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FROM: QUENTIN THOMAS
POLITICAL DIRECTOR (L)
19 August 1996
QT/MR/69327

PS/Michael Ancram (L&B)

cc PS/Secretary of State (L&B)
PS/Sir John Wheeler (L&B)
PS/PUS (L&B)
PS/Sir David Fell
Mr Legge
Mr Bell
Mr Leach
Mr Ray
Mr Steele
Mr Watkins
Mr Wood (L&B)
Mr Beeton
Mr Hill
Mr Lavery
Mr Maccabe
Mr Perry
Mr Stephens
Ms Checksfield
Ms Mapstone
Mr Whysall
Ms Collins Cabinet Office
Mr Lamont FCO/RID
HMA Dublin
Mr D Campbell Bannerman



POLITICAL DEVELOPMENT: THE AUTUMN CAMPAIGN

There have been a number of important submissions on our preparations for the political and peace process in the Autumn including:

- Mr Stephens' paper of 26 July: Handling a restored IRA ceasefire.
- Mr Stephens' paper of 7 August: Decommissioning - avoiding another impasse.
- Mr Hill's paper of 8 August: Resumption of the Talks: Outline Handling Plan.

2. As you know PAB have also prepared an analysis of current political opinion in Northern Ireland: Mr Maccabe's note of 19 August "Political Development: The Drumcree Effect".

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3. The **attached** paper, which draws on this work, is intended to provide an overview of the political process. It may also serve as a backdrop to work being carried forward separately on Information Strategy (including a number of possible speeches and press articles) and on Future Options, if talks fail - on which we have a further commission from No.10. (Indeed the paper, together with PAB's, could be sent to No.10 as background to the various specific issues in which they will take an interest.)

4. We are in a difficult position, as various pieces of minuting have brought out in respect of separate groups, and as Mr Maccabe's submission confirms. Not only do neither the Unionists nor constitutional nationalists (let alone Republicans) trust HMG, they also appear disillusioned about our capacity - being ready, willing and able - to advance matters. I fear that there is little confidence in us either on the part of the Irish government, because of our handling of the ceasefire, the Talks and Drumcree. Moreover we face the difficulty that, while there is a need to reach out to both communities, responding risks either a self-cancelling balanced approach or a perceived alternating wobble. But my view is that HMG must continue to pursue, or aspire to, an even-handed and balanced approach, even though each side of the community, or both, may see this as a betrayal of their interests.

5. If there is a single conclusion I believe it to be that we are right to persist in investing our efforts in the Talks, difficult though it is in process and uncertain in outcome. Recent events have again emphasised the need for political dialogue, and ultimately a political accommodation, involving locally accountable politicians. No better, or even equally satisfactory credible alternative, policy has been identified.

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POLITICAL DEVELOPMENT: THE AUTUMN CAMPAIGN

1. This paper considers the prospects for progress towards peace and political progress in the remainder of the year, and suggests possible policy implications.

2. HMG's policy remains the pursuit of a comprehensive political accommodation by means of a process of dialogue addressing all the relevant issues and encompassing the two Governments and those parties in Northern Ireland committed to constitutional methods. The commitment to the triple lock - parties, people, Parliament - clearly points to such a process.

3. HMG believes that such an accommodation would be conducive to the ending of violence, and would underpin a ceasefire if it already existed. In the meantime it seeks to secure a renewed ceasefire by using any proper means to demonstrate to the paramilitaries that the process of dialogue provides the best, as well as the only proper, means of advancing their political interests.

The prospects

4. Recent events, and the opening weeks of the talks, by exposing the degree of polarisation have done much to emphasise the need for a political accommodation, and have done nothing to suggest that there is a better alternative way forward. There is a process in being of which, by virtue of laboriously agreed rules of procedure, all its participants share a degree of ownership. All the eligible participants, save Sinn Fein, remain in the game.

5. At the same time it is clear that progress will be difficult and will require time, commitment and skill. There is considerable uncertainty, mutual suspicion and mistrust. Some of this arises from tactical considerations (such as the handling of decommissioning, inter-unionist rivalry, the threat of revived terrorist violence on the one hand and doubts about the conditions for Sinn Fein's entry to the process on the other) and others from deeper strategic concerns (including scepticism about the availability of a "deal", partly

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because of doubts on both sides about HMG's capacity to provide the necessary even-handed drive and direction).

6. In the wider community hopes of the process are not high. The marching season has pointed up the centrifugal tendencies and suggests that, even if there is a widespread desire for peace as has been claimed, it must be peace on the right terms.

