PREM 49/2161

CONFIDENTIAL

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FILE TITLE:	SERIES
SITUATION	NORTHERN IRELAND
	PART: 6

PART BEGINS:	PART ENDS:	CAB ONE:
5 AUGUST 2001	20 SEPTEMBER 2001	

Labour Administration

PREM 49/2161

PART

CLOSED

DATE CLOSED	

Series : **NORTHERN IRELAND**

File Title : **SITUATION**

Part : **6**

Date	From	To	Subject	Class	Secret
07/09/2001	Telegram/IN		Telno 261 Holy Cross Primary School: Irish Reaction	R	0
07/09/2001	NIO	NIO	Telephone conversation with Martin McGinness 7/9	C	0
07/09/2001	Telegram/IN		Dublin 261: Holy Cross Primary School: Irish Reaction	R	0
10/09/2001	NIO	NIO	Conversation with David McNarry	C	0
10/09/2001		PM	From David Trimble - Concerns over Aspects of Policing	C	0
11/09/2001	NIO	Ireland/HMA	The Mood in Dublin	C	0
11/09/2001	NIO	NIO	Conversation with Tim Dalton	C	0
12/09/2001	NIO	NIO	Timing of UUP Officers' Meeting	U	0
12/09/2001	NIO	NIO	Meeting with John Hume and Seamus Mallon, 11 September	C	0
12/09/2001	FA/APS	NIO	Northern Ireland: Prime Minister's Phone Conversation with the Taoi	C	0
13/09/2001	NIO	NIO	Meeting with Richard Haass - 12 September	C	0
13/09/2001	NIO	FA/APS	Policing - Short Term Attainables	U	0
13/09/2001	FA/APS	NIO	Meeting with David Trimble	C	0
13/09/2001		Ch.Staff	Northern Ireland Issues in the Lords	U	0
14/09/2001	Ch.Staff	PM	Northern Ireland	C	0
15/09/2001	NIO	Ch.Staff	Conversation with Tim Dalton	C	0
15/09/2001	NIO	NIO	Meeting with david Trimble and Rev Ian Paisley, 14 September	C	0
17/09/2001	Ireland/HME	Ch.Staff	Lunch with Adrian O'Neill, 17 September	R	0
17/09/2001	NIO	FA/APS	John Hume	U	0
17/09/2001	PM		letter to John Hume MP: thank you for a generation of political leader	C	0
18/09/2001	Ch.Staff	PM	Northern Ireland	C	0
18/09/2001	NIO	NIO	Meeting with Gerry Adams	C	0
18/09/2001	NIO	Ch.Staff	Northern Ireland: Meeting with Irish Officials	C	0
18/09/2001	NIO	NIO	Meeting with Tom Constantine, 18 September	C	0
19/09/2001	NIO	NIO	Conversation with Gerry Adams	C	0
19/09/2001	FA/APS	NIO	(M) Meeting with UUP	C	0
19/09/2001	FA/APS	NIO	(M) Working Breafast with the Taoiseach: 19 September	C	0
19/09/2001			Republican News press release	U	0
19/09/2001	NIO	NIO	conversation with tim dalton	C	0
19/09/2001	NIO	NIO	The next few days	C	0
20/09/2001			email: Haass and other state dept remarks on Northern Ireland	C	0
20/09/2001			Transcript of the Taoiseach speaking on RTE radio 1 thurs 20 Sept 2	C	0
20/09/2001	NIO	NIO	Tonights meeting with Trimble and Paisley	U	0
20/09/2001	NIO	NIO	Conversation with David Campbell	C	0
20/09/2001	NIO	NIO	Call from General de Chaistelain	U	0
20/09/2001	NIO	NIO	Sinn Fein and the Policing Board	C	0

Series : **NORTHERN IRELAND**

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Date	From	To	Subject	Class	Secret
05/08/2001	Ch.Staff	PM	Call with Gerry Adams - Possible announcement of decommissionin	C	0
06/08/2001	NIO		Report of the Independent International Commission on Decommissi	U	0
06/08/2001	FA/APS	PM	Northern Ireland	U	0
06/08/2001	NIO	NIO	Telephone Conversation with John Hume, 6 August	C	0
06/08/2001	PM		Press Statement - Important Step forward to resolve the arms issue	U	0
06/08/2001			Bertie Ahern, Taoiseach Sky News Interview, 6 August 2001	U	0
07/08/2001	NIO	NIO	The Secretary of State's Telephone Conversation with Richard Haas	R	0
07/08/2001	SINN FEIN	PM	Response to British and Irish Govt proposals of 1/8/01	U	0
07/08/2001	FA/APS	PM	Phonecall with David Trimble	R	0
09/08/2001			A Statement on Arms	U	0
09/08/2001	NIO	NIO	Meeting with Sinn Fein this afternoon	C	0
09/08/2001	FA/APS	NIO	(T) - Taoiseach	C	0
10/08/2001	NIO		SS/NIO statement on suspension of assembly	C	0
10/08/2001	NIO	NIO	Phone call with the Prime Minister, 10 August	C	0
10/08/2001	NIO	NIO	Phone call with David Trimble	C	0
10/08/2001			Draft Statement	U	0
11/08/2001	NIO	NIO	Phone Call with Brian Coven, 10 August	C	0
13/08/2001		PM	From David Burnside MP: Concerns over Policing Changes in Northe	U	0
14/08/2001	NIO	NIO	Response to IRA Statement	U	0
14/08/2001	FA/APS	PM	Northern Ireland: Policing	U	0
14/08/2001			From Media Monitoring Unit-Dr John Reid, Press Conference at Hills	U	0
14/08/2001			PA News Statement - IRA Statement in Full	U	0
14/08/2001			From DFA/Dublin - Statement by Mr Brian Cowen TD;Foreign Affairs	U	0
14/08/2001	SS/NIO	PM	Conversation with the Taoiseach	C	0
15/08/2001	NIO	NIO	SS/NIO's Phone Call with the Prime Minister, 15 August	C	0
15/08/2001	Ch.Staff	PM	Message on current IRA position	U	0
15/08/2001	FA/APS	NIO	(T) Northern Ireland: PM's Phonecall with the Taoiseach	C	0
17/08/2001	H/APPTS	FA/APS	Northern Ireland Fiscal Incentives	U	
21/08/2001	FA/APS	PM	Northern Ireland - Policing	R	0
21/08/2001	PM	NIO	To Seamus Mallon-SDLP Announcement on Policing	U	0
21/08/2001	PM	NIO	To John Hume-SDLP Decision on Policing	U	0
21/08/2001	NIO	NIO	UUP and Policing	C	0
22/08/2001	NIO	FA/APS	Bloody Sunday Inquiry Tribunal Membership	R	0
23/08/2001	Ireland/HME	NIO	US embassy meeting with Sinn Fein	C	0
23/08/2001			Daily Telegraph article by Kate Hoey - "To keep his pledge, Tony Bla	C	0
24/08/2001	NIO	NIO	Possible meeting with David Trimble	U	0
24/08/2001	NIO	NIO	What were Sinn Fein about	C	0
28/08/2001	NIO	NIO	Conversation with Andy Sens, Decommissioning Commission	C	0
28/08/2001	SS/NIO	PM	Northern Ireland: The next stage and beyond	C	0
29/08/2001	FA/APS	NIO	Meeting with UUP	R	0
29/08/2001	Ch.Staff	PM	Northern Ireland - the way ahead by SS/NIO	C	0
29/08/2001	FA/APS	Ch.Staff	Email on FF & SF gossip	U	0
03/09/2001	FA/APS	NIO	(T) - PM's Telephone conversation with the Taoiseach	C	0
03/09/2001	NIO	FA/APS	Bill of Rights for Northern Ireland	U	0
03/09/2001	DG/SS	NIO	Northern Ireland:Devolution of Law and Order Functions	C	0
04/09/2001	Ch.Staff	PM	Northern Ireland - Forthcoming Meeting with David Trimble	C	0
04/09/2001	NIO	NIO	Phone Call with Jonathan Powell	C	0
04/09/2001	NIO	Ch.Staff	PM's meeting with David Trimble: Hole Cross School	U	0
05/09/2001	NIO	NIO	Trimble meeting	C	0
06/09/2001	NIO	NIO	Sylvia Hermon on david Trimble	C	0
06/09/2001	NIO	NIO	Martin Mansergh: 6 September	U	0

Jonathan. Good stuff from Haass.

David.

Tony Brenton

Fro Bob Peirce
Sent: Thursday, September 20, 2001 1:59 PM
To: 'Jackie Sear'
Cc: John Casson; Jim King; Tony Brenton; Paul Johnston (NY); Peter Reid; Karen Pierce
Subject: Haass and other State Dept Remarks on Northern Ireland

We have learned that Richard Haass made some tough remarks in a meeting with members of the Irish American community today about the need for SF/IRA to clean up its act. He referred to the Turkish connexion, about which I had previously spoken to him to confirm that Maskey had seen the DHKP last week. Many thanks to Jim King for getting me this info so quickly. A good result.

Haass noted the IRA statement of yesterday but said there was now a need for actual decommissioning. No other act would do more to help the peace process out of its present crisis. On Colombia, he said the US were still trying to discover what happened. If the IRA had been doing business with the FARC it should never happen again. Evidence of cooperation would have serious consequences. US intolerance of terrorism had just increased enormously. Sept 11th had been a transforming event.

One person present at the Haass meeting has told us that there was real anger in Haass's voice as he said this.

The State Dept spokesman, Boucher, also told the press today in plain terms that the US now wanted the IRA to take action on decommissioning and not just to talk about it.

Bob Peirce

Khalizad – early next wk.
+ Macedonia

Taoiseach on message, shock, horror!

Transcript of the Taoiseach speaking on RTE Radio 1
Thursday 20 September 2001
Re: IRA Statement

Taoiseach: I welcome the statement. I think it is an indication of movement and of some progress. While I welcome it, it is not enough in terms of bringing us back to where we were on August Monday. And of course August Monday was the first part of a two pronged process. Firstly, to get the scheme, the modalities agreed with John de Chastelain, the Decommissioning body and secondly for it to actually commence. So while last nights statement is, I think, progress and a step in the right direction, it is a step and we will just have to keep going. It would not give us what want and it would not give a full response to the Weston Park proposals and neither would it get over the difficulties that we have in making sure that the institutions go forward.

Donal Kelly: To that extent, given all the pressure that there has been on the IRA to, in the wake of the American atrocities, is it not a huge disappointment that they haven't managed to go back to where they were with their last offer?

Taoiseach: I think the reality is of all this is that I would like not alone back at the first part of it but to see the second part done. But it is clear in the discussions that we have been having this week, with all of the parties, that progress is going to take us some time, hopefully not too long, and whether that is disappointing or not is the reality of it. What I think Tony Blair and I are anxious to do and our officials who are still in touch today with the parties, to gauge a reaction, is to make the necessary progress that we need to make. And that progress, to be clear, is to have them engage with General John de Chastelain and the International Independent Commission on Decommissioning. They have now said they will do that, they have said they will intensify it. I hope that means that we will get to the stage of the modalities being back on the table, that is the second part and the third thing which is really the part we need to get back to, the Weston Park proposals, is that decommissioning actually happens.

Donal Kelly: But none of this is enough to stave off another suspension of the institutions this weekend.

Taoiseach: Well I don't rule that out but it is very difficult, because it is a limited time. We will have to make a call. Secretary of State John Reid

will be in touch with Minister Cowen, during the course of today or officials will be talking to the parties presently. We will have to make that call in the next 24 hours. It would seem that that is the case, that it is just too tight. And then how we deal with that position will have to be agreed today or tomorrow. And I will be talking to PM Blair tomorrow evening.

Donal Kelly: So it would be a suspension for, say, six weeks or whatever, rather than elections?

Taoiseach: I think that is more likely. And I think to make it clear in our view, if it is a period as long as six weeks that does not mean and cannot mean that we can just leave this all drift for another six weeks. I think that would be just a disaster and it is not something we would contemplate.

Donal Kelly: This would be the last chance saloon, really wouldn't it?

Taoiseach: I think you have to be optimistic, but we can't continue on finding ways to just move it forward. It is a long time ago since Weston Park, we have put our proposals. I have said this to all of the parties and I have made the point clear to Sinn Fein, really we have spent two years on these four questions. We have spent this entire year, the discussions started on January 11th, it is now late September and really the agenda hasn't changed. And if we are to get on with the full implementation of the Agreement which is what we have to do, I understand everybody wants to do it, then that means that we get progress on the four outstanding issues. And as well can I just repeat, that that also means getting a response to everybody from the policing proposals, because that is something that is still in abeyance and I think we want to see progress on all the issues.

ENDS

CONFIDENTIAL

FROM: BILL JEFFREY
Political Director
20 September 2001
BJ/MR/57

MR WATKINS

cc PS/Secretary of State(L&B)
PS/Ms Kennedy(L&B)
PS/Mr Browne(L&B)
Sir Joseph Pilling
Mr Alston
Mr Fittall
Mr Maccabe
Ms O'Mara
Mr Stephens
Ms Bharucha
Mr Masefield
Mr Tatham No.10

cc: JPo
DM
TK

SINN FÉIN AND THE POLICING BOARD

In the course of a conversation with Gerry Adams yesterday afternoon about other things, he said that he had received the Secretary of State's invitation to nominate members of the Policing Board. He was likely to reply to the effect that Sinn Féin would not be nominating "at this time". He did not want me to read anything into the question, but wondered what the position would be if, at a future stage, Sinn Féin changed their minds and decided to nominate.

2. I said that after tonight's deadline the Board would be formed from the nominees of the parties willing to nominate, and independent members. If Sinn Féin did not nominate, the effect would be that the UUP and the DUP would get one more seat each. The legal position was that, unless suspension intervened, the Board would remain as composed now until the Assembly elections due in May 2003. With a new Assembly, d'Hondt would be run again, and Sinn Féin would have another chance to nominate. If they decided to do so between now and then, Ministers might well want to consider the situation which that would

create, but it would require a change in the law for Sinn Féin to join the Board ahead of an election.

3. Adams noted all this without comment.

[Dictated by Mr Jeffrey and signed in his absence: Marie Rebello]

BILL JEFFREY
11 Millbank ☎ 6447

f

FROM: BILL JEFFREY
Political Director
20 September 2001
BJ/MR/58

PS/SECRETARY OF STATE(L&B)

cc PS/Ms Kennedy(L&B)
Sir Joseph Pilling
Mr Watkins
Mr Alston
Mr Fittall
Mr Hannigan
Ms O'Mara
Mr Stephens
Mrs Madden
Mr Tatham No.10

cc: JPO
DM
TK

CALL FROM GENERAL de CHASTELAIN

General de Chastelain told me this morning that he had heard yesterday evening from "one of the people with whom he had previously met O'Neill". This person had alerted him to yesterday evening's IRA statement, and said that it meant they would want a meeting. De Chastelain had said "any time". No time had yet been arranged, but de Chastelain expected it to be quite soon, since the IRA knew he was planning to travel next Tuesday.

[Dictated by Mr Jeffrey and signed in his absence: Marie Rebello]

BILL JEFFREY
11 Millbank ☎ 6447

CONFIDENTIAL

FROM: BILL JEFFREY
Political Director
20 September 2001
BJ/MR/59

PS/SECRETARY OF STATE(L&B) cc Sir Joseph Pilling
Mr Watkins
Mr Alston
Mr Fittall
Mr Stephens
Mr Hannigan
Mr Tatham No.10

CONVERSATION WITH DAVID CAMPBELL

David Campbell has given me a read-out of David Trimble's meeting with Gerry Adams this morning. I had previously warned him that Adams might get cold feet about the risk of publicity and be less forthcoming with Trimble than the Prime Minister had suggested.

2. Campbell said that I had been right to be concerned. The meeting had been pleasant enough, but Adams had said very little about decommissioning. He did not know if anything would happen. On balance he felt something might, but he was beset by difficulties. Trimble had said that there was a real problem over the IRA's credibility. That in turn gave him a difficulty over a one-day suspension. He would welcome part of the IRA's statement, but warned Adams that he would refute the criticism of his own reaction to the earlier de Chastelain Report.

3. Campbell warned me that the position within the UUP was even worse than before. There was definitely a requisition prepared for a Council meeting to require the withdrawal of Unionist Ministers. Trimble did not think he could win such a vote. When he met the Secretary of State this evening, he was likely to press for a longer suspension. The

alternative would be for Trimble himself to issue some kind of ultimatum, to the effect that if there was no decommissioning within two or three weeks, he would withdraw his Ministers. We agreed that it would be sensible for Trimble to have a separate discussion with the Secretary of State about all this after the meeting with Paisley this evening.

[Dictated by Mr Jeffrey from RAF Northolt and signed in his absence: Marie Rebello]

BILL JEFFREY
11 Millbank ☎ 6447

f

FROM: **WILLIAM FITTALL**
Associate Political Director (L)
20 September 2001

JP (DY Fax)
C. JM (Fax)
MT
AC (Fax)
TK.

PS/Secretary of State (L&B) cc See Copy Distribution Below

TONIGHT'S MEETING WITH TRIMBLE AND PAISLEY

Robin Masefield's submission of yesterday set out the candidates for **independent membership** of the Board. **By around 6.00pm today** the Secretary of State will get a **further submission from David Watkins** reporting the conclusions of the interviewing panel (which is sitting until 4.30pm). We shall then need a substantial discussion with the Secretary of State in preparation for the **7.15pm meeting**.

2. This note simply focuses on the **interaction** between policing issues and the big politics. For Trimble and for us how best to handle tonight will be heavily influenced by whether we still seem to be heading towards **a 24 hour suspension** (and if so whether we suspend **before midnight tonight or tomorrow**) or whether Trimble threatens to trigger **an indefinite suspension** by pulling his Ministers out (currently unlikely but his discussion with Adams at lunch time today could change things).

3. Some points to bear in mind are that:

- according to today's Newsletter **a UUC meeting** will be requisitioned, possibly as early as tomorrow, if Trimble takes it upon himself tonight to nominate to the Board. The Council would then have the chance to vote on a motion pulling the parties Ministers out of the Executive. Trimble's problem is that **while he might win the argument on policing he might well lose on the wider question**, given all the accumulated frustrations and the weakness of yesterday's IRA statement;

- **while there are strong political and practical advantages in securing SDLP, UUP and DUP nominations before midnight** (Adams has already told us Sinn Féin will not nominate), **with suspension imminent they are not so overwhelming that we should give**

commitments that we shall come to regret. There are two flanks we need to watch. One is not to give promises which will enrage the SDLP. The other is not to saddle ourselves with a Board which has insufficient talent, and/or is excessively polarised and has an inadequate chair;

- **you cannot give a firm commitment tonight on the identity of the chair and vice-chair**, because there is a process which can only take place **after** all the political nominations are in and the independent appointments made. This does not stop you having an initial exchange with Trimble and Paisley (and separately with Mallon) over who might and might not be suitable;

- in the present heightened atmosphere there is a substantial risk that Trimble and Paisley will need to pass on to colleagues whatever assurances you give, with the result that they will then **seep into the public domain**. This is a dilemma both for you and them and you may want to surface it early in the discussion, since it goes to the heart of whether what they need from tonight's meeting is actually deliverable;

- **there is some bluffing going on on all sides**. If there is to be a Board the UUP and DUP will want to be on it. So we must not seem too desperate to hook them, particularly at a moment when they think they have maximum leverage. Though it has its risks, the imminence of suspension means that any set-back today can in principle be retrieved next week.

The arithmetic

4. By way of reminder, the party entitlements are UUP 3, DUP 2, SDLP 3, Sinn Féin 2. We now know for certain that at midnight tonight we will not have Sinn Féin nominations. So immediately thereafter we would be able to invite the UUP and DUP, assuming they had already nominated, to give us 2 additional names, bringing the distribution to **UUP 4, DUP 3, SDLP 3**. You may want to begin the meeting by revealing that we have had, from Adams orally, a Sinn Féin refusal. You might go on to say that if by midnight only the UUP and the SDLP had nominated you would immediately invite the UUP to submit 2 additional nominations, the SDLP 1 and the Alliance 1, bringing the distribution to **UUP 5, SDLP 4 and Alliance 1. This may help to focus Dr Paisley's mind**. The drawback with

this tactic is that, if pressed on the effects of suspension, you could not deny the fact that, by law, the DUP would then have a fresh opportunity to nominate upon restoration.

Scenarios

5. In deciding tactics for this evening you may want to have in mind the following scenarios:

- **scenario 1 –We get the three parties to agree to nominate this evening**. This is the most benign outcome. After a 24 hour suspension we invite them to confirm that their position on nomination remains unchanged (strictly we would need to confirm with Sinn Féin as well that they still did not want to nominate). Then in the course of next week we would finalise the independent and chair, vice chair appointments, getting the Board up and running by our public target date of end September. If we moved into indefinite suspension in due course, we would simply re-appoint all the members on to a direct rule Board;

- **scenario 2 – both unionist parties refuse to nominate today**. In that event suspension will come as a relief, giving us cover for aborting the process. The expectation is that we would then start it over again shortly after restoration, though there would be a judgement over the precise moment. We might still manage to get the Board up and running in the course of next week, but if by then UUP politics were disintegrating it is conceivable that we would be in baulk until indefinite suspension intervened, giving us the powers to create a direct rule Board;

- **scenario 3 – the UUP and SDLP sign up tonight but the DUP, like Sinn Féin refuse** – this is potentially messy, because you could not deny the DUP a further opportunity to nominate after restoration. Irrespective of whether they chose to take advantage of it, we would almost certainly succeed in getting the Board up and running next week, given UUP support.

William Fittall
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An Phoblacht
REPUBLICAN NEWS

PRESS RELEASE

EMBARGOED UNTIL 9PM 19TH SEPTEMBER

The following statement will appear in tomorrow's edition of An Phoblacht/Republican News.

First of all we wish to extend our sympathy to the people of the United States and especially to the families and friends of the victims of the deplorable attacks in New York, Washington and Pennsylvania.

On August 8 we confirmed that the IRA leadership had agreed a scheme with the IICD to put IRA arms completely and verifiably beyond use. This unprecedented IRA initiative was the result of lengthy discussions with the IICD over a long period. It was another expression of our willingness to enhance the peace process and it involved considerable problems for us and for our organisation.

The IRA leadership's ability to speedily and substantially progress the decision was completely undermined by the setting of further preconditions and the outright rejection of the IICD statement by the UUP leadership. Subsequent actions by the British government including a continued failure to fulfil its commitments, removed the conditions necessary for progress. On August 14 we withdrew our proposal.

However, as an earnest of our willingness to resolve the issue of arms, the IRA leadership wish to confirm that our representative will intensify the engagement with the IICD. This dialogue is within the context of our commitment to deal satisfactorily with the question of arms. It is with a view to accelerating progress towards the comprehensive resolution of this issue.

Progress will be directly influenced by the attitude of other parties to the peace process, including and especially, the British government. The IRA's commitment is without question. However, as we have said before, peace making and peace keeping is a collective effort. It is our considered view that the Irish peace process can succeed. The continued failure or refusal to sustain political process and to deliver real and meaningful change has a direct bearing on how this will be accomplished.

The IRA has contributed, consistently and in a meaningful way to the creation of a climate which would facilitate the search for a durable settlement. We will continue to do so including through our engagement with the IICD, particularly at this difficult time, and in the period immediately ahead.

We also wish to state our attitude to the arrests of three Irishmen in Colombia. There has been a lot of ill-founded and mischievous speculation about these arrests and some ill-considered and aggressive comment directed at our organisation.

We wish to make it clear that the Army Council sent no one to Colombia to train or to engage in any military cooperation with any group. The IRA has not interfered in the internal affairs of Colombia, and will not do so. The IRA is not a threat to the peace process in Ireland or in Colombia. The three men have asserted their support for the process and we accept that.

P O'Neill, Irish Republican Publicity Bureau, Dublin.

CONFIDENTIAL - PERSONAL

bcc: JPo
DM
TK

10 DOWNING STREET
LONDON SW1A 2AA

MASTER
NORTHERN IRELAND SITUATION

From the Private Secretary

19 September 2001

Dear Paul

MEETING WITH UUP

The Prime Minister met a UUP team consisting of David Trimble, Sir Reg Empey and David Campbell at 1300 today. Jonathan Powell, Bill Jeffrey and I were present throughout. Your Secretary of State joined the meeting at about 1330. The first part of the meeting, focused on the political process, was relatively good tempered. The second part, on policing, was characterised by several spells of Trimble incandescence.

Political process

The Prime Minister said that the combination of Colombia and the attacks on the US seemed to have created a new situation. Sinn Fein/IRA were under intense pressure, including from the US. He had seen Adams on Monday and had had an unprecedentedly plain conversation with him. Adams had indicated a change of position and had said he wanted to meet with Trimble to tell him about this and about what the IRA now planned to do. Sinn Fein were indicating that the IRA would need a period of 2-3 weeks to prepare for an act of decommissioning. Trimble and Empey asked a series of questions: had Adams been clear and unequivocal? Would the decommissioning be convincing? Would it satisfy the unionist man on the street? The Prime Minister said Adams had been positive on all these points and had indicated that he wanted to reassure Trimble personally.

Empey asked what would happen if Adams did not deliver. The Prime Minister said this would put us back in suspension/review territory. Empey complained that suspension left Sinn Fein unpunished. Should the UUP conclude that nothing could happen in Northern Ireland without Sinn Fein participation? The Prime Minister said the question was one of practicality, not principle: it was unlikely that the SDLP would partner the UUP in such circumstances.

Trimble said the present situation created a uniquely favourable context for progress. Sinn Fein were in a hole. There would soon be a new SDLP leadership which he expected to be more acquiescent to any firm lead given by the two governments. This US Administration was more likely than its predecessor to stiffen the Taoiseach. All of this had inclined him to suggest that the Prime Minister, Taoiseach and US President should combine together to deliver an ultimatum to the Republicans that they should either decommission in the next few weeks or else the two governments would amend the Northern Ireland Act to allow for a devolved administration excluding Sinn Fein. On the basis of some informal conversations with SDLP politicians at the recent conference in Cambridge, he was confident the SDLP would fall in behind such a move.

Trimble conceded that Sinn Fein's latest moves changed the picture. But it would be a huge problem for the UUP getting through the 2-3 week period demanded by Sinn Fein if there was nothing in the public domain. There was a strong feeling on the part of the even the most liberal unionists that the moral basis for the Good Friday Agreement had disappeared. Empey argued that if the IRA had wanted to move, they could easily have done so this week. He interpreted this as a tactical kick into touch. The Prime Minister said he could understand why people might look at it this way. But it was undeniable that the overall context had changed dramatically in recent weeks. In his conversation on Monday, the Prime Minister sensed that Adams had grasped that Sinn Fein faced a moment of choice. Adams had justified the 2-3 week delay with reference to the need to prepare opinion within the movement. Whether one believed that or not, the right thing was surely to press on and put Sinn Fein/IRA to the test. He was therefore inclined to go for another temporary suspension in order to buy a further six weeks.

Trimble asked what rationale could be provided to justify this. Bill Jeffrey said that a statement could be made drawing attention to the steps forward on decommissioning and policing in the last six weeks and to the distractions of the Ardoyne and the attacks on the US which had prevented greater progress. Trimble said that a further extension would only be acceptable in the context of a clear ultimatum having been given to the Republicans setting out the threat of changed institutional architecture. Without this he could not hang on to the leadership of the party. He was not prepared to be hung out to dry.

Jonathan Powell suggested working on the Irish so that the Prime Minister and Taoiseach could make a joint statement on Friday night. We should aim to

pin the Irish down to accepting indefinite suspension in the absence of decommissioning. Trimble said we should go further and pin the Irish down to changing the institutional architecture as a fallback. Empey suggested planting a question at the Prime Minister's press conference with Bush in Washington which would prompt Bush to make a firm statement of the US position. The Prime Minister said we would look at this.

The Prime Minister concluded that we should proceed on the basis described. It would be important that Trimble met Adams. Trimble said this caused him no problem - only diary issues had prevented a meeting from happening already. Empey said the UUP could not guarantee a response today. They would need to take a judgement based on the meeting with Adams, the language in the Taoiseach's speech today, the joint statement with the Taoiseach on Friday night and the Prime Minister's press conference with Bush in Washington. Trimble said he would need to sniff the air "over the weekend". He could only live with a one day suspension if there was a strong rationale. Otherwise he would "parachute out". The Prime Minister asked if this meant pulling his Ministers out of the Executive. Trimble replied cryptically that he had more than one option up his sleeve. The Prime Minister and Bill Jeffrey warned Trimble that Sinn Fein might be playing for time precisely so that it was the UUP that walked away first. They should factor this into their calculations.

The Secretary of State said he had been sceptical about IRA intentions back in August. He was less so now. The context had changed and the IRA knew this. Colombia and the attacks on the US had strengthened the position of those within the movement who favoured a political approach. He believed there was the prospect of movement within a timescale tolerable to the UUP. It was very important that Trimble spoke to Adams.

Empey repeated that the UUP could not give an assurance today. On the basis of the facts available today, he did not see sufficient justification for a further six week extension. Empey claimed it was only a matter of time before a connection was established between UBL and the IRA. On closer questioning, it transpired that this assertion was based on a remark made by the White House spokesman to a GMU journalist to the effect that the US Administration regarded the IRA as part of international terrorism.

Policing

Trimble said the Secretary of State was not doing enough to help the unionists. The composition of the Police Board was hugely important for them. Paisley could be brought on board simply by including the one individual recommended by him for inclusion amongst the nine independent members. The Secretary of State said he was aware of what Paisley wanted. He was doing his utmost to look into the feasibility of this.

Trimble complained that the NIO had decided on 2 November as the transition date. The Secretary of State said no such decision had been made. Trimble retorted angrily (from here on he was in more or less permanent outburst mode) that he had been given this date by two senior people in the administrative structures which dealt with this issue. There was clearly a failure of communication within the NIO. The Secretary of State repeated that no decision had been taken on the 2 November date, whatever Trimble may have been told. In fact, 2 November was not a feasible transition date because the new recruits would not be coming on stream until mid-November. Trimble said that no transition date before next spring would be acceptable. He claimed the Secretary of State had now as good as admitted that the transition date would be in mid-November. The Secretary of State repeated that no decision had been taken.

Campbell raised the issue of symbols. Behind this lay the whole question of sovereignty. Things were heading towards a situation in which even portraits of the Queen could not be displayed in police stations. Empey argued that this was an issue on which it was necessary to stand back and take a broad view. Sensitivities had to be taken account of. Removing symbols did not create a neutral working environment – instead it rode roughshod over the views of the majority of the community. The Secretary of State said that work was in hand on defining a neutral working environment. There were claims that an officer supervising this work was being over-zealous. Any number of rumours were flying around about the removal of memorials and a ban on photographs of old award presentations. The Secretary of State had accordingly spoken to the Chief Constable who in turn had made a statement aimed at clarifying things. Trimble said he had not seen the statement but his understanding, based on a letter received from the Secretary of State, was that it did not resolve the issue of displaying portraits of the Queen. He also believed that any reassurance the statement offered on memorials was based on an overly narrow definition of what constituted a memorial. The Secretary of State said nothing was finalised and care was being taken to avoid insensitivity to individuals. Trimble replied that

the policing reforms as a whole were riddled with insensitivities not simply to individuals but to the force as a whole. The Secretary of State evidently knew nothing about feelings within the RUC. The Secretary of State pointed out that he had met six groups of policemen in recent weeks (and on this evidence the symbolic issues refered to by Trimble were not foremost amongst their concerns). The Prime Minister said these were tricky issues. But it was a mistake to think that the principle of consent enshrined in the GFA had to be expressed solely through symbols. Trimble said he accepted the need for balance but at present unionists were being given nothing.

Campbell turned the discussion to the Criminal Justice Review and the removal of coats of arms from inside court houses. The UUP had suggested the compromise of leaving coats of arms on the inside of existing buildings and only applying the review recommendation to new buildings. Trimble said that although he had not consulted the Northern Ireland judiciary he had good reason to believe they were opposed to the changes on symbols recommended in the review. The Secretary of State said he had held back publication of the CJR implementation plan for several weeks in deference to UUP sensitivities. But there would be time to go through all this. The immediate priority was to make progress on policing.

The Prime Minister said that we would look further into the concerns on policing and ensure that a sensible approach was being taken on issues such as portraits, awards and memorials. Unionists needed to avoid arguing themselves into the position where they claimed they had got nothing out of the Good Friday Agreement. That was not the case. Trimble said he thought the GFA had secured the principle of consent: he had since discovered this meant nothing to nationalists or to the NIO.

I am copying this letter to Sir Christopher Meyer (Washington).

Yours ever

Michael Tatham

MICHAEL TATHAM

Paul Priestly
NIO

CONFIDENTIAL

FROM: BILL JEFFREY
Political Director
19 September 2001
BJ/MR/51

PS/SECRETARY OF STATE(L&B) cc Sir Joseph Pilling
Mr Watkins
Mr Alston
Mr Fittall
Mr Stephens
Mr Powell No.10 cc MT
Berin (Ola) GS

CONVERSATION WITH TIM DALTON

I spoke to Dalton this afternoon.

2. I said that the meeting with Trimble had been difficult. He was by no means sure that he could hold the position for a further six weeks. For him to do so, there needed to be a clear rationale for the lifting of the suspension, which laid it on the line for Sinn Féin in terms which amounted to an ultimatum by the two Prime Ministers. We were thinking about how best to deal with this, and would put some ideas to the Irish as soon as possible.

3. I told Dalton that the Prime Minister had been pretty frank with Trimble about what was going on, and had encouraged him to expect Adams to be equally frank. Anything Dalton could do to get Adams to give Trimble the best possible account would be welcome. I had a real fear that he would equivocate and Trimble would back off. We shouldn't ignore the possibility that Adams wanted the unionists to walk away. Dalton agreed there was a risk of an unsuccessful Adams/Trimble encounter. The Taoiseach had already spoken to Adams to encourage him to do his best. Adams had told him that he planned to speak to Dalton and me to catch up before he met Trimble.

4. Dalton added that he had mentioned to Adams that the Secretary of State might suspend the institutions as early as tomorrow evening. Adams had not appeared to have any particular problem with this. He was meeting people today, and Dalton had a feeling that the IRA statement might appear during the course of tomorrow. It would not go as far as to reinstate the August proposal to de Chastelain, because there was still some thought being given to the question of method.

[Bill Jeffrey]

BILL JEFFREY
11 Millbank ☎ 6447

CONFIDENTIAL and PERSONAL

MF

1. cc. (JPo (in New York)
TK

2. BTM

FROM: JONATHAN STEPHENS
Political Directorate(L)
19 September 2001
ID.MR/52

PS/SECRETARY OF STATE(L&B)

cc Sir Joseph Pilling(L&B)
Mr Jeffrey
Mr Watkins
Mr Fittall
Mr Hannigan
Mr Maccabe
Ms Bharucha
Mr Crawford
Mr Osborne HOLAB

THE NEXT FEW DAYS

I attach:

- A possible sequence of meetings/announcements for the next few days.

- The first drafts of some of the key statements, including the announcement of suspension (Annex A), a joint statement from the Prime Minister and the Taoiseach (Annex B) and the announcement of restoration (Annex C).

