re-arise within or between the entities thus created
- \* cantonisation would put the transfer of populations on the political agenda
- \* any move toward repartition would be widely seen as an act of cynicism on the part of the British Government.

Warner was adamant that he personally has had no discussions with anyone about cantonisation. He would see any such initiative on the part of a Labour Government as "completely wrong, a disaster". He asked me to convey to Dublin that recent media reports to the effect that cantonisation is being considered by the Labour Party are without foundation.

**Comment:** cantonisation was mentioned in an article by Mary Holland on 8 August, in a Daily Telegraph editorial on 9 August and most notably, in a piece

in the Observer on 11 August by Patrick Wintour, who is close to the the Labour leadership. Ideas of similar kind were mentioned to me by Mayhew's advisor, David Campbell Bannerman, at the end of June. It seems likely, therefore, that ideas of this kind have been considered at least in a speculative or theoretical way, in some Labour Party circles. However, Warner's strong reaction convinces me that Mowlam has distanced herself clearly from the cantonisation/repartition option.

Parades Review

Warner said the Labour will be making a submission to the Independent Review. He implied that he himself will prepare the first draft. He is in contact with the SDLP, who have established a working group on the subject, and with a group at Queen's University. He also spoke of a paper by Tom Hadden, which I took it has been commissioned by the Labour Party.

Warner's preliminary thinking is that the review should try to define a middle ground between two opposite points of view, namely:

- \* the Unionist sentiment that there is a right to march and demonstrate
- \* the Nationalist sentiment that parades require local consent.

The way through the difficulty would be a form of adjudication provided by the Courts. Two very loose analogies might be the planning laws and the English divorce law. There should be advance notification of marches, mediation, and ultimately arbitration. The goal would be to protect the traditional practice of marching but under strict conditions. Those conditions would concern in the first instance the conduct of marches and demonstrations but could also affect routing.

I said that what was missing from this analysis was a general legal requirement binding on the organisers of demonstrations to avoid provocation and incitement. Certain aspects of the traditional marches and their associated activities are in themselves provocative. The curtailment of such behaviour should not be contingent on the organised opposition of residents, nor should there be an onus of proof on residents, based on considerations of public security, once the mediation process begins.

I said that the idea of advance notification of parades reminded me of military confidence building at the international level. One of the lessons of military confidence building is that much depends on the length of notification provided

and on the content of such notification. In the present case, for example, if the mediation process is to depend like a planning process on local consultation, there should be an onus on the organisers of parades to give lengthy notice, to describe the scale of the proposed event, and specify whether other than local elements are to be involved. I drew Warner's attention to the role that could be played by financial bonds.

In response to a question from me Warner insisted that arbitration through the Courts, building on principles that are already implicit in the law, has a stronger chance of being effective than arbitration based on an independent commission which unlike the Courts could to a degree be second-guessed by parades organisers.

In response to a further question, Warner said that Labour would strongly insist that new legislation, and the mechanisms deriving from it, should be fully in place before the next marching season. As the legislation would take the form of an amendment to the Public Order Order and would not require primary legislation, there should be little difficulty in rapidly implementing the conclusions of the independent review.

I said that the Taoiseach has drawn attention to the useful precedent in South Africa. Warner said that he hopes to be in touch with a member of the Goldstone Commission. He adverted, however, to legal advice to the effect that sectarian demonstrations are difficult to disentangle from other more conventional forms of assembly and that a too restrictive approach could run into difficulty under the European Convention on Human Rights.

I sought to convey my sense that there is a fundamental human reality at stake when flags are burned or when drums are beaten outside churches four times in a day and that this reality must be addressed.

The Northern Ireland Economy

Warner said that he is working on a paper on economic issues for Mowlam.

Speaking with circumspectness, he said that the Thatcherite revolution was never allowed to touch Northern Ireland and that public expenditure has been allowed to remain at an artificially high level for the sake of the peace process. If political progress is made, it is conceivable that "in 1998 or 2000" Gordon Brown as Chancellor will want to look at the level of subsidy in Northern Ireland. Warner put the "subsidy" at £3.5 billion.

A second, but implicitly related, theme mentioned by Warner was that Unionists have been fearful in the past that their standard of living would be threatened by any change in the political position. This is an unrealistic fear. Quigley and other important businessmen have argued on the contrary in meetings with Mowlam that the only way for Northern Ireland business to establish a basis for growth is to strengthen its links to the South. The progressive approximation of living standards North and South is also a positive factor in the political equation. Labour in government will encourage North South co-operation.

#### Loyalists at the talks

Mowlam's view according to Warner is that the Loyalists should be given the benefit of the doubt for as long as possible so as to ensure their continuing presence at the talks.

#### Symbolic actions

Warner said that Mowlam is deeply conscious of Britain's historic guilt in Ireland and has been considering, for example, whether she should "apologise for the Famine". On the other hand, the example of De Klerk and others suggests that once an apology is couched in the necessary diplomatic language or becomes an object of negotiation, it loses much of its force and dignity.

Warner wondered whether there are symbolic actions which Mowlam could undertake early in her period of office which would convey a change of heart on the British side but would also steer clear of controversy and be accepted as forward-looking. Are there particular places to visit or historical figures to commemorate?

In a preliminary way I mentioned, as a place, the Famine Museum in Strokestown. As historical figures I mentioned Mary Ann McCracken, in her capacity as social reformer, and Michael Davitt as an early supporter of the Labour Party and an advocate of prison reform. I undertook to reflect further.

#### Mayhew's interview

Later yesterday, Warner consulted me on Mayhew's interview in the Belfast Telegraph.

I made a number of points based on the Joint Secretary's report from Maryfield.

Warner's analysis is that

- \* the Unionist-orientated description of the political negotiations is designed to support David Irvine and other moderate Loyalist leaders in their present internal struggle
- \* the absence of the traditional emphasis on decommissioning represents a step forward by the British Government.

It seems that Mayhew's article is to appear in a longer form before the end of the week in a London newspaper, possible the Times.

Yours sincerely,

*Philip McDonagh*

Philip McDonagh  
Counsellor