

DRAFT

SECRET

Secretary,  
The Taoiseach may  
want to note,  
S. Hume 8.2.96.

**Government/SDLP Working Dinner,  
Monday, 5 February, 1996**

1. The Taoiseach, the Tánaiste and Minister for Foreign Affairs and the Minister for Social Welfare met with the SDLP Leader and Deputy Leader for a working dinner in Government Buildings on 5 February. A list of those present is attached.
  
2. The Taoiseach referred in his opening remarks to the problem created by the British Prime Minister in indicating in the House of Commons on 24 January that there were only two ways forward to all party negotiations - decommissioning or an election. The Taoiseach also emphasised the importance of a concerted approach as between the Government and the SDLP in current circumstances and of clear communication between the two for this purpose.
  
3. Mr. Hume reported on the SDLP's meeting with the Prime Minister on 30 January. The SDLP had set out very strongly their opposition to an election. Mr. Hume added that the Prime Minister had demonstrated a very serious ignorance about Northern Ireland when he said that there was no question of a return to Stormont as the Body which he envisaged would not have executive or legislative powers: when the SDLP had countered that neither the Convention nor the Prior Assembly had any such powers, the Prime Minister had seemed surprised.

4. Mr. Hume outlined some of the problems with an election. It would allow Dr. Paisley to seek a hard-line mandate; the decommissioning issue would feature centrally; and the smaller parties, especially the Loyalist Parties which had to be involved in any settlement, would be excluded.
5. Mr. Hume indicated that the SDLP had made clear at the meeting that, rather than an election, the way forward was for all parties to subscribe to the Mitchell principles as the basis for all party negotiations. Anyone using threats in the course of negotiations would be expelled. The Prime Minister had said that he was committed to a comprehensive negotiated settlement. Following further planned discussions with other parties, he would come back to the SDLP. Mr. Hume expected that a further meeting with the Prime Minister would take place this week.
6. At Mr. Hume's invitation, Mr. Mallon gave further details of the Prime Minister's thinking about an election, as outlined at their meeting. The sole purpose of the election would be to provide parties with a mandate for negotiations. The elected body would be opened by the Prime Minister and the Taoiseach. Negotiators would be appointed within a week of the elections and negotiations would begin the following week. The negotiating process could be time-limited to 1 year, in Mr. Major's view. There would be a three-Strand agenda.
7. Mr. Mallon said that the SDLP side had indicated to the Prime Minister that it was quite inadequate to talk of a three Strand agenda: any election would have to be firmly rooted in a three Strand process. The SDLP

had asked Mr. Major to come back to them on this, in writing. They had also asked for a response as to what the Prime Minister would do if Unionists were to emerge from an election campaign with a "No" mandate. Again, they had asked how Mr. Major would respond if Unionists invoked paragraph 38 of the Mitchell Report, which would allow them to control the timing and sequence of negotiations. Mr. Mallon described this paragraph as the most dangerous aspect of the Report.

8. Continuing, Mr. Mallon said that the Prime Minister had volunteered at the meeting that he was out from under Washington Three. Mr. Mallon felt, however, that there was still a danger that Washington Three would be invoked by Unionists at a time when the British Government needed their support. Mr. Major would have to indicate clearly what he would do in these circumstances. Mr. Mallon added that while Mr. Major had been very clear as to the time-scale for negotiations, he had not clarified how the two Governments would control the agenda.

9. The Tánaiste asked Messrs. Hume and Mallon for their assessment of David Trimble's intentions. Referring to the Bandon Encounter Group meeting the previous week-end, he commented that Mr. Willie Ross had said that as the largest party in Northern Ireland, the UUP would have to be represented accordingly in any negotiations. Again, Mr. Jack Allen had seemed (at the same meeting) to envisage a very long, slow process. There seemed to be none of the sense of immediacy which we needed from Unionists.