2. This sequence assumes that the Suspension Order is signed tomorrow and comes into effect at midnight. Administratively, there is much to be said for bringing it into effect at midnight because it minimises confusion over who is legally in charge at any given point. But, because we need to have a review with the Irish Government before we can restore devolution and the current plan is to have this meeting on Friday in Brussels, it means that suspension must then be introduced on

CONFIDENTIAL and PERSONAL

Thursday night, rather than Friday night. That coincides with the deadline for nominations to the Policing Board.

3. The alternative would be to bring suspension into effect at mid-day on Friday (administratively messy, but possible) so that it is still in force before the meeting with the Irish in Brussels later that day. Or to bring it into force at midnight on Friday and hold at least some part of the review meeting on Saturday.

[Jonathan Stephens]

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POSSIBLE SEQUENCE

Thursday

Adams/Trimble meeting.

SoS/Paisley/Trimble meeting: policing.

Further contacts with Trimble/Mallon/Adams on 1-day suspension.

PM/Bush press conference: "No excuse for terrorism in any context. New situation makes it all the more important to show the peace process is moving forward, and imperative that all paramilitary groups demonstrate their commitment to peace and deal satisfactorily with the arms issue."

Suspension order: takes effect from midnight. Possible statement at Annex A.

Midnight: deadline for Policing Board nominations.

Friday

PM/Taoiseach and SoS/Cowen meeting(s) in Brussels: possible joint statement at Annex B.

Restoration order: takes effect from midnight. Possible statement at Annex C.

Saturday

Seek confirmation of Policing Board nominations (or re-issue invitations).

JAS/MR/52-19.9.2001

ANNEX A

SUSPENSION ANNOUNCEMENT

We are now very close to the end of the current six week period.

These six weeks have seen important progress. We have published the updated Implementation Plan for policing. The SDLP have committed themselves to support the new police service. I have invited the parties to make their political nominations to the new Policing Board. The Human Rights Commission have published their consultation document on a Bill of Rights.

But progress has been slower than I had hoped. Events here and across the world have overshadowed recent weeks. The tension and protests in North Belfast have reminded us that peace must be built locally.

The terrorist attrocities in the United States have brought into sharper focus than ever before the choice between democracy and terror – a choice with no room for ambiguity.

But these events have taken energy away from resolving the political impasse. The Governments set out, in their proposals issued after the Weston Park talks, what needed to be done including the indispensable need for decommissioning. There remains no alternative if we are to implement the Good Friday Agreement in full.

Neither Government believes immediate elections will help to resolve the fundamental issue – indeed, they will distract from it. There needs now to be a clear focus on the need for decommissioning and the restoration of confidence and stability in the institutions.

In the absence of such confidence, I have today signed a suspension order which will take effect at midnight tonight.

I expect to meet the Irish Foreign Minister, Brian Cowen, very soon to conduct a review as required by the suspension legislation. In the light of that and other consultations, I hope to be able to restore the operation of the devolved institutions very quickly.

ANNEX B

PRIME MINISTER/TAOISEACH: POSSIBLE JOINT STATEMENT

The Prime Minister and the Taoiseach met in Brussels today [accompanied by the Secretary of State for Northern Ireland and the Minister of Foreign Affairs]. They reviewed the situation in Northern Ireland, in the light of the suspension of the devolved institutions announced yesterday.

They repeated their determination to play their full part in securing an end to terrorism wherever it occurred. They agreed that in the current situation it was all the more important to carry the peace process in Northern Ireland forward. The proposals they had issued after the Weston Park talks remained the best prospect of securing the full implementation of the Good Friday Agreement.

The decommissioning of paramilitary weapons was an indispensable part of those proposals and the Good Friday Agreement. It was now imperative for paramilitary groups to demonstrate their commitment to resolving outstanding issues by exclusively peaceful means by a credible start to the decommissioning of terrorist weapons.

Both agreed that this was the fundamental issue which needed to be addressed and resolved now. Progress would send a message of hope around the world. It would restore confidence and stability in the political institutions. It would be a decisive step in the full implementation of the Good Friday Agreement. Failure would have clear consequences for those responsible.

They agreed that the prospects for success would be enhanced by the continued operation of the devolved institutions for a further limited period, and that immediate elections would simply distract energy and focus from the fundamental issue. They noted that the Secretary of State for Northern Ireland expected to make an announcement soon on the future operation of the institutions, in the light of the review being conducted.

ANNEX C

RESTORATION ANNOUNCEMENT

I have reviewed the current situation with the Irish Foreign Minister, Brian Cowen, and in consultations with party leaders.

I have today signed an order to restore the operation of the devolved institutions from midnight tonight.

This has the effect that the Assembly has a further six weeks in which to elect a First and Deputy First Minister. In the meantime Sir Reg Empey and Seamus Mallon will exercise the functions of the First and Deputy First Minister.

The fundamental issue remains. There will not be confidence and stability in the political institutions while there are doubts about the commitment of some to exclusively peaceful means and the issue of paramilitary weapons remains unresolved.

We need to confront and resolve this issue now. The attention of the world is focussed as never before on the stark choice between democracy and terror.

There has never been a better moment to show the world that in Northern Ireland we can take further decisive steps to put the violence and weapons of the past behind us and resolve what conflicts and disputes remain by exclusively peaceful means.

I have restored the institutions now because I believe that a further six week period, in which the institutions continue to operate, provides the

best - and, perhaps, final - opportunity to focus on that challenge. There is no reason to think that if we cannot resolve it now, elections will make any difference.

So all our efforts and focus must now be on this issue. If we fail now, those responsible will carry a heavy burden.

CONFIDENTIAL - PERSONAL

10 DOWNING STREET
LONDON SW1A 2AA

FAXED 2nd 2001

From the Private Secretary

19 September 2001

Dear Paul

WORKING BREAKFAST WITH THE TAOISEACH: 19 SEPTEMBER

The Prime Minister hosted a working breakfast for the Taoiseach this morning. The Taoiseach was accompanied by Brian Cowen, Michael Collins, Tim Dalton, Brendan Scannell, Martin Mansergh and the Ambassador. Your Secretary of State, Jonathan Powell, Bill Jeffrey, William Fittall and I were present on our side.

There was a brief discussion on international terrorism (which did not really break any new ground) at the beginning and end of the meal. The Taoiseach mentioned that Ireland would be supportive of the proposals put forward by the UK for tomorrow's JHA Council.

Decommissioning

The Taoiseach said that Colombia and the attacks on the US had decisively changed the dynamics of the situation. Sinn Fein/IRA had no option now: they had to decommission. He believed they would do so. Tim Dalton said this was also his view. He now believed it was simply a matter of time. Sinn Fein/IRA were not ruling out a move in the next few days, but this was unlikely for logistical reasons. At the start of August he had felt the chances of an act of decommissioning were 60/40: he now felt they were 90/10.

The Secretary of State said, if this was right, there were now three requirements. The first was for time: Sinn Fein had to understand that a temporary suspension was a legal necessity. The second was for an IRA statement. And finally, we needed Trimble to accept our approach. If he pulled his Ministers from the Executive we would be sunk. The Secretary of State added that he hoped to make progress on policing in the next few days. This, together with a suitable IRA statement, would provide cover for a roll-over of the six week extension.

The Taoiseach said that Adams would have a big part to play in reassuring Trimble. Dalton said Adams was well aware of the significance of squaring Trimble. He intended to meet with Trimble (it was not clear when) and "shake hands" on his intentions. On suspension, Dalton said Sinn Fein would never publicly support this but they were aware of the realities. They had privately acknowledged that the temporary suspension last month had been well handled.

The Prime Minister said he had told Adams that an act of decommissioning had to be accompanied by an IRA statement addressing the question of intent. David Ervine's question at Weston Part remained relevant. Trimble was currently in a very antsy frame of mind. His party had been freaked out by Colombia. He might be inclined either to make additional demands, or to manufacture a series of recurring crises over the requirement for further acts of decommissioning. We had to avoid these dangers, but we should not underestimate their difficulty. Brian Cowen said we were on the verge of achieving what Trimble had always said he wanted. We could not allow ourselves to end up in a situation where decommissioning had been delivered and yet Trimble upped the stakes and threatened to pull out his Ministers in order to secure an indefinite suspension. The Secretary of State said a great deal would depend on Trimble's assessment of the significance of what was being done. He had to be reassured on that.

Dalton returned to the question of an IRA statement of intent. He had suggested to Adams a formula along the lines of "with completion of the implementation of the Good Friday Agreement, we will only have recourse to peaceful means". Adams had shown interest in this formula, but the immediate IRA statement expected this weekend would not be so strong. The Secretary of State said that the strength of this weekend's IRA statement related directly both to the prospects of keeping Trimble in play and to providing us with cover for a further six week extension.

Cowen (a little tetchily) said that substantial decommissioning was on offer which would allow de Chastelain to say that weapons sufficient to sustain a terrorist campaign for *x* years had been destroyed. This should be sufficient to take decommissioning off the political agenda and reduce it to a technical matter for de Chastelain. The goal should be to take decommissioning out of the equation so that the political process could start to function normally. This would not work if the UUP carried on acting "as if they were a sub-committee of the IICD". The Secretary of State said the stronger the IRA statement, the easier it would be to achieve Cowen's goal. Dalton said there were likely to be two

IRA statements: an initial one this weekend, and one that accompanied the act of decommissioning. If we were too prescriptive on the contents of the first statement, we would blow the prospects of a strong second statement. Dalton appreciated that this made life awkward for Trimble – hence the importance of Adams giving him a private reassurance. Jonathan Powell said Trimble and Adams tended to speak in different political languages: we needed to ensure that the message had been properly transmitted and received.

The Prime Minister said we should not underestimate the problem for the UUP. Colombia had given the impression to the outside world that anything done on decommissioning at one end was rendered worthless by continuing IRA procurement at the other. Adams needed to set out an end-point. The Secretary of State added that events in the US had created a new political climate in which it was not enough simply to cease acts of terrorism. The whole apparatus of terrorism needed to be dismantled. This applied to punishment beatings, organised crime and intimidation. The Taoiseach acknowledged this. This had to be part of the IRA folding up their tents.

Dalton said he had mentioned to Adams that international proscription of terrorist organisations was one of the ideas likely to feature at tomorrow's JHA Council. He had added that a proposal along these lines might well prove unstoppable in current circumstances. The best insurance policy for the IRA against proscription was to decommission. Dalton said Adams had taken the point.

The Secretary of State said the preferred way forward seemed to be a one day suspension to buy further time (no-one dissented). In which case, careful thought needed to be given to the sequencing. Trimble had to be squared (for which an IRA statement would be required). A further six weeks could be justified on the basis of the progress achieved during the initial six weeks (on policing and decommissioning) and by the fact that the Ardoyne disturbances and the attacks on the US had been major distractions. All this would need to be sorted out in the next two days.

Jonathan Powell said there was a danger that, if we gave the parties a further six weeks, Adams and Trimble would each be inclined to delay moving (on decommissioning and policing respectively) until the very end of the period. The Taoiseach said that in normal circumstances this would certainly be Adams' instinct. But right now he was under unprecedented external pressure pulling the other way. Dalton said Adams would also be aware that the alternative to

decommissioning was indefinite suspension (from the other end of the table Cowen growled that this would be accepting the unconstitutional).

Bill Jeffrey pointed out that Trimble would be demanding that the Prime Minister and Taoiseach said something very robust in public about what was required of the IRA. The Taoiseach said he was making a speech to his party today which contained some language which would please Trimble.

Policing

The Irish team talked a bit about the Sinn Fein position on policing. Cowen said he had had a long meeting on policing with Sinn Fein on Monday. His impression was that they were reviewing their tactics but were sticking to their demands on particular points. Dalton said he had been pressing Sinn Fein to move from a position of active hostility on policing to one of acquiescence. The Taoiseach noted that Sinn Fein's posters in Dublin had switched from an anti-RUC theme to commemorating the 1981 hunger strikes.

SDLP

The Prime Minister asked for an Irish assessment of the likely succession to John Hume. The Taoiseach said that a poll in yesterday's Irish News had shown Mallon with 44% against Durkan's 27%. Moreover, Mallon's support was consistently strong across all regions. Mallon's decision not to stand was "dead right for all kinds of reasons". On the face of it this left the field open for Durkan, but much would depend on where Mallon's support ended up. Whoever won would face a stiff challenge: the SDLP was crying out for rejuvenation.

UDA

The Taoiseach expressed concern about continuing UDA violence. The Secretary of State set out the difficulties. It was hard (because of intimidation) to get the evidence necessary to lift those responsible for the pipe bombings. Specifying the UDA risked being counter-productive by exposing the lack of practical sanctions available. It would also lead instantly to a clammer from Unionists calling for the IRA to be specified in the light of Colombia.

RIRA

Dalton warned that we should be especially vigilant in relation to the dissident threat. They would certainly aim to raise their profile at the moment when the IRA looked like decommissioning. RIRA would be unmoved by the new political atmosphere created by the attacks on the US.

I am copying this letter to Sir Ivor Roberts (Dublin).

Yours ever

Michael Tatham

MICHAEL TATHAM

Paul Priestly
NIO

CONFIDENTIAL

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FROM: BILL JEFFREY
Political Director
19 September 2001
BJ/MR/53

PS/SECRETARY OF STATE(L&B)

cc Sir Joseph Pilling
Mr Watkins
Mr Alston
Mr Fittall
Mr Stephens
Mr Tatham No.10

cc: JPO
TK

CONVERSATION WITH GERRY ADAMS

Adams phoned me at 4.30pm this afternoon.

2. After a brief exchange on Policing Board nominations which I am recording separately for a wider audience, Adams said that he had arranged to meet David Trimble tomorrow morning, he thought at noon. He had hoped by now to be in a more advanced position than he was, and was concerned about how to handle the meeting. He wondered how the Prime Minister's meeting had gone earlier today.

3. I said that it had not been easy. Trimble had been doubtful about holding his party for another six weeks, and insistent that there should be a clear and convincing rationale for such an extension. The Prime Minister had told Trimble that he believed that recent events had caused Adams to change his position, and that there was good chance of decommissioning happening in the coming weeks, but that Adams wanted to meet Trimble face to face in order to reassure him. I had thought, from our earlier conversation and from Tim Dalton's account, that Adams intended to be open with Trimble about what was happening.

4. Adams said that the problem was that he could not have the same kind of conversation with Trimble as he had had with the Prime Minister.

Some of what he said could well end up in the papers, which would be disastrous. He was therefore going to have to think quite carefully about what he said. I said that in that case, knowing how opaque Adams can be when he wanted to, my fear was that we could end up with Trimble distinctly un-reassured, which would create a very difficult situation. If Adams explained to Trimble what was in his mind, and emphasised that it could all be lost if there was any publicity, I thought there was a good chance that Trimble would respect that. Adams said that he was damned if he did and damned if he didn't. He would be grateful if Dalton and I could give some thought to the matter. He would try to speak to both of us before tomorrow's meeting.

5. Adams is partly playing games of the usual kind, but it is true that there is a distinct difference between alerting Trimble to an act within days and one within weeks. I think our interest is still, just, in bringing the two together tomorrow and urging Adams to be as open as possible, Tim Dalton, to whom I have spoken again, agrees, and will encourage Adams to take a chance by taking Trimble into his confidence.

6. Michael Tatham has made the helpful suggestion that if, despite all our efforts, it becomes clear that Adams is not going to come up to scratch, I might warn David Campbell, and explain to him that in our judgement this reflected fear of leaks on Adams' part, rather than necessarily implying any retreat from the position as described to Trimble by the Prime Minister.

[Bill Jeffrey]

BILL JEFFREY
11 Millbank ☎ 6447

From: **Bill Jeffrey**
Date: **18 September 2001**

JONATHAN POWELL

cc: **Secretary of State for NI**
Michael Tatham

CONVERSATION WITH TIM DALTON

Dalton rang me at about 1915, having just completed his meeting with Adams and McGuinness.

They had talked to some people during the course of the day. They would try for action before the weekend but realistically thought it extremely unlikely. They were attracted by the "muddling through" option, but could not deliver by the middle of next week. Dalton had emphasised that it would only work if we could be certain of delivery by then, and even then depended on checking the legal aspects. It had transpired that the leadership were telling them that they would need several weeks to bring people on side. Adams and McGuinness had accepted that, in these circumstances, the Government would face a dilemma. They did not want to be associated in any way with suspension, but the message had been that they would tolerate it if that was what the Prime Ministers decided.

Dalton had asked whether there was any chance on getting the proposal on methodology back on the table before the weekend. The answer had been that this would only happen shortly before the act itself took place. They were, however, contemplating a statement by the IRA before the weekend. Dalton had worked on this with them, and they had gone off with something on the following lines:

> "The IRA can confirm that, against the background of our commitment to the peace process, its representative will intensify engagement with the IICD in the period immediately ahead, within the context of our commitment to deal satisfactorily with the question of arms, with a view to accelerating progress towards a comprehensive resolution of this issue."

I said that, in the current heightened atmosphere, this would be seen as pretty pathetic and not matching up to the requirements of the situation. Dalton said that he agreed, but it seemed as far as they were likely to be able to go. I asked how Adams was proposing to handle Trimble. Dalton said that he was planning to speak to him tomorrow, but did not at this stage know what he would say.

As we agreed, this drives us much closer to the conclusion that we should go for a one-day suspension, followed by six weeks in which the IRA could either do the business or not, provided Unionists are willing to give it a bit longer.

As you will have seen from my note of earlier today, Empey at least is in that position, arguing that recent events give us an unprecedented opportunity to put the Provisionals under irresistible pressure. Tomorrow's meeting will give the Prime Minister an opportunity to discover if Trimble takes the same view.

Anne Stevenson
pp **Bill Jeffrey**

CONFIDENTIAL - PERSONAL

From: Jonathan Powell
Date: 18 September 2001

PRIME MINISTER

cc: Michael Tatham
Tom Kelly
David Manning

NORTHERN IRELAND

You are seeing Bertie tomorrow for breakfast and Trimble for lunch.

We had agreed a way forward with the Irish this morning, but this will need to be modified in light of what Adams has told Tim Dalton this evening (see attached note from Bill).

Adams has told Dalton that there is still an outside possibility of an act of decommissioning happening by Sunday. They were attracted by the idea of muddling through. But Adams said it was likely that they would need several more weeks before an act could take place. The muddling through option would not therefore work and he therefore reluctantly accepted we would need a 24-hour technical suspension to buy 6 more weeks. He said as long as he did not have to endorse this he could live with it.

Trimble is pretty opposed to another 24-hour suspension, but as you will see from the attached note Empey likes it. And I think we can sell it to Trimble and Empey on the basis that we now believe an act is going to take place and the current international situation gives us an unprecedented opportunity to put maximum pressure on Adams.

On this basis I suggest we agree the following with the Irish:

a) If an act of decommissioning takes place before Sunday we welcome it and persuade the Unionists to stay in the institutions.
b) If it does not, but Adams tells us it will happen by say Wednesday next week we try to muddle through as we had agreed with the Irish this morning. But see the attached legal advice; this is tricky and John Reid is very uncomfortable with this approach.
c) If Adams says there will be an act but not for some weeks (his current position) we suspend for 24 hours on Saturday and buy another 6 weeks. We explain that we are doing this because of the current

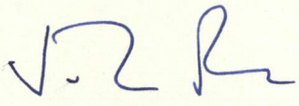
international situation and because we believe this is an unprecedented opportunity to close a chapter on terrorism in these islands.

We also need to make it clear to the Irish that an act of decommissioning will not be enough by itself for the Unionists. It will need to be set in a process leading to complete decommissioning. And it will need to be accompanied by a statement of intent of the sort you were discussing with Adams yesterday to give people confidence that the IRA really does intend to go out of business.

You will then have a difficult meeting with Trimble. In addition to selling him this approach you will need to get him to sign up to the policing board by Thursday (with the DUP), and listen to his grumbles about the Criminal Justice Review.

Incidentally, when and if it comes to a review, the Irish now propose that this should be conducted by the two governments. On the basis that we cannot persuade Trimble to accept Clinton (and the Irish tell me Adams is against him doing it, which illustrates why it would be a good idea) then I think this is the best option.

You will see Bertie again on Friday night in Brussels.



JONATHAN POWELL

CONFIDENTIAL & PERSONAL

Fyi: JRO
cc MT

FROM: JONATHAN STEPHENS
Political Directorate (L)
18 September 2001

PS/Secretary of State (L&B) cc See Copy Distribution Below

SUSPENSION AND ELECTIONS: THE LEGAL POSITION

I attach a note, cleared with Home Office Legal Advisers. It is intended to accompany the briefing submitted by Bill Jeffrey for tomorrow's meeting with the Taoiseach.

2. The key issue is the risks involved if we let the six week period expire without a suspension, thereby triggering the obligation to propose a date for elections, and then subsequently impose a suspension. When consulted in August, the Law Officers took the view that, although suspension could not "untrigger" the obligation, the courts would be very unlikely to require the Secretary of State to propose a date for elections providing he could show he had acted reasonably in not proposing a date and he had not decided once and for all that no elections should be held during a suspension and he was keeping the matter under review.

3. This offers rather more comfort than I had earlier thought.

(Signed)

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Distribution List

PS/PUS (L&B)
Mr Jeffrey
Mr Watkins
Mr Fittall
Mr Osborne, HOLAB
Mr Powell, No 10

CONFIDENTIAL & PERSONAL

JAS SMJ

SUSPENSION AND ELECTIONS: THE LEGAL POSITION

This note reflects advice given by the Law Officers in the run up to the 24 hour suspension in August. It has been cleared with legal advisers.

2. The legal position is that, once the current six week period expires at midnight on Saturday 22 September without a successful election of a First and Deputy First Minister, the Secretary of State comes under a legal obligation to propose a date for fresh Assembly elections.

3. The uncertainty arises over how that legal obligation interacts with any suspension of the Assembly.

4. This is a situation not contemplated when the legislation was drafted. But we can be reasonably confident that:

- a suspension of the Assembly, whether for 24 hours or indefinitely, before midnight on Saturday means that the statutory obligation to propose a date for elections is not engaged;

- if we pass midnight on Saturday, the Secretary of State is not obliged immediately to propose a date for elections: providing he can cite some plausible reason, such as consulting parties on the possible dates for elections, he will be allowed at least a week or 10 days before a court would entertain an action that he was failing to discharge his obligation;

- if, after midnight on Saturday but before the Assembly was dissolved for elections, it successfully elected a First and Deputy First Minister, then the courts would be unlikely to strike down a decision by the Secretary of State not to call elections, on the grounds that the original cause of the obligation to call elections had been resolved;

- after midnight on Saturday, the Secretary of State could still suspend the Assembly indefinitely and re-institute direct rule if, for example, the IRA failed to deliver on any promise to decommission.

5. It is in the last scenario, however, that the greatest uncertainty arises. While the Secretary of State can still, after the six week period has expired, suspend the Assembly and re-institute direct rule, it is by no means clear that this suspension has the effect of cancelling the legal obligation on the Secretary of State to set a date for fresh Assembly elections.

6. The risk is that some party, such as the DUP or Sinn Féin, could mount a challenge that the Secretary of State was still statutory obliged to set a date for elections, notwithstanding any suspension of the Assembly. We would need to argue that the suspension trumped this, cancelled the obligation to propose a date for elections and that there was, in any case, little point in holding elections for an Assembly that was suspended and could not meet.

7. When consulted on this specific question on 6 August, the Attorney General's view was:

- the obligation to trigger elections cannot be "untriggered" by suspension;
- but the Secretary of State is entitled to have regard to the fact of suspension;
- it is doubtful it would be proper to decide once and for all not to propose a date for elections during suspension;
- it is a matter which would have to be kept under review;

- providing the Secretary of State could show he had acted reasonably, it is very unlikely a court would require him to propose a date for an election;

- the risks are greater if the Assembly had been dissolved before any suspension took effect.

JB
SofS MP
AC/SS
BP

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister

MEETING WITH THE TAOISEACH TOMORROW MORNING

The ground you should aim to cover with Bertie tomorrow morning is:

- **how to react if Gerry Adams has by then reported to Tim Dalton that the IRA are ready to put weapons beyond use, but need a few days beyond the weekend to do so ("success");**

- **what to do if Adams is non-committal or discouraging, and we reach the weekend with no progress on decommissioning ("failure").**

- **the shape of any review;**

- **perhaps OTRs.**

2. You will no doubt want to start with the US terrorist attacks, both because Bertie is an EU leader, and as a reminder – which the Irish scarcely need – that last Tuesday changed the terms of trade for Sinn Féin, perhaps irrevocably.

"Success"

3. Tim Dalton may well report that Adams has the IRA leadership on board for an early act; that it can't be done before the weekend, but could be next week; and that the chances of achieving it will be reduced if we suspend the institutions,

INVESTOR IN PEOPLE

/EB

even for a day. The question then will be whether we can find some way of keeping things going into next week without the use of suspension.

4. The position on this is as follows:

- If we reach midnight Saturday without a successful election of a First and Deputy First Minister, I will be under a statutory duty to set a date for Assembly elections.

- I need not do so immediately. The courts would be unlikely to find against me if I took a few days – say up to a week – to consult the parties about which date to set.

- If the IRA decommissioned within days of the weekend and there was then a successful FM/DFM election, I could defend not setting an election date – The Rationale for doing so would have passed; **but**

- There is a significant risk. If something went wrong – either the IRA didn't deliver, or they did but in a way that didn't enable Trimble to get back – we would face significant, legal and political problems in avoiding elections. Our legal advice is that we could do so and suspend (and perhaps have a reasonable chance of success), but it would take some skillful political handling.

5. One doesn't need to be a conspiracy theorist to fear that Sinn Féin are trying to manoeuvre us into a position where the IRA just fall short of doing

INVESTOR IN PEOPLE

/EB

enough for Trimble, and we are then trapped into holding elections. My own preference, if it could be achieved, would therefore be to go for another one day suspension. If, as Adams is saying, the IRA could by Saturday get de Chastelain to the point of reporting that the proposed method was back on the table and the Commission expected it to be acted on within days, that would provide every justification for using the device again. It is nonsense for Adams to turn a one-day suspension into a big issue of principle. He says it is not in the Good Friday Agreement, but nor is the provision for Assembly elections after 6 weeks if there is no consensus on a First and Deputy First Minister.

6. If, however, the Irish make it clear that in their view there is no deal with Adams if suspension features in any way, I think you should insist on four things:

- a de Chastelain report this week that leaves no room for doubt that the decommissioning act is imminent; - "within days?"

- a guarantee from Sinn Féin, on the substance of the decommissioning act, on timing (i.e. before next Tuesday or Wednesday), and on an accompanying IRA statement which significantly counters the effect of the Colombian revelations and establishes the act as the first step in a process;

- complete openness with Trimble, who will be even more suspicious than I am, and is likely to pull his Ministers out at the weekend if he thinks it is the only way of precipitating suspension and avoiding elections. Trimble and Empey need to know from Sinn Féin what is going on – even if they have to keep it to themselves;

INVESTOR IN PEOPLE

- a guarantee from us to Trimble that if the IRA don't deliver next week we will suspend the institutions indefinitely and not call elections, even if this involves some legal risk.

If you could tie Bertie into an understanding of this kind (which he will not like, because of the suspension angle) it will also provide a further incentive for the Provisionals to deliver.

"Failure"

7. I understand it was clear from this morning's meeting of officials that the Irish have not begun to think seriously about what to do if we reach the weekend no further forward. It is important that you have some understanding with Bertie about this before you go abroad.

8. The options, as you know, are:

- suspension for the purpose of a review, with the objective of restoring things as quickly as possible - the suspension itself would not be time-limited, but we could set a target for successful completion of a review, say the end of November;

- a further one day suspension, to create a further six weeks (during which a scoping review could be held) and during which which pressure could build on Sinn Féin;

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/EB

- setting a date for Assembly elections, with a review in the meantime.

9. Which of these is even feasible depends partly on Trimble's position. If unionist Ministers resign before the weekend (as I think they would without a guarantee that we would act ourselves), indefinite suspension becomes inescapable.

10. My guess is that it will not be difficult to talk the Taoiseach out of early elections. The Irish are closer to the SDLP than they have been for a while. They know elections would just make things worse. But they also have constitutional problems with an indefinite suspension, and will want to stave it off for as long as possible. Bertie will probably therefore argue (as I understand Martin Mansergh did this morning) for another six weeks to allow the pressure of current events to intensify on Sinn Féin. How you react to this depends, I think, on what the signal has been from Adams. If (improbably) it is a clear rejection, it is hard to see what a further six week period would achieve. But if – as is all too likely – it is muddier than that, you could play the issue into your meeting with Trimble later in the day. When Reg Empey spoke to Bill Jeffrey this morning he did not rule out another six weeks, provided you, Bertie and George Bush provided a clear rationale for it by piling the pressure on Sinn Féin. In short, your position with Bertie could be that you were up for another six weeks if Trimble was, and if it was clear on all sides that the purpose was to provide more time for the IRA to deliver.

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The shape of a review

11. That brings me to what would happen in the six weeks, or after an indefinite suspension.

12. Your thought that Bill Clinton might help was an interesting one. But it would be anathema to Trimble, and the Washington Embassy fear it would harm relations with the Bush administration. Some time ago Chris Meyer suggested James Baker as someone in whom Bush would be bound to have confidence. There may be other possibilities. We suspect George Mitchell would be unwilling, but don't know for sure. I think the truth is that time is too short, and just at this moment the Americans are too preoccupied, for it to be realistic for an outsider to be identified and to conduct a review – or even an initial clearing of the ground – within six weeks of this weekend. When I saw Richard Haass last week, he said that, if what we were talking about was a week's stocktake,(scoping review?) he might do it himself. This too is quite an attractive thought, but limiting the commitment to a single week is unrealistic, and I don't think it would be fair to expect more from Richard, given his other responsibilities.

13. My advice would therefore be:

- to use tomorrow morning to take Bertie's mind on the involvement of an outsider if the process becomes completely stalled;

- but not to rush into anything. If at the weekend there seems a good chance that another six weeks might resolve things, there need not be a review as such. If we hit the buffers and the mood is more pessimistic, the next step

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/EB

could be well-prepared British-Irish summit, at which you and Bertie could take stock and decide more deliberately on the form of any review and who should conduct it.

OTRs

14. The Irish are unlikely to raise this and I don't suggest you should. If they do, you will no doubt want to signal how much more difficult Amnesty legislation is going to be post New York and Washington. I should like the chance to talk this through with you at a future stage.

15. I am copying this to Richard Wilson and to Ivor Roberts in Dublin.

JOHN REID

18 Sept 2001

INVESTOR IN PEOPLE

/EB

FROM: BILL JEFFREY
Political Director
18 September 2001
BJ/MR/49

JRO
of MT
Press

PS/SECRETARY OF STATE(L&B) cc PS/Ms Kennedy(L&B)
PS/Mr Browne(L&B)
Sir Joseph Pilling(L&B)
Mr Watkins
Mr Fittall(L&B)
Mr Maccabe
Mr Stephens
Ms Bharucha
Mr Waterworth
Mr Powell No.10
Sir Ivor Roberts HMA(D)

CALL FROM SIR REG EMPEY

Reg Empey rang me this morning. He hoped that we were all aware of how much things have changed in recent weeks. The Colombian incident and the terrorist attacks in the USA had exposed the contradiction in all our attitudes towards Sinn Féin. The Taoiseach and the Prime Minister were in a very strong position, and should now be putting intense pressure on the Provisionals. If the Prime Minister was going to play as prominent a part in the international efforts against terrorism as appeared to be the case, he could not "play Rambo one minute and have the boys in for tea the next". The Provisionals had always thought they could tough things out, but the situation had changed.

2. I said that I agreed about the change in the situation. Our Ministers were keenly aware of the opportunity which recent events provided, as, I thought, were the Irish, who were putting it to Sinn Féin that there would never be a better time for the IRA to move on weapons. The US Administration's position had been obvious from Richard Haass' recent visit. The usual behind the scenes discussions were going on. There were a few signs that Adams was beginning to feel the heat and might be looking for ways of getting off the hook. The position on this was pretty unclear, but the Prime Minister might be able to say more, following his meeting with the Taoiseach tomorrow morning, when he saw Trimble and Empey later in the day.

3. Empey said that, as he understood it, if we got to the end of the week with nothing from Sinn Féin, there would be three options. We would either be plunged into elections, which seemed a bizarre outcome; or there could be suspension followed by review; or "another quickie", by which I took him to mean a one-day suspension. If we ended up going for the third of these, there would have to be some rationale for it. This could be achieved if the Prime Minister, the Taoiseach and President Bush spelt out in no uncertain terms what was required of the IRA. Empey wondered if it might be possible to engineer some kind of statement in the context of Prime Minister's visit to the United States later in the week.

4. I took delivery of the suggestion, which Empey will be able to put direct to the Prime Minister since I understand he is coming in with Trimble tomorrow. I also assured him that there was no lack of understanding here of the significance of last week's events or of the undesirability of early Assembly elections.

5. I **attach** a note which Reg Empey faxed to me after our conversation, which enlarges on his point about the opportunity presented by the Prime Minister's visit to the USA.

[Bill Jeffrey]

BILL JEFFREY
11 Millbank ☎ 6447

FACSIMILE FROM THE LONDON OFFICE OF
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JB c DM a MI GS/TK

TO Mr Powell

FROM: Mr Jeffrey

SUBJECT Call from Sir Reg Empey

REFERENCE ID:

Please attach enclosure to Mr Jeffrey's emailed document sent (xc0i) earlier headed "call from Sir Reg Empey"

Thanks.

Fax sent on 18/9 at 16:45 By Monique

NUMBER OF PAGES

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RECEIVED
18 SEP 2001
720
POL DIRECTORATE(L)

Bill
Just a note following our chat this morning.

In view of the very high standing of the Prime Minister with the American people and their President, I believe that there is an opportunity to force the issue this week when the PM meets Bertie and visits the US.

I am enclosing an editorial from Republican News that I think is instructive in the current situation. This has also been sent to John Reid and Richard Haas.

During his discussions with Bertie tomorrow I believe a firm decision is required to end the carrot only approach, which has been taken for the last few years for reasons, which we understand. We are facing the end of a democratically elected Administration in Belfast this weekend due to terrorist action! That is the reality. Following the Colombian affair, Alex Maskey's detention in Turkey this week on a SF delegation to the left wing hunger strikers there and the catastrophe in the US there is an imperative on all three governments to ensure that terrorism does not succeed.

The PM and President Bush run the risk of a charge of double standards if questions are asked about their relationship to Irish terrorists when they are calling upon the world to renounce terrorism. So do we!

I suggest the following: -

a) The PM and Bertie should decide that they have had enough and that they are not prepared to see a democratically endorsed Agreement destroyed because Irish Republicans and Loyalists have not honoured their obligations to disarm and follow the Mitchell principles. (There have been punishment beatings and all sorts of activity in recent weeks)
b) They should resolve to enlist the support of President Bush for their decision this week.
c) During the PM's visit to the US, a question should be 'planted' with a friendly member of the press corps on the NI peace process and events upcoming this weekend. This could set the scene for the PM and President to give clear answers that they have waited long enough, that there is no excuse for armed groups to continue and that further failure to disarm and the continuing threat of violence will not be tolerated. In other words, they have been warned- honour your obligations or suffer rejection by all democratic governments. President Bush could bring a particular poignancy to his reply. Indeed, properly crafted it could deliver a knockout blow.

