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PS/Sir David Fell - B
Mr Steele - B
Mr Thomas - B
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51/010

PA - Talks
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PS/Secretary of State (B&L) - B

THOUGHTS ON THE HANDLING OF SINN FEIN POST AN IRA CEASEFIRE

I am conscious that the issue of what happens if the IRA declare a ceasefire has the potential to create serious tensions within the Conservative Party, between the two Governments, and in our relationships with different Northern Ireland parties. The following are two top of the head thoughts regarding the handling of Sinn Fein.

1) Timescale

I am concerned that the issue of an appropriate timescale to allow Sinn Fein into the talks has all the ingredients of another 'hook' like decommissioning upon which we could become impaled.

Presentationally, it would be easy to see problems. If the Irish want, say, 6 weeks, we want 3 months and the Ulster Unionists 6 months then, less than 3 months will be perceived as a 'victory' for the Irish over the Ulster Unionists (major Unionist rift media story); more than 3 months a 'victory' for the UUP over the Irish Government (major Governments rift story). The British Government would 'lose' in both cases (either 'cave in to Irish' or 'buckles to Unionist blackmail' story).

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However, if we were to shift the emphasis away from timescale to evidence, we have the advantage that:

- 1) Both Governments have clearly stated that evidence will be needed - so we are firmly on the same ground.
- 2) Crucially, only the two Governments will have the necessary means to make a judgement, ie classified information on whether, say, training with weapons has ceased, and this will not be in the public realm. Therefore, if the two Governments are, between them, satisfied who is to challenge their findings?

This is not so as to be underhand, but it does leave the discretion with the two Governments to privately strike a balance between what amounts to a dependable ceasefire based on their pooled evidence and not to have alleged rifts portrayed all over the media, in negotiations, Parliament, the forum and elsewhere. That evidence will also have to be flexible enough to ensure it is meaningful to us and deliverable by Sinn Fein. If it isn't there, we won't want them in anyway.

- 3) The timescale may be considered to be relatively meaningless. If the IRA have a 6 month timescale but carry on their behind the scenes activity unabashed that surely is less dependable than a 2 month timescale where all the visible and secret evidence substantiates a genuine end to IRA operations.

2) Sinn Fein's Attendance at the Talks

I understand that, legally, we should invite Sinn Fein to the talks once the IRA has fulfilled the condition of giving an unequivocal restoration of the ceasefire of August 1994 on the other hand, we must look for evidence that the ceasefire is 'dependable' and

credible. Once invited in, they can only be expelled for breaching the Mitchell principles.

With Sinn Fein waiting in the wings, there is the additional concern that progress in the talks would be stalled - with the unionists anxious to use the time available to preserve the exclusion and the SDLP delaying to allow Sinn Fein to come on board.

For the sake of discussion, may I suggest a possible middle way?

I am struck by the example of the European Parliament where MEPs from former East Germany were allowed to attend as 'observers' until such time as they could formally be incorporated as full members. They sat in on sessions and followed activity, and were, to all intents and purposes, participants yet were not formally MEPs.

I wonder if Sinn Fein might be invited in a short timescale to attend as 'observers' and to take office space (marked for 'observers'?) at Castle Buildings, but not to be allowed to participate or negotiate until such time as the IRA ceasefire is shown to be dependable and unequivocal? As observers, they might be present in the Chamber or (if this is too controversial) have proceedings relayed to them in their Castle Buildings room (as the Independent 3 Chairmen had before adoption).

At an appropriate point, given a genuine ceasefire, they could then be formally invited into the negotiations.

I feel this may have a number of advantages:

- 1) The potential rift over timing of entry between the two Governments may be avoided: Sinn Fein could be allowed in as observers in weeks; but not be allowed into the talks as negotiators until months later. Sinn Fein may accept by such an arrangement if there was a clear (i.e private) understanding beforehand on their entry timing.

- 2) The focus of domestic and international pressure will be put on the IRA to deliver a genuine cessation. The Sinn Fein delegation, now within the hallowed walls of the Castle Buildings, would be in a stronger position to pressurise and gain the initiative over those hardened elements in the IRA. The political 'wing' gaining at the expense of the hawks 'wing'.
- 3) It would deny Sinn Fein the propaganda victory (particularly in the USA and Ireland) of being shut out at the gates once having delivered the IRA ceasefire: just as the tactic of inviting them inside the Building on 10 June to be read a statement worked so well to steal their thunder.
- 4) By allowing Sinn Fein to observe, the SDLP and Irish Government may feel more willing to press on with the agenda. Political progress could be made without Sinn Fein being left too far behind.
- 5) The unionists will be given a greater opportunity to acclimatise to Sinn Fein's presence. Because they are not participating, the UUP - but particularly the DUP and UKUP - may not walk out at their presence, but stay to barrack them and to argue for their non-participation (!).
- 6) With Sinn Fein present in the Building there may be opportunities for some selective exploratory dialogue between them and other parties such as the Loyalists, Alliance, Women's Coalition, which could slowly ease them into the 'community' of the negotiators, as occurred at the Dublin forum. This would also negate the impression of a 'Sin Bin'. Ministerial dialogue between proposed Sinn Fein and the two Governments might take place here also to add to their sense of inclusiveness.
- 7) If Sinn Fein had to be subsequently ejected because the IRA ceased to honour the dependable ceasefire criteria, we would be left holding the moral highground - "we did everything

possible to include them but the IRA excluded themselves by a continued taste for violence over democracy" etc.

- 8) Such an arrangement may make the prospects of a ceasefire more realistic and more 'saleable' to the IRA. Such an arrangement might meet the "guise of activity" Mr O'hUiginn (21 October meeting) thought was important to them; whilst fulfilling the British Government's need not to (fully) include Sinn Fein until they have proved the ceasefire is more than tactical.

(Signed)

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