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10 DOWNING STREET
LONDON SW1A 2AA

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From the Private Secretary

10 December 1996

Dear Ken,

TAOISEACH'S VISIT: LUNCH-TIME DISCUSSION

I will not try to record in detail the discussion over lunch. As you may have gathered, it followed on rather fractiously from the extended restricted session which John Holmes has recorded separately. Both sides' initial attempts to steer the conversation away from the more sensitive aspects, given the larger audience, soon fell foul of the need to agree what the Prime Minister and the Taoiseach should say to the press immediately afterwards. The latter part of the meal accordingly turned into a drafting session, once John Holmes and Paddy Teahon returned with draft agreed language for each Head to use.

What constitutes an unequivocal ceasefire?

Discussion took up from the restricted session. The Prime Minister explained that we were simply trying to respond to the Irish Government's oft-expressed concern that the British Government should not appear to act unilaterally in establishing whether an IRA ceasefire was genuine and unequivocal. Two of the IRA's main activities - targeting and surveillance - essentially happened in Northern Ireland. So counter-action had to be taken there too. But a third IRA activity - weapons preparation - took place both north of the border and south. So it was perfectly legitimate to seek a report from the Irish Government on this element. That would give them the role they sought.

The Taoiseach worried about the difficulties of proving a negative. How was it possible to be sure that the IRA were not preparing weapons? The Prime Minister said that we would know it when we saw it. He had raised the idea of bringing the Irish in on this aspect as a means of being constructive. It would not (as Mrs Owen had pointed out) necessarily be cost-free for us in terms of the Unionist reaction. If the Taoiseach did not want to go down this route, that was obviously up to him. The Taoiseach said he was carefully not ruling out the possibility. Sir John Chilcot added that, in practice, it would be possible to get a pretty good idea of what the IRA were or were not doing on this count.

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The Tanaiste asked whether targeting and surveillance were criminal offences. Sir John Chilcot said that they were, but explained the difficulty of proving this. They had to be acts "preparatory to" the commission of a terrorist offence. Mrs Owen said that the Irish Government had similar difficulties.

Time frame for Sinn Fein's entry to the talks

Much of the discussion covered, albeit in summary, the same ground as the restricted session. The Prime Minister had to explain, repeatedly, why setting a time frame was simply not practicable. We had to judge by Sinn Fein/IRA actions on the ground. We had little reason to think that the IRA were any more serious about a lasting ceasefire now than they had proved to be in the past, despite their protestations at that time to the contrary. We wanted them in the talks as soon as possible. But not before their actions showed they were serious about the sort of approach both Governments had in mind.

After the Irish had tried out various formulations on the Prime Minister, all of which managed to set a time frame in one way or another (with O'hUiginn banging on predictably, in concert with the Tanaiste), the Taoiseach said in some frustration that he had been perfectly happy to work in the past on the basis of the approach in paragraph 8 of the Ground Rules, which did not set a date. He would be happy to revert to that, including this afternoon. The two Governments' real problems over the timing of Sinn Fein's entry had not arisen until someone raised the possibility of a three-month gap (much fruitless discussion followed about who had suggested this).

The Prime Minister said that he was perfectly happy to revert to spelling out the conditions for Sinn Fein's entry, without setting a date. The Taoiseach objected that you could not enumerate all the conditions bar one. So the discussion moved on to more general formulations, with the Irish wanting as strong a link as possible to Sinn Fein entry after the Christmas break. The Prime Minister made clear - repeatedly - that if the Irish insisted on naming a date, he would be forced to make clear that he did not regard this as realistic. Naming a date at the end of January would simply precipitate a row then as to whether Sinn Fein had met the necessary conditions. There was no point in that. What we needed was action by Sinn Fein/IRA on the ground, not arbitrary dates. If the Irish wanted to go ahead and show precisely where the two Governments differed, that was for them. But he did not see how this would advance the issue. The two Governments had always achieved most when they had worked together. He concluded that he would try not to comment on specific dates; but that, if pressed, he was likely to say that Sinn Fein's entry to the talks was likely to be possible as early in the New Year as events on the ground permitted. That was the furthest he could go. John Holmes' parallel letter records the conclusion of this saga.

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There was desultory discussion of where things stood. Mrs Sutherland explained the background. Wally Kirwan (Taoiseach's Department) said that he and Colin Budd had drawn up language for three options: a long and warm version (assuming inter-government agreement on most issues); a shorter and cooler version (if the agreement was less complete); or no language at all, if the wider talks had reached impasse.

Discussion was not taken further. No texts were in the end issued, because the language and subject matter sat uneasily with the main thrust of the meeting (EU and Northern Ireland). I should be grateful if the FCO or Colin Budd could discuss further with the Irish what to do with these pieces of paper. If they can be issued in some way (not necessarily from No. 10), so much the better.

I am copying this letter to William Ehrman (Foreign and Commonwealth Office), Colin Budd and Jan Polley (Cabinet Office) and by fax to Veronica Sutherland (Dublin) and Sir John Kerr (Washington).

Yours ever,

Edward Oakden

EDWARD OAKDEN

Ken Lindsay Esq
Northern Ireland Office

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