Whether or not the PM has decided to fully suspend, or use the same procedure as on 12th August, it should be clear to republicans that if they are not prepared to deal properly with disarmament and the continuing threat of violence, then HMG with the support of Ahern and Bush will introduce measures to ensure the continuation of a cross community government in Belfast without them.

Look forward to seeing you tomorrow.
Reg Empey. 18th Sept 2001.

An Phoblacht/Republican News - Thursday 12 September 2001

An Phoblacht
REPUBLICAN NEWS

A massive human tragedy

The appalling catastrophe in New York and Washington is above all a massive human tragedy. The full extent of the casualties is not yet known but they must run into thousands. The wave of shock, grief and mourning is only beginning to reach beyond the East Coast of the US. Many Irish families will be bereaved. The human consequences are as yet incalculable.

This tragedy will have lasting political and economic consequences. Not since the American Civil War has the United States seen such a scale of violent death on its territory. Even during the Second World War, US citizens did not suffer the mass bombing of civilians from the air which caused such devastation in Europe and Asia. Such an unprecedented event must have a huge impact on US society and politics.

It is too early to assess who was responsible for this attack. No matter who was to blame, it was utterly reprehensible and must be condemned. The deliberate killing of civilians is always wrong, no matter whether it is governments, armed political groups or individuals who carry it out.

There has already been a rush to blame particular groups. Little evidence has emerged to back these claims. There is a real danger now that the very diverse Muslim community worldwide will be scapegoated. No one should be made to suffer because of their religion or because of the region from which they come. There is an even greater danger that the US government and military may now lash out and make innocent civilians in other countries pay for what it is describing as an act of war.

We know only too well how in the Middle East and in Central America the pursuit of a militaristic and aggressive policy by US governments and by those governments it sponsored, led to the deaths of many thousands of innocent people. It will compound the tragedy of 11 September 2001 if that

is repeated.

The perpetrators of the atrocities in Washington and New York may well have their origins in the political disaster area which is the Middle East. But it is a disaster area for which the 'West' and its client governments bear much responsibility. Lashing out in that direction at targets vaguely defined under the label 'international terrorism' will fulfil only the desire for revenge and ultimately inflame the region yet further.

Calm assessment may be impossible at the moment but it is vital in the days ahead if further conflagration is to be avoided.

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CONFIDENTIAL and PERSONAL

FROM: BILL JEFFREY
Political Director
18 September 2001
BJ/MR/47

PS/SECRETARY OF STATE(L&B)

cc Sir Joseph Pilling
Mr Watkins
Mr Alston
Mr Fittall
Mr Stephens
Mr Powell No.10-FAX

MEETING WITH GERRY ADAMS

Gerry Adams called on me at Millbank for about an hour yesterday afternoon on his way to No.10 to meet the Prime Minister.

2. He confirmed what Tim Dalton had told me on Saturday. He and McGuinness had decided to go back to the IRA and try to persuade them to move on putting weapons beyond use. The best outcome would be if they did so before the end of this week. He would aim for this, but suspected it wouldn't be possible, either logistically or in terms of preparing the wider movement. He had wondered about a de Chastelain report towards the end of the week saying that the 6 August proposal was back on the table, and that the Commission expected it to be acted on soon. This might be possible, but carried risks to the security of the act itself. The big news organisations would be willing to invest resources to find out when and where it was taking place. The question was how we could get past the weekend and create some more time in which the IRA could follow through on their commitment.

3. I said that there were several factors to consider. I had briefed Jonathan Powell on our conversation on Friday, but did not know precisely where the Prime Minister stood. He was up to his neck in the aftermath of last Tuesday, which had changed the whole context dramatically. He might feel that we had waited long enough and had to draw a line somewhere. (Adams interjected that he and PM knew each other well enough to know that it would do no good for either to come on heavy with the other.) I also didn't know whether Trimble would be willing to have his Ministers soldier on

after next weekend. Assuming nothing had happened by then, Trimble's current position was that we should simply suspend the institutions indefinitely and move into a review. Subject to both these points, I supposed that the obvious thing to do would be to have a one day technical suspension as in August, which would create a further period of six weeks during which the IRA could do the business and a First and Deputy First Minister could be re-elected. For that to be worthwhile, I thought we (and more particularly Trimble) would need to know for sure both that the act was going to take place and the timeframe. There were understandable concerns about security, but the more open Adams could be with Trimble, the better.

4. Adams agreed. He had been trying to meet Trimble, but it kept being postponed, for what he was prepared to accept were legitimate diary reasons. How much he said would depend on when he got to Trimble, and on the latter's mood; but if he had succeeded in getting the IRA on board, his instinct was to tell Trimble frankly that it was going to happen. They needed, at least metaphorically, to shake hands on it. It was worth one more effort to make the relationship work.

5. Reverting to the question of timing, Adams asked why it was necessary to have a suspension, even for one day. It would be very problematic if he managed to get the IRA to move, and within days we acted to suspend. Was suspension necessary in order to have a review? I said that it wasn't, but, as Adams would know, if we hit Sunday without a First and Deputy First Minister having been re-elected the Secretary of State would be under a statutory obligation to set a date for elections. Nobody, including Sinn Féin, wanted elections. A one-day suspension was no more than a well-intentioned device to create a bit of space in which politics could work, not a reassertion of direct rule for the sake of it.

6. Adams said that the road to hell was paved with good intentions. Elections were not particularly in Sinn Féin's interests, but it was weird that we should go to such lengths to avoid democracy. The Good Friday Agreement said nothing about suspension. We ought to try to find a way of keeping things going without either suspension or a review. Was there any chance that a positive de Chastelain report of the kind we had discussed earlier would be enough to get Trimble re-elected? I said that I was sure it would not. Trimble had long since got to the point where only the

actual act would be enough to get him back. Adams agreed that was probably right. "Thinking aloud"(!), he then postulated a sequence in which there was a de Chastelain report later this week, on the back of which the Secretary of State could set a date for a FM/DFM election, the implication being that the IRA would act in the intervening period. I said that we could think about this and talk to the Irish, but I doubted if it would work. The FM/DFM election date was a matter for the Assembly. I still didn't see why a one day suspension should be such a big deal.

7. Adams said that, on this occasion, he would not be presenting the issue to the IRA as part of a deal. His argument would be that it was in the republican movement's political interests to move. But he himself would want to be satisfied about how we and the unionists would react on such matters as the stability of the institutions, OTRs and demilitarisation. It wouldn't work if, within a month or so, there were demands from unionists and from within the British system for another tranche, or if we got to Christmas and Rita O'Hare still couldn't go home. I repeated what I had said on Friday about Ministers' reactions to a convincing act of decommissioning. I could not speak for the unionists, some of whom would never be satisfied, but my impression was that Trimble wanted to get things back on track, and not to be dogged by decommissioning for ever after. For the rest, the Weston Park proposals stood. In particular, once weapons had been put beyond use, the security normalisation measures would be taken. (I did not mention OTRs.)

8. Adams said that people on his side were concerned about recent meetings between Trimble and Paisley. I said that our assessment was that it was an arrangement of convenience, arising from the fact that both wanted to sign up for the Policing Board, but each needed some cover from the other.

9. I asked Adams if Sinn Féin were going to nominate to the Policing Board. Adams said he had asked for some work to be done on options. Some favoured joining the Board, others were opposed. His own view was that it would probably be too much for the movement to swallow decommissioning and policing at the same time. One possibility would be for them to tell us what would have to happen for them to sign up, which we could either accept or reject. But he wanted to test opinion. There would be an Ard Fheis (I think) in a week or so. I said that the

Secretary of State was on the point of writing inviting nominations within 3 days. Adams said this was too fast for Sinn Féin. We should think again. I said I would pass this on, but the Secretary of State was very keen to make progress.

[Signed]

BILL JEFFREY
11 Millbank ☎ 6447

FROM: PS/Secretary of State
18 September 2001

cc: *See Distribution List*

Mr Watkins - O

MEETING WITH TOM CONSTANTINE, 18 SEPTEMBER

Summary

- **Constantine refuses to chair or lead a review required to assess the effectiveness of the PSNI.**

- **Agreement reached on handling questions about the proposed review during Constantine's current visit to Northern Ireland.**

- **Constantine to work with officials on seeking a way forward.**

Detail

2. The Secretary of State held an urgent meeting with Tom Constantine, who was accompanied by Al Hutchinson, earlier this afternoon in Castle Buildings to discuss the proposed review of policing arrangements planned for 2002. William Fittall and Robin Masefield provided support.

3. The Secretary of State said he had been briefed on Jane Kennedy's meeting with Constantine yesterday when he understood the Commissioner had expressed a number of concerns about the proposed review. Constantine agreed.

4. The Secretary of State sought to clarify the Government's intentions. We did not want Constantine and his team to get involved in a detailed audit of the effectiveness of the new police service. We wanted him to fulfil two roles: firstly, we wanted him to lead a review focused on progress with the implementation of Patten. Secondly, there was a wider dimension – which was not necessarily for the Oversight Commissioner – which would focus on the security context and the impact of implementation on the effectiveness of the

/JH

INVESTOR IN PEOPLE

police service. This wider review was intended as a means of meeting the demand from Unionists for an opportunity to gauge and challenge the impact of Patten on the effectiveness of the police service. In the Government's view, this was not unreasonable.

5. The Secretary of State emphasised that we were not asking the Oversight Commissioner to assess the security situation or the effectiveness of the police service. It was possible to envisage a situation where Constantine chaired the review and assessed the implementation of Patten, but would receive reports from HMIC and the Chief Constable on the security situation and the operational effectiveness of the police service. He could also take views from the political parties. These reports and views could be incorporated in Constantine's report, but political judgements on the basis of them would be a matter for the Secretary of State. In this way, it should be possible to construct a review which would cover:

- an assessment of the security situation – based on advice from the Chief Constable;

- a report on progress with the implementation of Patten undertaken by the Oversight Commissioner and his team;

- an assessment of the impact of Patten on the effectiveness of the police service – based on reports from the Chief Constable and HMIC.

6. The Secretary of State said that, politically, it would be difficult for HMG to maintain that the review would focus on the implementation of Patten in a vacuum. The review could not ignore the security context and the impact of Patten on police effectiveness. The political parties wanted an assurance that the Secretary of State was open to persuasion to change the legislation or the pace of change depending on the context or police effectiveness.

7. In response, Tom Constantine set out the history of his involvement in the idea of a review. He had been reluctant from the outset to become involved because of the risk of contamination of the oversight process. He had then received a specific request from the two Governments and had been pressed by the Irish Ambassador, to whom he had explained his reasons for resistance, and had only reluctantly agreed to undertake the

review with the assurance that it would not contaminate his work. He had not been consulted about what the review would entail. At the meeting with Jane Kennedy, the previous day, the Minister had talked about operational effectiveness, Special Branch and the FTR. This was far away from what he had originally been led to believe was the purpose of the review. He had spoken to his team and the universal opinion was that they could not and should not undertake such a review. This was a job for HMIC or an independent person. He and his colleagues would "not have a clue" about the judgements that would need to be made. He did not want to chair such a review.

8. The Secretary of State pointed out that Patten had specifically said that implementation would have to take account of the security situation and operational effectiveness. He was prepared to configure the review so that Constantine and his team would not have to make value judgements. These would be taken by Ministers. As the chairman of the review, Constantine could receive assessments of the security context and the operational effectiveness of the new police service from HMIC and the Chief Constable. He could then prepare his report on progress with the implementation of Patten and incorporate these other reports into it. It would be hugely helpful if he would agree to this approach. He was held in high esteem and trusted by both sides in Northern Ireland.

9. Constantine said he had considered the matter carefully and declined to take the role. He was not in a position to reach judgements on these issues. This was not what he had agreed to do. We should look for someone else. The Secretary of State pressed again. How could his team oversee the implementation of Patten without taking account of the security context and police effectiveness? This would be oversight in the abstract and in a vacuum. Constantine again very firmly declined the task. The Government's objectives were in conflict with what he believed he and his team would be able to achieve. The magnitude of the proposed review and the range of issues the parties would want to raise were a significant deterrent. He and his team could do a very positive service for the people of Northern Ireland by fulfilling their terms of reference. The role he was now being invited to undertake was beyond the skills and abilities which he and his team possessed. They did not feel able to take on the review.

10. The Secretary of State reiterated that the context and consequences of the implementation of Patten were integral to the oversight process. He outlined again his approach to protecting Constantine and his team from having to take value judgements.

Contantine reiterated that he had taken his assignment on the basis of specific terms of reference. In an effort to be helpful, he had agreed to extend his remit in a particular way at the invitation of the two Governments. He was now being asked to be part of a review to evaluate the security situation and the effectiveness of the new police service. He was not prepared to be involved in this type of review. He did not want to cause disappointment to the Secretary of State but was firm that he was not going to take this on. He had not been consulted and feared that he could not hold his team together if they were asked to undertake such a review. We should find someone else for the job. He was not prepared to chair such a review. He had never had the detail of what we expected explained to him. We could have saved ourselves much trouble if we had told him in July what was intended. His answer would have been "no".

11. The Secretary of State asked how Constantine's team intended to oversee the implementation process. Constantine replied that his review would consist of information derived from the oversight process. He would not be evaluating or reaching judgements on the basis of the information provided to him by the reporting bodies. That was a task for the Policing Board and the Chief Constable. The review we envisaged was a step too far. The Secretary of State asked whether this meant Constantine was not prepared to review whether there was a need for amendments to the Police Act. He confirmed that this was the case and said we should speak to Sean O'hUiginn, to whom he had explained the constraints and limitations within which he was prepared to work. He apologised again for any disappointment, but had he been consulted fully he would have made his position clear.

12. The Secretary of State asked officials to work through the issues with Constantine and his team to see if it was possible to construct a way forward which would meet the objectives of both sides. It was possible to envisage a process where the Oversight Commissioner would conduct one part of a three-part review – with operational effectiveness and the security situation assessed by others. One way forward might be for Constantine to recommend such a structure to the Secretary of State, who would readily accept it. Constantine said he would want to look carefully at the language we proposed to use before agreeing on such a way forward. William Fittall pointed out that we did not need to tie down the details immediately. Nor did we need to say anything publicly. The review was some way off and we needed to remain vague about its parameters for the

moment. Constantine agreed and said he would be careful in any public references he made to the review.

Signed

P G PRIESTLY
Principal Private Secretary
☎ (B) 28110
(L) 6462

cc: PS/Secretary of State (B&L) – O
PS/Ms Kennedy (B&L) – O
PS/Sir Joseph Pilling (B&L) – O
Mr Jeffrey – O
Mr Fittall – O
Miss O'Mara – O
Mr Maccabe – O
Miss Bharucha – O
Mr Lindsay – O
Mr Masefield – O
Mr Olszewski – O
Mr Tatham, No.10 – E

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JPO
cc MT

Jonathan Powell
Chief of Staff to the Prime Minister
10 Downing Street
LONDON
SW1A 2AA

18 September 2001

Dear Jonathan,

NORTHERN IRELAND: MEETING WITH IRISH OFFICIALS

This morning's breakfast meeting with Irish officials was attended by Tim Dalton, Brendan Scannell, Michael Collins, Martin Mansergh and the Irish Ambassador; you, Bill Jeffrey, Michael Tatham and I were present on the British side.

Tim Dalton said it remained the case that the IRA might yet do nothing. But Adams had been very happy with yesterday's meetings with the Prime Minister and with Bill Jeffrey. It was left that Adams would be trying to secure an act of decommissioning: there would be further contact with Dalton this evening, at which it might be possible to get a better fix on the IRA's reaction.

In terms of timing, Dalton said there were two possibilities. First, an act before Sunday: Adams had not absolutely ruled this out but it seemed very unlikely. Second, a strong and positive report by de Chastelain before Sunday in which de Chastelain was able to say that the IRA's proposal was back on the table and that an event would follow in short order. Adams continued to think that a suspension of any kind would make it very difficult to follow through with an act of decommissioning: primarily, it appeared, because he saw suspension as happening at the behest of unionists. Dalton had sought to explain that it was primarily driven by legal issues.

Dalton also said that whatever de Chastelain was able eventually to say about an act of decommissioning needed to be stronger. Without necessarily giving quantities, he needed to be able to give a strong impression that he was not talking about a few rifles but was, for example, talking about sufficient quantity of weapons to mount a 1970s style terrorist campaign for several years. Dalton said that he understood that de Chastelain had told the IRA what quantity of weapons he considered to be needed, and

the IRA had indicated that this was not impossible. Bill Jeffrey said that the other critical issue for unionists was the visibility of the method of decommissioning.

You said that the critical thing was for Adams to see Trimble and convince him that the IRA was going to decommission. The Prime Minister was prepared to try and persuade Trimble tomorrow to take such an approach seriously. But Trimble would need certainty that the IRA would decommission, and certainty about the timing, which should be no later than Wednesday, or just possibly Thursday, of next week. The Prime Minister had also told Adams that any act of decommissioning needed to be part of a process, and not presented as a simple one-off gesture. In the wake of Colombia and other events, some accompanying statement of intent was also needed: if a straightforward "war is over" statement was not achievable, then something along the lines of "the war is over once the Good Friday Agreement is implemented in full" would provide some reassurance that the IRA was not insisting on a united Ireland before they wound down. Adams had suggested that he could possibly see his way to such a statement.

You said that we also needed to be certain of the legal position. We would be trying to clarify this further, but it seemed that we could stumble on for a few days beyond Sunday without calling elections or suspending the Assembly, on the basis that we were undertaking a round of consultations. If an act of decommissioning then happened and a successful election of the First and Deputy First Minister then occurred, we were reasonably confident that the courts would not step in then to order Assembly elections. The more difficult problem was if the IRA did not deliver on any promise, or what the IRA delivered fell short of what Trimble required. The risk then was that we were caught in a legal trap, in which we either had to call elections or risk a successful court challenge ordering us to call elections.

Bill Jeffrey said that this was why, if an act of decommissioning could not be accomplished by Sunday, we preferred a short 24 hour suspension as a pragmatic way forward. This was not what unionists wanted: they wanted an indefinite suspension. In any case, there was nothing magic about elections in this situation: the Good Friday Agreement no more sanctioned elections than it sanctioned suspension. The trouble would be convincing Trimble, in the wake of his party's difficulties over policing and with his concerns about the imminent criminal justice review, to give any room to an approach from Adams. He would be bound to respond that whatever the IRA have planned to do in August, more was now required. At any stage, by pulling his Ministers out, he could force us into indefinite suspension. There was a risk that Trimble would be so gloomy that Adams would conclude it was not worth it.

You asked what would happen if the IRA did nothing. Martin Mansergh said the Taoiseach did not want elections: somehow we should get a further period of time in order to keep the pressure up on Sinn Féin. Tim Dalton said he saw little option but an indefinite suspension: tactically, the best position to be in with Sinn Féin would be to say that they could have a few more days but if then nothing happened, there would be indefinite suspension. Mansergh noted that the Irish Government would have to enter a *de jure* reservation on suspension.

You said that the Prime Minister had been attracted to a review undertaken by President Clinton, but unionists were adamantly opposed. Tim Dalton suggested that the first approach should be an internal review between the two Governments. You pointed out that much of the burden of this would fall to the Secretary of State and Cowen because the Prime Minister was likely to be otherwise engaged for the next three weeks or so after the end of this week.

There was agreement that tomorrow's meeting between the Prime Minister and the Taoiseach should focus on the current prospects and what to do if the IRA did not come forward with decommissioning. There was a prospect of a further meeting in the margins of Friday's Brussels Summit and contact in the meantime between the Secretary of State and Brian Cowen.

Yours,

Jonathan

JONATHAN STEPHENS

CONFIDENTIAL & PERSONAL

JAS/SMJ

? DCO filing
In Matrix

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

17 September 2001

Dear John,

I heard today of your decision to retire as leader of the SDLP.

We have shared much since 1997 and without your sincerity, courage and leadership we would not be where we are today. There is no more noble motivation in politics than the selfless pursuit of peace and there are few who rise to that challenge and succeed, but you did, and for that you are one of the greatest peacemakers of our time.

Today, despite our continuing efforts to cement the peace process we must not forget how far we have travelled. Many people are alive who would not have been had you not grasped the nettle of violence and murder that dominated Northern Ireland society. Too many took the status quo for granted – you did not. I remember vividly the harsh criticisms you first endured and the risks you took to engage the men of violence in dialogue. While many faltered you did not. That took a degree of courage rarely seen in politics.

John, today I would like to say thank you for more than a generation of political leadership, much of it in the face of adversity. I would also like to say thank you to Pat, who I know has been a tower of strength to you in all that you

have had to face. I am glad that you will remain in Westminster and in the European Parliament and that you will continue to serve the people of Northern Ireland, the cause of peace and be a voice of reason on Europe.

You have been one of the truly inspirational & outstanding political leaders of our times. We are in your debt.

Yours ever

Tony

Mr John Hume MP

FROM: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
CASTLE BUILDINGS
BELFAST BT4 3SG

Michael Tatham Esq
Private Secretary
No.10 Downing Street
LONDON
SW1A 2AA

Faxed
17 September 2001

Dear Michael

John Hume resigned as leader of the SDLP today. He has led the Party since 1979.

The Secretary of State has both written to Mr Hume and issued a public statement. However, given his stature and contribution to political life, it would also be appropriate for the Prime Minister to write personally.

Yours ever

SARAH TODD

/EB

INVESTOR IN PEOPLE

John Hume Esq MP MEP
6 West End Park
LONDONDERRY
BT48 9JF

September 2001

I learned with sadness today of your decision to retire as leader of the SDLP. We have been through much together since 1997 and I am immensely grateful to you for the way in which you have led constitutional nationalism towards the future encapsulated in the Good Friday Agreement.

There will be other days to laud your overall contribution to politics, but as one party leader to another, I have marvelled at your ability to lead your colleagues and the broader nationalist community through the years of unremitting challenge since you became leader in 1979.

I am delighted that you have decided to remain active at Westminster and as an MEP. You have much left to contribute on the national and international stages and I look forward to working with you in the years to come.

/EB

INVESTOR IN PEOPLE

Fax:
7 839 9044

17 September 2001

Pse pass to
Mr Powell before
tomorrow morning.
James Dingemans
EUD(B) FCO
x 270 2356
17/9.

cc: MP

Fm: John Rankin
To: Mr Jeffrey
Cc: PS/SOS
PS/PUS
Mr Fittall
Mr Stephens
Mr Watkins
Mr Maccabe
Mr Waterworth
Ms Bharucha
Ms Pierce, FCO
Ms Duff, FCO
Mr Powell, No.10
HMA
Mr Ray

LUNCH WITH ADRIAN O'NEILL, 17 SEPTEMBER

1. I had lunch today with Adrian O'Neill, who has taken over from Ray Bassett in Anglo-Irish Division. O'Neill was previously responsible for dealing with the North/South institutions and has had past postings in Madrid, Boston and Washington (where he was press secretary).

2. O'Neill had not received a detailed read-out of this morning's meeting between Brian Cowen and Sinn Fein(led by Gerry Kelly) on policing. When he had asked Brendan Scannell whether the meeting had gone well, however, the latter had rolled his eyes and said "no".

3. On the options post – 23 September, O'Neill said suspension of the institutions for a lengthy period, with a review, would be constitutionally very difficult for the Irish Government. The Attorney General had advised that any Irish "collusion" in such a suspension could be open to constitutional challenge. O'Neill accepted that another one-day suspension would have diminished credibility. He nonetheless suggested that the best option might be a one day suspension, followed by restoration of the institutions with the prospect of elections being held in the long term e.g. around March 2002 (with the Order in Council setting the precise date only being moved in the run up to that period).

4. I said it was hard to see what incentive that would produce for Sinn Fein and the IRA to deliver on decommissioning. O'Neill(depressingly) said that it

would buy time to create the context in which decommissioning could happen. He also said the prospect of elections would create an incentive for those parties who wished to avoid them to "adjust their positions in order to reach accommodations". When I commented that there seemed to be zero chance of the UUP agreeing to continue in the Executive in the run up to elections in March 2001, O'Neill said they might prefer this to elections in another six weeks time. I also asked whether March 2001 was being suggested in the hope that the IRA would decommission in order to enhance their election prospects in the south. O'Neill said that was not the case, and (like Martin Mansergh) thought that Sinn Fein had little interest in entering a coalition government in Dublin following the next election. He believed that Martin McGuinness and Gerry Adams, particularly following last week's events, saw the need for decommissioning to take place. The difficulty (as with policing) remained in persuading others within their sphere of influence.

5. Finally, O'Neill commented wryly that Hume had quite deliberately announced his intention to step down without Mallon being present. Hume's clearly preferred successor was Mark Durkan. Nonetheless O'Neill believed it would be best if Mallon took over the SDLP leadership in the short-term, given his strong nationalist credentials. These were particularly important at a time when the SDLP was struggling to convince the nationalist community that its decision on policing had been right. Feed-back from public meetings suggested that Sinn Fein was getting by far the better of the debate.

John Rankin

JRO
& MT
AC/GS

FROM: PS/Secretary of State
15 September 2001

cc: *See distribution below*

Mr Jeffrey - O

MEETING WITH DAVID TRIMBLE AND REV IAN PAISLEY, 14 SEPTEMBER

Summary

- **Trimble seeking to use Paisley to protect himself by ensuring UUP and DUP nominate to Policing Board at same time.**

- **Assurances provided on 12 month review; composition of Policing Board; manpower, resources and funding; Police Ombudsman and Special Branch. Secretary of State to confirm in writing.**

- **Both parties agree to consider written response from Secretary of State overnight. Paisley suggests further meeting might be necessary.**

Detail

The Secretary of State met with David Trimble and the Rev Ian Paisley, who were accompanied by David McNarry and Ian Paisley Jnr, yesterday afternoon in his office in the Palace of Westminster to discuss policing issues. William Fittall, Robin Masefield and Denis Godfrey were also present. The meeting was friendly and businesslike throughout.

2. By way of introduction, the Secretary of State explained his intention to launch the nomination process for the Policing Board the following day. He therefore hoped to be able to provide Trimble and Paisley with a response later that evening on the various issues they intended to raise. Paisley said the two parties would need an opportunity to come back to the Secretary of State. Trimble said they could if necessary 'jump up and down' the following morning.

12 Month Review

3. Trimble sought reassurance that the review would be able to examine the effectiveness of the new policing arrangements and that Patten would not be considered 'holy writ'. He also wanted HMIC to play a formal role in the review. Paisley asked for a guarantee that Policing Board members could raise any issues they wished as part of the review. Their hands should not be tied by virtue of their membership of the Board.

4. The Secretary of State pointed out that Patten had assumed peaceful conditions. The review would therefore have to take account of the environment in which the police were operating. Operational effectiveness would be a central aspect of the review and the Policing Board would be free to offer views. Trimble said the Oversight Commissioner might adopt a narrow approach, focussed on implementation of Patten. We should therefore include a role for HMIC and set the review within broad parameters. Paisley said he wanted the Secretary of State's assurances in writing.

Policing Board and DPPs

5. Trimble sought assurance that, in the event of suspension, UUP and DUP nominees would be appointed to a direct rule Policing Board. The Secretary of State gave the assurance. Trimble said they were being asked to nominate in ignorance of the independent appointees and could therefore end up on a Board with whose composition they were unhappy. The Board as a whole needed to have a unionist majority. Paisley said the chairman must also be a unionist. The Secretary of State pointed out that he was required by statute to ensure that the Board was broadly representative of the community. If the SDLP nominated, but Sinn Fein did not, he would need to compensate for nationalist under-representation by appointing more nationalist independents. He could not offer a guarantee on the chairmanship because he was required to apply the merit principle in making appointments. He was prepared to consult party leaders on the chair and vice-chairmanships.

6. Trimble said they had a number of concerns about DPPs. He sought clarification of the functions and composition of the sub-groups of the Belfast DPP. The Secretary of State said the sub-groups would have only consultative functions. Sinn Fein had pressed for them to have the same functions as full DPPs. HMG had offered a review of their functions at the 12 month point. But for the moment the sub groups' functions remained as provided in the Police Act. New legislation would be required to make any changes.

Trimble asked whether HMG intended to repeal the disqualification on appointing independents with terrorist convictions. The Secretary of State said this issue would be considered as part of the planned review. The Government was prepared to legislate if such change was found to be justified. But the terms of trade on this issue could change following events in Columbia and the US.

Manpower and Resources

7. Trimble drew attention to HMIC's recent report and the concern that the new police service might not be effective at the time of its creation. The Chief Constable had not been prepared to hold officers back from taking severance and there was now a serious manpower shortage. We were facing a situation where the FTR would be needed for some time to come. He was therefore concerned about the commitment in the Implementation Plan to a start date for phasing out the FTR and the absence of any means to control the process once started. The Secretary of State said the police, with his support, were planning to take more recruits each year than Patten had recommended – 500-600 per annum against 370 envisaged by Patten. Increased civilianisation and withdrawal of the police from courts work would help to offset manpower losses. In addition, our assessment was that the losses might already have bottomed out.

8. Trimble asked whether the higher rate of recruitment was achievable using 50/50 recruitment. If we did not get sufficient Catholic applicants, large numbers of Protestants would suffer discrimination. This was not sustainable: the police service would be tainted if it was based on a breach of human rights. Travelling hopefully was understandable, but we would need to adjust quickly if we did not achieve the necessary numbers. Paisley said 50/50 should have been structured to achieve 50% Protestants and 50% Catholics and others. He also claimed we would lower standards if insufficient numbers of Catholics applied.

9. In response, the Secretary of State reminded them that the key objective was to achieve a more representative police service. The support of the SDLP and the Catholic Church should ensure an increase in Catholic applications. We were also seeking to prevent intimidation by republicans. We were in a new situation and should be able to achieve the higher recruitment rate. The standards required for entry would not be reduced. We were committed to phasing out the FTR and wanted to remove the uncertainty about the future. FTR officers would be given reasonable notice of non-renewal of their contracts. Once the new recruits came on stream, the Chief Constable would

undertake a review of the security situation and his operational requirements, on the basis of which a decision could be made on whether it was safe to begin the process of phasing out the FTR. Trimble pressed on whether we could control the process once started. The Secretary of State sought to provide reassurance on this. Paisley noted that the FTR was the biggest policing issue for the Protestant community. The Secretary of State set out the position on NI allowance and mark-time pay for FTR members recruited into the PSNI. Trimble and Paisley welcomed these developments. Trimble asked about progress on funding for the RUC Sports Association. Robin Masefield said the issue had been discussed with the Association and we were waiting for them to come forward with a detailed bid.

Special Branch

10. The Secretary of State explained that the support services would continue to be available to Special Branch and briefed on the proposed reductions in SB numbers. Trimble and Paisley seemed content.

Police Ombudsman

11. Trimble claimed the Ombudsman was 'interfering far too much' and was hampering police operations. The Secretary of State confirmed that protocols and guidance had been agreed between the Ombudsman's office and the RUC and would be developed further in light of experience. He also confirmed that there were restrictions on individuals' access to information within the Ombudsman's office.

12. Paisley said a review of the Ombudsman's office should be conducted 2 years after its creation. Nuala O'Loan was far from being independent from politics. The Secretary of State said he could not give a commitment to a review, but the issue could be raised as part of the Constantine review. Trimble made some further comments which have been recorded separately. The Secretary of State said he wanted to avoid getting to a position where there was polarisation between the UUP, DUP and the Ombudsman.

Symbols

13. The Secretary of State said he had no room for manoeuvre on symbols. Trimble said the recent draft guidance prepared by ACC Kinkaid on a neutral working environment was very crude and would do huge damage. The Secretary of State said the Chief Constable, to

whom he had spoken, did not intend or expect to preclude photographs of officers in RUC uniform receiving honours and awards. Paisley grew heated as he focussed on the details of the guidance and insisted on reading out a long passage. He concluded that the draft guidance had 'come out of the pit and should be put back there. It meant the word 'RUC' was to be consigned to oblivion'. The Secretary of State said on the face of it the draft guidance looked neither sensible nor balanced. Trimble sought and was given confirmation that PSNI officers would continue to be eligible for state honours and awards.

Funding

14. The Secretary of State said he had already provided additional expenditure for policing. He was prepared to say in writing that overtime levels would be fully funded and that HMG was committed to ensuring that the PSNI was provided with the necessary funding. Paisley said he was content provided the Secretary of State's written response would bear this interpretation.

15. Drawing the meeting to a close, the Secretary of State undertook to write to Trimble and Paisley later in the day. He also offered to let them have a paper (prepared by Robin Masefield) setting out policing changes not taken forward and amendments made to the Police Bill as a result of representations made by Unionists. Both asked to have it (Trimble commented that it would be 'fun to read') and agreed to present it as their own work.

16. On the way out, Paisley expressed his gratitude to the Secretary of State for a useful meeting. Trimble agreed. Before he left, McNarry said he hoped we appreciated how much work Trimble had undertaken before and during the meeting to manage Paisley.

Signed

P G PRIESTLY
Principal Private Secretary
☎ (B) 28110
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cc: PS/Secretary of State (B&L) - O
PS/Ms Kennedy (B&L) - O
PS/Sir Joseph Pilling (B&L) - O
Mr Watkins - O
Mr Fittall - O
Miss O'Mara - O
Mr Stephens - O
Mr Maccabe - O
Mr Hannigan - O
Mr Lindsay - O
Mr Masefield - O
Mr Olszewski - O
Mr Tatham, No.10 - O
Sir Ivor Roberts, HMA Dublin - O

Pm to See
via JRo
1619

From: **Bill Jeffrey**
Date: **15 September 2001**

JONATHAN POWELL

cc: **S/S Northern Ireland**
William Fittall
Michael Tatham

CONVERSATION WITH TIM DALTON

Dalton rang me this afternoon. He had had a reasonably good session with Adams this morning, in which Adams had seemed "focused on getting things back" and had accepted that "going half way would not be sufficient to rescue the situation". He and McGuinness would make a realistic assessment of the prospect early next week, after his conversation with the Prime Minister. He had asked to see Dalton again on Tuesday.

The fly in such ointment as this amounts to – surprise, surprise – was that Adams did not think it could be done by next weekend, and had asked if some creative thought could be given to the possibility of producing a few more weeks in which something could happen. Dalton had said that there might be technical difficulties about this, but he would talk to me.

I said that we didn't know if Unionist patience would extend beyond next weekend. For the idea to run at all we would need some certainty that the IRA would act. We had never had this before. If Trimble could hang on in there, the obvious option would be another one-day suspension followed by a more deliberate stocktaking (perhaps involving an outsider) in the ensuing six weeks. Dalton said that Adams was rather against the idea of a review by an outsider at this stage. He (Dalton) had wondered about some kind of committee involving

the governments and the parties, on the lines of the implementation group which emerged from Weston Park.

I said that we would think about this. I added that, in the new situation, Trimble might well need something more from the IRA than the mere act, as reported by de Chastelain. A confidence-building statement about their peaceful intentions might do. We certainly couldn't have them out publicly discounting what they had done. Dalton agreed. Adams had told him that, if the deed could be done, his own mind was moving towards, as a next step, getting the IRA to fold their tents, implying that the war was over. I said that I didn't want to be ungracious, but we had been tantalised with that prospect before.