HMG's approach

7. HMG's overriding interest is to make the Talks process, including, if possible, Sinn Fein and the loyalists, a success. Its own role, and confidence in it on all sides, is probably crucial to that success. This suggests, against the background noted above, that our priorities should include:

- demonstrating a continued commitment, working closely with the Irish Government, to drive the Talks process forward.
- in doing so, showing a readiness and capacity to act even-handedly and in particular, where appropriate, independently of the unionists, or indeed of the Irish Government.
- maintaining the line that the process remains open to Sinn Fein, and that they should take up the opportunity offered, and staying ready to respond positively and promptly to any renewed ceasefire.
- in the Talks, showing in particular, especially in the early stages, a determination to avoid the process deadlocking on decommissioning.
- while, on the substance, showing a readiness in principle to contemplate an outcome involving radical change, for example on institutional and constitutional issues and on confidence building measures (e.g. police reform), provided they secure consent and agreement.

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Of the steps open to HMG, these are those best calculated to maintain nationalist and Irish Government confidence in the process, and to bring Sinn Fein in.

8. At the same time we should:

- emphasise the foundations of the process which protect the vital interests of the people of Northern Ireland: HMG's position on the constitutional issue (and the widespread political support nowadays for the consent principle in the Irish Republic); the need for sufficient consensus in the Talks (as now defined and incorporated in Rules of Procedure); the triple lock.
- stress HMG's continued commitment to Northern Ireland, and the high priority it enjoys on this administration's agenda.
- reaffirm HMG's unshakeable requirement for a ceasefire before Sinn Fein could be considered for entry into the process, together with the need for it to make a commitment to the six Mitchell principles of peace and democracy and to address decommissioning.
- Spell out the availability, in its judgement, of a viable non-threatening settlement (Frameworks Revisited), but its openness to any scheme securing assent and agreement.
- stress, above all, the prize of agreed arrangements to which all sides could give support, with the hope over time of climbing out of the present brittle situation, the inherent instability of which was again demonstrated over the marching season.

These points, properly articulated, should address some of the crucial doubts and concerns held by Unionists, but not only by them.

9. It may be helpful to draw out the broad implications, considered in more detail in other recent papers, for handling of the talks;

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dealing with decommissioning; and responding to any restoration of the IRA ceasefire.

Tactical management of relaunch of talks

10. Apart from steps to engineer the right public context (see information strategy, below) the main points on Talks should be:

- Contact with the Irish government before the relaunch, culminating in an Adare (Spring/Mayhew meeting devoted to political matters) in week beginning 2 September.
- Early contact with the main parties, culminating in pre-meetings at least with the SDLP and the UUP in the same week.
- Continued contact with the Independent Chairmen, culminating in a meeting between the two governments and them, perhaps on the evening of 8 September.
- Encouraging contact among the other players, especially between the UUP and the Irish Government.

Decommissioning

11. Decommissioning retains its capacity to delay or even prevent substantive political dialogue, even in the absence of an IRA ceasefire. Moreover, any mishandling of the issue may irretrievably destroy commitment to the process either by the nationalists or the unionists, to say nothing of the loyalists and the republicans. HMG will need to show sensitivity together with determination to carry the issue forward on appropriate terms, initially in the Opening Plenary but subsequently in the dedicated sub-committee. None of this has been helped by the perceived "Orange insurrection" of 7-11 July which, from a nationalist perspective at least, has transformed the moral terms of the decommissioning debate and the prospects of achieving any physical decommissioning in advance of a settlement.

12. This is likely to mean:

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- Working hard to prevent any back-sliding by the Irish side from the 6 June agreement. For the Opening Plenary, this involved a consideration of the International Body's proposals on decommissioning, securing the participants' commitment to work constructively to implement all aspects of the Report and establishing a sub-committee, to proceed alongside the three strands and with a remit to report back to plenary, with terms of reference to secure the implementation of the Mitchell report. More substantively, it involved, as the terms of reference made clear, implementation of all aspects of the Mitchell report.
- Working hard to secure unionist confidence in HMG's approach to decommissioning, to lower their expectations of what it is realistic to expect (from constitutional nationalists, let alone from the paramilitaries) and to co-opt them to HMG's approach, initially to the Opening Plenary.
- This might involve a developed work plan for the decommissioning sub-committee, giving substance to its task as well as publication, at the optimum tactical moment, by both governments of draft decommissioning Bills, with an undertaking to legislate to a certain timescale.

Responding to a renewed ceasefire

13. It will be important, if HMG is not to surrender the high ground and lose sympathy from influential players, for example in Washington, to respond promptly and positively to anything credibly amounting to an "unequivocal restoration of the August 1994 ceasefire". This might suggest that we should, after such a ceasefire:

- Immediately seek a meeting between the Secretary of State and Sinn Fein, presented publicly as an opportunity for the Secretary of State directly to test how genuine is the ceasefire.

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- Consult with the Irish government.
- Invitation to Sinn Fein to nominate a negotiating team issued by the Secretary of State within a week or so of the ceasefire, unless there are clear reasons for doubting it.
- Joint invitation from the Secretary of State and Tanaiste to join the negotiations, issued in parallel (as was done for all other parties in the run up to 10 June).