10. Mr. Hume said that he believed that Mr. Trimble's real strategy was to undermine the Anglo-Irish Agreement, in which, for the first time, the two Governments had agreed to use all their resources in the cause of peacefully resolving the problem of Northern Ireland through agreement. No Prime Minister should be put in the position, as Mr. Trimble seemed to envisage, of making a submission to a Committee, such as the proposed North/South Committee. It was for the two Governments to sort out the problem together. Mr. Trimble's aim was to put the future of Northern Ireland in the hands of an Assembly rather than the two Governments.
11. Mr. Finlay referred to the time-frame envisaged by the UUP for political progress. In a recent discussion with Mr. Ken Maginnis (at the Bandon Encounter Group?), Mr. Maginnis had spoken of elections taking place in February and negotiations in May. However, when pressed on this, he had seemed to change tack completely in saying that the legislation for elections and an amnesty etc. could not be put through the Commons before the end of May. This in effect would mean that elections could not be held till the marching season. Mr. Finlay concluded that it seemed that the UUP did not in reality contemplate holding elections this year.
12. Mr. Hume said that the SDLP shared this view. He repeated that the way forward was to fix a date for all-party negotiations; to set a time-limit for negotiations; and to secure the commitment of the parties to the Mitchell principles. The outcome of negotiations would be put to the people, so that if anyone walked out of the negotiations, they would

not be able to say that the agreement had been negotiated over the heads of the people.

13. The Tánaiste asked how this approach squared with the reality that the Prime Minister had said that there were only two ways forward - decommissioning or an election.
14. Mr. Hume commented that what had happened was that prior to Mr. Major's Commons statement, the Northern Ireland Committee had thumped the table and forced the Prime Minister to give them an election. That this was a last minute decision was confirmed by Sir John Chiliot's rubbishing of rumours about an election in a conversation which Mr. Hume had had with him (on the morning of the statement?).
15. Mr. Mallon commented that the Prime Minister had been very clever. He and his Government had got out from under Washington Three and at the same time were still in a position to invoke Washington three by proxy, through the Unionists. As well as that, they had the Mitchell principles. Mr. Mallon referred again to his concerns about paragraph 38 of the Mitchell Report, which would allow the British Government, as a party to the negotiations, to keep up the pressure on decommissioning. He concluded that, notwithstanding the hurt which Nationalists felt, it had to be conceded that Mr. Major had pulled a very clever stroke.
16. The Tánaiste asked again for the SDLP's views as to how we could move out of the current impasse.

17. Mr. Hume responded by referring to the recent Davos Symposium where Shimon Peres, when asked if an election would be useful as a first step to negotiations, had replied that this would be "mad". A South African delegate had supported Mr. Peres - "Could you imagine what South Africa would be like today if we had had an election (before negotiations)? Mr. Hume added that the election idea stemmed purely from British politics. The Prime Minister wanted to ensure that the Unionists were on side for the next British election. Because the election idea related to internal British politics, it was very difficult to deal with.

18. Mr. Mallon indicated that the only card in Nationalist hands was the Mitchell Report's three tests for a viable elective process. As matters stood, the test of broad acceptability was not met, given that the UDP, Irish Government, SDLP and Sinn Féin were opposed to the idea. It could not therefore go ahead.

19. The Tánaiste asked about the implications of a stalemate where the British Government and Unionists were saying "No negotiations without an election" and Nationalists continued to call for all party negotiations.

Mr. Mallon listed four implications:~

*first* the SDLP and the Government would be aligned with Sinn Féin in a negative stance, which was not a very happy position to be in,

*second* it would strengthen the hand of those in the N10 who wished to press ahead with a Local Government reform based approach

*third* it would complicate matters for the SDLP in Westminster

*fourth* while the SDLP would for the moment be on a winner in populist terms if it maintained this approach, there was a question as to how long this would last.

On this last point, Mr. Mallon felt that it would just be possible to maintain such an approach up to the next Westminster election.