Comment

As ever, there is a dilemma. The stuff about the folding of tents makes me suspect that this is probably just another tease. Adams may well be trying to spin things out to the point where the Unionists walk away. That being so, the Prime Minister may feel that if we don't draw a line now we never will.

On the other hand, and Adams knows this, if he appears to be genuinely holding out the prospect of an early act of decommissioning, the Taoiseach at least will not want to close things down. As ever, it will depend on what is actually being said. My own view is that the Prime Minister would need something close to a guarantee, preferably one that could be shared with Trimble if only on Privy Counsellor terms; and the confidence, from a separate discussion with Trimble, that we would not be playing into Adams' hands by provoking Unionist resignations.

As it happens, the sequence of meetings is quite well set up: Prime Minister meeting with Adams on Monday; British and Irish officials on Tuesday morning; Dalton and Adams later on Tuesday; breakfast with the Taoiseach on Wednesday morning. If Adams gives the Prime Minister the same pitch as he gave Dalton, the Prime Minister could:

- urge him to move as quickly as possible;

- be non-committal on creating more time, but say that he would need to be absolutely sure that the IRA were going to move, and would like to be able to take Trimble into his confidence; and

- ask for a definitive answer from Adams before he meets the Taoiseach on Wednesday morning.

BILL JEFFREY

CONFIDENTIAL - PERSONAL

From: **Jonathan Powell**
Date: **14 September 2001**

PRIME MINISTER

cc: **Michael Tatham**
Tom Kelly
David Manning

NORTHERN IRELAND

I attach a note from Bill Jeffrey of his meeting with Gerry Adams today. I think Adams will say very much the same things to you on Monday.

The combination of New York and Columbia give us an opportunity. This is not a good time to be a terrorist chief. You need to tell Gerry Adams that they need to put the modalities back on the table and undertake an act of decommissioning by the end of next week if they are to have any chance of staying in the game. The IRA have reached a moment of fundamental choice: they now have to put down the armalite and proceed with only the ballot box if they are to be treated as a legitimate political party. An act of decommissioning will not now be enough by itself; they have to give a signal of intent either by saying the war is over or by agreeing a process of decommissioning rather than a single act.

If they do not do the business we will either have to call elections or suspension will be forced on us. In either case it leads to the same outcome: collapse of the institutions. We will have a review but that will not change the terms of trade. The unresolved issue will still be decommissioning. So if Adams and McGuinness want to save the GFA they are going to have to deliver their colleagues on decommissioning. Of course it will be hard to get consensus; but it is essential that they are persuaded. The securocrats have always said that the IRA would never decommission. It is up to him to prove them wrong.

You also need to put down a very firm marker of what will happen if they try a short sharp shock.

Adams is very worried about his relationship with you, because of what I said to him before the summer and because we have unusually been playing hard to get. You need to tell him that you cannot invest more time in this process with all that is going on in the world. This is their last chance.

We are then meeting Irish officials on Tuesday; you have breakfast with Bertie on Wednesday and lunch with Trimble the same day.

Trimble is being difficult about policing and criminal justice but will sign up for the policing board by the end of the week. We need to be careful not to give him so many concessions that we knock the SDLP off the other end of the seesaw. The Irish are already getting nervous. We will give you separate briefing on the detail.

The deadline is next weekend. The NIO has been toying with the idea of another technical suspension to buy time. If we are totally pre-occupied with Afghanistan that might make sense. But it will look pretty threadbare. There is no point in calling elections, and the Irish are now opposed to them because of their fear of what would happen to the SDLP. That leaves us with suspension. If we do it ourselves, we give SF the excuse they want to fall back into their victim complex. But Trimble has removed his threat of withdrawing his Ministers because he wants us to suspend rather than taking the opprobrium himself. We need to decide with Bertie on Wednesday which of these options we are going for and who should head up the review. The Americans have proposed Jim Baker or Richard Haas. Neither is likely to be acceptable to SF. I still like your idea of Bill Clinton but it would be a hard sell to the Unionists (and the American administration will have reservations). And they would reject the NIO idea of Rolf Meyer.

JP

JONATHAN POWELL

CONFIDENTIAL - PERSONAL

From: Bill Jeffrey
Date: 15 September 2001

JONATHAN POWELL

cc: S/S Northern Ireland
William Fittall
Michael Tatham

MEETING WITH GERRY ADAMS

1. I met Gerry Adams, at his request, for just over an hour at Clonard Monastery yesterday afternoon. He had warned me that he just wanted to brainstorm about the situation we were now in, and, true to form, there was much furrowing of brows and talk of how he was still trying "to get his head round" things, including the significance of Tuesday's atrocities in the USA.

2. On Colombia, I got the same story as others, including Richard Haass, have had. Neither Adams nor Martin McGuinness had known what was going on. It was utter madness. He had never seen McGuinness so angry, and had "nearly lost him". He was not surprised Haass had been frosty. The drugs connection was indefensible. He had postponed his visit to Cuba, but it was a longstanding commitment and he would reinstate it some time.

3. Adams said that we were in a mess, and he wasn't sure how to get out of it. The Colombian episode had done great damage. People within the British system were exploiting it rather than calming it down for the greater good. The decision by the SDLP and the Irish Government to sign up for policing was a serious mistake. He had just come from a meeting in which he had asked Sinn Fein people to think about what would be required for the party to sign up for the Policing Board, rather than just rehearsing what was wrong with our plan. The

one day suspension had played badly, although he admitted that the Secretary of State had presented it skilfully. People felt under threat in North Belfast. He had to be able to persuade republicans that the process offered a viable way of pursuing their objectives. There was a feeling that unionists didn't want to make progress, and that if the IRA made a big move it would be thrown back in their faces.

4. I asked whether that was why the IRA hadn't followed through in August; or was it just too difficult for them? Adams implied it was a bit of both. We had to remember there were different views within the IRA. The proposal put to de Chastelain had been a major, difficult step for the IRA. Our response to the de Chastelain report had been grudging. He had had to press even to get a personal reaction from the Prime Minister. Trimble's shifting the ground on to the SDLP's attitude to policing had been widely seen as just another precondition - evidence that they weren't really up for it.

5. I said that he surely couldn't have been surprised by our response. We accepted that agreeing modalities was a big thing for the IRA, and the Secretary of State had said as much; but - in the context of the Weston Park deal - it was no more than an intermediate step.

6. I also said that we had to get real about the relevance of the behaviour of the IRA to the situation we were now in. The ceasefire had been a massive step, and a great deal of discipline had been shown. But after more than a year of devolution, and three years into the Agreement, it was simply unsustainable for the IRA still to be as fully prepared as they were, still occasionally to be murdering and attacking people, occasionally being detected acquiring arms and

behaving as they had in Colombia, and doing nothing about decommissioning. My reading of even moderate, pro-Agreement unionists was that they had run out of ability to live with this and felt morally compromised. If the IRA didn't now follow through on the scheme agreed with de Chastelain by the end of next week, and make some kind of statement to reassure people about their intentions, the whole thing would be lost.

7. Adams said that the process benefited greatly from Sinn Fein's links with the IRA and influence over them. The IRA had made the whole thing possible with their cessation and in ways that would never become public. They might well be ready to return to war if the process collapsed, but he doubted if after 7 years of ceasefire they were as well-prepared as all that. He and McGuinness had agreed some days ago to approach the IRA and try to get the August position back. I interjected that if it was just a question of getting the offer on modalities back on the table, that would not be enough. The reaction would be "so what?" Adams agreed and implied – without to my recollection saying so in terms – that he would be working for an actual act.

8. Later in the conversation, Adams said (and I wasn't taking notes) something to the effect that he was unsure about how hard to push things with the IRA. It wasn't in the interests of the process for him to fall out with people and be rebuffed. He would need advice on how we would react if the IRA moved, and on unionists' likely reaction. I said that, as in August, if the deal was done on the basis agreed, he would not find us mealy-mouthed or unstinting. The unionist position was harder to call. Although Trimble was in an even tighter position than in August, I still thought a sufficiently dramatic and convincing act would enable him to carry the day within the UUP. Adams should speak to

Trimble himself. Adams said he intended to do so. A meeting yesterday had had to be cancelled, but he would try to see him on Monday. His main concern was not about our immediate reaction, but about our willingness to drive the process forward, and stabilise the institutions. It was unacceptable for Trimble to be able to act as he had over North/South. I said that we had the agreed form of words on the stability of the institutions. I was sure Ministers would be willing to respond to a sufficiently impressive move by the IRA by saying that it provided a basis for moving forward with stable institutions.

9. When we were discussing Manhattan etc, I said – emphasising that I was speaking personally – that I thought it had a bearing on the Prime Minister's involvement in the process. He was now likely to play a major part internationally in the war against terrorism. He had stretched out to Sinn Fein more than his predecessors and more than was easy in our political culture even from a position of strength, in part because he believed in what Adams and McGuinness were doing. I knew Adams had taken badly your message about the Prime Minister's feeling personally let down in August, but the fact was that he had committed an extraordinary amount of time to Northern Ireland, he had thought a deal was on in August and had been disappointed. If one added to that the Colombian episode (which had dismayed the Prime Minister) and the wider effects of Manhattan, my sense was that next week would be a turning point. Adams absorbed this in the way that he does. He had not taken your message badly. He had just been mystified by it. He had always been struck by the scale of the Prime Minister's commitment, and had warned his own people that they could not expect it indefinitely.

Comment

10. There was a lot of predictable stuff which I haven't recorded about the Government's shortcomings, but a less hectoring tone than usual. Not surprisingly, Adams was even more at pains than usual to point up the distinction between Sinn Fein and the IRA. There was no hint of a demand for further concessions, except perhaps in relation to guaranteeing the stability of the institutions. At one point he said that he didn't want to get into a negotiation. Nor did he ask me what we intended to do next weekend.

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12. Tim Dalton is meeting Adams this morning, and will let me know how he gets on. Subject to that and to the Secretary of State's views, I think the Prime Minister's line on Monday should be to:

- heighten the sense that this is a moment of truth for the IRA, without explicitly threatening political exclusion for Sinn Fein which would in my view be counter-productive. Adams immediately accepted the argument that, under cover of Manhattan, the time will never be better for a decisive move on decommissioning;

- assure Adams that our response will be immediate and positive (including a statement that the way is now clear for the institutions to operate as intended, in

a stable manner) and that we will do our best with Trimble – this is the weakest point, since Trimble is now almost dreading a move by the IRA;

- avoid committing himself on what will happen next weekend if nothing has happened – this will have to be discussed with the Taoiseach later in the week.

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BILL JEFFREY

CONFIDENTIAL - PERSONAL

From: Bill Jeffrey
Date: 15 September 2001

JONATHAN POWELL

cc: S/S Northern Ireland
William Fittall
Michael Tatham

CONVERSATION WITH TIM DALTON

Dalton rang me this afternoon. He had had a reasonably good session with Adams this morning, in which Adams had seemed "focused on getting things back" and had accepted that "going half way would not be sufficient to rescue the situation". He and McGuinness would make a realistic assessment of the prospect early next week, after his conversation with the Prime Minister. He had asked to see Dalton again on Tuesday.

The fly in such ointment as this amounts to – surprise, surprise – was that Adams did not think it could be done by next weekend, and had asked if some creative thought could be given to the possibility of producing a few more weeks in which something could happen. Dalton had said that there might be technical difficulties about this, but he would talk to me.

I said that we didn't know if Unionist patience would extend beyond next weekend. For the idea to run at all we would need some certainty that the IRA would act. We had never had this before. If Trimble could hang on in there, the obvious option would be another one-day suspension followed by a more deliberate stocktaking (perhaps involving an outsider) in the ensuing six weeks. Dalton said that Adams was rather against the idea of a review by an outsider at this stage. He (Dalton) had wondered about some kind of committee involving

the governments and the parties, on the lines of the implementation group which emerged from Weston Park.

I said that we would think about this. I added that, in the new situation, Trimble might well need something more from the IRA than the mere act, as reported by de Chastelain. A confidence-building statement about their peaceful intentions might do. We certainly couldn't have them out publicly discounting what they had done. Dalton agreed. Adams had told him that, if the deed could be done, his own mind was moving towards, as a next step, getting the IRA to fold their tents, implying that the war was over. I said that I didn't want to be ungracious, but we had been tantalised with that prospect before.

Comment

As ever, there is a dilemma. The stuff about the folding of tents makes me suspect that this is probably just another tease. Adams may well be trying to spin things out to the point where the Unionists walk away. That being so, the Prime Minister may feel that if we don't draw a line now we never will.

On the other hand, and Adams knows this, if he appears to be genuinely holding out the prospect of an early act of decommissioning, the Taoiseach at least will not want to close things down. As ever, it will depend on what is actually being said. My own view is that the Prime Minister would need something close to a guarantee, preferably one that could be shared with Trimble if only on Privy Counsellor terms; and the confidence, from a separate discussion with Trimble, that we would not be playing into Adams' hands by provoking Unionist resignations.

As it happens, the sequence of meetings is quite well set up: Prime Minister meeting with Adams on Monday; British and Irish officials on Tuesday morning; Dalton and Adams later on Tuesday; breakfast with the Taoiseach on Wednesday morning. If Adams gives the Prime Minister the same pitch as he gave Dalton, the Prime Minister could:

- urge him to move as quickly as possible;

- be non-committal on creating more time, but say that he would need to be absolutely sure that the IRA were going to move, and would like to be able to take Trimble into his confidence; and

- ask for a definitive answer from Adams before he meets the Taoiseach on Wednesday morning.

BILL JEFFREY

The Rt. Hon. The Lord Williams of Mostyn QC

The Leader of the House of Lords

13 September 2001

Jonathan Powell
Number 10 Downing St

Dear Jonathan,

NORTHERN IRELAND ISSUES IN THE LORDS

I am writing to suggest that I take over responsibility for Northern Ireland issues in the Lords. Charlie Falconer has told me that his responsibilities at DTLR, and particularly his travel commitments, will make it difficult for him to continue to carry out the Northern Ireland role. As you know I have performed this role in the past and being in the House most afternoons as Leader I believe that I am best placed to take this on. I would be grateful if you could confirm that the Prime Minister is content with this

I have also written to John Reid alerting him to this suggestion.

I am copying this to Sir Richard Wilson.

Yours ever,

Gareth

CONFIDENTIAL - PERSONAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 September 2001

Dear Paul

MEETING WITH DAVID TRIMBLE

David Trimble and David Campbell came into No 10 this morning for a meeting with Jonathan Powell, Bill Jeffrey and me.

Policing

Trimble drew on a note which he subsequently handed over (Bill Jeffrey took a copy). This was Trimble's reworking of some of the ideas he had discussed with Paisley (a copy had been sent to Paisley). Trimble asked us not to disclose to Paisley that this position had been disclosed to the government in advance of their meeting with the Secretary of State (although Paisley would be aware in general terms that Trimble was preparing the ground with UK officials).

Trimble expanded on some of the points in his note. The assurances he needed on the Policing Board were crucial. On appointments, he could accept a private understanding but there would need to be public language on the reappointment of party nominees in the event of suspension and on the need for the composition of the Board to be representative of the population of Northern Ireland as a whole. He emphasised the importance of the Full Time Reserve as the only means the Chief Constable had to control numbers. Trimble referred briefly to his demands on the Ombudsman and Special Branch (which he thought should not be problematic) but weighed in most heavily on symbols. There was a genuine point of substance about sovereignty here. Unionism could not cope with an insensitive wipe-out on policing followed by a kick in the teeth on criminal justice. The situation was so bad he had been forced into partnership with Paisley. Trimble complained about one (unnamed) senior RUC officer who was driving through changes on uniforms and displaying awards with excessive zeal.

Jonathan pointed out that there was an element of zero sum gamery at work. We had finally managed to get the SDLP to take a brave step. They were currently extremely apprehensive. We could not afford to lose them at the other end. Trimble replied that as things stood the government was very close to losing the UUP.

Trimble said that if he got the changes he needed, and we then triggered the request for nominations, he would respond immediately by convening party meetings. If absolutely necessary, he would take the decision on his own responsibility. Bill emphasised that we were not looking to the UUP to state their agreement to Patten. Trimble said his problem was people within his own party who were using the issue as a stick to beat him with. They were arguing that he should emulate the SDLP and hang tough for concessions. So something on symbols would make a big difference.

Sinn Fein

Jonathan and Bill briefed that the Irish appeared to have been delivering tough messages to Sinn Fein. Haass had reported that Adams and McGuinness seemed to have understood the implications of the attacks in the US on international tolerance of terrorism. It was still not easy to read Sinn Fein: perhaps they were still uncertain themselves of the approach they should be taking. Trimble commented that Sinn Fein had overplayed their hand. Any limited willingness on the part of moderate unionists to tolerate their presence within the institutions had evaporated.

Suspension

Trimble said he looked to us to suspend at the end of next week (barring unexpected progress). He would only force the issue himself if he thought HMG would be too gutless to suspend. He thought that any review need not be long but would need to change the architecture of the institutions, moving away from D'Hondt. The Government would need to be in the front rank to carry along the SDLP. Jonathan and Bill drew attention to the problems suspension would raise with the Irish and the slim prospects of the SDLP going along with the kind of fallbacks Trimble had in mind. Jonathan said the review should not involve new negotiations. We had set out our bottom lines at Weston Park. One option would be to get a major figure to come in quickly and call it. Trimble said it was important for the Prime Minister to deliver on his undertaking to point the finger

at Sinn Fein. He should start doing this during the course of next week, rather than waiting till the moment of suspension.

North Belfast

Trimble talked a bit about the background to recent events. Hardliners on each side had thwarted attempts at mediation. Republicans had been trying to stir things up at several interfaces over the summer. In the Ardoyne they had run into some of Adair's people spoiling for a fight. Things were calming down now but the end result was likely to be a tense impasse rather than a settlement of the underlying issues. Trimble added that similar tensions could easily erupt in a number of other areas.

Jonathan concluded that the Prime Minister would need to see the Taoiseach and Trimble during the course of next week (we have since arranged a working breakfast with the Taoiseach at 0900 on 19 September).

Yours ever

Michael Tatham

MICHAEL TATHAM

Paul Priestly
NIO

FACSIMILE FROM THE LONDON OFFICE OF
BILL JEFFREY
POLITICAL DIRECTOR
NORTHERN IRELAND OFFICE
11 MILLBANK
LONDON SW1P 4QE

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FAX NO: 020 7210 – 6479
* BRENT FAX NO: 020 7210 – 0843
* [Please phone first before sending Brent Fax]

To
DH
MT
GS/TK

TO: Mr Tatham

FROM: Mr Jeffrey

SUBJECT: Policing

REFERENCE ID:

Fax sent on 13/9 at 9.25 By Monique

NUMBER OF PAGES

1 + 2

Policing
"Short term attainables" – What we might ask for
12 Sept. 2001

The Review
To be more than just a review of whether all of Patten has been implemented. It must also be a review of how it has worked in practice, of whether we in fact have an effective Police Force. We should have guarantees of consultation on format well in advance of commencement, of a clear role for us in the Review. The participation of HMIC should also be built in.

Police Board
We need a guarantee that if we nominate that the Secretary of State will reappoint our nominees in the event of suspension, that such appointees will so far as possible be treated as our nominees. Also need assurance that it is accepted that a Board cannot be representative of the people of Northern Ireland as a whole if it does not have a unionist majority. We must also have a unionist chairman.

Numbers and Resources
Because of the way the early retirement scheme is working in practice the Chief Constable has lost control of RUC strength levels, except with regard to the full time Reserve. The Fundamental Review envisaged three scenarios. The third, an entirely peaceful, normal environment posited a strength level of 7,500. In terms of regulars, we are already below that level, while the situation in the country is at about scenario one and a half. This would require a force level between eleven and twelve thousand.

Merely postponing a decision in the reserve until next March does not meet HMIC's requirement that the force effectively communicates its intentions to the reserve. We need a mechanism to set the force level needed by the facts on the ground over each of the next few years and then a commitment to retain sufficient reservists and provide the necessary resources to maintain that level.

Has the Chief Constable got a profile of when the reserve contracts fall in?

We also need commitments on fair treatment for reservists, on severance, pensions and alternative employment.

Ombudsman
Has the Ombudsman developed protocols with the police to ensure that complaints to the Ombudsman cannot be used to disrupt police operations and enquiries?

Special Branch
We need clarity on the numbers in the support services and the continued availability of those services to Special Branch.

Symbols
Symbols embody sovereignty and the consent principle. Their removal are a denial of sovereignty and consent. Without them, policing will not be acceptable to the unionist people. If the Secretary of State cannot act on flag and badge, then we suggest a formal portrait of Her Majesty in the foyer of each police station.

The draft "neutral working environment" directive must be revised. All memorials must be preserved where they are as they are. Personal memorabilia – records of awards and honours must also remain. Sensitive changes on old military memorabilia, may however be acceptable. This crass draft directive risks undermining a host of carefully worked compromises in businesses and industry throughout Northern Ireland.

THIS IS A COPY. THE ORIGINAL IS RETAINED UNDER SECTION 3 (4) OF THE PUBLIC RECORDS ACT

From: PS/Secretary of State
13 September 2001

cc: *See Copy Distribution List*

JP/e DM MT GS/TK

Mr Fittall - O

MEETING WITH RICHARD HAASS, 12 SEPTEMBER

The Secretary of State met with Richard Haass, who was accompanied by Barbara Stephenson and Eric Green, yesterday afternoon in the US Consulate in Belfast to hear about his contacts with the political parties. Bill Jeffrey, Jonathan Stephens, Robert Hannigan and you were also present.

2. Prior to the meeting, Richard Haass, Barbara Stevenson and the Secretary of State visited Belfast City Hall to be the first signatories of a book of condolence from Northern Ireland to the people of the US.

3. **Haass** said there had been little of significance in his meeting with the SDLP. The party felt exposed and had little enthusiasm for elections. Sinn Fein had been more interesting. Adams and McGuinness claimed they had not known what was going on in Columbia. They said there would be nothing like Columbia in the future if they could prevent it. They had also emphasised the differences between Sinn Fein and the IRA. In response, Haass had emphasised that it was essential that there should be no recurrence. The ability of the US Administration to compartmentalise the IRA and Sinn Fein was strictly limited. They were prepared to deal with Sinn Fein because of the party's ability to influence the IRA, not simply because of Sinn Fein's electoral mandate.

4. On policing, Adams and McGuinness had commented on the flaws in the Implementation Plan. In response, Haass had said that Sinn Fein's response was ungenerous because HMG had gone a long way to accommodate their concerns. The party should participate on the Policing Board and should understand that the US would not take kindly to any attempts to undermine the new policing arrangements. Sinn Fein should wait and see how the new arrangements worked in practice. They should allow people to make up their own minds. **Eric Green** noted that Adams had said joining the

INVESTOR IN PEOPLE

Board was a "tantalising prospect". On decommissioning, Adams and McGuinness acknowledged that it had been a mistake for the IRA to withdraw the agreement on modalities. **Haass** had told them they would have to do "modalities plus" and they had indicated that they understood this but could not achieve it before 23 September. As such, he had come away from the meeting feeling less pessimistic about the prospects for progress.

5. **Haass** said meeting the DUP was "always a show". They argued that the policing proposals were fatally flawed but the DUP might still join the Policing Board. The DUP had alienated all of the US citizens at the meeting when they crassly claimed that the people of Northern Ireland had suffered more as a result of terrorism than the US. He had been lectured heavily about "the facts". At the meeting with the UUP, Trimble had been more relaxed than he had ever seen before. (Bill Jeffrey noted that this was a bad sign). On policing, the UUP appeared to be in favour but were not prepared to give a commitment to join the Board. They had expressed concern about the implementation timetable and maintained that they needed concessions on policing before they could participate on the Board. On decommissioning, Haass had told Trimble that his response to the IRA's agreement on modalities had been less than generous. He also warned the UUP against doing anything to question the legitimacy of judgements reached by General de Chastelain. It was not the military significance of decommissioning that mattered, but its political significance. Trimble had expressed concern about the prospect of elections and made clear that he would take action to prevent them by withdrawing UUP Ministers from the Executive. He had also made a pitch for delaying publication of HMG's response to the Criminal Justice Review.

6. **The Secretary of State** briefed on recent developments and the options open to HMG in the run up to 23 September. His instinct was that we were heading towards a review focussed on addressing the current problems. **Haass** acknowledged that it was difficult to answer the UUP's question about the morality of having Sinn Fein in government while the Provisonals maintained a private army. He also questioned the purpose of a review.

7. The remainder of the discussion focussed on the purpose and mechanics of a review. **The Secretary of State** emphasised that we had not yet reached a settled policy and were

INVESTOR IN PEOPLE

considering a number of options. **Haass** showed some interest in the idea of a pre-review in the form of a limited study to advise the two Governments, which could be completed within a six week period and which might then lead into an indefinite suspension and full review if a breakthrough could not be achieved.

8. **Haass** asked whether we had an analysis of the relationship between the IRA and Sinn Fein which we would be prepared to share with him. Bill Jeffrey agreed to take this forward.

9. Finally, in response to a question from the Secretary of State, **Haass** said the US was not out of bounds if we were looking for an independent chair for a review. He reiterated that he was more inclined to the idea of a pre-review.

PG PRIESTLY

P G PRIESTLY
PS/Secretary of State
☎ (B) 28110
(L) 6462

cc: PS/Secretary of State (B&L) - O
PS/Ms Kennedy (B&L) - O
PS/Mr Browne (B&L) - O
PS/Sir Joseph Pilling (B&L) - O
Mr Jeffrey - O
Mr Watkins - O
Mr Alston - O
Mr Stephens - O
Mr Maccabe - O
Mr Hannigan - O
Mr Crawford - O
Mr Waterworth – O
[redacted] No10
Sir Ivor Roberts, HMA Dublin - O

INVESTOR IN PEOPLE

KLe

FROM: PS/SECRETARY OF STATE
12 September 2001

cc. PS/Secretary of State (L&B)
PS/Sir Joseph Pilling
Mr Fittall
Mr Stephens
Mr Tatham, No 10

MT
~~C~~ JPo
AC

Mr Jeffrey

TIMING OF UUP OFFICERS' MEETING

William Fittall (stuck at the airport, hence this minute on his behalf) spoke to David Campbell this afternoon. Campbell confirmed that the UUP Officers' meeting would not now take place this Friday because of the recall of Parliament. He and Trimble planned to discuss timing with Jonathan Powell at 9.30 tomorrow and would then reschedule the Officers' meeting.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
EXT 6461

File

CONFIDENTIAL

Emailed

Nolan Matrix

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

12 September 2001

Dear Paul

NORTHERN IRELAND: PRIME MINISTER'S PHONE CONVERSATION WITH THE TAOISEACH

The Prime Minister and the Taoiseach spoke on the phone at lunchtime today, primarily about the terrorist attacks in the US (recorded separately), but they also touched on Northern Ireland.

The Taoiseach said that, in a terrible way, the attacks in the US might help the process in Northern Ireland. The Taoiseach said he had met Sinn Fein yesterday, before the news from America, and had said to them then that they would lose US support if they backed terrorism. All the more so now.

The Taoiseach said he had questioned Adams and McGuinness hard about the IRA's withdrawal of its proposal for decommissioning. Adams and McGuinness had claimed they had not known what the IRA were planning to do, and were both entirely against the move. The Taoiseach said he had pressed them on this: were Adams and McGuinness in charge? If not, who was? What were we dealing with here – a political process or a military one? The Taoiseach said he had told Sinn Fein that he and others had been really upset by what had happened. He could just about believe that Adams and McGuinness themselves had not known what was planned; but he could not believe that whoever had been talking to De Chastelain had not known (the Prime Minister said this was a very good point). The Taoiseach said this had been met with absolute silence.

I am copying this to Sir Ivor Roberts (Dublin).

Yours ever

Anna Wechsberg

ANNA WECHSBERG

Paul Priestly
NIO

AJ

FROM: PS/Secretary of State
12 September 2001

cc: *See Distribution List*

Mr Jeffrey - O

MEETING WITH JOHN HUME AND SEAMUS MALLON, 11 SEPTEMBER

The Secretary of State, Jane Kennedy and Des Browne met with John Hume and Seamus Mallon in Castle Buildings yesterday afternoon for a stocktake on current issues. William Fittall and Robin Masefield were also present.

Policing

2. The Secretary of State said the UUP and DUP had seized the opportunity to press for concessions on policing as the cost of agreeing to participate on the Policing Board. Trimble and Paisley, whom he had seen earlier in the day, had claimed that they needed to be able to persuade their parties and supporters that it would be worthwhile to join the Board. He had told them he could not change the Implementation Plan, but had explained that the Board would be responsible for police finance, planning, manpower and resources and could therefore have significant influence on the process of change. He also intended to make a statement on policing which he hoped would be helpful to Trimble. Hume commented that Trimble had recently met him privately and assured him that by 23 September, the UUP would nominate to the Board. The Secretary of State said he could not wait much longer than the forthcoming weekend before inviting party leaders to nominate.

North Belfast

3. The Secretary of State said he would continue to ensure that the police and Army had the resources necessary to protect the schoolchildren and ensure they could get to school. He also wanted to provide the Protestant residents with a vehicle through which their grievances could be addressed and thereby remove the ostensible cause of the protest. However, he was not trying to mediate between the two communities. The immediate

issues needed to be addressed by local dialogue. Nevertheless, the NIO and the Executive could play a role in addressing the wider concerns of the two communities.

4. Mallon said there was a need to define the issues and the communities concerned. There were problems of loyalist and republican paramilitaries manipulating the residents and parents, respectively. There were also fault lines within the Executive. He had come out of an Executive meeting about North Belfast feeling very depressed. There needed to be a planned and co-ordinated approach to addressing the problems of North Belfast. David Trimble had been prepared to endorse such an approach, but some of the most relevant Ministers- including Maurice Morrow and Gregory Campbell – were not prepared to work collectively with their colleagues. The FM/DFM had no powers to require them implement any plan developed by the Executive as a whole. This issue needed to be addressed. He was confident the Executive could identify the key problems and devise a coherent plan for tackling them. This would undoubtedly focus on the regeneration of North Belfast. Girdwood Barracks and Crumlin Road prison could serve as the fulcrum for such regeneration.

5. Des Browne said he suspected the DUP were not serious about finding a solution along these lines. They were presenting the issue as essentially a security problem and wanted to extend peace walls as a means of maintaining Protestant territory. He agreed that a wider approach along the lines suggested by Seamus Mallon was necessary.

6. Seamus Mallon reiterated that the Executive needed to grip the issue. They should be able to generate a plan and find the necessary resources, but were likely to be thwarted when certain Ministers refused to co-operate. He expressed anger that the Executive was considering spending £60-70m to redevelop the Ulster Canal when North Belfast was "staring them in the face". The canal project would happen over his dead body. The FM/DFM would need the Secretary of State's help to get any agreed plan pushed through and implemented.

Peace Process

7. The Secretary of State said there were no indications that the Provisionals were prepared to move on decommissioning. As such, there was no way to get the Executive up and running on a proper basis. We were therefore heading for another crunch. The

options appeared to be elections, suspension of devolution or another one day suspension, but the later would be difficult to do again unless it led to a fundamental review under the GFA. Did the SDLP have any views?

8. John Hume said the SDLP did not want elections. Their hope of achieving elections had been the reason why republicans refused to move on decommissioning. At the last election, there had been a huge problem of voting fraud in West Tyrone, Fermanagh and South Tyrone and mid-Ulster. In terms of votes cast, the SDLP had achieved roughly the same number of votes as in earlier elections, but the Sinn Fein vote had increased. This had been largely due to malpractice and needed to be tackled.

9. Des Browne said there was a problem with the quality of staff at Polling Stations which needed to addressed if the issue of personation was to be tackled. However, the more significant problems were multiple registration and abuse of postal votes. He would be happy to meet the SDLP to discuss these issues.

10. Mallon took a different view from Hume. He had no real fear of elections. The SDLP would probably lose one or two seats and there was a risk that Sinn Fein might come first in terms of votes on the nationalist side. He believed a further one day suspension would not be credible. There was a "cosiness" in the Assembly and the Executive about the future. Local politicians were not being brought face to face with political realities.

11. The Secretary of State agreed that another one day suspension lacked credibility. We needed to acknowledge that the fundamental problem was unionist unwillingness to work with Sinn Fein because they did not trust republican intentions. Colombia had reinforced their fears. This pointed towards the need for a fundamental review under the GFA. Mallon expressed scepticism about the merits of a review. He reiterated that the Executive and the Assembly were sanguine about the future and foresaw another one day suspension. He believed we were at the point where the two Governments should provide one final chance to make progress after which we should close up shop. Hume said the two Governments needed to get all of the parties round the table to sort out the current difficulties. The Secretary of State pressed Mallon for his proposals on how best to make progress, but was given no coherent reply.

12. Hume and Mallon both commented that Sinn Fein had done nothing to help make progress. Mallon said the parties to the Agreement had created a "moral quagmire" for the greater good. The two Governments and the other parties were having to swim in the quagmire whilst Sinn Fein "poked their finger in our eyes".

13. Finally, Seamus Mallon asked whether there was any truth in the rumour he had heard that the UUP intended to pull their Ministers out of the Executive if the DUP achieved the 30 signatures necessary for their Sinn Fein exclusion motion. The Secretary of State said we had not heard this suggestion before.

Signed

P G PRIESTLY
Principal Private Secretary
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cc: PS/Secretary of State (B&L) – O
PS/Ms Kennedy (B&L) – O
PS/Mr Browne (B&L) – O
PS/Sir Joseph Pilling (B&L) – O
Mr Watkins – O
Mr Fittall – O
Mr Stephens – O
Miss O'Mara – O
Mr Leach – O
Mr Maccabe – O
Mr Hannigan – O
Mr Crawford – O
Mr Masefield – O
Mr Waterworth – O
Mr Tatham, No.10 – E

INVESTOR IN PEOPLE

NORTHERN IRELAND OFFICE
11 Millbank, London, SW1P 4PN
Tel 0171 210-6447

POLITICAL DIRECTOR

SP
cc: PT
AC
CS
DA

CONFIDENTIAL and PERSONAL
Sir Ivor Roberts KCMG
HM Ambassador
DUBLIN

ID.37(L)
11 September 2001.

Dear Ivor

THE MOOD IN DUBLIN

I agree largely with the analysis in your letter of 3 September to the Secretary of State, subject to two points – which I emphasise are more in the nature of thoughts provoked by an interesting letter than points of disagreement.

2. As you say, there has been a very distinct shift in attitudes towards Sinn Féin in Dublin in recent weeks. The combination of frustration at the withdrawal of the IRA offer on weapons and the events in Colombia has strained patience more than I can remember in my own time here. The robust line the Irish Government are taking on Sinn Féin efforts to exploit the situation in the Ardoyne is a welcome sign. You are better placed than me to judge, but I am sure you are also right about the mood in the wider political community.

