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TAOISEACH,
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Mrs. Nolan
24/3

22 March 1996

Sean O hUiginn
Second Secretary
Anglo-Irish Division
HQ

COPY TO	48
PST	25
PSS	3
MR. P TEAHON	
MR. S DONLON	
MR. T DALTON	

Dear Secretary

Conversations with Seamus Mallon and John Hume

I met Seamus Mallon for breakfast this morning at the Tara Hotel. When Seamus left for the airport, I bumped into John and Pat Hume, and had a further conversation with them. I set out my impressions in what follows.

Seamus Mallon was dejected and saying little. He sees yesterday's events as on a par with the events of 24 January, when Major gave his response to the report of the Independent Body. Mallon is convinced that the SDLP has suffered a heavy defeat.

In the course of conversation Mallon elaborated on his feelings as follows:

- * paragraph 9 of the 28 February communique specified that an elective process should be "broadly acceptable". The formula announced yesterday is not acceptable to the SDLP
- * the Army Council of the IRA, who are likely to think "tactically", will not regard yesterday's announcement as an adequate basis on which to restore the ceasefire
- * most fundamentally of all, the events of yesterday augur badly for all party negotiations. If the combined weight of the Irish Government, the British Labour Party, and President Clinton was unable to ensure a reasonable outcome on the elections issue, how can the SDLP expect all-party negotiations to produce a balanced outcome?

Mallon said that he "will have nothing to do with the Forum". He also said that he is "strongly tempted" to stay out of the elections.

Comment: Mallon's very despondency about the likely course of negotiations left me with the impression that he expects the SDLP to take part.

John Hume spoke in terms very similar to Mallon, repeating arguments he had put to Ambassador Barrington and me at the House of Commons yesterday afternoon. Like Mallon, Hume conveyed the impression that the SDLP will stay away from the Forum but might take part in the elections. Hume especially emphasised two points:

- * *on returning yesterday from the United States he was very hopeful that the ceasefire would be restored "within ten days". That is now very unlikely. In the interests of lasting peace, he, Hume, has been talking to Adams and asking himself how "hardliners in the IRA" would be likely to think. But the two Governments operate at a different level and have a different perspective*
- * *the fundamental problem about the package announced by Major yesterday is that the Forum will be exploited by Trimble to block political progress. Trimble is "very intelligent". He will know how to exploit the Unionist majority in the Forum to "pass resolutions" and set conditions.*

With both Seamus Mallon and John and Pat Hume, I advanced an argument based on the following main ideas:

- * *given Prime Minister Major's mistake on 24 January, it was never likely that the British Government would abandon either the election or the creation of some sort of an elected body. It is a significant achievement for the Irish Government and the SDLP that we now have a fixed date for all-party negotiations, a Forum that is precluded from intervening in the negotiations and must operate by consensus, and if all goes well ground-rules for the negotiations which respect our analysis based on the existence of two traditions and the need for a three-stranded approach*

- * *obviously the SDLP faces an up-hill task in the negotiations. But has this not been the case for 25 years? Is it not always the case for those who pursue justice by peaceful means? The SDLP should take courage from the knowledge that the type of accommodation it is seeking is understood and supported by the Irish Government, the British Labour Party, American and*

As a matter of fact, this is no threat to the SDLP at all.

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international opinion, and - via the Framework Document - the progressive element within the British Government

- * *the role of the Irish Government in the negotiation of a settlement is more widely accepted in Britain than ever before, a negotiating achievement which the SDLP should welcome*
- * *It is understood subconsciously by the British Government and consciously by the British Labour Party that the SDLP has been roughly treated in the interests of securing Unionist engagement with the process. In that sense the SDLP is owed a "debt" which can be called in if it acts judiciously. In this context I mentioned that Blair's office phoned me last night to say that Blair was put in a difficult position by the Prime Minister's initiative and that a particular effort must be made to reassure the SDLP.*

With both Mallon and Hume, but especially with Mallon, with whom I had more time, I went over a number of issues which I suggested on a personal basis they might wish to pursue.

Referendum

I pointed out that Major made it clear in the House of Commons that his mind is still partly open on a referendum, on which Mallon asked the first of his three questions yesterday.

Transition from elections to negotiations

The transition to negotiations was the second issue raised by Mallon yesterday. I suggested that Major made it clear both in his answers and in the written memorandum that the transition to negotiations will be automatic.

Ground rules

The third of Seamus Mallon's questions yesterday concerned the ground rules for negotiations. I offered an optimistic interpretation of Major's comments yesterday. Since the Prime Minister had emphasised that the SDLP would be among the parties consulted, and that he was seeking a consensus "if possible", there was an implication that a firm SDLP/Irish Government position would offset Unionist attempts to change the ground rules paper.

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Agenda for all-party negotiations

I argued that the 28 February communique and the ground-rules paper offer the SDLP considerable scope to define the confidence-building items on the agenda for all-party negotiations. On this issue, as well as on the "choreography" on decommissioning, the general sympathy for the SDLP in the wake of yesterday puts them in a strong position.

British legislation

I expressed confidence, in the light of conversations with both Blair's and Mowlam's staff, and the conversation which the Ambassador and I had yesterday afternoon with Mowlam's Deputy Tony Worthington, that the Labour Party will be open to supporting particular points or amendments put forward by the SDLP during the debate on the new legislation. I added that we know from Labour sources that the legislative process is to be spread out over two weeks from 17 April, which should give sufficient time for the framing of amendments.

On this point, Mallon conceded that the SDLP could be expected to play a prominent role in the House of Commons.

Comment: while I did not suggest so to either Mallon or Hume, it strikes me that the status within the Forum of the extra 20 seats could be reduced in some way so as to alter the impression that the Unionist majority within the Forum is being artificially magnified at the initiative of the British Government.

The Forum

I argued that with careful handling by the SDLP the abuse of the Forum by a Unionist majority could be avoided.

The Forum is not to be allowed to intervene in the negotiations. Could this principle be copperfastened by agreeing rules of procedure in advance?

Could detailed terms of reference for the Forum be agreed in the legislation?

Would the SDLP be prepared to argue for an independent chairman? Clive Soley's question yesterday about the Dublin precedent, and Major's friendly

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response, suggest that the appointment of an independent chairman is an attainable goal.

What are the implications of the "broad consensus rule"? Would this alone be enough to prevent the Unionists from "passing resolutions"?

If the starting date for the Forum were, say, 17 June, would this not put pressure on the Unionists to behave reasonably on 10 June?

Would the SDLP consider raising Bertie Ahern's arguments quoted in today's Irish Times about Unionist non-participation in the Forum for Peace and Reconciliation and the British Irish Inter-Parliamentary Body?

I also acknowledged that the Nationalists have the option of refusing to participate in the Forum.

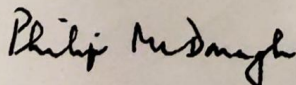
Prisons

I pointed out that John Major took a question from the Labour MP Max Madden on prisons issues immediately before his statement to the House on an elective process. This could not have been an accident. In his reply Major hinted at movement on transfers to the Republic, on the Kelly case, and on conditions at Belmarsh.

Conclusions

I tried to convey in the course of both conversations this morning the deep appreciation of Irish people for the struggle which the SDLP has carried on for 25 years, by political means, to secure justice for the minority in Northern Ireland - and indeed for Ireland. To Mallon, as an example of how the SDLP's vision has found friends in Britain, I quoted from a recent sermon in Westminster Abbey by the Abbey Dean, Michael Mayne. A copy of the Dean's sermon, sent to me privately, is attached below.

Yours sincerely



Philip McDonagh
Counsellor