20. The Taoiseach noted that this would not of course bring us any closer to solving the problem. Mr. Mallon agreed.
21. The Taoiseach raised the question of arranging a piece of "theatre", which he recalled Sinn Féin had at one stage seemed to favour. Mr. Hume asked for an elaboration as to what this would involve. The Tánaiste said that the two Governments and all parties might be brought together for a short period to discuss the agenda and arrangements for all party negotiations, to give an impression of engagement and to allow the parties the freedom to move on. Mr. Mallon characterised this as a "big gig" and commented that he hoped Sinn Féin had been disabused of the idea.
22. Mr. Ó hUiginn asked for the SDLP's view as to where Sinn Féin stood on the election idea. He said that the British Government and the N10 seemed to believe that Sinn Féin would be prepared, as a bottom line position, to be flexible in this regard - although he emphasised that this was not the message we were getting from Sinn Féin.
23. Mr. Mallon indicated that the SDLP were not getting this message either from Sinn Féin. Mr. Hume raised the question of the motivation of the British/N10 side in suggesting that Sinn Féin might be flexible on an

election. Everybody knew that an election would involve the Unionist Parties in competition for a hard-line mandate. Dr. Paisley would go into an election on the basis that he would not talk to Sinn Féin until they surrendered their arms - or perhaps even more likely, on the basis that he would simply not talk to Sinn Féin. The UUP for their part would have to say they would not talk unless Sinn Féin surrendered their weapons. The N10 knew this just as well as everybody else. Mr. Hume suggested that it was mistaken to assume that everybody was genuinely working to sort out the problem of Northern Ireland.

24. The Taoiseach returned to the question as to how to finesse the Prime Minister's tactic in changing the agenda with his Commons statement, so as to avoid an ever extending political vacuum. Mr. Hume referred again to the need to press for all party talks, where an election could feature as part of the agenda and where Loyalists could participate. Mr. Hume added that the SDLP were prepared to talk to the Loyalists, despite the dreadful sectarian murders which they had committed.
25. Mr. Finlay asked how long stability could be maintained in Northern Ireland in face of the current impasse. Mr. Hume speculated that British intelligence was reassuring the British Government that the armed campaign was definitively over. Mr. Finlay said that Senator Mitchell had a different view. Mr. Hume agreed, adding that he himself thought the RUC Chief Constable's view was more accurate in saying that he did not believe that the campaign of violence would recommence but that if it did, it would begin with bombs in London.



26. Mr. Hume added that Mitchell McLoughlin had appeared totally down when he met him over the weekend: he had expressed the view that it was all going to blow up. Mr. Donlon asked what Mr. Hume himself believed. He replied that he believed Sinn Féin were under pressure. In support, he noted that Sinn Féin were saying in public that there was a danger that the IRA would go ahead (with violence) without Sinn Féin. Such remarks could only encourage certain (hard-line) people and given that it was not in Sinn Féin's interests to encourage such thinking, Mr. Hume concluded that Sinn Fein were giving voice to genuine fears on their part.
27. The Taoiseach expressed some doubts that there was some grand (and malign) strategy behind the British Government's handling of events since the ceasefire, although he conceded that the SDLP might be right.
28. Mr. Ó hUiginn asked if, in the interests of avoiding a continuing stalemate, there was any way in which the election idea could be "made safe" for constructive use or turned around. Mr Hume repeated that the way forward was all party talks ~~on the basis~~ on the basis of the Mitchell Report's principles. If anyone acted against these principles, they could be expelled from the negotiations.
29. The Tánaiste referred to the problem of ensuring that if Unionists were given an election, they would not erect another hurdle on the way to negotiations e.g. decommissioning. Mr. Mallon referred again to his concerns about paragraph 38 of the Mitchell Report.

30. Mr. Ó hUiginn referred to the key question as to whether, if the Prime Minister was unable to deliver Unionists into negotiations without an election, he could do so with an election. He expressed concern that while the Prime Minister was a brilliant tactician - a Chief Whip of genius-, he seemed incapable of dictating the broader agenda, as a Prime Minister should. Mr. Mallon was right to be concerned that the Unionists would use paragraph 38 to run decommissioning up the flagpole when it came to negotiations. At the same time, the parties to negotiations had to be allowed to raise whatever matters they wished. Underlying the need to move forward, Mr. Ó hUiginn referred to Sinn Féin's need to get into negotiations, perhaps in order to meet some promise they had made to the IRA. He suggested that perhaps the best tactic in terms of dealing with the election issue was to proceed, as the SDLP had, by way of putting various questions to the British side and insisting on written answers to them, on the basis that if the answers were satisfactory, they would agree to an election.