3. My only word of caution is that I'm not sure that it would take much to swing things back. The Irish desperately want Sinn Féin involved. They are a long way from contemplating any form of institutional arrangement which excluded them. Although they are at present persuaded that Trimble cannot carry on without significant movement on weapons, in their hearts they regard decommissioning as a dangerous distraction. If, for example, Sinn Féin now signed up for the Policing Board, their instinct would be to hail it as an historic breakthrough, and their attitude towards Sinn Féin would become noticeably warmer.

4. My second point is that, while it must be in our interests for Sinn Féin to feel the heat, and not to be shielded by an over-indulgent Irish Government, it is obviously not in our interests to corner or isolate them so comprehensively as to drive them away, rather than keep them engaged and persuade them that they have to give more ground. Speaking for myself, I still share – though not perhaps as unquestioningly – the basic Irish analysis that the process will be immeasurably stronger if Sinn Féin are in than if they are not. This is partly, but – contrary to what Sinn Féin themselves might think – by no means wholly a point about the ceasefire. As a consequence of my first point, we may not have much to fear on this score, and for all practical purposes it is better for us to keep the Irish as they are now for as long as possible, because they are the ones most likely to influence Sinn Féin's behaviour. I merely make the point that it is possible to over-achieve!

5. I am copying this to Jonathan Powell and Paul Priestly.

Yours ever

Bill

BILL JEFFREY

CONFIDENTIAL and PERSONAL

JPO
cc: DM
MT
Press

FROM: BILL JEFFREY
Political Director
10 September 2001
BJ/MR/30

PS/SECRETARY OF STATE(L&B) cc PS/Ms Kennedy(L&B)
PS/Mr Browne(L&B)
Sir Joseph Pilling o.r.
Mr Watkins
Mr Fittall
Mr Maccabe
Mr Masefield
Mr Waterworth
Mr Powell No.10-FAX

CONVERSATION WITH DAVID McNARRY

As the Secretary of State already knows, after David Trimble had gone on Friday, I gleaned a little more about his position from David McNarry.

2. McNarry was insistent that, to have any chance of carrying the party on policing, Trimble needed something substantial on criminal justice symbols, including the retention of the Coat of Arms inside court rooms. I said that wasn't on. The most we could do was to see if the court complex now being constructed in Belfast could be treated as an existing building and have the Coat of Arms on the outside. If it would help Trimble manage policing, we could also look at postponing the publication of the criminal justice material until after this week. I also took McNarry through the package on policing.

3. Although Trimble would not thank him for telling us (so please protect), McNarry said that part of the problem was with the people he had identified to nominate to the Policing Board. Some were now unwilling to be nominated, because the mood in the party was now such that they feared deselection if we let things run through to Assembly elections.

4. I said that there would be no elections if unionist Ministers resigned. McNarry said there would be no resignations. "We won't be walking away and taking the blame." Were we likely to take action ourselves to suspend, or insist on elections? Jonathan Powell had told them that we wanted to avoid elections. I said that I could not give a definitive answer on that, but as he knew, Ministers' position in August had been against suspension unless unionist Ministers had walked. I had no reason to suppose that that position had changed, but the matter would obviously need to be discussed with Trimble in the next week or so.

[Bill Jeffrey]

BILL JEFFREY
11 Millbank ☎ 6447

FROM: BILL JEFFREY
Political Director
11 September 2001
BJ/MR/36

PS/SECRETARY OF STATE(L&B) cc PS/Ms Kennedy(L&B)
PS/Mr Browne(L&B)
Sir Joseph Pilling o.r
Mr Watkins
Mr Alston
Mr Fittall
Mr Stephens
Ms O'Mara
Mr Maccabe
Mr Powell No.10
Sir Ivor Roberts HMA(D)

CONVERSATION WITH TIM DALTON

I spoke to Tim Dalton yesterday evening, and got a read-out of the meeting he and Dermot Gallagher had had with the Sinn Féin leadership (Adams, McGuinness and Howell).

2. The meeting had lasted for about 2 hours, much of which had been taken up with discussion of Colombia. The Irish had said that their political leaders were very disturbed about it. Adams and co. had claimed not to have known what was going on, but the Irish had been unconvinced.

3. On the main issue, Dalton and Gallagher had outlined "four scenarios, plus a fifth". The four were:

- indefinite suspension of the institutions on 23 September;

- another six weeks, as at present;

- suspension for the purpose of a review (I am not sure myself how this differed from the first option);

- elections.

3. The fifth scenario was to get back to the position early in August. The Irish needed to know whether the deal then being discussed was still possible. If it was, this would be by far the best outcome.

4. Adams had accepted that in principle this was the best way. Colombia and the events in the Ardoyne had made things more difficult, but he would talk to some people and return to Dalton and Gallagher. Adams and McGuinness were due to meet the Taoiseach today.

5. I asked whether the idea was that before the meeting with the Taoiseach, they would have an answer to the question about whether the August deal was still do-able. Dalton said that he did not know, but he thought we would be clearer before the end of this week.

6. Adams had told Dalton in confidence that Sinn Féin had had a roundabout approach from David Trimble for a meeting, through the unlikely medium of Cyril Ramaphosa. (I am not sure how much significance to attach to this, but I would be grateful if **copy recipients could keep it to themselves**, for fear of embarrassing Trimble).

7. I reported all this to the Secretary of State and Jonathan Powell orally later yesterday evening. I will let you know if I hear anything about the Sinn Féin meeting with the Taoiseach.

[Bill Jeffrey]

BILL JEFFREY
11 Millbank ☎ 6447

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TELEPHONE: 028 9032 4601
FACSIMILE: 028 9024 6738
e-mail: uup@uup.org
http://www.uup.org

JPO
cc: DM
MT

~~cc MT~~
TH

Pat

to see. Rather
intemperate letter
from DT. He will
get a dusty rs.

JR

PRIVATE AND CONFIDENTIAL

The Rt Hon Tony Blair MP
Prime Minister
No 10 Downing Street
LONDON
SW1A 2AA

10 September 2001

Dear Prime Minister,

I was grateful for the opportunity to brief you on the current situation in Northern Ireland. I also had a meeting with John Reid on Friday morning. Following these I feel it is necessary to write to you underlining our grave concerns on aspects of policing, and the impending publication of government intentions regarding criminal justice.

I have to say that my chief concerns are not being addressed. In its efforts to humiliate and offend unionism, the Government runs the very serious risk of alienating myself, and my Party. The implications this would have for the entire process in Northern Ireland are self-evident.

On policing, I identified to you the real concerns of HMIC on the likely ineffectiveness of the police due to rapid downsizing in the present climate. I will have further contact with the NIO this week. It is essential that a firm public statement appear as a matter of urgency assuring the public on police numbers, resources and the RUC Reserve.

It is also essential that my Party is seen to gain some concession on symbols. I understand that the issue of the badge and flag, both of which are highly sensitive, will be left in the first instance to the new Police Board. I have however suggested, firstly, that a clear statement should emerge from the Chief Constable or from the Northern Ireland Office clearly refuting suggestions and recent public comment that serving

police officers will not be allowed to display plaques that have been presented to them or photographs of themselves in RUC uniform receiving awards or decorations. Secondly I want it made clear publicly that every police station in Northern Ireland will be displaying a portrait of the Head of State. This is entirely reasonable and consistent with public practice in most countries throughout the world. These minor concessions will go far in alleviating the problems my Party has.

With regard to the changes I have asked for in the Criminal Justice Review legislation I welcome the inclusion of a date for the devolution of policing and criminal justice functions to the Northern Ireland Assembly. I must however repeat my disgust at the Northern Ireland Office's determination to offend and humiliate unionism on symbolic issues. It is entirely unacceptable to the vast majority of people in Northern Ireland that courtrooms in Northern Ireland are to be vandalised by the forced removal of the Royal Coat of Arms. I must insist that this matter be addressed urgently. An acceptable compromise would be to retain the insignia in existing courtrooms, and on new court houses to provide for the Coat of Arms to be on the exterior only and not inside court rooms. I must emphasise that this is the bare minimum. I cannot emphasise how strongly I, my Party, and the unionist community feel on this issue. We did not give our consent to the Belfast Agreement, and strive so hard to ensure that the principle of consent was recognised, to then have all vestiges of our Britishness and UK sovereignty removed before our very eyes

With regard to the wider political picture I hope to have a further discussion with Jonathan Powell on Wednesday but would be grateful for a private discussion with you in the very near future. The tactics that I and you deploy over the coming weeks will be critical in ensuring a successful outcome to the current difficulties.

I would be grateful for your urgent intervention in these matters which cause me such concern.

David Trimble

RT HON DAVID TRIMBLE MP, MLA

RESTRICTED
HOLY CROSS PRIMARY SCHOOL: IRISH REACTION
From: DUBLIN

TO PRIORITY FCO
TELNO 261
OF 071437Z SEPTEMBER 01
INFO PRIORITY BIS NEW YORK, BOSTON, EU POSTS, NIO BELFAST
INFO PRIORITY NIO LONDON, WASHINGTON
INFO ROUTINE ACTOR, SNUFFBOX, WHIRL

SUMMARY

1. Shock and revulsion in the South. Unionists in the dock again, and incomprehension of the Northern psyche.

DETAIL

2. As in the UK, Irish television, radio and newspapers have given headline coverage to the events in North Belfast this week. Irish people in the South, wearied by the antics of their Northern neighbours over the many years of the troubles (the editor of the highest circulation newspaper here once told us that a Northern Ireland story on the front page guaranteed a dip in sales), have been shocked by the barbaric scenes flashed across their television screens and over the front pages. Seasoned reporters were visibly shaken by what they had witnessed in the Ardoyne and that added to the sense of disbelief.

3. Standard prejudices here about Unionists have, of course, been reinforced. The distinction between mainstream Unionism and Loyalist activity has been all too easily lost in the face of what is inevitably seen as Protestant attacks against Catholics. And as the new head of Anglo Irish Division in the DFA commented to me on 6 September, the episode was perfectly timed for Sinn Fein, who have been in serious hot water over their recent conduct in the peace process, Colombian arrests et al.

4. But Irish interpretation is not as clear-cut as one might imagine. A substantial minority in this still deeply family-orientated society have expressed incomprehension at the actions of catholic parents putting their children at risk by running the gauntlet of Loyalist verbal and physical attacks for the sake of their principles, however well-founded. The debate has even made its way onto the airwaves of the low quality but high listenership late night radio phone-ins which normally steer well clear of political issues. On one such programme, in spite of an eloquent disposition from Anne Cadwallader, a well known pro-Republican journalist speaking from Belfast, squarely placing the blame on the Unionists, opinion among callers was almost evenly divided in apportioning blame. A number of people rang to say that they could make no connection with and had no understanding of the psyche of their northern cousins on either side of the cultural divide.

5. The early return of the Northern Ireland Secretary from holiday and his appeal to politicians to unite to end the savagery of the school dispute has been widely welcomed.

COMMENT

6. Another particularly shocking chapter in the history of Northern Ireland from an Irish perspective and a body blow for moderate Unionism. But when the dust settles, some may come to see the events at Holy Cross as a reason to redouble efforts to find a way forward together.

ENDS

Prime Minister

Para 3 especially.

Underlines the own goal loyalists have inflicted on themselves.

Michael Ancram

fig

MT
cc: JPO
DM
PRESS

FROM: PS/Secretary of State
07 September 2001

cc: *See Distribution List*

Mr Jeffrey - O

TELEPHONE CONVERSATION WITH MARTIN McGUINNESS, 7 SEPTEMBER

The Secretary of State took a telephone call from Martin McGuinness earlier this afternoon about North Belfast.

2. McGuinness asked why he had not been invited to the meeting which the Secretary of State had arranged with Executive Ministers earlier today. He wondered whether he had not been invited because Maurice Morrow had refused to attend.

3. The Secretary of State explained that he was trying to provide an opportunity to get the protestors off the hook by creating a process to enable them to raise their grievances and thereby call off the protest. However, the responsibility for such a process should fall properly to the Executive. He could play a facilitation role but the Executive should take the lead. He had therefore asked Seamus Mallon and Sir Reg Empey to a meeting to discuss the issue.

4. McGuinness said he had no concerns about the proposed meeting, but his Permanent Secretary had been asked to attend by Gerry Loughran. In these circumstances, he wondered whether it might be more appropriate for him to attend. The Secretary of State said he had no knowledge of these developments. His intention was to have a meeting with Sir Reg Empey and Denis Haughey, who would represent Seamus Mallon. He simply wanted to avoid cutting across the Executive.

5. In response to a question from the Secretary of State, McGuinness acknowledged that there was a real need for such a process and a growing appreciation within the community in North Belfast of the need to address the problems which had arisen. He believed the Secretary of State's approach was sensible. His primary concern was the education of the children and avoiding any extension of the protests to other schools. If there were going to be political discussions involving the Executive, he would want to be

present. But he was not making an issue if the intention was to have a meeting involving only the FM/DFM.

6. The Secretary of State asked about the wider political situation. McGuinness said a miracle was needed to save the GFA. The UUP had turned their face against the implementation of the Agreement. The work which he and others had done with de Chastelain to achieve movement on the decommissioning issue had been thrown back in their faces. Incredible progress had been on offer. He hoped we understood that HMG had lost the policing debate within the nationalist community. (The Secretary of State commented: "We'll see about that."). A plan of action was needed to move the situation forward and he hoped the NIO had one. The Secretary of State replied that we were waiting on Sinn Fein. McGuinness said Sinn Fein had no new ideas.

Signed

P G PRIESTLY
Principal Private Secretary
☎ (B) 28110
(L) 6462

cc: PS/Secretary of State (B&L) – O
PS/Ms Kennedy (B&L) – O
PS/Mr Browne (B&L) – O
PS/Sir Joseph Pilling (B&L) – O
Mr Watkins – O
Mr Alston – O
Mr Fittall – O
Mr Stephens – O
Mr Maccabe – O
Mr Crawford – O
Mrs Madden – O
Mr Waterworth – O
Mr Tatham, No.10 – O
Sir Ivor Roberts, HMA Dublin – O

RESTRICTED
HOLY CROSS PRIMARY SCHOOL: IRISH REACTION
From: DUBLIN

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ENDS

Prime Minister

Para 3 especially.

Underlines the own goal loyalists have inflicted on themselves.

Michael Fallon

06 SEP 2001
475 130/01
IRELAND

FROM: Jonathan Stephens

TO: Mr Jeffrey

DATE: 6 September 2001

JPO
cc. DM
MT
Press

Cc: [redacted]/SOS
PS/Ms Kennedy
PS/Mr Brow[redacted]
Mr Watkins
Mr Alston
Mr Fittall
Mr Maccabe
Ms Bharucha
Mr Crawford
HMA, Dublin

MARTIN MANSERGH: 6 SEPTEMBER

1. I arranged to see Martin Mansergh in Dublin today. On both sides, we made it clear that we were interested in a general mind clearing discussion, came with no particular instructions and were not in any sense committing Ministers by what we discussed.

2. Mansergh, like us, is not clear what Sinn Fein were about in the run up to 12 August. He dismissed the notion that they will never decommission. He thought it unlikely that the IRA were put off from proceeding to an act of decommissioning by the Unionist response (an explanation which fell rather more in favour in the DFA earlier this morning) - it could not have come as a surprise to them and they could have been in no doubt that the two governments expected an act of decommissioning.

3. Instead, Mansergh was taken with two other possible explanations. The first was that they wanted to appear reasonable and engaged in negotiations, while actually seeing the best outcome as Assembly elections. (Being Mansergh, he explained this by comparison with Bonar Law's approach to the 1912-14 home rule negotiations). I said I thought there might well be something in this and myself was worried that talk of

elections had actually given Sinn Fein a clear incentive not to decommission, the one thing which would have rendered elections unnecessary. Mansergh suggested – while emphasising that this was a personal view not discussed with Ministers or other officials – that the governments might want to disabuse Sinn Fein of any notion that there would be early Assembly elections, other than in the scenario where there had been actual decommissioning and yet Trimble refused to stand for re-election.

4. The final explanation Mansergh offered was effectively that Adams and McGuinness had been unable to persuade the Army Council to go as far as an act of decommissioning at this stage. (This explanation seems to be reflected in what the Taoiseach has said to the Prime Minister.) The IRA had historically never rushed to play its significant cards. Adams and McGuinness did not hold complete sway and there would have been those who argued that they should see if they could get away without playing the decommissioning card yet. I queried whether there was really such a distinction between the IRA and Sinn Fein.

5. On our current approach, Mansergh was clear that there should be no running after Sinn Fein and that there was little in reality to be put on the table. There should be no renegotiation on policing, whether at Sinn Fein or UUP behest. The danger now was that, just as Sinn Fein had arguably overplayed their hand in July/August, now the UUP would up the anti and let Sinn Fein off the hook. The aim of both of the governments over the coming weeks should be to keep all parties at "the sticking post", ie focus clearly on the issues of decommissioning and institutions.

6. Realistically, though, Mansergh saw little prospect of movement before 23 September (although we agreed it was important that the governments demonstrated there was not a vacuum before then). We discussed the options for 23 September: Mansergh was clearly not attracted at all by elections: he had no confidence the nationalist electorate would actually reward the SDLP for their move on policing. He favoured either a further one day suspension (I cautioned that this device was perhaps losing credibility) or a suspension forced by UUP Ministers leaving office. Not surprisingly, he counselled against an indefinite suspension introduced at our behest: it would be different if we were forced into it.

7. I painted a bleak picture of the state of Unionist opinion, pointing to the undermining of moderates by Colombia, the emotion of the policing debate and the activities of Donaldson and Burnside as presenting a very difficult situation for Trimble to manage. He had told the Prime Minister that he did not think a single act of decommissioning would any longer allow him to be re-elected. We should not underestimate the growing sense of Unionist dissolution and betrayal – nor indeed the impact of Colombia and the events leading up to 12 August on our own sense of what Sinn Fein were about. Nevertheless, Trimble had not given up a fight yet.

8. Mansergh revealed that there was some new energy investment/development up for decision before the Executive just before 23 September – Empey was closely involved, as was Mark Durkan because it was the North West. It affected Irish interests in Donegal and the Irish Government were trying to be supportive. It might provide a reason why Empey would be reluctant to see UUP Ministers drop out of the Executive much before 23 September.

9. Finally, looking ahead to prospects for the Irish election, Mansergh was confident it would not be called earlier than April 2002 (for the rather obscure reason that the Taoiseach apparently prefers longer days for street campaigning). He dismissed the notion that the IRA were intent on timing any act of decommissioning for just before an Irish election: this ascribed too much importance to the significance of Irish elections and the whole process was simply not subject to that sort of micro time management. He thought Fianna Fail might be down a seat or two, the PDs up slightly, with the likeliest outcome being a continuation of the current coalition, and the second best a Fianna Fail/Labour coalition. The only uncertainty was that there remained a significant floating protest vote, with no signs yet of any of the established parties looking likely to pick it up. That might be Sinn Fein's opportunity. But even if Sinn Fein did much better than was widely expected, it was most unlikely that they could, or would want to, form part of a governing coalition.

10. Mansergh spoke with approval of the good relationship between the Secretary of State and Brian Cowen. Everyone seemed able to get on well with the Secretary of State: he had shown a very sure touch over recent months.

John Stephens

CONFIDENTIAL AND PERSONAL

-6 SEP 2001
NIO LONDON

FROM: PETER WATERWORTH
POLITICAL AFFAIRS DIVISION
6 SEPTEMBER 2001

DESK IMMEDIATE

See copy distribution below

PS/SECRETARY OF STATE (B&L)

cc:
Jonathan Powell.

W. Ahall (NIO)
6/9/01

JFo, MT
DM
GS/TK

SYLVIA HERMON ON DAVID TRIMBLE

Summary

Trimble tells Hermon he has lost the party.

Detail

Trimble at a low

Sylvia Hermon called me last night on her return from No.10. She wanted to follow up on our discussion on Monday.

2. She had gone to the 1630 meeting on Monday with Trimble and others in a pretty foul mood. For the first time in the 22 years she had known him, Hermon had laid it on the line, no holds barred, about her disappointment with his handling of the UUP Executive on Saturday. He had taken everything she had said quietly and simply asked if she would still accompany him to No.10.

3. Following yesterday's meeting with the PM Hermon had had a few minutes alone with Trimble in Central Lobby when Campbell was called away. She did not want to be disloyal but we needed to know how

down he was. Trimble had told her he had lost the party. Initially she could not fathom why he was so desperate, but he went on to say that he had lost not just Jim Nicholson MEP at the Officers' Meeting on Friday but also Lord Rogan. She said that James Cooper, Trimble's key admirer/supporter, had been neutralised by his appointment as Chairman, while Martin Smyth was rampant and Rogan was looking after himself. If Trimble could not control the officers he lost control of the debate - as had happened on Saturday.

4. Lady Hermon referred back to Michael McGimpsey's weak performance on policing and to a bad row between Empey and Trimble over suspension. The circle of reliable supporters (of which she remains a part) was shrinking.

Where now?

5. When I asked where Trimble went from here she said she honestly did not know. He certainly needed something to carry the party to nominate to the Police Board. She was not interested in the unattainable but did mention:

- Slowing down the reduction of the FTR to meet the Chief Inspector's fears about a trough. A defective launch of the PSNI was in no-one's interest and slowing down reduction of the FTR was not incompatible with Patten.

- The RUC Athletic Club served a wide range of current officers and the broader RUC family. They had pushed ahead with pro-Patten reform to the dismay of many. They had been hoping for cash assistance from the Home Office on the basis of a circular. No money had been forthcoming and they were beginning to

suffer as numbers of policemen declined. A spontaneous payment would have a quick trickle down impact beyond the club.

She made no claim that either idea was a magic bullet.

5. On criminal justice the No.10 meeting had been disappointing. The functions of the Chief Inspector of Criminal Justice seemed to ignore the existence of the Police Ombudsman. She also hoped for at least equal sensitivity as the Human Rights Commission had shown yesterday in referring to the Belfast (Good Friday) Agreement. GFA was anathema to unionists.

[Signed]

PETER WATERWORTH
☎ Ext 27085

Copy distribution

PS/Ms Kennedy (B&L)
PS/Mr Browne (B&L)
PS/Sir Joseph Pilling (B&L)
Mr Jeffrey
Mr Watkins
Mr Fittall
Mr Stephens
Mr Maccabe

RIGHTS & INTERNATIONAL RELATIONS DIVISION
NORTHERN IRELAND OFFICE
11 MILLBANK
LONDON SW1P 4PN

FAX MESSAGE FROM:
Christine Johnson (PS/Anita Bharucha)

TO: (1) PJ | SofS (S)

(2) PJ | Ms Kennedy (S)
(3) PS (Mr Browne (S)
(4) Mr Powell, NIO ID

REF: CJR + David Trimble

MESSAGE: Please associate with Bill Jeffrey's note dated 5 September to PJ|SofS 'CJR + David Trimble". Thanks Christine.

Number of pages including header 4

For information please call:

Tel no: 020 7210 6538
Fax no: 020 7210 6537

Foreword and recommendation 256

If the devolved institutions are working effectively, the Government intend to devolve responsibility for policing and justice functions, as set out in the Belfast Agreement. We need first to take some major steps to implement the Criminal Justice Review and to make some more progress on detailed implementation of the Patten report. A final decision to devolve these functions can only be taken at the time taking account of security and other relevant considerations. **But the Government's target is to devolve policing and justice after the Assembly elections scheduled for May 2003.** ~~Officials will undertake the necessary planning to make this feasible if the government so decides~~.

Recommendation 263

Insert after second sentence: "Clause 42 of the Bill includes a list of organisations falling within the remit of the Inspector. The Government is considering whether this list could be added to by including for example, the Police Ombudsman."

RECOMMENDATION 168 **COMMUNITY RESTORATIVE JUSTICE SCHEMES**

We believe that community restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concerns local communities. However, we recommend that community restorative justice schemes should:

- receive referrals from a statutory criminal justice agency, rather than from within the community, with the police being informed of all such referrals;
- be accredited by, and subject to standards laid down by the Government in respect of how they deal with criminal activity, covering such issues as training of staff, human rights protections, other due process and proportionality issues, and complaints mechanisms for both victims and offenders;
- be subject to regular inspection by the Independent Criminal Justice Inspectorate which we recommend in Chapter 15; and
- have no role in determining the guilt or innocence of alleged offenders, and deal only with those individuals referred by a criminal justice agency who have indicated that they do not wish to deny guilt and where there is prima facie evidence of guilt. [para. 9.98]

Accepted

Lead responsibility: NIO

The Government agrees that community restorative justice schemes have a role to play in dealing with types of low level crime, but it also agrees with the Review's emphasis on the need to protect the human rights of all who come into contact with such schemes~~, and the subsequent recommendation that the community schemes' role can only be carried out in partnership with the formal criminal justice agencies. The Government retains ultimate responsibility for safeguarding the human rights of all those accused of an offence, or who are the victim of a crime, and this responsibility can only be exercised through the maintenance of the highest standards and the clearest public accountability.~~ The Government agrees fully with the Review's recommendations on how community restorative justice schemes may exercise a role in relation to low level crime: namely that they should only receive referrals from a statutory agency, with the police informed of all referrals; they should be accredited by and subject to standards laid down by Government; they should be subject to regular inspection by the Criminal Justice Inspectorate; and should have no role in determining guilt or innocence.

The Government looks forward to working in close co-operation with accredited schemes, and to assisting those schemes which are actively working towards accreditation. However, schemes which set out to deal with the criminal matters and which do not attain accreditation pose a serious threat to the human rights of those involved and risk undermining the rule of law. In order to facilitate the move towards accreditation the NIO will draw up guidelines, developed in consultation with both statutory agencies and the existing community schemes, for the operation of the schemes which would bring them into line with the Review's recommendation.

Timescale: Ongoing

RECOMMENDATION 288 **TRANSFER OF PRISONERS**

We recommend that consideration be given to facilitating the temporary transfer of prisoners between Northern Ireland and the Republic of Ireland. [para. 17.49]

RECOMMENDATION 289 **FORENSIC SCIENCE DATABASES AND INFORMATION EXCHANGES**

We suggest that discussion of the development of relevant forensic science databases and the scope for exchanges of information should take place under the structures for co-operation. [para. 17.51]

RECOMMENDATION 290 **WIDENING ACCESS TO SERVICES**

We recommend that the possibility of widening access to services such as forensic science and pathology across jurisdictional boundaries be investigated. [para. 17.52]

RECOMMENDATION 291 **DANGEROUS OFFENDERS REGISTERS**

With a view to sharing information between the authorities in the two jurisdictions, we recommend that the possibility of co-ordinating an approach to dangerous offender registers be given consideration. [para. 17.53]

RECOMMENDATION 294 **REPORTING RESTRICTIONS**

We recommend that there should be discussion within the structures for co-operation on how reciprocal arrangements might be developed to ensure the effectiveness of reporting restrictions. [para. 17.60]

Accepted in principle

Lead responsibility: NIO and Department of Justice (Republic of Ireland)

which prior to devolution will operate

The Review called for a group of policy makers from both ~~Northern Ireland and the Republic of Ireland~~ jurisdictions to be set up to identify and advise on the opportunities for co-operation at Government level and between agencies. Agreement has been reached between the two Governments to establish such a group, under the auspices of the British-Irish Intergovernmental Conference, with an agenda which will include the areas noted in the recommendations.

This group will build on progress already being made. For example, current working practices between agencies in Northern Ireland and the Republic assist in monitoring the movements of sex offenders on both sides of the border, and statutory improvements to the registration requirements are being considered. Co-operation also takes place regularly between a variety of criminal justice agencies, both at an operational level and to exchange information and best practice. Joint research conferences have already been held on a number of subjects and more are planned. Victims' issues have also been addressed and consideration is being given to a joint approach to claims for criminal injuries compensation which have a cross-border dimension.

Following devolution of criminal justice it would be for the Northern Ireland Assembly to consider how to take forward co-operative arrangements. The Belfast Agreement allows new matters to be taken forward by the North/South Ministerial Council by agree ment in the Council and with the specific endorsement of the Northern Ireland Assembly and the Oireachtas.

Timescale: Ongoing

CONFIDENTIAL

FROM: PS/SECRETARY OF STATE (L)
4 September 2001

cc. PS/Secretary of State (L&B)
PS/Sir Joseph Pilling (L&B)
Mr Watkins
Mr Alston
Mr Fittall
Mr Leach
Mr Stephens
Mr Powell, No 10

JP. cc: MT DM TK/GS

Mr Jeffrey

PHONE CALL WITH JONATHAN POWELL

The Secretary of State had a conference call with Jonathan Powell this afternoon ahead of the Prime Minister's meeting with David Trimble tomorrow. You, Mr Fittall, Mr Stephens and I were also connected.

2. The Secretary of State said that, within the next week, we wanted to be able to say that we had fulfilled all our obligations under the Good Friday Agreement, leaving Sinn Féin without excuses on decommissioning. It would be worth the Prime Minister explaining this to Trimble and finding out where he stood.

Policing

3. The Secretary of State said that Trimble needed to understand that we would have to seek nominations to the Policing Board next week. We were getting signals that he wanted to move but party difficulties were limiting his room to manoeuvre. Jonathan Powell confirmed that the Prime Minister would make clear that nominations to the Board would be sought early next week. He did not think that Trimble expected any concessions. The Secretary of State said the point should be made that, if Sinn Féin did not sign up to the Policing Board, we wouldn't use the independent membership to let republicans in through the back door.

Criminal Justice Review

4. The Secretary of State warned that Trimble may press the Prime Minister for a date for the devolution of justice functions. No date was specified in the criminal justice plan but Trimble had a letter from Peter Mandelson, dated May 2000, which committed the Government to naming a date. You pointed out that this made any pressure difficult to resist. The Prime Minister could concede the form of words from

the negotiating brief during or after tomorrow's meeting. Mr Fittall said that it would be worth discussing the precise terms with Trimble, particularly on timing.

Parades Commission Review

5. The Secretary of State said the review of the Parades Commission was, like OTRs, part of the Weston Park package but outside the Good Friday Agreement. As such, the Prime Minister should make no commitments if Trimble raised it. He had heard rumours that Trimble might propose David Montgomery as review chairman, which could cause difficulties - Montgomery was perceived as a dyed-in-the-wool unionist. Mr Powell said that the Prime Minister would simply refer the issue back to the Secretary of State.

Next few days

6. Mr Powell said Gerry Adams was looking for an urgent meeting with the Prime Minister. This might happen on Monday. The Secretary of State planned to meet Trimble as soon as he returned to Belfast (Private Office will arrange). At the moment he would stick to his leave plans but would take stock on, among other things, the situation in North Belfast with the same cast tomorrow.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
EXT 6461

From: **Jonathan Powell**
Date: **4 September 2001**

PRIME MINISTER

cc: **Michael Tatham**
Tom Kelly
David Manning

NORTHERN IRELAND

You are seeing David Trimble, David Campbell and Sylvia Hermon tomorrow. The meeting is supposed to be private.

The UUP on Saturday rejected Patten and said they would demand further concessions from you before agreeing to join the policing board. Trimble has assured us this is purely tactical and that he will sign up for the policing board before 23 September. You need to persuade him to sign up for it next week or we are going to run out of time. If he does not do so he is playing into Sinn Fein hands and leaving the SDLP isolated. He will plead party management problems.

Trimble asked us to put off publication of the Criminal Justice draft bill and implementation plan until he saw you. We have done so, but we cannot put off publication past Friday. Bertie was asking you about it on the phone because the Irish are worried that we are going to renege on it. Trimble has a couple of minor complaints about it (see briefing) but his major issue is Peter's promise that we would announce a target date for devolution of security policy. We can do this, but it is a slightly odd thing to do given the parlous state of the peace process.

The main things he will be interested in however is decommissioning and where we go from here. On the former Gerry Adams has asked to come and see you as soon as possible. We must assume he has a new proposal, although it is questionable whether a token act of decommissioning will now be enough to carry the Unionist community post-Colombia. On the latter, I do not think we have much choice but suspension (probably after the UUP have withdrawn their ministers) followed by a review. The question is who should head the review. Trimble (and Unionists in general) will oppose Clinton. The NIO alternative Is Rolf Meyer.

Trimble will also want to discuss the situation in North Belfast which is turning very ugly indeed.

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c MT
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BJP

Jonathan Powell
10 Downing Street
LONDON
SW1A 2AA

4 September 2001

Dear Jonathan

PRIME MINISTER'S MEETING WITH DAVID TRIMBLE:
10.00 AM, WEDNESDAY 5 SEPTEMBER

You asked for some briefing for this meeting. In the Secretary of State's absence I have cleared the following with Des Browne. We shall let you have a separate note on the North Belfast impasse over Holy Cross School.

Our **objectives** are to:

- get Trimble's candid assessment of the state of the UUP;
- persuade him not to let Sinn Féin off the hook by making new public demands;
- get a clear private understanding that we can invite **nominations to the Policing Board next week** in the knowledge that the UUP will nominate;
- defuse any Trimble objections to the publication of the draft **criminal justice** bill and implementation plan **this Friday**;
- discover how Trimble views the prospects of suspension/review/elections in the event of failure to achieve decommissioning before 23 September.

State of play in UUP

What was the mood at Saturday's meeting of the Executive and at the Party Officers' meeting on Friday? (Not for disclosure, our own contacts suggest Trimble took hits on Friday and was forced to back a tougher motion on Saturday than he would have wanted.)

What game plan are Donaldson, Burnside and Martin Smyth working to?

What would it take for them to trigger a meeting of the UUC?

Will party pressure be irresistible for supporting the DUP's Assembly motion to exclude Sinn Féin from the Executive?

Avoiding fresh demands

So far Trimble has confined himself publicly to asking pointed questions about Colombia. But privately he has said that, post Colombia, he could no longer hope to secure re-election on the back of a single act of decommissioning. How confident is he of resisting party pressure to add new public demands – statements that the war is over, disbandment of the IRA etc – which would risk letting Sinn Féin off the hook? They are already saying that both unionist parties are now anti-Agreement parties.

He may press for the PM/Taoiseach to ease his own problems by speaking out more publicly about Colombia and the unacceptability of maintaining private armies. On Colombia, HMG has to remain publicly circumspect given the continuing judicial investigation. On the broader question the PM can stress his and the Taoiseach's frustration with the Provisionals, while cautioning that we need to find out more about what Adams and McGuinness are up to before concluding whether public pressure would be effective.

Policing Board

The resolution passed unanimously by the UUP Executive on Saturday "restates its opposition to the Patten report and reaffirms the leader's determination to resolve satisfactorily with the Secretary of State a number of fundamental issues regarding the Policing Board and the police implementation plan before any further decision is given by the Ulster Unionist Party to nominate members to the Policing Board". Trimble's public spin is that the party will nominate when the time is right. Donaldson's is that unionists should stand together and secure changes to the implementation plan before nominating.

The key points to make are:

- **bad news for effective policing if political nominations not secured before 23 September. That means John Reid will need to issue formal invitations to party nominating officers next week;**
- **not to capitalise on SDLP move would be serious error;**
- **happy to clarify queries on resources or appointments process but no question of changing the implementation plan as Sinn Féin and anti-Agreement unionists are demanding;**
- **no deals have been done with anyone else about appointments to the Board. John Reid will consult Trimble/Empey (and Mallon) before decisions are made. If Sinn Féin do not nominate we will have to secure good nationalist representation among the independents – but that does not mean republicans by the back door;**
- **if UUP move, DUP are bound to follow (any read out from Monday's meeting with Paisley?)**

According to John Hume, Trimble told him privately on Friday that the UUP **would** nominate before 23 September. But Trimble may now say to the PM that an early decision would split the party to no good purpose since nominations would formally lapse if devolution is again suspended; the answer to this is that once the parties have nominated, John Reid can invite those individuals to remain on a direct rule Policing Board to maintain continuity.