Information strategy

14. As ever, a key component of our strategic approach is the need to establish publicly our position and objectives. A programme is being drawn up which will involve, among other things, key speeches and articles by the Secretary of State before the Talks relaunch. (A keynote speech by the Prime Minister thereafter will be timely.)

15. A number of the necessary themes were suggested in paragraphs 7 and 8 above. The key messages are likely to include:

- The essential political problem is that Northern Ireland has a deeply divided community and there is a lack of consensus on how it should be governed.
- Recent events have demonstrated once more the risks arising from this and the need to find a political accommodation and a basis for dealing with conflicting views through dialogue.
- The importance of the talks process as part of a project to secure agreement through a process of dialogue with a comprehensive agenda and including all the key players.
- HMG's wish to include Sinn Fein though on the basis of a ceasefire and a genuine commitment to constitutional and democratic methods.

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- HMG's commitment to the constitutional guarantee and to the consent principle.
- The need for consent and agreement to a political accommodation and, more generally, to other features of political and social life.
- HMG's commitment to even-handed, fair and impartial administration; but its wish to put more responsibility and authority in the hands of locally accountable political leaders.
- HMG's determination to carry forward the political process to fruition.
- The essential framework of mutual respect, consent and justice.
- The view that a political accommodation is available which would not involve sacrifice of vital interests or essential principles.
- In general an acknowledgement that there is deep concern, alienation and anxiety on both sides of the community coupled with the view that this is best addressed and remedied through the process of political dialogue now in place.

Confidence Building: Actions speak louder than words

16. The ideas concerning Information Strategy in paragraph 15, as well as the points made in paragraphs 7 and 8 above, should help. But, in present circumstances, anything which amounts only to words or gestures cannot be expected to cut much ice. A package of confidence building measures, involving tangible action, addressed to both sides of the community could be a different matter. Such a programme, though it will not be easy to assemble, could make a real contribution, either in support of Talks or if they fail.

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Future options, if Talks fail

17. If Talks fail after the prolonged effort put into them and this close to a General Election, the realistic options are limited. This consideration strengthens the view that HMG's best efforts should go into the attempt to sustain the Talks and bring them to success.

18. Any viable alternative way forward is likely to involve both:

- a degree of perceived imposition. Even if the parties were consulted closely, and the result put to referendum, they could not be expected to have the degree of ownership a Talks outcome would enjoy;
- working closely with the Irish government - which is, in any event, a minimum requirement to retain SDLP assent. That in turn will mean that any progress could not be towards an "internal settlement", but must have some all-Ireland element or at least some significant address to nationalist concerns (for example radical reform of the RUC; a nationalist solution to the parades issue; or some steps on the "rigorous impartiality" agenda likely to provoke unionist, and perhaps backbench, hostility).

19. The need to work closely with the Irish government is likely to push matters towards a Frameworks solution, as modified by further reflection and by reactions to it. Unfortunately, while Unionist responses might suggest some scaling down of the scheme envisaged there, constitutional nationalist, as well as republican, demands may well have hardened since February 1995, and particularly since Drumcree. Accordingly the Irish government, in response to pressure from nationalists, may in future be more wary of the devolution element of any scheme, given perceived Unionists abuses on the streets, in Talks and in the Forum. In any event it is questionable whether an outcome which a priori proved unobtainable in Talks could nonetheless be made saleable in a referendum.

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20. Having said that, if HMG wanted to provide a focus for political development after the failure of Talks, it could do so by undertaking, with the Irish government, to consult the parties intensively on the basis that the outcome would be put to the people of Ireland, North and South, in parallel referendums. It would not be inconsistent with HMG's current policy for Sinn Fein to be included in such consultations on the basis of a ceasefire, but before any decommissioning had occurred. Unionist involvement in such an exercise, in any case uncertain, would be made much less likely if Sinn Fein were involved on the argument that they would in effect be negotiating with them, albeit at one remove. Although there is power to hold a referendum of this kind, by virtue of the Northern Ireland (Entry to Negotiations etc) Act 1996, there might not be time to complete such an exercise before the general election.

21. A more modest, and more realistic, approach would be for HMG to accept that, at least until the General Election, Direct Rule would continue, but to promote under it a more proactive agenda of greater tolerance, equity and justice within a more clearly articulated vision of society within Northern Ireland to set in a broader context of wider relationships. Such a programme might place greater emphasis on human rights, PAFT, TSN and community relations. It could also be accompanied by efforts to involve local politicians, perhaps in an advisory capacity, to support the administration of Direct Rule. This might well be seen, including by the Irish government, as a retreat from the more ambitious project of achieving a comprehensive settlement, and would be unlikely to bring major dividends early. It could nonetheless provide a useful period of stability and consolidation, as well as reforms which would be worthwhile on merits.

NORTHERN IRELAND OFFICE

19 August 1996