31. Mr. Mallon said that the British would be unable to provide answers to these questions.

32. Moving on, the Taoiseach noted that Unionists would only be able to get the assurances they needed from Sinn Féin on the Mitchell Report if they met with Sinn Féin face to face. Mr. Mallon said that his indications were that Sinn Féin were positive on the Report's 6 principles. Mr. Ó hUiginn mentioned a recent discussion of the Report which he had had with Sinn Féin. They had been inclined to look for a pedantic rewrite.

He had urged them to leave the presentation aside and instead to engage in an educational process on the principles within their system.

33. Mr. Hume again said that the 6 principles offered the best route to talks; that if people failed to adhere to them, they could be expelled; and that the result of the talks could be put to the people. The Taoiseach emphasised the need for clear answers from Sinn Féin (if necessary in private) on their position of the Mitchell Report (and consent?) if we were to proceed on these lines. Mr. Donlon spoke in support. Mr. Mallon commented that an image came to mind of a bullock being urged to move ever faster across a field.

34. Mr. Finlay said that we seemed to be faced with a choice as between a stalemate and negotiations based around an election. Mr. Mallon commented that there were arguments in favour of buying time and indicated that the SDLP were reasonably confident that the ceasefires could be sustained until after a pre-Westminster election situation. Mr. Finlay speculated that hard-line elements might consider a Westminster election the best time to send a message. Mr. Ó hUiginn suggested, in support, that if the Irish Government were in a stand-off with the British Government, this might give hardliners the sanction they needed.

35. Mr. Hume cited the Fianna Fáil Leader's statement that evening in support of his position on the idea of an election. Mr. Finlay pointed out that the statement did not totally reject any possibility of an election.

36. Mr. Hume referred to the forthcoming Scott Report. Mr. Donlon asked about the implications of the Report for the Government. Mr. Mallon indicated that it could have serious implications if Mr. Trimble voted against the Government. Mr. Ó hUiginn recalled that Mr. Trimble felt that Sir Nicholas Lyell should be punished for his role in the affair. [REDACTED]

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37. Mr. Mallon returned to the question of an election, by reference to the approach which the Tánaiste should take on this issue. If the reality was that we could not let an election proceed, then we should ensure that it did not. Mr. Hume spoke in support - "Don't let it proceed". If there were to be an election, the SDLP would not take part (check). The Taoiseach suggested that the idea should be allowed to run its course. The Tánaiste in support said that the SDLP should simply await the Prime Minister's answers to the questions which they had put to him at their recent meeting and put it up to David Trimble to persuade them as to why an election was the best way forward. Messrs. Hume and Mallon agreed.

38. Mr. Ó hUiginn referred to the Tánaiste's forthcoming visit to the US and asked the SDLP side for their assessment of opinion in the US. Mr. Hume said that there was a feeling that Senator Mitchell had been let down (by the British Government's reaction to his Report). He added that Mr. Mallon and he had warned Senator Mitchell against the idea of an election. They had proposed instead that a declaration should be sought of Sinn Féin's commitment to certain principles and on the basis

of these, that there should be all party talks. Mr. Hume referred again to what had been said about elections at Davos. He said that an election on the lines envisaged by Mr. Trimble would make the situation far worse and would lead to the emergence of all sorts of splinter groups. He added that what had kept the IRA quiet to date was solidarity on the Nationalist side in seeking all party talks.

39. Mr. Finlay commented that, at Davos, a remark had been made by ----- that everybody was flexible (about an election "except the f\*\*\*ing Irish Government").

