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9 December 1998

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

*Counsellors A1**cc 127; Powell; Powell
Pete; And W; S; 6 Dec*

25A. 74

Dear Secretary,

Conversation with Seamus Mallon

Seamus Mallon contacted me yesterday to suggest meeting for lunch after his appointment in Downing Street at 11.00 am this morning.

Discussion with the Prime Minister

Seamus said that in the early hours of last Thursday, while he and Blair were meeting, Jonathan Powell entered the room with news of a fresh Unionist reaction to the proposals put together earlier in the evening. Blair reacted in very strong terms. At today's meeting, Seamus began by asking Blair for confirmation of the British understanding of last week's events. Blair agreed with Seamus that "we had an agreement" and that if six rather than eight bodies had been in question on Wednesday night, the SDLP would have negotiated much harder on its top three. Seamus expressed satisfaction with Blair's clear position on this point and suggested that some of the UUP statements on the subject could only be described as "lies".

Blair asked Seamus whether it would be useful for British officials to produce a new paper drawing together the various positions on implementing bodies. Seamus responded by describing briefly the state of play in each subject area. He argued that the present divergence between the parties would not be overcome by

/ splitting the difference yet again.

Blair then asked Seamus for his reaction to a possible two-stage process for the establishment of implementing bodies. Six bodies would begin to operate at the moment of devolution and there would be an agreement that a further four would come into existence later. Seamus responded to Blair that he could not countenance an approach of this kind if the second stage is to depend on legislation in the Assembly. The current poor state of relations between the SDLP and the UUP gives additional weight to this consideration. If, on the other hand, the Dail and Westminster were to legislate now for the coming into being at a second stage of four additional bodies, the two-stage approach might be of some interest. Seamus did not object to Blair making soundings with the Unionists on this basis. In what Seamus described as the only procedural step agreed at this morning's meeting, Blair said he would follow up on this - but added that he was very doubtful that the Unionists would accept six plus four even in the stronger version of the proposal - involving the Assembly - that Seamus was rejecting.

I asked Seamus whether there was any indication from Blair which bodies would be relegated to the second stage. Seamus said that this was not mentioned. But if the SDLP's preferred four bodies are included in the initial six, the Unionists will inevitably seek to delay the Irish language body to stage two.

Blair said that he is willing to become directly involved in the negotiations yet again over the next few days. The only constraint he mentioned to Seamus was the pressure on his time. He seemed to assume that his further direct involvement in the negotiations would be concerted with the Taoiseach.

// Blair seemed to Seamus "almost obsessed" with the subject of decommissioning, to which a large part of the meeting was devoted. The discussion was on general lines. Blair did not seem to have received any positive indications from Martin McGuinness at their meeting earlier in the morning ("if he did, he wasn't telling me"). Blair referred to this afternoon's decommissioning debate in the House of Commons instigated by the Conservative Party. He observed that the release of paramilitary prisoners in the absence of movement on decommissioning is the single issue on which his government is most vulnerable in terms of British public opinion.

Blair alluded favourably to Seamus's party conference speech and the idea that under certain circumstance the SDLP might countenance expelling Sinn Fein from the Executive. Blair said that for an approach of this kind to work, it would be

necessary to set "a target date," possibly a date subsequent to the formation of the Executive. To me Seamus described this as an "ante-condition" as opposed to a "pre-condition". He said that he had indicated to Blair that if Sinn Fein could be persuaded to agree to a target date, the SDLP would be very satisfied and would fulfil its responsibilities. But Seamus also indicated to Blair that the Agreement does not provide for such an "ante-condition". Sinn Fein "have us all there".

The way forward

Seamus said that our immediate goal should be to agree by Tuesday both the implementing bodies and the ten Northern Ireland departments. Unfortunately the odds are against this, Trimble being away. Seamus has written to Trimble this morning, care of his office at Stormont, to underline that the SDLP is available, and has been available since Monday, for further detailed negotiations. This is a point that is important for the record. In Seamus's judgement, the only hope for an agreement by early next week is a very intensive day's work on Monday in which both the Taoiseach and the Prime Minister become involved.