Criminal Justice

We intended to publish the draft bill and implementation plan this Monday. This was delayed at Trimble's request. But if we have not published by **this Friday** Ministers will have reneged on public promises (and – not for disclosure – more specific private statements to the Irish and Sinn Féin). We should not delay publication unless it is absolutely essential to enable Trimble to deliver an early UUP move on policing. Officials had a long and largely constructive briefing session with Trimble and Sylvia Hermon on Friday. For the record I attach the follow-up letter Des Browne has sent to David McNarry.

The two issues Trimble may raise with the PM are **symbols and a date for devolving criminal justice and policing**. On symbols his complaint is that the draft Bill goes beyond the review which proposed that the Royal Coat of Arms should remain on the exterior of **existing** courthouses but the interior of courtrooms be free of any symbols. The complaint is that we are now explicitly saying that there will be no coats of arms on the exterior of any new courthouses. This is the natural inference from what the review said but Trimble argues that we are now making things even more unacceptable. We have no room for manoeuvre on the draft Bill. But Trimble has a particular concern over the new Laganside Courts complex in Belfast which is due to open in February before the new legislation would come into force. If pressed the PM could agree that the Lord Chancellor and John Reid could look again at the possibility of an external Coat of Arms there.

On timing of devolution Trimble hinted on Friday that he might not nominate to the Policing Board until we honoured the commitment given in a private letter from Peter Mandelson on 15 May 2000 that "in relation to criminal justice functions, we would be ready to include a date in the implementation plan for the review". Our, rather vulnerable, line is that Peter Mandelson discharged this last October by saying that "devolution will follow as soon as practicable" after the implementation of policing reforms and of the decisions on the criminal justice review.

The negotiating brief for Weston Park did envisage that, in the context of a big deal, we might say publicly that **"the Government's target is to devolve policing and justice after the Assembly elections scheduled for May 2003. Officials will undertake the necessary planning to make this feasible if the circumstances are judged to be right when the time comes".** But the Secretary of State, the Lord Chancellor, the Attorney General, the Lord Chief Justice all have significant reservations about the deliverability of early devolution, and the Secretary of State for Defence, the Chief Constable and the GOC are likely to have concerns while the army are required to give substantial support to the police. Devolving criminal justice responsibility without policing is unlikely to be an attractive option.

The suggested line to take with Trimble is:

- our private estimate is that the earliest practicable date for devolution would be after the Assembly elections scheduled for May 2003 and, in reality, everything would turn on the political and security situation at the time;
- would a target date that far off and with all the necessary caveats really help Trimble within the UUP now?
- and won't it look rather strange for Ministers to announce a target date of this kind just at the point when devolution may be breaking down again? There will be further opportunities to make statements over the coming months;
- in any event, there is no logic in linking this issue to setting up the Policing Board, which is an entirely separate issue.

It may be best to sound sceptical with Trimble without offering a firm and final view at this meeting. We could make an early aspirational statement if the Prime Minister concluded it was worth doing, but Wednesday feels a bit soon to concede what will be seen publicly as a very significant step.

Elections/suspension/review

Areas to explore include:

- UUP tactics on Sinn Féin exclusion motion;
- prospect of UUP Ministers withdrawing from the Executive before 23 September;
- elections versus suspension + review;
- who might be brought in to help the two Governments conduct a review.

Trimble may also say that, in the absence of a breakthrough, he needs some other unionist friendly moves, in particular helpful **appointments to the Human Rights Commission** and **the launch of the Parades Commission Review**. On appointments Trimble can be reassured that the Secretary of State will be looking at the outcome of a recent appointments exercise on his return from holiday. On the Parades Commission the best course is to take note without immediate commitment – the further disaggregation of the two Governments' package would be contentious and requires more thought.

Yours William

WILLIAM FITTALL
Associate Political Director

CONFIDENTIAL

APDL/613

JMPO

Minister of State

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Jonathan Powell
10 Downing Street
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: MT
DM
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4 September 2001

Dear Mr Powell

PRIME MINISTER'S MEETING WITH DAVID TRIMBLE: HOLY CROSS SCHOOL

Monday and this morning saw extraordinary scenes of violence when loyalists in North Belfast prevented Catholic primary children attending school. Trimble may raise this, perhaps as an example of the weakened condition of the RUC and growing paramilitary undermining of society. He has today described the scenes as totally unacceptable and overshadowing the genuine concerns of local protestants; he has called on the (DUP) Minister for Social Development in the Executive urgently to convene a forum to discuss all the issues.

The Catholic community in North Belfast is growing, confident and increasingly radicalised. The Protestant community, in increasingly isolated pockets, is dwindling, uncertain and leaderless. Tensions between them are long-standing.

Protestants from the Glenbryn estate, influenced by the UDA and, not least, the DUP, have genuine grievances about harassment by Sinn Fein throttling normal life. They have identified Holy Cross Girls Primary School, isolated in a Protestant area, as a means of hitting back. That's what we saw in late June and this week.

J M P O

Real attempts were made over the summer holidays to head this off. First, by Mediation Network and, when that failed, by Des Browne and officials. Mr Browne last week held a round of consultation with church-leaders, community activists and politicians (including Fred Cobain of the UUP). That laid the basis for renewed dialogue between both sides on Friday, independently facilitated; but it too failed. A further round of discussions on Sunday (including again with Cobain) could not prevent Monday's outburst. As we have seen elsewhere, loyalist obduracy and indiscipline have put their community in the wrong in the eyes of the world, and taken the pressure off republicans to meet local grievances (and potentially on the wider canvas too).

For now the issue is one of public order; but the underlying problems can be resolved in future only by local agreement between the communities. We remain in touch with community leaders and politicians to promote the required dialogue when passions subside.

Key points which might be deployed with Trimble include:

- children's interests must remain paramount. Loyalist community doing itself immense harm by attacking them;

- wider effect of loyalist action is to take spotlight off Sinn Fein/IRA in relation to (eg) Colombia, and hand them arguments against decommissioning;

- we have encouraged and facilitated dialogue, and are ready to do so again. But the solution must be found at local level;

J M P O

- RUC have sufficient resources and can utilise Army support (normal in large-scale public disorder).

Yours

D. McClintock

DOREEN MCCLINTOCK
Private Secretary to Jane Kennedy MP
Minister of State for Northern Ireland

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FROM: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
BLOCK B, CASTLE BUILDINGS
BELFAST BT4 3SG

Tel Belfast (01232) 520700

MT
cc: JPO
DM
Press

Michael Tatham
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

3 September 2001

Dear Mr Tatham

The Northern Ireland Human Rights Commission is publishing a consultation document tomorrow on the scope for a Bill of Rights for Northern Ireland. This document will form the basis of its formal advice to Government, expected in the New Year. We are welcoming the publication as an important step in the process of implementing the Agreement but are not committed to accepting the recommendations in full.

Under the terms of the Good Friday Agreement, the Northern Ireland Human Rights Commission (NIHRC) is tasked with advising the Northern Ireland Secretary on the scope for a Bill of Rights for Northern Ireland, to be enacted, if appropriate, by primary legislation at Westminster. Any rights additional to those in the ECHR should reflect the particular circumstances of Northern Ireland.

Government is committed to giving full consideration to the Commission's recommendations, but is not committed to accepting them. In practice, however, it will be hard to resist the creation of a Bill of Rights, particularly if the Commission's proposals achieve cross-community support in Northern Ireland. In any case, the Government will not want to be seen as opposed to the principle of a Bill of Rights for Northern Ireland.

/EB

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The Commission has already conducted extensive consultation with groups in Northern Ireland, which has resulted in the production of draft recommendations. However, much of the debate so far has been with the human rights lobby, since, in the absence of any proposals for debate, it has been hard to engage meaningfully with the general public. The Commission is seeking to redress this with the publication on 4th September of a consultation document, setting out its draft advice to Government.

We have welcomed the publication of the document as another important step in implementing the Agreement and will continue to encourage all sections of the community to contribute to the consultation. In parallel, we will be doing our own preliminary thinking about our likely response to the final advice, expected early in the New Year. There will be some important issues of principle to establish, and officials here have already made contact with those in the Lord Chancellor's Department to learn from experience with the Human Rights Act.

Whitehall colleagues will want to be aware of the document, and also of the extent of the recommendations in it, which cover a wide range of socio-economic rights (relating to healthcare, education, employment) and some potentially difficult criminal justice issues (including the right to silence and jury trials) as well as some of the thorny issues which tackle particular difficulties relating to Northern Ireland (such as equality, cultural identity and language usage).

On those issues obviously unique to Northern Ireland, the Commission generally treads a sensible path – it comes down against, for example, enshrining "parity of esteem" in a Bill of Rights, which should be welcome to unionists who dislike the concept. But the Commission takes a maximalist approach to enshrining a wide range of socio-economic rights (eg, right to housing, healthcare, work) which might not

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be thought to be unique to Northern Ireland and will raise implications for the rest of the UK. It also covers some potentially difficult criminal justice issues.

Handling some of these issues, if the final advice reflects this draft, will be difficult. We will not want to be seen as opposed to a Bill of Rights in principle (which has the support of all parties in Northern Ireland). Nor will it be easy to resist specific provisions which have cross-community support.

But we recognise that we cannot consider the implications of the recommendations in isolation from the position in Great Britain, and will be looking to explore possible read-across in the GB context as part of our consideration. However we will want to await the reactions of the parties, including those in the Executive, before setting out our own stall or being drawn on detail. For the moment, our reaction should simply be to welcome the consultation and to encourage others to join the debate.

A copy of this letter goes to the private secretaries of all members of Cabinet. Colleagues who are interested in knowing more about the consultation document should contact the head of our Human Rights & Equality Unit, Clare Salters, on 020 7210 6572.

Yours sincerely

JOHN BALL
Private Secretary to
DES BROWNE MP
Parliamentary Under Secretary of State for Northern Ireland

/EB

INVESTOR IN PEOPLE

CONFIDENTIAL - PERSONAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 September 2001

Dear Paul

NORTHERN IRELAND: TELEPHONE CONVERSATION WITH TAOISEACH

The Prime Minister spoke by telephone to the Taoiseach this afternoon.

They agreed that the current situation looked bleak. The Prime Minister said the UUP position was hardening. Although Trimble was hinting at new conditions, the Prime Minister's judgement was that he could probably be persuaded to stick to his original stance of going back into the Executive after an actual act of decommissioning. But we should not underestimate the considerable pressure Trimble was under. And the disgraceful scenes in North Belfast this morning highlighted the capacity for extremists to exploit a political vacuum.

The Prime Minister said Sinn Fein appeared to have simply dug in over the last few weeks. The evidence emerging from Colombia of weapons-testing and procurement was very serious. The Taoiseach said the Irish Government had certainly not been trying to smooth this over for Sinn Fein/IRA. The leadership needed to sort things out. Some people may have been ignorant of what was going on but it was inconceivable that a lot of senior figures were not in the picture. Sinn Fein were trying to divert attention from Colombia by taking an aggressive stance on policing. The Irish Government had given no comfort to Sinn Fein on this.

The Prime Minister commented that, following the elections, Sinn Fein were convinced they were at their strongest. That could be the case - if they were ready to follow through and make an unambiguous commitment to democratic politics. But they could not expect to exploit indefinitely a dual approach of legitimate and illegitimate political methods. This was something that Adams and McGuinness had to be made to grasp. Sinn Fein/IRA exploited the present system very effectively, Sinn Fein building up a political base in tandem with the IRA's methods of intimidation and enforcing "law and order". But there came a point where the other political parties became fed up with being

disadvantaged in the electoral process. Sinn Fein now faced a stark choice: either to commit fully to democratic politics or to expect everyone else to gang up and isolate them.

The Taoiseach said Adams had always talked about the need to carry hardline elements with him but it looked increasingly as though some senior people were not receptive to this approach. It might be necessary to "cut loose" some elements. The Taoiseach concluded however that we could not afford to lose Sinn Fein. We needed to wait and see what they came up with now that Adams and McGuinness were back in action. The Irish expected to hear from them in the next few days (the Taoiseach said they had not really bothered staying in close touch with the holiday team - McLaughlin, Maskey etc). The Prime Minister agreed that we should not lose Sinn Fein. But it would take an act of decommissioning to achieve that. The Taoiseach concurred: this was what the Irish had expected in the first week of August. The Prime Minister and Taoiseach agreed that we needed to see what Sinn Fein came up with in the next few days.

The Taoiseach mentioned the Criminal Justice Review. It was important that Sinn Fein were not given the opportunity to exploit this issue in order to divert attention from their problems over Colombia. This was standard Sinn Fein tactics (they were probably behind a rash of posters appearing all over Dublin calling for the disbandment of the RUC).

There was also a predictable (and much happier) exchange on the weekend's football results.

I am copying this letter to Sir Ivor Roberts (Dublin).

Yours ever

Michael Tatham

MICHAEL TATHAM

Paul Priestly
NIO

Jonathan Powell

From: Francis Campbell
Sent: 29 August 2001 22:07
To: Jonathan Powell
Subject: FF & SF gossip

Three points to note

1) The FF love in with SF is under quite a bit of internal strain. After the IRA withdrawal of the decommissioning offer and the Colombia incident 24 FF TDs approached Bertie demanding that he toughen his stance with SF. As I understand it they told Bertie that FF should re-engage with the SDLP and stop pandering to SF. This is not as noble as it first sounds. FF is running scared especially in some of the rural heartlands (Kerry & Cork). Recent grass-roots opinion polls showing possible SF gains at the next Dail elections have frightened FF TDs into action. About 6-8 FF seats could be under threat. This has led some FF heavy hitters to come out and warn of the dangers of SF gains at the next election (most notably the justice minister O'Donoghue). FF is moving into election mode and they are alarmed at the spread of the SF machine in the South. SF/IRA vigilantism is also growing in the South - it is now well established in drug ridden urban areas where the Garda have moved out (as in nationalist parts of working class Belfast this is proving very popular with the locals) but it is also taking hold in some rural areas. As in the North, the SF/IRA vigilante structure can easily transform itself come election time into a formidable party force. FF and Labour are worried and they have reason to be. Speculation that SF will be a king-maker in the next Dail is premature, but if opinion polls accurately reflect voting intentions then it can't be ruled out. What is clear is that Bertie will have a difficult time ahead with his parliamentary party.

2) Senator Edward Haughey's £1million donation to the Tories is the hot topic of conversation among Dublin's chattering classes. I understand it aroused considerable disquiet/surprise among the rank and file of FF. The Dublin view is that this was the Tory price for a title (possibly a peerage). Some suggest that Haughey wants to be the first to benefit from the passage of legislation which permits membership of both parliaments. This is not beyond the realm of reasonability because he was extremely friendly to the previous Tory administration in Hillsborough and certainly courted their attention at every opportunity. Though it would be odd to sit with the Tories in Westminster and FF in the Dail. The PM could quietly ask Bertie about Haughey's donation - I think the explanation would be interesting.

No

2) On 3rd September the Catholic Bishop of Belfast is passing through. I am meeting him for lunch. If you had 2 minutes around mid-day (and I mean just two minutes) you could tell him how pleased the PM was with the Church's support for the new police service (it was not an easy decision for them and any praise would be greatly received). This Bishop is new and will be in office for the next 25 years so a brief word now could prove helpful later. I am conscious that it is the first day of term so don't feel pressured to accept - it's just an idea.

Yes

Not in Matrix

File

RESTRICTED

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 August 2001

Dear Paul

MEETING WITH UUP

Trimble, accompanied by Campbell and McNarry, came into No 10 this morning for a meeting with Jonathan Powell, William Fittall and me.

Decommissioning

The meeting began with some speculative analysis about what PIRA had been up to at the start of the month. Trimble said his impression was that the IRA had been preparing the ground for something to happen, but not on an immediate timescale. They were unlikely to move while they thought there was the prospect of their being able to trigger Assembly elections by withholding on decommissioning.

Colombia

Trimble probed a bit on the arrests in Colombia. What did this tell us about PIRA's links to revolutionary movements in Latin America? What was the significance of the fuel/air device allegedly being tested? He had heard several months back that the IRA were developing such a device for possible use against army bases in South Armagh. Jonathan emphasised the real damage this had done to Sinn Fein/IRA both internationally (especially in the USA) and within Northern Ireland. The Sinn Fein leadership were lying low rather than confronting the issue. Our aim would be to keep the issue live and prevent Sinn Fein/IRA from sweeping it under the carpet.

Trimble said the Colombia arrests had upped the stakes on the unionist side. The incident had had a huge impact in Northern Ireland. Even an act of decommissioning might no longer be enough to keep the institutions in play. Jonathan urged Trimble not to fall into the trap of boxing himself in. He should not raise the stakes explicitly. It would be wiser tactically to say that the Colombian incident meant Sinn Fein/IRA now had even more of a credibility gap

to overcome. They would need to take dramatic action to convince people of their commitment to a political process. They should signal their intent clearly. Trimble said he would have to sound tough and underline the deadline of 23 September. The most he could do was hold his party back by three weeks. Jonathan emphasised that in political terms Sinn Fein were stuck on the back foot. They would be pressing hard for a way out and to divert the blame onto others. No-one should give them that satisfaction. Trimble took the point, but said it would not be easy to get the balance right given the level of public and internal party pressures. Party management was going to be very tricky. His opponents already had the signatures to call a UUC.

Post-23 September

Trimble judged that nothing was likely to emerge before 23 September sufficient to keep the institutions alive. Assuming we went into suspension, that would leave the UUP very exposed politically vis a vis the DUP (the UUP's best electoral asset had been that it was the party that delivered devolution). Suspension would therefore need to be followed quickly by a serious review that addressed the fundamentals. Such a review might conclude that preserving the principles of the GFA would mean changing the mechanisms. Campbell argued for preserving some element of devolved government even after suspension. It would be important to give a sense of support and reward to the moderate constitutional parties; and to give a clear message to Republicans.

Jonathan said we did not see fresh elections as leading to a solution. But suspension might also be a fairly comfortable outcome for Sinn Fein: it would provide them with someone else to blame for the impasse. It would also not be easy to get SDLP agreement to an executive that excluded Sinn Fein. What the UUP wanted might not be achievable. Trimble argued that the Republicans had to feel that they were in danger of being painfully dumped if they did not move. And we needed to work hard to get the Irish/SDLP in the right position. He said he would aim to stiffen the Irish and SDLP when he attended the British Irish Association event chaired by Sir David Goodall in early September.

Jonathan said our thinking on all this was still at an early stage. It would be helpful for Trimble to let us know his views on the form, composition and timing of a possible review.

Policing

Trimble complained about not having been consulted on the deadline given by the Secretary of State for responses by the parties on policing. He might have been able to handle this in Belfast, but not while on holiday. Now his position was considerably more difficult because he faced a Party Executive meeting at the weekend that would try and tie his hands.

Trimble said the Secretary of State's public position on policing appeared confused. He was saying that policing reform would proceed whatever, but also that it would not go ahead without UUP agreement. This point needed to be properly clarified.

William Fittall stressed the importance of making progress on policing. Even in the event of suspension, we would be taking the policing reforms forward. McNarry said this created a disincentive. What was the point of the UUP going through the pain of nominations simply for the initial Policing Board to be replaced with one of the Secretary of State's choosing? William Fittall indicated that if this situation arose, the Secretary of State might well decide to maintain a large measure of continuity between the initial Policing Board and its successor. William repeated that there was not much time before 23 September. Progress was needed quickly on policing. Trimble said it would be helpful to indicate publicly the likely continuity between the two Policing Boards.

Trimble (referring angrily to the Human Rights Commission) said it was vital that the Policing Board was not a stitch-up. He expressed disappointment that Oliver Napier had not made the short-list. Trimble also said that, post-Colombia, it would make his life more difficult if Sinn Fein decided to nominate to the Policing Board.

Negotiations

Jonathan said the Prime Minister would be telephoning the Taoiseach later this week to discuss the way forward. There were signs of the Taoiseach and Cowen being ready to take a harder attitude towards Sinn Fein. We did not plan on departing from the package launched after Weston Park.

Trimble, citing the reservations of "a leading moderate unionist" (I took this to be a reference to Empey), said it was dangerous to start disaggregating the Weston Park package. Jonathan emphasised that we would only take forward

things that we had planned to do anyway. We would not be handing out goodies to Sinn Fein (eg on OTRs, Westminster facilities etc). William Fittall pointed out that by disaggregating policing and getting Sinn Fein on board we had managed to increase the pressure on Sinn Fein. Trimble acknowledged this, but said it needed to be made clear publicly that Sinn Fein would not profit from a disaggregated approach.

Parades Commission

Campbell asked what progress had been made on the Parades Commission review (having just complained about disaggregation!). Jonathan said not much had so far happened. Campbell suggested David Montgomery as a suitable person to conduct the review. His role as chair of an inter-denominational education body meant he would be acceptable to both communities.

UDA

There was a brief discussion of loyalist violence. William Fittall said that, if recent levels of loyalist violence continued, we would be left with little option but to suspend the UDA, although this would have limited practical effect. McNarry implied (in a confused kind of way) that granting Johnny Adair some weekend releases might help ease the situation. He was directing violence from within prison in order to argue that this release would enable him to end the violence. Trimble argued that loyalist activity was fuelled by the widespread perception that the government yielded to violence. Parts of the unionist community were now in danger of moving outside mainstream politics.

We agreed it would be useful for the Prime Minister and Trimble to meet next week. I will try and fix a time.

Yours ever

Michael Tatham

MICHAEL TATHAM

Paul Priestly
NIO

CONFIDENTIAL - PERSONAL

I agree with Jonathan Stephens' view that it is worth

From: **Jonathan Powell**
Date: **29 August 2001**

PRIME MINISTER

cc: **Michael Tatham**
David Manning
Tom Kelly/Godric Smith

NORTHERN IRELAND

I attach a note on the way ahead from John Reid together with a note from Jonathan Stephens on why the IRA did not in the event decommission. On the latter we will never know the true answer but there is some evidence that the IRA had planned an early act of decommissioning but for some reason did not go ahead with it.

I saw David Trimble this morning on his way back to Northern Ireland. I said the key was for him not to do anything that got Sinn Fein out from behind the eight ball. He said that was all very well but the Colombia revelations had deeply shocked Unionist opinion. More would be required now than just a simple act of decommissioning. On top of that he had severe party management problems. Donaldson and Burnside had the signatures to call a UUC. They were trying to force him into supporting the DUP motion to exclude SF. To get through his executive meeting on Saturday, he would at the least need to talk tough and emphasise the seriousness of the 23 September deadline. I said talking tough and reminding people of the seriousness of Columbia was fine. But he should not stray into setting targets that could not be met. He should stress the need for the IRA, post Columbia, to signal its intent. Were they putting down the Armalite for good and concentrating exclusively on the ballot box? This was the question they had to confront.

Trimble said he also had problems on policing. The hawks in the UUP were saying that if they refused to nominate to the policing board they could prevent the RUC from being disbanded. I said that was wrong. We would press ahead anyway. He has to sign up to the policing board next week if we were to complete the isolation of SF. He said the Executive might try to tie his hands with conditions. I said that was not a good idea. He wanted elections ruled out and agreement there would be suspension followed by a quick review. I said that we could not say there would be suspension now without giving SF an easy way out of their conundrum. He is keen to meet you and we will fix a meeting for Wednesday/Thursday next week.

On the way ahead I am certain John Reid is right to press ahead with the Criminal Justice Review and policing, even though Trimble will give us grief on it. He says we are reneging on our promise at Weston Park that the package stood as a whole and now we are disaggregating it. John is also right that we should do nothing on OTRs, Parliamentary facilities etc.

I think he is also right to contemplate a Plan B. If Sinn Fein are going to carry on with criminal activity and paramilitary activity, eg planning attacks on the mainland, we do have to call their bluff at some stage. On the other hand the problems with Plan B are the same as they have been since the beginning. If we can't get the SDLP to join a power-sharing executive without Sinn Fein then we can't have devolution. If we can't get the Irish to support what we are doing, it will not work. And if we exclude Sinn Fein arbitrarily from political power we will give them the excuse to return to violence that some of their number would welcome. So I think it is fine to work out a Plan B, but I think we would need to be in much more dramatic circumstances before we could get the Irish and SDLP to agree to implement it.

And we should remember what our fundamental purpose is here. We never thought we would get a sudden conversion of all the members of the IRA to exclusively peaceful means when the scales dropped from their eyes. This is a process of socialisation – accustoming all of the members of the IRA to exclusively peaceful means. If we give up on them, we give up on that process, and settle for them remaining permanently outside politics.

I expect Adams and McGuinness to come back from their holidays with some new initiative as bait. They are not going to be happy with the position they are left in – having lost support in the US and crucially fractured the pan-nationalist consensus. I would guess that they will either now offer an act of decommissioning or some other concessions. And if they do we will have to work on them, although it will be a very difficult sell to the Unionist community.

I do not think we need another negotiating process. Weston Park is our final position. But we do need to show that we are active. I suggest you speak to Bertie on the phone on Monday and see Trimble in the middle of the week. I do not think you should call Adams; you should wait for him to call you. At some stage it may make sense for John Reid and Brian Cowan to hold a round table with the parties to put the pressure back on Sinn Fein. And presumably we will

have to meet Sinn Fein and/or the Irish to see if they are prepared to make a move before 23 September.

If we fail to solve it by that deadline the best option is suspension on 23 September with the Irish acquiescing (if necessary with Trimble pulling out his Ministers) followed by a review. Trimble is very set against Clinton although I agree with you it would be an inspired idea. The Embassy in Washington however advise that the Bush administration would take it very badly. The NIO alternative is Rolf Meyer.

But in the end the problem will continue to be PIRA intent. Until we get a clear expression by deeds or words that the war is over and they are giving up the threat of violence for good we will not solve the problem or bed down the political process.

JONATHAN POWELL

File

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister

NORTHERN IRELAND: THE NEXT STAGE AND BEYOND

Summary

The suspension has given us until 23 September to rescue the situation – i.e. there are just three weeks left. The prospects look poor, despite the SDLP's welcome move on policing. The Provisionals are, for once, in disarray and look most unlikely to start decommissioning in the coming weeks. The level of loyalist attacks – a problem in itself – provides a further excuse for their refusal to move on decommissioning.

2. The Colombia incident has further hardened the hearts of even moderate unionists who now worry that even an act of decommissioning would be a con. A cross–unionist scepticism as to Sinn Féin's intentions is growing, as is the basis of pan-unionist rejectionism.

3. We should stand by the proposals we tabled on 1 August with the Irish Government and resist further negotiations and concessions. We should proceed with those elements (policing and criminal justice review) which are both under our power and politically worthwhile in themselves. Other elements of the package (OTRs and normalisation/demilitarisation steps) are dependent on the context of the implementation of the package as a whole (actual decommissioning). In parallel, we should, with Dublin, try to explore what Adams and McGuinness are up to.

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4. **It is also perhaps time to reassess our strategy more generally. Devolution with Sinn Féin still linked to an active, private army is becoming ever harder to sustain. A cease-fire against the security forces is indeed welcome. But a top-line cease-fire which is accompanied underneath by an undiminished level of military preparations and criminal activity is more and more difficult to overlook. "Toleration" will be increasingly perceived as "appeasement" or "peace at any price". So, we need to work up plan B and, if possible, try to work Bertie round to our viewpoint. It will not be easy. But if the Provisionals hang tough we need to give reality to our understanding that the two Governments would have to "call it". Appeasement is not a tenable strategy indefinitely.**

<u>The past three weeks</u>

5. We still do not know how serious the Provisionals were about starting decommissioning before 12 August. My assessment is that had they been for real they would not have gone via the intermediate step of announcing agreement on a scheme with de Chastelain on 6 August. Their calculation, I suspect, was that this would get them on the right side of the argument with Dublin without satisfying the unionists, whose reaction could be the pretext for not moving to the next step. They assumed we would then move to elections leaving them the option to seal some dumps at a later date.

6. In the event the reaction, even from nationalism, was surprisingly qualified. Then, in quick succession, they were hit by the 24 hour suspension – denying them the elections they were preparing for – the arrest of three of their leading members in Colombia and the fracturing of the nationalist consensus over policing. Adams has been keeping his head down in Donegal and the other key players are away so we do not know how they are going to try to retrieve the situation. Sinn Fein nomination to the Policing Board is unlikely, but cannot be completely ruled out.

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And they may yet conclude that they have to do something on weapons in order to mend fences with Dublin. But an early start to decommissioning looks very unlikely, particularly with the UDA mounting a string of sectarian attacks.

7. Meanwhile moderate unionists like Empey are in deep gloom. The hasty withdrawal of the scheme agreed with de Chastelain has persuaded them that this was just an IRA stunt. More damagingly, Colombia has reminded them that decommissioning will be pretty hollow if the Provisionals continue to re-equip the IRA and keep it in a state of readiness just in case. Colombia has become the very public tip of an iceberg which makes it difficult to avoid facing up to the "submerged" element of criminal activity and military preparation.

8. The policing plan has given Burnside and Donaldson more ammunition to use against their leaders, hence Trimble's reluctance to come straight out and say that the UUP will nominate to the Policing Board. He has assured me privately that the party will eventually do the right thing, but faces an Executive committee meeting on 1 September and is having to tread carefully. The DUP look set to table an Assembly motion to exclude Sinn Féin from the Executive as soon as the Assembly resumes on 10 September. Cross-party unionist links are forming, with rejectionists trying to pre-empt and outflank Trimble on the Sinn Féin exclusion from the Executive and on policing.

9. Sectarian attacks by loyalists on the Catholic population have been increasing all year (about 200 attacks – many of them by pipe bombs – so far). This not only gives cover to IRA refusal to decommissioning. It also creates a further problem. Failure on our part to react by declaring the UDA cease-fire broken leaves us exposed to charges of indifference to the fate of Catholics. However, such a declaration if made in respect of the UDA would almost inevitably lead to the demand that the IRA cease-fire be similarly questioned (murders/punishment beatings/Colombia etc).

From now to 23 September

10. Although the chances of success may not look good, it will be important to maintain through this period the posture of:

- standing by the Weston Park proposals, as proposals which would still be implemented in full if accepted as a whole and acted upon by others (i.e. decommissioning);

- being seen in public to be trying hard with all parties to make the Agreement and the institutions work;

- maintaining close co-operation with the Irish Government;

- implementing those aspects of the Agreement/package which are autonomous and politically beneficial (policing/criminal justice reform).

11. We should stand ready to clarify any points that parties want to raise with us on our policing proposals and on the arrangements for creating the Board. But I have already made it clear to Sinn Féin that the published implementation plan is non-negotiable. This should also apply to the unionists. It would be a betrayal of the SDLP if we were to make any further concessions on policing to Sinn Féin or to row back for the UUP/DUP. The SDLP do, of course, regard the security force collusion investigation as an integral part of policing reform and, while they have not sought a specific assurance on this, I see no option but to proceed with it.

12. I am aiming to publish the draft criminal justice bill and implementation plan early in the week of 3 September. The Human Rights Commission will be publishing its consultation document on a bill of rights on 4 September. And, subject to Trimble's Executive meeting, I want formally to invite the parties to

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nominate to the Policing Board that week if at all possible. All this maintains momentum and shows that we are delivering on our commitments to implement the Agreement. It also further exposes the refusal of the IRA to decommission.

13. As to the rest of the package (e.g. OTRs/normalisation measures), we should resist any argument that we should proceed with full implementation in the absence of decommissioning. In private I think we need to tell Sinn Féin bluntly that there can be no question of taking amnesty legislation to Parliament in the absence of decommissioning nor of tabling a motion on House of Commons facilities or dismantling the four promised security installations. We front-loaded the offer but we simply cannot front-load the delivery.

14. Trimble has asked to see you as soon as you are back and I recommend that you also have a meeting with Bertie in the week of 3 September to plan the next steps. The Irish were initially keen on responding positively to the SDLP's idea of getting the implementation group up and running quickly. There are some dangers in this, particularly since it is unlikely to be the main vehicle for progress. But if the Irish are still keen, Des Browne and Liz O'Donnell could perhaps have a preparatory meeting of the group towards the end of the week of 3 September with Brian Cowen and me having a full meeting of the group the following week. It will not of course be a substitute for private bilaterals.

Likely short-term outcome

15. The odds are that in the run-up to 23 September we shall face a similar dilemma to 12 August. A further one day suspension is unlikely to be viable. In the absence of decommissioning it is much more likely that the UUP will press us to sponsor a motion in the Assembly for Sinn Féin's exclusion from the Executive. When we refuse they will probably proceed – indeed the DUP will probably force their hand – even though they know the SDLP will not deliver the necessary votes.

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Unless we then agree to suspend the institutions they would probably give us no real option by themselves withdrawing from the Executive. Suspension would automatically lead to a formal review under the Agreement.

16. The Irish will resist suspension (though if the unionists have resigned they may reluctantly conclude that we have no option but to suspend). They may prefer elections, even though the SDLP looks likely to suffer most, but possibly after a Review of some sort. The truth is that if we reach that point there are no good options. That is why I think we need now to step back and do some serious thinking about our underlying objectives.

Plan B?

17. Up to now our overriding aim has been to deliver a sustainable peace and stable devolved institutions – the one reinforcing the other. If achievable they should clearly remain our central objectives. But stable institutions are only possible if the parties themselves are prepared to work together. And peace cannot be bought irrespective of the price to be paid. There is a growing perception that our willingness to grant Sinn Féin's demands is unlimited. The attached article in the Tablet from Sir David Goodall – Ampleforth Catholic FCO/Cabinet Office architect of Anglo-Irish Agreement and no great friend of unionism – is illustrative (you will be aware of Kate Hoey's article).

18. We have been right to give Adams and McGuinness time and space to try and deliver their movement fully into the democratic family. The cease-fire has held, according to its own definition and we should never under-estimate its significance in terms of lives saved and impact on everyday living. But, the problem is that since the cease-fires, there has been no sign of progressive winding down of the IRA. Whether this reflects insincerity on the part of Adams and McGuinness or simply their inability to shift the movement is, ultimately, immaterial. Training,

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targeting, recruitment, murder, paramilitary beatings, weapons development, robbery, smuggling, maybe tolerable in the immediate aftermath of a cease-fire declaration, but become increasingly difficult to tolerate as the years pass with members of this movement in Government. Colombia has highlighted this underlying activity and this contradiction in the democratic process. Allowing a political party to remain in Government while it retains a fully equipped private army is seen as increasingly corrosive of normal democratic norms. Forcing others to participate in that Government is, ultimately, beyond our control. In the context of Irish history, 3½ years is not an overlong period to sustain such imperfections in pursuit of the greater objective. However, we have to recognise that this will not be a popular perception and what might initially be regarded as wise toleration of democratic imperfections during a transition from conflict to peace, will increasingly be branded as unwise appeasement the longer we go without any dismantling of the apparatus of terrorism. We are increasingly criticised as appeasing terrorists.