40. The Taoiseach recalled the questions put by the SDLP to the Prime Minister.

These were:~

- \* whether an election would solely be designed to give a mandate for all-party negotiations,
- \* how the three-Strand process would be reinforced,
- \* how it was proposed to ensure that the election would lead within two weeks to all-party negotiations, including the Unionists,
- \* how it was proposed to ensure that once the negotiating process began, the Unionists would not bring it to a halt by insisting on decommissioning.

The Taoiseach added that there were other, subsidiary questions to be addressed, including the numbers to be elected and, of course, the overarching question as to how to ensure broad support for the election idea as per paragraph 56 of the Mitchell Report.

41. The Tánaiste said that we would have to know that the UUP envisaged that an election would overcome Washington Three. Mr. Mallon repeated his concern that the British government would use paragraph 38 of the Mitchell Report to in effect re-impose Washington Three. The Tánaiste indicated that he was concerned that the UUP would raise the decommissioning issue as a further hurdle, after an election. Mr. Hume said that this was why the best strategy was all party negotiations on the basis of the 6 Mitchell principles. The Tánaiste suggested that, while there would have been no doubt about this two week's ago, Mr. Major's Commons statement had confronted us with a changed situation.

42. The Minister for Social Welfare, in support, said that a judgement had to be made as to whether to go for the long haul or to sign on for an election on the condition that it would lead quickly to negotiations and that Washington Three would not re-emerge as a further hurdle.

43. Mr. Hume said that what would happen in an election would be that Dr. Paisley would get a mandate not to talk and the UUP would insist on Washington Three before talks. We would be up the creek without a paddle.

44. The Taoiseach said that the Prime Minister had to answer the questions which the SDLP had put to him. Mr. Hume mentioned that he had received a very friendly letter from the Prime Minister, following his Commons statement and said that there might be contact between the two of them in London. The Taoiseach said that the point made earlier that the elected body could be used to undermine the Anglo-Irish

Agreement was very important. The British Government could not be allowed to disengage by delegating North/South and East/West relations to a body. It was also very important that the two Governments should drive the agenda and an elected body would present problems in this regard.

45. Mr. Hume said that we were at a difficult stage and that the way forward was not clear. He mentioned again that he and Mr. Mallon would be in London the following day.
46. Mr. Mallon raised the question of the future of the Forum for Peace and Reconciliation. The Taoiseach said that we had no definite views on this. On the face of it, there was enough work to keep the Forum going for another two months or so. If all party talks began, the need for the Forum would diminish: if not, however, it might be desirable to keep it going to keep Sinn Féin in particular in the play.
47. Mr. Finlay referred to the Forum report on principles and realities. He raised the question as to whether Sinn Féin might be brought elaborate ? on its position in a positive way at the forthcoming public plenary. Mr. Hume indicated that this might be possible.
48. The Taoiseach referred to his forthcoming Summit meeting with the Prime Minister and said that it would be useful for the Government side and the SDLP to get together again in the very near future and not later than 10 days' time. Mr. Hume agreed. The Taoiseach indicated that if an election followed negotiations, it might be possible to accept it.

Given the Prime Minister's tendency to go right to the wire, it would probably not be possible to judge how things would pan out till the last minute: it might indeed be that we would be faced with resolving matters at the meeting itself. In this situation, it was important for the Government to know how far they could bring the SDLP. Mr. Hume said there would be no problem in this. The Taoiseach added that the Government needed enough room to reach an agreement without leaving the SDLP behind.

49. The working dinner concluded at this point.

*Simon Hume.*



## *Attendance*

Taoiseach

Tánaiste and Minister for Foreign Affairs

Minister for Social Welfare

Mr. Seán Ó hUiginn, Second Secretary, Department of Foreign Affairs

Mr. Seán Donlon, Special Adviser to the Taoiseach

Mr. Fergus Finlay, Special Adviser to the Tánaiste

Mr. Simon Hare, Principal Officer, Department of the Taoiseach

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Mr. John Hume, M.P., M.E.P., leader of the SDLP

Mr. Seamus Mallon, M.P., Deputy leader, SDLP