The institutions should be in place by the first anniversary of the Agreement at the outside. It will be dangerous if we pass the "period of the anniversary" with nothing in place - "without a stick of furniture in the house". The legislation on the implementing bodies will need to be approached with considerable urgency.

Northern Ireland departments

Seamus said that the ten departments he has in mind include the six existing departments, a new subdivision of environment, arts and culture, training and employment, and social inclusion. Sinn Fein are complicating the debate by demanding a Department of Equality and making direct linkages between the configuration of the departments and the establishment of North-South bodies. (Seamus implied, I thought, that Sinn Fein's interest in an Irish language body is based on a linkage of this kind.) At present, it is envisaged that equality will be the responsibility of a junior minister answering to the First Minister and the Deputy First Minister. One could only contemplate a separate Department of Equality if it were clear that it would be held neither by the DUP nor Sinn Fein. In a rational world, an informal agreement could be contemplated on how the parties will exercise their choices under D'Hondt. But the present atmosphere among the parties makes such an understanding impossible.

The threat of a return to violence

Seamus said that according to his information there are worrying signs of restlessness among the Loyalist paramilitaries. These reports concern primarily the UDA, where Gary McMichael's influence is weakening. As to motives, it is not necessary to look further than the psychopathic tendencies of some of those concerned and the additional factor (possibly) of the release from prison of leadership figures such as Adair. Even if the Provisional IRA has no intention of returning to violence, a couple of Loyalist killings, for example over Christmas, could produce an "uncontrollable situation".

The state of play in the UUP

I asked Seamus about the internal dynamics of the UUP. He said that he finds it difficult to make an assessment, but that it is probably not a case of Trimble versus Taylor, or the leadership versus the party in the Assembly. It is difficult to avoid asking questions about David Trimble's leadership qualities and the clarity of his vision of the future. Trimble and the UUP do not seem to appreciate that the SDLP must be accommodated. The SDLP can no more sign up to a UUP agenda than it can allow itself to be taken hostage by Sinn Fein.

Policing

Seamus has had more than one meeting with Chris Patten. He intends to reserve judgement on the Patten Commission until their report is published. He assumes that the RUC will not be disbanded but "fundamentally reformed". This will involve measures in the fields of training, recruitment, and the use of symbols. It will also involve regionalisation. But even far-reaching reforms are unlikely to satisfy every constituency (this I took to be a reference to the Republican movement or elements of it).

The state of British politics

We discussed the very tough political agenda taken on by Tony Blair, including Ireland, Scotland, Wales, a London Mayor, constitutional reform, Europe and the single currency, electoral reform, welfare reform, and Iraq. I suggested that because of the weight of this agenda, Blair presumably wants things to settle down

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as soon as possible in the North. Seamus agreed with this, and suggested that in a difficult general context, Blair will regard his relationship with the Taoiseach as his primary asset in dealing with Northern Ireland.

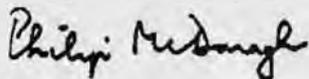
Overall conclusions

I asked Seamus whether his acquiescence in a further exploration of the "six plus four" approach to implementing bodies implies that this is the solution that we and the SDLP should in his estimation aim for. Seamus said no. A two-stage approach might be acceptable on the basis that the legislation covering both stages is put through the Dail and Westminster before devolution happens. But our best option is to press for a single package involving seven or eight implementing bodies from the outset. Seamus expressed the view that if we, the Irish government, "place ourselves in pole position", and work closely with the SDLP, we have a genuine prospect of winning through on this point.

On decommissioning, Seamus is firmly of the view that the Republican movement must give some ground. This could take the form of accepting the "ante-condition" mentioned above. The most promising avenue to progress would be for the parties to agree early next week on the implementing bodies and the ten departments and then "to turn all our guns on Sinn Fein".

Overall, I found Seamus distinctly anxious about the potential for things to go wrong. He is not confident about an agreement next week. He is uncertain about IRA intentions on decommissioning. He foresees delays and complications in the legislation concerning North-South. He is fearful of the consequences of a continuing political vacuum, in particular if it extends beyond the first anniversary of the Agreement and Loyalist elements engage in provocative acts of violence.

Yours sincerely,



Philip McDonagh
Counsellor