19. There is a danger in seeing the process as an end in itself rather than as a means to drawing a clear distinction between those committed to democratic means and those who are not. That provides the only secure basis for a lasting peace. It needs, of course, to be accompanied by a determination to go on tackling the perceived historic injustices within Northern Ireland – hence the importance of a new start to policing, criminal justice reform and the human rights and equality agenda. We also need to continue pursuing in one form or another the all Ireland dimension. By this means we should be able to marginalise those who are determined to pursue their objectives through violence.

20. My hope remains that the Provisionals will quickly demonstrate that they are prepared to sustain the transition to democracy. But we have to see some sustained movement. Otherwise, we cannot for much longer go on hiding the truth about what they are really getting up to – killing, robbing, targeting, developing

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new weapons, racketeering. It was Seamus Mallon who said to me some months ago that, in a sense, we are all "living a lie" because the alternative has seemed too painful. Hard though it will be, we need now to get Bertie to face up to this too. With elections looming in the Republic he will be reluctant to contemplate a breach with Sinn Féin. But they need to know from us and from Dublin that we do have bottom lines and will not hesitate to apportion the blame where it belongs if the process collapses because of their intransigence and miscalculation.

21. I should value the chance to talk further about this before you meet Bertie.

[*APPROVED BY THE SECRETARY OF STATE AND SIGNED IN HIS ABSENCE BY THE PRIVATE SECRETARY*]

JOHN REID

28 August 2001

THE TABLET 18 August 2001

APD (L)/
2 AUG 2001
NIO LONDON

Can the IRA ever make peace?

DAVID GOODALL

The Northern Ireland peace process has been based on bringing the IRA's political wing, Sinn Fein, into a power-sharing assembly and executive in return for an end to violence. But the threat of terrorist action has never gone away. A diplomat with extensive knowledge of Anglo-Irish negotiations analyses the present crisis.

IS the Good Friday Agreement about to unravel? After the Northern Ireland parties failed to accept the so-called "take-it-or-leave-it" proposals put forward by the British and Irish Prime Ministers, Tony Blair and Bertie Ahern, on 2 August, the Northern Ireland Secretary, John Reid, resorted to a device to allow a further six weeks of negotiation. He "suspended the institutions" for a token 24 hours and then restored them. The IRA's withdrawal of its latest offer on arms, and from contact with General de Chastelain's international commission on decommissioning, makes it highly unlikely that a deal can now be struck on Mr Reid's timescale. Fresh assembly elections in the not too distant future may therefore be inevitable.

The proposals of the British and Irish Prime Ministers were intended to reconcile conflicting unionist and nationalist demands. Further concessions were offered to republicans and nationalists on policing, amnesties and demilitarisation, provided that General de Chastelain could be satisfied that the IRA's arms – to use the latest euphemism – were being "put verifiably beyond use". It was lack of progress on decommissioning of weapons, which has all along been crucial, that caused David Trimble's resignation as First Minister, precipitating the present crisis.

The previous news that the IRA had apparently reached agreement with General de Chastelain on a decommissioning procedure which met his requirements was hailed as a historic breakthrough. But the IRA gave no indication when this procedure might begin. So although the accompanying statement from the IRA seemed more categoric than anything the organisation had said before, it could still be read as consistent with the IRA's constant position that actual decommissioning would begin only if and when all the demands of its political wing, Sinn Fein, had been met. The IRA offer therefore did not satisfy the unionists' understanding of what the Good Friday Agreement requires.

That agreement, for all its merits, was based on a fudge: it was so framed as to allow the unionist community to believe that early decommissioning of IRA weapons was an integral part of the package (a belief reinforced with calculated disingenuousness by the British Prime Minister), while enabling republicans to argue that it imposed no such obligation, since the IRA, unlike Sinn Fein, were not a party to the agreement. With equal disingenuousness, the Irish Government has consistently endorsed Sinn Fein's claim to be distinct from the IRA while being fully aware – as the former Irish Prime Minister, John Bruton, has recently confirmed – that the two organisations act under the same direction.

This fudge at the heart of the agreement has bedevilled its subsequent history. By acquiescing in it, the two Governments signalled that neither was prepared to face a renewed violent confrontation with the IRA (which had been close to defeat when the process began). The original intention had been to initiate a consensus-building process among the Northern Ireland parties, to which Sinn Fein was to be admitted only when the armed struggle had been definitively abandoned. Instead, Sinn Fein has been allowed to use the IRA's continuing destructive capability as a means of holding the British Government and the constitutional parties to ransom.

> The British and Irish Governments have allowed the peace process to be hijacked by Sinn Fein and the IRA

Decommissioning of weapons was supposed to take place before Sinn Fein were admitted to the all-party talks in 1997; then, under Senator George Mitchell's proposals, it was to take place concurrently with those talks; in April 1998, when the Good Friday Agreement was signed, unionists were told by the Prime Minister in writing that "the effect of the decommissioning section of the agreement . . . is that the process of decommissioning should begin straight away". In November 1999, Sinn Fein issued a statement accepting that decommissioning was "an essential part of the peace process", whereupon David Trimble persuaded his party to agree to the establishment of the power-sharing executive, with the inclusion of two members of Sinn Fein as ministers, on condition that decommissioning took place by February 2000: "Mr Adams, it's over to you. We've jumped, you follow."

Nearly two years later, although two IRA arms dumps have twice been secretly inspected by a pair of eminent foreign politicians, no arms or explosives of any kind have been decommissioned or destroyed. Along with the loyalist paramilitaries, the IRA has continued to carry out punishment beatings and murders. As the arrest of three IRA members in Colombia earlier this week again shows, it has also continued to procure arms from overseas and to recruit and train new members. In all probability, therefore, it is now in better shape to resume the armed struggle, should it decide to do so, than it was when the Good Friday Agreement was signed.

It is argued from the Irish side that decommissioning is essentially an artificial, or at most a symbolic, issue: that it would never be possible to guarantee that all weapons had been decommissioned; and that, even if it were, a terrorist organisation could always obtain fresh weapons and manufacture fresh explosives; what matters is that the guns should remain silent and that Sinn Fein should be so firmly incorporated into the democratic political process as to have no motive for reverting to them. It is also argued, for good measure, that no organisation in the long history of the Irish republican movement has ever surrendered its arms, so that it is simply unrealistic to expect the IRA to do so.

Although they have failed to respond to David Trimble's courageous acts of faith in the IRA's good intentions, Gerry Adams and his Sinn Fein colleagues have undoubtedly shown courage as well as skill in bringing the mainstream republican movement to accept the Good Friday Agreement, in taking up ministerial positions under the British Crown and in edging their IRA colleagues as close to decommissioning as they have.

But they have also registered enormous political gains. All IRA prisoners have been released, while the alleged misdeeds of the security forces are under public investigation and the Royal Ulster Constabulary is to be dismembered. In the North, Sinn Fein has overtaken and eclipsed the mainly Catholic constitutional Social Democratic and Labour Party, while in the Republic some observers believe that it could gain enough seats in the forthcoming general election to hold the balance of power in the Dail. So there is no reason to doubt that Gerry Adams and Martin McGuinness genuinely want the peace process to continue and have no wish for the IRA to resume its armed struggle if that can be avoided.

The fact remains that the first IRA ceasefire in 1994, which Gerry Adams had insisted was "complete", was called off without warning in February 1996 with the bombing of Canary Wharf in London; and that the language used by Adams to denounce the suspension of the executive last year by the then Secretary of State, Peter Mandelson, with its barely camouflaged predictions of a renewal of violence, was ominously similar to the language which foreshadowed the Canary Wharf attack. It is difficult not to read the IRA's latest move as a veiled threat of the same kind.

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Sinn Fein is thus able to use the IRA's continued military capability as a means of political pressure while disclaiming any responsibility for doing so. It is this tactic which makes the decommissioning issue one of practical, and not just symbolic, importance. As long as it remains unresolved, the new political dispensation envisaged in the Good Friday Agreement will never be other than precarious.

So what happens now? Before the IRA withdrew their latest proposal, it was possible to draw comfort from the fact that, although none of the parties had accepted the Blair-Ahern proposals, none of them, except Ian Paisley's Democratic Unionists, had rejected them outright. There was the statement by General de Chastelain – a man of integrity – that the IRA's procedural proposal "initiates a process that will put IRA arms completely and verifiably beyond use". (Since the general declined to elaborate, it was difficult to judge whether he meant that the procedure would amount to verifiable decommissioning if it were implemented, or whether he meant that the proposal itself had initiated a process which would have that result.) There was also the fact that IRA statements on decommissioning had moved from the negative to the positive: "The IRA leadership has agreed a scheme ... which *will* put IRA arms completely and verifiably beyond use."

THE hopes raised by this development have now been dashed. Mr Reid appears intent on going ahead with policing reforms and other concessions offered in the Blair-Ahern proposals; but there is nothing now to suggest the likelihood of a positive IRA response. Meanwhile the arrival on the scene of the Real IRA, growing in numbers and demonstrating an ugly terrorist capability of its own, raises the uncomfortable question whether, even if IRA decommissioning eventually takes place and the Good Friday Agreement survives, peace in Northern Ireland may not still prove elusive.

What is painfully clear from the latest episode is the extent to which the British and Irish Governments, in their laudable anxiety to bring peace to Northern Ireland, have allowed the process to be hijacked by Sinn Fein and the IRA. By yielding to pressure from Sinn Fein and the Irish Government for more and more concessions, repeatedly allowing its own deadlines to be overridden and failing to honour what appeared to be unambiguous statements of intent, the British Government has created the impression that it sees no alternative to reaching an accommodation with the IRA, however exigent its demands may be. This is an insecure basis from which to seek a compromise with what is still, on present evidence, a terrorist organisation.

So much political capital has been invested in the current peace process that neither Government appears to have made contingency plans for its possible failure. This perceived lack of any alternative policy has deprived them of much of the leverage they need to make their preferred policy succeed. It is too soon to write off the Good Friday Agreement as a failure, but the arrogance of the latest IRA move should at least start the two Governments thinking about possible ways of moving ahead in Northern Ireland without the support of the IRA and its allies.

FR[redacted] JONATHAN STEPHENS
Political Directorate
28 AUGUST 2001

cc: *see Copy Distribution List below*

Mr Fittall

CONVERSATION WITH ANDY SENS, DECOMMISSIONING COMMISSION

As we agreed would be a good idea, I got in contact with Andy Sens – partly prompted by the attached account of what he had been saying in Washington, and partly by wanting to hear his own analysis of what Sinn Fein had been about.

2 Sens confirmed that there had been no contact with the IRA since 13 August. The Commission had been told then that, although the proposals were been taken off the table (though, as Sens observed, you can never actually do that), the IRA was not breaking off its relationship with the Commission. Sens thought it likely that they would get a call suggesting another meeting in the next few weeks.

3 When I asked Sens what he thought had been happening in the week before 12 August, he said that all the Commission Members had thought they had come quite close to " consummation". There had been a very intense, very focussed, very detailed engagement leading up to the announcement of the agreement on modalities. The Commission was clear that the deal being discussed was not just agreement on modalities but a process leading to an actual first event. This, said Sens, was not just wishful thinking but the Commission had tangible reasons for thinking that an actual vent was to follow quickly, without being able to say that it had been promised as such.

INVESTOR IN PEOPLE

4. [redacted] Without referring to Morreli's account of what Sinn had been saying in Washington, I asked Sens whether in fact there had been discussion of timing as well as modalities. Sens said he couldn't say; but the Commission was left with the strong impression that things could have gone quickly if all had played out right. Sens's own analysis was that Sinn Fein had been looking for and expecting a more positive endorsement from Unionists for the Weston Park package. They regarded the agreement on modalities as matching the proposals on other elements in the Weston Park package; they then, in Sens's analysis, got denounced for not going far enough and interpreted that as a rejection of Weston Park;

5. I asked Sens whether, from their discussions with the IRA representative, the Commission had any impression that it was the terms the Commission had insisted on that made it impossible for the IRA to follow through with an actual event. Sens was confident that was not the case. The IRA representative was essentially asking the Commission what they had to do to satisfy the Commission; he never gave the Commission the impression that the bar had been raised above what they could accept, nor was there any evidence that this was the case from anything else.

6. Sens confirmed that all the Commission will be back in Northern Ireland by 6 September. General De Chastelain intended to be in touch with Bill Jeffrey and Tim Dalton. I said this would be very welcome and I thought Bill would want to touch base with the Commission himself.

Comment

7. I infer from this, and from the account of what Sens had being saying in Washington that the Commission did discuss timing as well as modalities with the IRA representative, and had some reasons for expecting a first event to happen within a matter of days.

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INVESTOR IN PEOPLE

FROM: JONATHAN STEPHENS
Political Directorate(L)
24 August 2001
ID.MR

MR FITTALL

cc PS/Secretary of State(L&B)
PS/Mr Browne(L&B)
Mr Jeffrey o.r.
Mr Watkins
Mr Alston
Mr Maccabe
Mr Waterworth

WHAT WERE SINN FÉIN ABOUT?

Partly prompted by last week's discussion at the Secretary of State's stocktake, I thought there might be some merit in kicking off a collective effort to work out what we thought Sinn Féin thought they were doing in the run-up to 12 August, and its implications.

2. As background, I note three distinctive points about the run-up to 12 August:

- we know independently that the PAC had agreed in principle to the sealing of some dumps

- in the run-up to 12 August IRA members were briefed to expect a move on decommissioning that would be characterised by others as decommissioning but that would not amount to decommissioning as the IRA defined it

- there was clear agreement between the British and Irish Governments – communicated, I believe, without equivocation to Sinn Féin – that any deal was only on if there was a substantive act of decommissioning, as we understood it.

3. The first of these does not mean the IRA had actually decided to seal dumps – merely that this is something that would be done if the circumstances were right.

4. I suppose its possible to interpret the second of these points as warning IRA members only about the agreement on modalities. But I think it unlikely. If the leadership's intention was actually only to agree modalities and not do any act, it would surely have been more reassuring to the membership to tell them that in a private briefing.

5. The third point is significant because, although previous deals have contained a hope/expectation that as a result someway down the line the IRA would do an actual act of decommissioning, this was the first time on which the two Governments were agreed that an actual act of decommissioning was central to the doing of the deal itself. From my observations, the Taoiseach and Irish officials like Tim Dalton were more emphatic on this point, if anything, than ourselves. Dalton, in particular, came to believe that the IRA had decided on an act of decommissioning, but he was always careful to say that he didn't know when.

6. Against that background, what are the available explanations for what actually happened?

7. I can think of four or so:

- the IRA were never going to do an actual act of decommissioning anyway, but tried to get maximum tactical advantage from the situation

- Adams and McGuinness wanted to, but failed to secure PAC agreement

- there was some sort of miscalculation: Sinn Féin thought modalities would be enough to put pressure on unionists or to get elections, leaving them the option of an actual act later

- they were prepared to go through as far as an act of decommissioning but the planned sequence got disrupted for some reason or other.

8. I am sure there must be some others as well, and there are doubtless all sorts of ingenuous variations on these themes. As ever, we must remind ourselves that we are not dealing with a single rational individual: we are dealing with a small, but nonetheless collective, leadership in which there may well be a mix of motives, objectives and tactical preferences among the various players, and none of them yet inhabit quite the same universe we do.

They never intended to

9. It seems possible to me that Republicans have reached a settled view that Trimble and the UUP as it stands is hopelessly weakened and divided and will never prove a stable partner. While prepared to engage in the act of decommissioning if it was guaranteed to deliver stability and implementation of the Agreement, they see that Trimble and the current UUP can offer no such guarantee. So why waste the IRA's one big card when it may not buy you anything?

10. I think this would be plausible were it not for the IRA's own briefing of its members to expect something that would look like decommissioning. Given the twitchiness of the leadership about what the membership would think, why take this risk in your own private briefings if you knew all along you were not going to do anything that could be represented as decommissioning?

Adams/McGuinness tried but failed

11. The Taoiseach hinted at this: the problem, he said, was with the IRA not Sinn Féin.

12. I don't believe it myself. The leadership is too integrated and does not actually reflect the simple distinction suggested by the Taoiseach. Given that the leadership appears to have agreed on the principle of sealing dumps, the remaining issue should have been about the political calculation as to whether the time was right and the deal was right – on which I would think Adams and McGuinness's views would predominate. And why, again, that briefing to the membership to expect something that did not happen?

A miscalculation

13. A couple of possible miscalculations:

- perhaps they expected Trimble to respond to agreement on modalities with a commitment to seek re-election, to which they could then respond with an act of decommissioning, rather than having to be seen to jump first on both modalities and the act

- perhaps they expected elections. This would not have been unreasonable, given that the two Governments agreed on this course of

action at the Sedgefield meeting. If Sinn Féin picked up the impression that elections were a certainty unless they first decommissioned, then it would have required them to act contrary to their own interest – at least in the short term – in denying themselves early elections by making a big move on decommissioning.

14. I do wonder myself whether our apparent readiness to move to elections may not have provided a perverse disincentive to decommissioning: in any case it certainly misled them as to what would be the consequences, and that is generally undesirable.

A disrupted sequence

15. This may not be that different to a miscalculation. We never got the sequence properly tied down:

- we started at Irish insistence, with the notion that the act of decommissioning had to happen first before even the two Governments' statement - that was always unrealistic

- not surprisingly, the Irish then shifted to wanting the statement first, followed by an act of decommissioning; but how it related to anything Trimble was expected to do was always a bit unclear.

16. In their tunnel vision sort of way, it seems to me possible that Sinn Féin expected everyone else to see that they were going to decommission and to be prepared to give them the space to do so, without factoring in the extent of mistrust that had grown up and, in particular, Trimble's need to manage his own party.

17. So the IRA expected to have reciprocal movement from Trimble to be able to point to as a reason for actual decommissioning. But, in their terms, all they found themselves facing was a highly qualified response from Trimble, if not a repetition of the demand for actual decommissioning, plus a further 6-week period in which Sinn Féin might have feared that Trimble could equivocate and demand more.

Conclusions

18. In one sense, what happened and why may not matter. It didn't happen and things have moved on. Whatever the reason, our current posture (continuing to implement the Agreement; sounding by the Weston Park proposals; but not negotiating further) looks the right one for now.

19. But, if we get round to mustering our optimism of the will, there may be some pointers, and among them perhaps these:

- elections offer Sinn Féin a positive disincentive to decommission. We shouldn't talk them up (except possibly as the fall-back if the IRA does an act of decommissioning but unionists still don't accept it)

- if we get back into some negotiations, we need to pay greater attention to the sequence and the fall-backs.

20. My own view, for what its worth, is that this was a miscalculation or a disrupted sequence (which, for what it's worth, seems to be Andy Sens' view). In short, tactical mishandling of the situation, rather than a strategic decision not to decommission. In that case, in principle, I think it is retrievable – in the sense that the elements of the Weston Park deal, including an actual act of

decommissioning, can be put back together. Though doing so by 23 September may be a tall order. But we have two things going for us:

- any miscalculations have been exposed: if Sinn Féin did hope to get significant credit for agreement on modalities alone, that should have been abused. Or, if they expected to move straight to elections, that would also have been abused

- Sinn Féin are more isolated on more issues than for a very very long time: they may react by being defensive but I think it rather more likely that when Adams returns from his holiday he will want to act to end that isolation on some fronts at least.

21. That's my view. What do others think?

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FROM: WILLIAM FITTALL
Associate Political Director (L)
24 August 2001

Top MT

(1)

cc AW°R

PS/Mr Browne (L&B) cc See Copy Distribution Below

POSSIBLE MEETING WITH DAVID TRIMBLE

David McNarry rang me this morning to run through a number of issues.

2. He said that David Trimble would be back in action in Northern Ireland on Thursday and had a party group meeting at 11.00 am that morning. He would probably want the opportunity for a meeting with a Minister before that to review the political situation, explore some issues in relation to the Policing Board and discuss the handling of the criminal justice documents. I explained Ministerial dispositions next week and, after discussion with you, have now provisionally arranged for David Trimble and David McNarry to come and see Mr Browne at 9.15 am next Thursday morning. I am available to provide support. We shall probably not know until Wednesday whether Trimble definitely wants to proceed with a meeting and how big a team he may bring (subject to that we can consider whether to have a policing and criminal justice expert on our side).

3. On policing David McNarry asked whether we were any clearer yet on when we might trigger d'Hondt. He said there was also a good deal of interest over what would happen if the Board were established and then direct rule reimposed. There were those in the party who were arguing that it was not worth the internal agony of deciding to nominate – and thereby exposing the UUP to attacks from the DUP – if the whole thing then folded very quickly. It would give the DUP further ammunition if the UUP's decision also persuaded a reluctant Sinn Féin to join the Board.

4. I said that all this was something we could cover in the meeting with David Trimble next week. We were keen to complete the d'Hondt process well before the end of the six week period. If possible we wanted to seek nominations in the week beginning 3 September, though that was a private and provisional view and not for general discussion. I also explained the scope for maintaining a high level of continuity if a direct rule Board had to be established, though it would be for the discretion of

the Secretary of State at the time. I noted that some of the arguments which his UUP colleagues were now making sounded very much like those we had heard from the SDLP over several months.

5. He said that the situation was not helped by yesterday's DUP statement that they would be tabling of a notice of exclusion of Sinn Féin from the Executive on the Assembly's return. **Kate Udy** will circulate a separate note on the likely timing and mechanics of this.

6. Finally he said that the silence of British Ministers about what was going on in Colombia had been noted in the party, in contrast to the very helpful signals coming out of Washington. I said that it was always difficult judging how to bring the most effective pressure to bear. Stern public words from Washington and nationalist Ireland were worth far more than anything British Ministers could say. But I took the point.

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The Daily Telegraph
23 Aug 2001
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cc. Prime Minister
JPo

Getting a bit of attention but not much - drowned out by Tory leadership contest and Macedonia deployment.

Michael Ancram

To keep his pledge, Tony Blair should blame the IRA terrorists

In 1998, Kate Hoey heard the Prime Minister demand decommissioning within two years. Kneecappings and murder continue, but the republicans are still appeased

File

The current crisis in the peace process in Northern Ireland is especially troubling to me. Spending a lot of time at home in Ulster recently has made me well aware of the profound sense of disillusionment that exists among good, decent citizens.

I am regularly approached by people asking me to express regret for my active campaigning, alongside the Prime Minister, for the Belfast Agreement. These conversations provoke a definite personal unease.

On May 14, 1998, I flew to Belfast with Tony Blair to hear him give a speech designed to calm Unionist concerns. To an audience of leading figures in the Ulster farming community at the Balmoral Show, Mr Blair said that, if paramilitary-linked parties were to benefit from an accelerated release of prisoners and executive posts, their commitment to democratic, non-violent means had to be established in a verifiable way.

He went on to say that parties that wanted to take up ministerial posts would have to make a clear and unequivocal commitment that violence had ended for good; for the ceasefires to be complete and unequivocal, there had to be an end to bombings, beatings, killings and the acquisition of weapons, and the progressive dismantling of paramilitary structures. Mr Blair also emphasised that the agreement required decommissioning to be completed within two years of the referendum.

In my view, the Prime Minister's version of the meaning of the agreement was crucial in the achievement of the subsequent "yes" vote in the referendum a week later. Unhappily, the expectations raised by his pledge have so far been disappointed.

There has been a lengthy catalogue of beatings, kneecappings and murders carried out by the mainstream IRA. There has been the Florida gun-running case and the strange events in Colombia. Mitchel McLaughlin brazenly acknowledged to the *Observer* that the IRA guns are not silent. However, I have a more general unease. It goes to the heart of New Labour's message on democracy, citizenship and equality.

The Government could be said to be operating a dangerous double standard on key matters of policy. We reacted so strongly to the tragedy of Dunblane that our successful Commonwealth Games shooting team has to practise in Switzerland. At the same time, we allow, in part of the United Kingdom, terrorists to keep and use their weapons almost at will.

We claim to be tough on crime, but demoralise the RUC at the behest of the paramilitaries. Would we dream of making the Metropolitan Police accommodate the Yardies? I am proud to represent a multi-racial seat and proud that the Government is tough on racial hatred, but why then are we so indulgent of the racial hatred of Irish republicans, who have been responsible for the lion's share of political murder in Ulster? We rightly stand up against ethnic cleansing in the Balkans, but fail to condemn it in the United Kingdom.

We send representatives to monitor international elections — I myself was part of the Angolan monitoring group — but we tolerate election irregularities and fraud in Northern Ireland that would not be tolerated in Angola.

In New Labour, we rightly talk about equality of citizenship, but there can be no real equality of citizenship for the people of Ulster while the Labour Party continues to deny membership to its citizens.

As a citizen of the United Kingdom, born and raised in Northern Ireland, I expect my Prime Minister to defend my basic civil rights as he defends the civil rights of other citizens born in the rest of the United

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continues.

Kingdom. Unlike most of my parliamentary colleagues, I was actively involved in the struggle for civil rights in Northern Ireland and indeed was arrested on the Bloody Sunday demonstration at Downing Street in 1972. I am saddened that, almost three decades later, Labour still denies a basic civil right to the people of Northern Ireland.

This ban is especially worrying in the light of the Irish government's unashamed advocacy of the nationalist and republican agenda in Ulster. It seems untroubled by concerns of fairness and impartiality. I know that Peter Mandelson, when secretary of state, registered this imbalance and was aware of its capacity to destabilise the province. Mr Blair said in May 1997: "Northern Ireland is part of the United Kingdom, alongside England, Scotland and Wales. The Union binds the four parts of the United Kingdom together. I believe in the United Kingdom. I value the Union." The Irish government took great exception to this speech and, since then, the Government has been reluctant to use such language. The effect of such timidity has been to undermine support for the agreement among the British people of Northern Ireland.

I know how much time the Prime Minister has devoted to Northern Ireland and his deep commitment to bringing peace.

The reason I was so happy to support the original campaign for the agreement was because, in my view, he had got it right. He understood that support for the agreement was dependent on a clear articulation of certain values. These included, in accordance with the principle of consent, the right of the people of Northern Ireland to remain part of the United Kingdom. As he said himself in May 1997: "None of us in this hall today, even the youngest, is likely to see Northern Ireland as anything but a part of the United Kingdom."

He was right also in his intuition that the people of Northern Ireland needed decommissioning to happen if the agreement was to survive.

Since then, these fundamental principles have been marginalised to the extent that many of those who speak to me at home feel he never meant a word of his original pledges. I do not accept that, but time is running out for the agreement.

The Government has been playing a complex game of appeasement with republicans. At first it deliberately colluded in the republican version of Irish history in order to make it easier for them to make peace. More recently, it seems that the Government has begun to believe in the republican version of Irish history, a version that has never come to terms with the realities of Ulster life.

Mr Mandelson was the last cabinet minister to place the blame for the crisis in the process precisely where it belongs — with the IRA. After the events of the past few days, including the news from Colombia, it will be only such plain speaking that can save the agreement.

Kate Hoey is the Labour MP for Vauxhall

end

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CONFIDENTIAL AND PERSONAL

FROM: John Rankin
HME Dublin

TO: Mr Fittall

DATE: 23 August 2001

Cc: PS/Mr Browne
PS/PUS
Mr Stephens
Mr Powell, No 10
Mr Pierce, Washington
Mr Arthur
Mr Darroch, FCO o/r

US EMBASSY MEETING WITH SINN FEIN

1. I had lunch today with Kai Fort, recently arrived Charge at the US Embassy in Dublin, and previously the US Consul General in Belfast.

2. Fort confirmed newspaper reports that she had met Rita O'Hare (at the latter's request) on 21 August. She said that O'Hare had been in a state of some shock over the fall-out from the Colombian affair, and had recognised that it had been deeply damaging for her party, particularly in the United States. O'Hare had also said that the IRA proposal on decommissioning (which had indeed been of historical importance etc) was still "retrievable".

3. I asked Fort whether O'Hare had indicated how the decommissioning proposal might be retrieved. Fort replied that she herself had been giving some thought to this question. One possibility might be to make clear to Sinn Fein that such a move would help their position in the US following the Colombian debacle. But Fort recognised that simply getting the proposal back on the table would not be enough, and that some actual decommissioning was required if the UUP were to be brought back into the Executive.

CONFIDENTIAL AND PERSONAL

4. Fort also told me that she had just come from a meeting with Congressman Delahunt and John Mackey (a staffer in Washington who, as you know, has been far from helpful on policing. But I understand he also has some responsibility for Colombian matters and is strongly anti-FARC). Delahunt had said that the Colombian affair had been deeply damaging for Sinn Fein's reputation, and that they were lucky that Congress was not sitting at the moment. Mackey had suggested that Sinn Fein might have been wiser to sign up to the policing implementation plan now. At the same time he had (typically) cautioned against any further isolation of Sinn Fein and had said that further spinning by the British Embassy in Washington on the Colombian affair could be counter-productive.

5. Finally, Fort told me that Richard Haass is planning a trip to London, Dublin and Belfast around mid-September. I asked whether this timing might raise expectations that Haass could help to bring Sinn Fein back into the process. Fort replied that no firm dates had yet been fixed for the visit. But she asked that we keep her informed of plans to resolve the outstanding issues before the end of the next six week deadline. Her assumption was that if necessary we would opt for fresh elections this time round rather than another temporary suspension.

John Rankin
Charge

file - faxed

FROM: THE PRIVATE SECRETARY
RESTRICTED - APPOINTMENTS

NORTHERN IRELAND OFFICE
CASTLE BUILDINGS
BELFAST BT4 3SG

Michael Tatham
10 Downing Street
LONDON
SW1A 2AA

Dear Michael

21 August 2001

BLOODY SUNDAY INQUIRY TRIBUNAL MEMBERSHIP

Mr William Esson, the reserve member of the Bloody Sunday Inquiry Tribunal, has resigned on medical advice. Having sought advice from the Attorney General and consulted Lord Saville, my Secretary of State has decided not to appoint a replacement. The resignation was announced yesterday 21 August.

Following Sir Edward Somers' resignation from the Tribunal last year for personal reasons, my Secretary of State decided to appoint a reserve member of the Tribunal as a contingency against further departures. Mr Justice (William) Esson, of the Court of Appeal for British Columbia was appointed on 7th November 2000. Regrettably, he has now written to my Secretary of State indicating that he must resign on medical grounds.

Ministers have considered the option of appointing a replacement reserve at this stage, and have consulted Lord Saville and the Attorney General. The consensus is that such a move would be both unwise and undesirable this late in the proceedings. Any reserve appointed at this stage would not have heard at first-hand the majority of the civilian evidence and would therefore been in a weak position, if subsequently appointed as a substantive member of the Tribunal, to assess the whole picture. As such, there is a strong risk of successful legal challenge. Since there is no requirement

for the Tribunal to have three members, my Secretary of State has concluded that the balance lies in favour of *not* appointing a replacement reserve.

Mr Esson's resignation was announced yesterday, and we put in place arrangements to brief the Canadians in advance of this via the High Commission in Ottawa. We also arranged for the Irish Government to be notified.

I am copying this letter to the private secretaries of Jack Straw and Geoff Hoon.

Yours ever.

SARAH TODD

original with USR in France

F

FAXED to John Hume + William Fittall NIO 21/8

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

21 August 2001

Dear John,

John Reid has responded publicly to your announcement yesterday of the SDLP decision on policing but I wanted to add a personal note of gratitude. This was a courageous and principled decision of the kind that has characterised your leadership of the SDLP.

We now face the challenging task of making a success of the new arrangements and building a police service capable of securing support from the community as a whole. I know that I can count on your personal support and that of your party for this goal.

Best wishes

Yours ever

Tony

Mr John Hume MP

Originals in GR in France

(f)

FAXED
Seamus Mallon
T Lillian Fitch
NIO.
2/8

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

21 August 2001

Dear Seamus,

Although John Reid has spoken publicly on behalf of the Government, I wanted to let you know on a personal basis of my appreciation for yesterday's announcement by the SDLP. This was a characteristically courageous and principled decision. It has involved a lot of sweat for both of us in getting to this point. Now we must devote equal labour to making a success of the new arrangements and to meeting the objective set out in the Good Friday Agreement of a police service capable of securing support from the community as a whole. I know that I can count on your commitment to that goal.

Best wishes

Yours ever

Tony

Mr Seamus Mallon MP

From: Michael Tatham
Date: 21 August 2001

PRIME MINISTER

FAXED

cc: Jonathan Powell

NORTHERN IRELAND: POLICING

I've spoken to John Reid and passed on your message of thanks after yesterday's announcement by the SDLP.

It would be good if you could also write short notes to Hume and Mallon. Texts attached.

On policing, the focus is now on the UUP. We had asked for responses from all parties by midday today. But it is clear that the UUP will not commit to making nominations on this timescale. John Reid had a difficult discussion with Trimble (currently in Austria) earlier this morning. Trimble indicated that an eventual positive decision was not in doubt. But, as ever, he is obsessed with internal party management. The party is unsettled, partly because of paranoia about secret concessions to the SDLP and partly because of the usual zero sum game mentality (what's good for the SDLP can't be good for them). Trimble was adamant that he would not be in a position to commit to nominations today. John Reid is extremely frustrated. I told him that our aim should not be to avoid letting this be seen as a setback. We should try and preserve the positive momentum from yesterday's development and keep working on the UUP to fall into line as soon as possible.

Shirley said you wanted a statement put out in your name. The NIO view is that this might not yet be the right moment in view of the UUP position. The ideal time would be once we have netted the UUP and you could welcome courageous decisions on both sides etc. In the meantime, John Reid has already commented fulsomely on the SDLP decision (see attached press cutting). **Happy to follow this steer?**

Michael Tatham

MICHAEL TATHAM

DRAFT MESSAGE TO HUME

John Reid has responded publicly to your announcement yesterday of the SDLP decision on policing but I wanted to add a personal note of gratitude. This was a courageous and principled decision of the kind that has characterised your leadership of the SDLP.

We now face the challenging task of making a success of the new arrangements and building a police service capable of securing support from the community as a whole. I know that I can count on your personal support and that of your party for this goal.

DRAFT MESSAGE FOR MALLON

Although John Reid has spoken publicly on behalf of the Government, I wanted to let you know on a personal basis of my appreciation for yesterday's announcement by the SDLP. This was a characteristically courageous and principled decision. It has involved a lot of sweat for both of us in getting to this point. Now we must devote equal labour to making a success of the new arrangements and to meeting the objective set out in the Good Friday Agreement of a police service capable of securing support from the community as a whole. I know that I can count on your commitment to that goal.

The Times
21 Aug 2001
Page: 8

SDLP puts its weight behind police reforms in Ulster

By Richard Ford
Home Correspondent

MINISTERS were last night poised to win crucial cross-community support for policing reforms in Northern Ireland. In an historic move, moderate nationalists urged Roman Catholics to join the new police service. The Social Democratic and Labour Party came out in support of the Government's plans for the reforms, which form a key part of the Good Friday agreement.

The move by the SDLP followed support for changes in policing by the Roman Catholic Bishops in Northern Ireland. It represents a major shift for nationalism, which since Partition has withheld whole-hearted support for the police in the north.

John Reid, the Northern Ireland Secretary, welcomed the SDLP decision. He said: "This is an unprecedented move from the SDLP. I am delighted they have indicated that they will enter into partnership with other parties to bring about a new start to policing."

Michael McGimpsey, an Ulster Unionist minister in the power sharing executive, described the SDLP announcement as "truly historic in the context of nationalism in Northern Ireland over the past 80 years".

He added: "This is a major concession by the SDLP. It should be now clear to everyone that Sinn Fein is isolated on policing, isolated on decommissioning and isolated on Colombia."

Sinn Fein has rejected the revised implementation plan for policing reform; the Ulster Unionist and Democratic Unionist Parties have yet to give their verdicts. Both are expected to miss today's deadline for responding. Although the UUP is still arguing internally over its response, it is thought likely to give its support.

This would allow the Northern Ireland Secretary to ask the party to nominate candidates for the Policing Board which will oversee the new Police Service of Northern Ireland.

John Hume, leader of the SDLP, announced his party's support after the revised plan had been backed by the Irish Government and the Catholic Bishops.

Mr Hume said: "We will respond positively to an invitation to join the Policing Board and we will be encouraging people from all sections of the community to join the new police service.".

As Sinn Fein maintained fierce opposition to the revised proposals on policing, Seamus Mallon, deputy leader of the SDLP, appealed to young nationalists not to squander the chance presented by the implementation plan.

The acting Deputy First Minister in the power-sharing government said: "Here is an opportunity. Here is the mechanism now through which policing can be changed, and changed forever more.

"Do not let this opportunity slip because Patten [the report] will never be written again. We have one opportunity to get this right. Take that chance."

Earlier, a statement from the Catholic bishops in the north said that they shared some of the reservations expressed by others, but believed "sufficient grounds now exist to give real hope for a new beginning in policing".

Dr Joseph Duffy, Bishop of Clogher, said the bishops had intervened because they believed the overall proposals represented progress.

The DUP took the opportunity to ridicule the SDLP, saying that it had had to wait until the Catholic Church had backed the reforms before making its own decision. Ian Paisley junior described the SDLP as a "poodle of the Roman Catholic Church".

Under the revised policing plan, the size of Special Branch will be halved, the full-time reserve will be phased out over three years and the Gough holding centre for interrogation will be closed.

The plan also opens the door for ex-paramilitary prisoners to sit on the 29 District Police Partnership Boards if they make a declaration vowing not to support terrorist groups, and allows the 19-strong Policing Board to mount inquiries into alleged police misdemeanours with the backing of only eight members.

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MT
cc: JPO
Press

FROM: WILLIAM FITTALL
Associate Political Director (L)
21 August 2001

PS/Secretary of State (L&B) cc See Copy Distribution Below

UUP AND POLICING

This is an outline record of the various phone calls over the past 24 hours with the UUP about nominations to the Policing Board.

2. David McNarry (covering for David Campbell's absence) rang me yesterday morning to say that David Trimble was coming under pressure from a number of people in the party -- and not just the usual suspects -- over our policing proposals. The situation had not been helped by the letters which some people had just received revealing that they were no longer being considered for independent membership of the Policing Board. David Trimble wanted to be assured that he was going to be consulted over the independent appointments. He also wanted to be reassured that no promises have been made over the chairmanship of the Policing Board. David McNarry said that David Trimble was reluctant to reach a decision on the Secretary of State's invitation of Friday while he was still on holiday. He was particularly concerned that we should not trigger the d'Hondt mechanism while he was away.

3. Just after lunch I sent David McNarry a letter dealing with the points raised (copy already circulated to those who need it). I then had two further conversations with David McNarry, one before and one after the SDLP's announcement. He indicated that the UUP would be putting out a warm welcoming statement to the SDLP's decision but not revealing their own hand today. He reiterated that opinion in the party was fragile and that we could not count on the response we needed before noon today. In the light of this we agreed that it would be sensible for the Secretary of State and David Trimble to talk directly on the phone.

4. The Secretary of State was not immediately able to speak to David Trimble himself and asked me to have an initial conversation with him, which I did late afternoon. He sounded pleased with life but stressed the difficult situation which the Secretary of State was putting him in. There were a

variety of views among his colleagues over how to respond to the Secretary of State's invitation. It was difficult for him to manage all this from far away. He needed further clarity and assurances over how the appointments process was going to work, particularly given the ill feeling which Friday's rejection letters had stirred up among some of his colleagues – one had gone to somebody whom he had supported for independent membership. His bottom line was that either by inadvertence or design, the NIO in its usual fashion was about to stitch him up.

5. I explained the background to Friday's letters and gave him a feel for the names that were still in the frame. I said that we had had little option but to notify the unsuccessful candidates before we launched the supplementary competition as we were planning to do later this week. I stressed that what we were seeking by lunch time today was simply an indication that parties would nominate to the Board when invited. We were not seeking names nor endorsement of the implementation plan. He would be consulted before decisions were made on appointments.

6. David Trimble said that he understood all this but he would be guided by a meeting of his senior colleagues in Belfast during the evening following which he would be having a conference call with some of them first thing this morning. The sensible thing would be for him to have a discussion with the Secretary of State immediately after that.

7. The Secretary of State spoke to David Trimble at about 9.50 am today. David Trimble said that it was very difficult for him to manage all this from a thousand miles away. The clear view of his colleagues was that more time was needed to prepare the ground for any substantive statement. The way that the SDLP had played up the changes that they had secured and spoken of policing as part of the big package tabled by the two Governments on 1 August was causing anxiety within the party, which had still not accepted those proposals in the absence of decommissioning. He needed some breathing space.

8. The Secretary of State said that he believed this to be a disastrous mistake. Instead of putting all the pressure on Sinn Féin the UUP would be creating headlines about their own hesitations. It would be suggested that the UUP were rebuffing the SDLP's historic move.

9. Trimble said that the story would only be written up this way if that was the way the NIO chose to spin it. The UUP would not be making a negative statement today (in fact the Party Chairman's

CONFIDENTIAL

statement subsequently said: "While we are not opposed in principle to nominations to the Police Board, we still have a number of concerns.") They would simply be saying that they needed more time to consider the proposals. The plan had been published while their leader was away and there were a number of issues on which they needed greater clarification before a decision could be made, both on the appointments process and on the resourcing of the police service in the light of the HMIC report. He would be returning to the country on Tuesday 28 August and there would be a party executive meeting on 1 September. He was not prepared to be bounced in advance of that.

10. When pressed by the Secretary of State to go further David Trimble reminded him of a sentence in the UUP's election manifesto which said: "We will support policing despite bad political decisions of Government or any mistakes in policing." When asked, the party would confirm that that remained its policy. But he was not prepared to go further and risk splitting the party: "You have given the SDLP weeks because of their divisions – I have got a split party too." He said that he expected some people within the party to "Make a charge at us" so he had to tread carefully. What the Secretary of State could be sure of was that the party would do the right thing provided he was given some time.

11. In the light of this conversation I prepared revised paragraphs on policing for the Secretary of State's speech today at the Derry Rotary Club and gave David McNarry advance warning of them. I also agreed with the Secretary of State that we should press ahead this week with the advertisements for the independent member supplementary competition. Robin Masefield has confirmed that the closing date for applications is Friday 7 September, well after Trimble's executive meeting.

William Fittall

WILLIAM FITTALL
11 Millbank
Ext 6469 (Fax: 6479)
BRENT Fax 020 7210 0843
email: william.fittall@nio.x.gsi.gov.uk

Distribution List

PS/Ms Kennedy (L&B)
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Mr Watkins
Mr Maccabe
Miss O'Mara
Mr Stephens
Mr Andrew
Mr Masefield
Mr Waterworth
Mr Tatham, No 10

File

From: **W E Chapman**
Date: **17 August 2001**

MICHAEL TATHAM

cc: **Jonathan Powell**
Katie Kay
Duty Clerk

NORTHERN IRELAND FISCAL INCENTIVES

Please see the attached correspondence with the Duke of Abercorn – who I think has written to me for no other reason than the fact that I was sitting next to his wife at a launch for Lord Lieutenants in July.

The Duke mentioned over the phone that this his initiative had arisen from a visit by the Prime Minister to Scotland (?), during which the Duke had mentioned the need for new Fiscal Incentives in Northern Ireland, and the Prime Minister had asked him to follow it up with John Sawers. Unfortunately, the Duke's fax arrived after John had left No. 10 so I am not sure what, if anything John said subsequently to the Duke.

It is, I suppose, possible that the Duty Clerks have some record of this in the files.

As you will see, the Duke has asked for a meeting with the Prime Minister in mid September. From my narrow, client-based perspective it would be highly desirable if this was possible. But you and Jonathan will be better able to judge whether this is worth it.

I have asked the Duke to send details of his scheme. I shall be away for the next three weeks but I have asked Alison Roberts to send these on to you if and when they arrive here, though I hope the Duke will send them direct to you.

William.

W E CHAPMAN

DCO
Any back papers on this in last year's files?
M.

Alan McClay tel. (0208) 3833 4947
founder of Gaylon, no 1 co. in NI
in London on week of Sept. 17th. — maybe around 19th, 20th or 21st

BARONS COURT
OMAGH BT78 4EZ
NORTHERN IRELAND
028 8166 1470

FAX TO: Mr William Chapman

FROM: The Duke of Abercorn, KG

DATE: 3 August 2001

FAX NO: 020 7930 3589

OUR FAX NO: 028 8166 2231

NB If this message is not received clearly please telephone 028 8166 1470

Dear [illegible]

Northern Ireland Fiscal Incentives

Just to confirm our telephone conversation yesterday, that when I met the Prime Minister in Scotland last September I stressed that Northern Ireland urgently requires new Fiscal Incentives for the following four main reasons:

1. To underpin the Peace process.
2. To compete with the Irish Republic on a more realistic basis in attracting high calibre businesses.
3. To assist Northern Ireland to move from a grant dependant and public sector dominated economy to a private sector led economy.
4. Generate a vibrant indigenous enterprise sector.

I indicated both to the Prime Minister and John Sawers, that the introduction of a competitive rate of Corporation Tax similar to the Irish Republic, which would not only be readily understandable but also highly effective.

However on reflection I realise that such a "departure" would not only have problems with the Treasury, but also with certain Northern Ireland Politicians.

Therefore I approached Allen McClay, Founder and now President of Galen Holdings Plc, who agreed to form a working party comprising of top business men.

This group has devised certain revised Fiscal Incentives for Northern Ireland, which we firmly believe will not only meet the four objectives above, but also would prove acceptable to the Treasury, European Union and to all Northern Ireland Political Parties. Quite an achievement!

Therefore Allen McClay, Stephen Kingon, Managing partner of Pricewaterhouse Coopers in Northern Ireland and myself would be most grateful if the Prime Minister could see us, say mid September, in order to make a brief and factual presentation.

Yours sincerely

cc Dr Allen McClay, CBE
Mr Stephen Kingon, CBE

File.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

20 September 2000

Dear James,

Many thanks for your letter of 12 September and for the note on corporation tax. I can see why the issue is so important for attracting inward investment, and I am pursuing the issue with the NIO and others.

I was very glad to have had the chance to talk to you. Do contact me again if there are other issues which you think could make a significant contribution to bringing peace to Northern Ireland.

Yours ever,

JOHN SAWERS

His Grace The Duke of Abercorn, K.G.

File

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

20 September 2000

Dear Kirsten,

NORTHERN IRELAND: CORPORATION TAX

The Duke of Abercorn has spoken to the Prime Minister about the need to attract more inward investment to Northern Ireland in order to underpin the peace process, and the obstacle presented by the higher rate of corporation tax in the North than that in the Republic of Ireland. He has followed up by sending me the attached note.

I should be grateful for advice and a short draft reply.

I am copying this letter to Nicholas Joicey (HM Treasury) and Sir David Wright (BTI).

Yours ever,

JOHN SAWERS

Kirsten McFarlane
NIO

DCO

Did NIO ever reply to this?

M.

BARONS COURT
OMAGH BT78 4EZ
NORTHERN IRELAND
NEWTOWNSTEWART 61470

John Sawers Esq
10 Downing Street
London
SW1A 2AA

12 September 2000

Dear

NORTHERN IRELAND

It was very pleasant meeting you in the Highlands of Scotland recently.

We briefly discussed the economy of Northern Ireland and I stressed that in my opinion Corporation Tax is the key issue to attract high quality inward investment.

Thus, I am taking the liberty of attaching a brief paper on this matter.

My industrial – commercial experience in the Province has included serving on LEDU – small industries – IDB – Chairman - Laganside Development Corporation and now a member of the Cross Border Trade and Business Body.

Again, over the past 30 years I have built up the biggest timber processing company in Ireland and developed the first covered shopping mall in Northern Ireland. Again, I am a Director of various companies of which one might benefit directly from a reduction in Corporation Tax, namely Belfast International Airport, a subsidiary of TBI. Adjacent to BIA is located an area that could be developed into a business park. Otherwise my vested interests lies in the deep desire for the creation of a peaceful and prosperous Northern Ireland for all.

As mentioned when we met I have no wish nor desire to bypass either the NIO or the Assembly relating to the attached document.

Yours sincerely

The Duke of Abercorn KG

INDUSTRIAL GRANT INCENTIVE – NORTHERN IRELAND

Background. Prior to 1968 Northern Ireland was the most successful region, within the two islands to attract inward investment.

Following the outbreak of civil violence and in spite of an increased level in grant assistance Northern Ireland rapidly became the least attractive region for inward investment. In the main, Northern Ireland only attracted speculative industry ie De Lorean and Lear Jet who were heavily dependant on Capital Grant Assistance.

Present Situation. Since the 1994 cease-fire, Northern Ireland has begun to attract profitable investment in electronics and call centres, both grant aided by IDB. However, Northern Ireland remains a major challenge in regard to its attractiveness as a location for the available mobile investment.

Political Situation. In order to underpin the authority of the Assembly and the Agreement, I am convinced that 'economic dividends' must begin to flow in order to prove that political stability will generate new job opportunities and really enhance prosperity. This is particularly relevant to both West and East Belfast in addition to Border towns, which have been particularly hit by the fall in the value of the Euro.

Solution. In the late 1980s the Irish Government realised that a broader based tax with less generous reliefs and a lower standard rate would improve economic efficiency.

Thus, from the 1988 budget onwards the standard corporation tax has been drastically reduced from 50% to 12.5%. This initiative has been the major factor in dramatically transforming the Irish economy resulting in attracting firms like Intel and Microsoft Corporation, which thrive on a supply of good reliable labour and low taxation.

However, due to an almost full employment situation in the Irish Republic, these firms will in the future find expansion difficult, which could offer Northern Ireland real economic opportunities if the Province was to have the same level of Corporation Tax. Furthermore, this tax incentive opposed to grant 'lure' would attract high profit generating firms which in the main are bypassing Northern Ireland at the present time.

COPY

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

20 September 2000

Many thanks for your letter of 12 September and for the note on corporation tax. I can see why the issue is so important for attracting inward investment, and I am pursuing the issue with the NIO and others.

I was very glad to have had the chance to talk to you. Do contact me again if there are other issues which you think could make a significant contribution to brining peace to Northern Ireland.

JOHN SAWERS

His Grace The Duke of Abercorn, K.G.

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

Thank you for your letter of 12 September regarding the levels of corporation tax in Northern Ireland in relation to those of the Republic of Ireland.

In your letter you suggest that the UK should align the general tax rate for Northern Ireland with that of the Republic of Ireland. As you will be aware, the Government has cut Corporation Tax rates for all companies – since coming to power the main rate has been reduced from 33 per cent to 30 per cent and the small companies' rate from 23 per cent to 20 per cent. In addition, companies with profits of under £50,000 will benefit from the new starting rate (10 per cent). This is the lowest rate specifically for small companies in the European Union and compares favourably with the Republic of Ireland's rates – even allowing for their planned reduction to a general corporation tax rate of 12.5 per cent by 2003.

Our corporation tax regime is a UK-wide system and to introduce different rates in one part of the UK could be seen as distorting competition within the UK as a whole. There would also be practical difficulties because many companies trade both in Northern Ireland and other parts of the UK. It would not be easy to determine the proportion of their profits liable at a Northern Ireland rate. In addition, this would create opportunities for some companies to disguise the

origin of their profits, or otherwise manipulate the rules, in order to benefit from the lower rate, resulting in a system that would be complex and costly to police.

However this Government has taken steps specifically to encourage business development in Northern Ireland. In 1998, as part of the package to underpin the Good Friday Agreement, the Government introduced 100 per cent first year capital allowances to small and medium-sized enterprises (SMEs) investing before 31 March 2003 in machinery or plant for use primarily in Northern Ireland. This means that qualifying businesses will be able to write the whole of the cost of these investments off against profits straight away. This measure was a clear signal of the Government's support for new investment.

I hope this gives you a useful background to the Government's tax policy in relation to Northern Ireland.

His Grace The Duke of Abercorn KG

7/4460/2000

Treasury Chambers, Parliament Street, London, SW1P 3AG
020-7270 5000

r 2/11/00

John Sawers Esq
Private Secretary
10 Downing Street
London
W1A 2AA

(T) + r.t.m.

1 NOV 2000

Dear John.

Your letter of 20 September concerning The Duke of Abercorn has been passed to the Treasury for response.

As requested, I attach a draft reply.

yours ever

Clare Roberts

CLARE ROBERTS
Assistant Private Secretary

No trace of

7/4460/2000

The Duke of Abercorn KG
Barons Court
Omagh
Northern Ireland
BT78 4EZ

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I hope this gives you a useful background to the Government's tax policy in relation to Northern Ireland.

AW
cc Press

FROM: PS/SECRETARY OF STATE (L)
15 AUGUST 2001

cc. See below

Mr Fittall

PHONE CALL WITH THE PRIME MINISTER, 15 AUGUST

The Prime Minister rang the Secretary of State at 9.20 this morning. The Secretary of State wanted the Prime Minister to press the Taoiseach not to discourage the SDLP from nominating to the Policing Board. The Prime Minister kept returning to the Columbia story.

Policing

2. The Secretary of State explained that, from all his contacts with the Irish, they showed no sign of trying to persuade the SDLP not to sign up on policing. But that was no guarantee. It would help enormously if the Prime Minister could impress upon the Taoiseach what was at stake. The Prime Minister agreed and said that he was just about to call the Taoiseach.

The way forward

3. The Secretary of State said that he was determined to press ahead with those parts of the Agreement that fell to the Government to implement – particularly policing and criminal justice. He planned to publish the policing implementation plan this Friday, seeking agreement in principle to join the Board by Tuesday. He would give the criminal justice plan to the Irish this Friday with a view to publication on 31 August. This would strip away Sinn Féin's excuses. He did not intend to move on the remaining Weston Park issues such as OTRs and the two most contentious parts of the implementation plan – Belfast DPPs and former paramilitaries on Boards – would say only that he was prepared to legislate. The Prime Minister agreed that this seemed sensible.

Columbia

4. The Prime Minister returned a number of times to the likely fallout from the Columbia story, but without offering any thoughts of his own. The Secretary of State reported that Sinn Féin were in a tailspin. If it turned out that one of the men arrested was Sinn Féin rather than PIRA their embarrassment would be even more acute and questions would be asked about how we could justify their position in the Executive. The Irish reaction had been muted. They were irritated with Sinn Féin as it was and were now even less likely to be sympathetic.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
Ext 28111
Mob 07771 947 146

Copy list
PS/Secretary of State (L&B)
PS/Sir Joseph Pilling (L&B)
Mr Jeffrey o/r
Mr Watkins
Mr Alston
Mr Leach
Mr Maccabe
Miss O'Mara
Mr Masefield o/r
HMA Dublin
Ms Wechsberg, No 10

Rile

CONFIDENTIAL AND PERSONAL

Not in Matrix

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 August 2001

Dear Paul

NORTHERN IRELAND: PRIME MINISTER'S PHONECALL WITH THE TAOISEACH

The Prime Minister rang the Taoiseach this morning, immediately after speaking to your Secretary of State.

The Taoiseach began by saying that life hadn't got any easier over the last day or so. The Prime Minister asked whether yesterday's IRA statement was a purely tactical move. The Taoiseach said he thought so. The only thing that worried him was that Adams had told him on Friday that this wouldn't happen.

The Prime Minister said he did not understand what Sinn Fein were playing at. The Taoiseach said the problem was not with Sinn Fein, but in the IRA. All the evidence was that something had gone wrong between the Tuesday (immediately following the initial IICD statement) and the Thursday of that week. Everyone had thought they were going to move. Adams and McGuinness had not been certain about the precise timing of an act of decommissioning, but they had been clear that we should not lose the progress we had made. They would now have to do the work to bring the IRA back in. The two Governments could not do it. The Prime Minister agreed. We could not make further concessions now – especially with the Colombia revelations. The Taoiseach said we could not start moving away from a plan we had published only two weeks ago.

The Prime Minister asked about the Colombia incident. The Taoiseach said it was very worrying. The three people who had been arrested were heavy, well-known guys. There was no doubt about where they were coming from. The Prime Minister said that IRA links to drugs and terrorism in Colombia would not help. He did not think ordinary people in Ireland would not understand why the IRA were involved. What were Adams and McGuinness going to say? The Taoiseach said they were in a pretty interesting position. He was not sure how they were going to manoeuvre themselves out of it. They

would try the line that once an army, always an army. But that wasn't really enough to explain why they were "mixing with a shower of thugs on the other side of the world".

But, looking on the bright side, the Taoiseach said he thought we needed to turn the Colombia situation to our advantage. It would help make those who did not believe that decommissioning was important think again. The Prime Minister totally agreed. Colombia would make it impossible to argue that decommissioning did not matter.

The Prime Minister said that your Secretary of State was thinking of publishing the implementation plan on policing in the next few days. He (the Prime Minister) hoped that by doing so we could move the process forward. The Taoiseach said yes – he was meeting Mallon tomorrow to discuss this. The Prime Minister said he thought it was desperately important that the SDLP had the Irish Government's support if they went ahead and nominated to the Policing Board. The Taoiseach confirmed that he would support Mallon's decision.

The Prime Minister and the Taoiseach agreed that they should touch base again in a couple of weeks' time. The Taoiseach said that in the meantime he would try to gather some better intelligence on SF/IRA thinking. Someone had thought up a grand plan. We needed to know what it was: otherwise we would all be operating in the dark.

I am copying this to Richard Abel (Cabinet Office).

Yours ever

Anna Wechsberg

ANNA WECHSBERG

Paul Priestly
NIO

15/8

file

PM seen

Prime Minister

Message from Jonathan this morning:

The IRA have taken half a step – they gave agreed the modalities of decommissioning with de Chastelain but not undertaken the act itself. Adams and McGuinness have been pressing us to be positive in our response, as have the Irish. I have agreed a statement with John Reid that is suitably positive while not accepting that this in itself will be enough to unlock the problem. The Irish claim that Adams and McGuinness understand the need to deliver an act of decommissioning by next Sunday to avoid collapse. But I fear they may hope that this by itself is enough to get them off the hook. Anna will send over the relevant documents.

Department of Foreign Affairs **Press Release**
IVEAGH HOUSE, ST. STEPHEN'S GREEN, DUBLIN 2
Tel: 353 -1- 478 0822 Fax 353 -1- 478 5942 / 475 7476 / 478 2708
Internet: http://www.irlgov.ie/iveagh

Statement by the Minister for Foreign Affairs Mr Brian Cowen TD

"This morning's statement by the IRA that it has withdrawn its proposal for putting arms beyond use is very disappointing.

"All of us who want to see the Agreement implemented in full have worked very hard to establish a basis on which it can be achieved. In our proposals to the parties, the Governments mapped out a way forward on four issues - policing, demilitarisation, the institutions and decommissioning.

"As was recognised on all sides, in reaching agreement with the International Commission on Decommissioning on a scheme for putting arms beyond use, the IRA made an important contribution towards resolving the fourth issue. It is, therefore, particularly regrettable that they have taken today's step and I strongly urge them to reverse their decision.

"It is the settled democratic will of the people of Ireland, North and South, that the Good Friday Agreement be comprehensively and fully implemented.

"There is an obligation on everyone involved in this process to see that that is achieved in the coming weeks."

Press Section
14 August 2001
END++++

file

PPI
[redacted]HSA3721 4 HHH 189 PA
1 ULSTER Talks Statement
IRA STATEMENT IN FULL<
By Deric Henderson, PA News.<
This is the text of today's IRA statement:<
<
On Thursday August 8 we confirmed that the IRA leadership had agreed a scheme with the IICD to put arms completely and verifiably beyond use. Our initiative was a result of lengthy discussions with the IICD over a protracted period.<
This was an unprecedented development which involved a very difficult decision by us, and problems for our organisation. While mindful of these concerns, our decision was aimed at enhancing the peace process.<
We recognised the very broad welcome which the IICD statement received. However the outright rejection of the IICD statement by the UUP leadership, compounded by the setting of preconditions, are totally unacceptable.<
The subsequent actions of the British Government, including their failure to fulfil their commitments, is also totally unacceptable.<
The conditions therefore do not exist for progressing our proposition. We are withdrawing our proposal.<
The IRA leadership will continue to monitor developments. Peacekeeping is a collective effort.<
Signed: P O'Neill.<
end<

140903 AUG 01<

TRANSCRIPT

Programme(s)	***Sky News***
Date & time	***Tuesday, 14 August 2001***
Subject / interviewee	*Dr John Reid, Press Conference at Hillsborough*
Prepared by:	*Pauline Meleady*
Contact numbers:	*020 7270 1080 - Pager 07659 137 572 – 24hrs, every day*

SECRETARY OF STATE: .. that the IRA has withdrawn from their agreement with the International Commission, not least because they promised to put arms beyond use in a manner that inspired public confidence. I'm afraid that withdrawing from an agreement which took two years to arrive at, only five days after the republicans declared it as historic, can only play into the hands of those sceptics who have always doubted their intentions. It will, I believe, together with today's news reports from Colombia, disappoint many people, not only here at home, but in the international community. I understand that they have difficulties with their people, we all have difficulties. But today's announcement does not fundamentally change the process, we will continue to work towards the full implementation of the Good Friday Agreement. It doesn't change the Good Friday Agreement itself. Decommissioning remains an indispensable part of that Agreement and I will not be deflected. I will certainly not be deterred from proceeding with those parts of the Agreement like creating a new police service in Northern Ireland and the renewal of the criminal justice system which are a benefit to all the people of Northern Ireland. That's what the Good Friday Agreement is all about. Now I'll take some questions if anybody has them.

Journalist: The fact that the IRA have withdrawn so quickly, does it call into question their commitment in the first place?

SECRETARY OF STATE: Well I'm disappointed that the IRA have made the statement they have only five days after the last statement. Their agreement, and it was an agreement on a scheme with General de Chastelain, was declared not least by themselves to be a historic move that was the culmination of years of effort and I think to have withdrawn some five days

afterwards can only give succour to those sceptics who've always declared their doubts about the IRA's intentions.

MEDIA: It wasn't built on a very solid foundation was it?

SECRETARY OF STATE: Well you must address that question to others I'm afraid.

MEDIA: Dr Reid, what would you say to those who (unclear) the British Government (unclear) of security reductions.

SECRETARY OF STATE: Well the security reductions which we proposed were based, of course, on the reduction in threat. The British Government, for our part, have put forward proposals to fully implement the Good Friday Agreement in those areas under our responsibility. That includes a new police service in Northern Ireland, it includes a renewal of the criminal justice system, it includes taking immediate steps and a forward vision of how we could further reduce the military presence, commensurate always with the reduction in the threat. I believe also within our grasp there was a statement about the stability of the Institutions and I regret very much that a withdrawal from the advance that had been made on decommissioning, only last week, in such a short timescale must give even comfort to those sceptics who always declared that they had doubts about the IRA's intentions. I hope that isn't the case, because the Good Friday Agreement has to be implemented in all of its parts, but I can understand the feeling that will be abroad when today's announcement coincides with the news reports which are, of course, coming out of Colombia.

MEDIA: Question unclear

SECRETARY OF STATE: Well on the second point, of course, in the package we put out there was a draft statement which could have been agreed by all the parties had there been movements on all elements of the package, including decommissioning. I think we had made an historic, or at least a very significant move on decommissioning last week and I think that it's taken so long to get there, with such effort and proclaimed to be of such a significant nature by republicans themselves, that to have broken that agreement and walked away from it within a

week will not be easily understood at home or abroad. As far as Colombia is concerned, I think everyone can read the news reports coming out. There is a judicial process which is underway there. I don't intend to make any comments about that process, but I think that the news reports coming from Colombia, along with today's statements, will be further food for those who wish to undermine the Agreement or at least to point to their doubts about the intentions of the IRA.

MEDIA: I was just wondering what do you think might be the further implications of the reports on Colombia (unclear)?

SECRETARY OF STATE: Well there's a judicial process underway. We can all read what the Colombian authorities have said and I have no doubt that there will be further food for thought as the story unfolds.

MEDIA: Dr Reid can I ask you, in (unclear) terms, what do you think this (unclear) on the Weston Park package?

SECRETARY OF STATE: Well the Weston Park package put forward by both Governments was what we regarded as the best way forward. It was absolutely plain to everyone involved and to everyone who was looking on, that this was a package that had to be accepted as a whole. People couldn't cherry-pick at it, so if people are not willing to proceed on that basis, then we have to continue to try, from our point of view, and implement those elements of the package which were not conditional, but were part of the Good Friday Agreement. I intend to continue that. If others want to walk away from this process, that is up to them. They will make their own judgement, they will take their own counsel and they will have to give their own explanations to people, because people will make their own judgements. As far as I'm concerned, there are elements of that package – a new police service in Northern Ireland, a renewal of the criminal justice system, which I have always said that the Government was committed to. We have always acted in good faith, we will continue to act in good faith, we are not the ones who are walking backwards on this, nor will we be. And I will continue with those elements.

MEDIA: Question unclear.

SECRETARY OF STATE: Well the implementation of the whole package is a problem. I can only tell you where I and the Government stand and that is acting in good faith throughout. We have done our best, including at the weekend, faced with irreconcilable differences between the parties, to take the necessary action to extend the peace process and give reality to those elements of the Good Friday Agreement that are most directly under our influence and that includes the police service, it includes criminal justice. If there are other elements of the package which are under the influence of those who wish to walk away from it or withdraw from it you must ask them why they are doing it.

End.

Sec. Cirs have copy.

From: Anna Wechsberg
Date: 14 August 2001

PRIME MINISTER

cc: Jonathan Powell
Anne Shevas
Kate Garvey

NORTHERN IRELAND: POLICING

The SDLP have said they are ready to sign up to the policing proposals. Mallon is seeing the Taoiseach on Thursday morning to discuss this. If the SDLP are still saying yes after that, we will go ahead and publish the implementation plan.

The Irish have assured us that they are not going to try to dissuade the SDLP from nominating to the Policing Board. But John Reid thinks it would be worth you reinforcing this personally with the Taoiseach before he sees Mallon.

Would you like us to fix a call with the Taoiseach while you are in the car tomorrow morning? ✓

If so, do you want us to fix a quick word with John Reid first? ✓

Anna Wechsberg

ANNA WECHSBERG

file

AW
cc Press

FROM: **WILLIAM FITTALL**
Associate Political Director
14 AUGUST 2001

cc: **PS/Mr Browne (L&B)**
PS/Sir Joseph Pilling (L&B)
Mr Jeffrey
Mr Watkins
Mr Maccabe
Miss O'Mara
Mr Alston
Mr Godfrey
Mr Powell, No 10

PS/SECRETARY OF STATE (L&B)

RESPONSE TO IRA STATEMENT

I attach some lines, reflecting the Secretary of State's conversation with Jonathan Powell and me, for use with the media later this morning.

William Fittall

WILLIAM FITTALL
11 Millbank
☎ 020 7210 6469

IRA STATEMENT – DRAFT LINES FOR SECRETARY OF STATE

- This is an unwelcome and unnecessary development that most people are going to find very hard to understand.

- The Good Friday Agreement is about building confidence. The IRA statement – and the news from Bogota, though we still do not know the full story about that – will do nothing to help build the confidence needed if all parts of the Good Friday Agreement are to be implemented successfully. As the two Governments said in their proposals of 1 August: "In respect of the issue of putting arms beyond use, the two Governments repeat their view this is an indispensable part of implementing the Good Friday Agreement."

- The peace process has had many encouragements and many setbacks over the past few years. Today is a setback. But it does not change the fundamental challenge we all face of securing the full implementation of the Agreement. We shall continue to be working hard with all the parties to try and achieve that over the next few weeks, tough though it's going to be.

- For that reason, we shall be pressing ahead with those issues which are within our own control and where we need to make progress on their own merits. We are aiming to publish the Policing Implementation Plan this week and the Criminal Justice Implementation Plan in draft before the end of the month. These changes are necessary and worthwhile in themselves for the good of all the people in Northern Ireland.

FAXED @ 19:30 1418 JM

CONFIDENTIAL

Prime Minister

to see for phone calls to John Reid/Taoiseach tomorrow morning. Currently set up for 9.15am - JR - Taoiseach is tied up after 9.30. AM 14/8

SECRETARY OF STATE FOR NORTHERN IRELAND

JPO o/r
MT o/r
GS/TIC

Prime Minister

CONVERSATION WITH THE TAOISEACH

SUMMARY

I recommend that you touch base with Bertie in the course of tomorrow. Sinn Féin are in a corner and will furiously try to split the Irish from us. Today's IRA statement and the news coming out of Colombia have further unsettled the unionists. An early SDLP decision to nominate to the Policing Board has been in prospect. It would help to change the mood and is now within our grasp. Sinn Féin, anticipating this, will probably try to pressure the Irish against this. Bertie's meeting with an SDLP delegation on Thursday morning is crucial.

Lines to Take

Bertie has been away from Dublin for a few days but is expected back tomorrow. The points you could make to him are:

- grateful for all the help which you and Brian Cowen gave at the end of last week when it became clear that the Provisionals were not going to do the business in time. It looks as if they wanted to force us to call elections and perhaps prompt a unionist walk-out as well. They were surprised by the short suspension, but it was the least bad option in the circumstances;

- yesterday's IRA statement and the arrests in Colombia highlight the hill we have still got to climb if we are to avoid another when the next six week period ends at midnight on Saturday 22 September. They have also further unsettled unionist opinion;

CONFIDENTIAL

SECRETARY OF STATE
FOR
NORTHERN IRELAND

- the Provisionals have failed to deliver and are now in a corner. Columbia has made things worse for them. We should expect bluster and threats but we cannot allow them to block progress on all fronts;

- Brian agreed with John on Saturday that we need to press ahead without delay on the things which are within our own control. We want to publish the Criminal Justice Plan this month and the Policing Implementation Plan this week. Getting the SDLP signed up for policing would be a huge boost for the process. Seamus has signalled to John and Brian separately that the SDLP will jump within 24 hours of our publishing the Plan. In the past I have been in two minds over whether getting the SDLP to move without Sinn Féin is really what we want. But we really can't delay policing reform any longer and if Sinn Féin won't move they will just have to catch up later;

- do hope that you can assure Seamus and John Hume on Thursday that the Irish Government will have your wholehearted public support once they have agreed to join the Policing Board. It will also be a great help if the Catholic Church can be persuaded to back them.

Kirsten McFarlane

JOHN REID
14 August 2001

(approved by the Secretary of State and signed in his absence)

b7f04

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister

CONVERSATION WITH THE TAOISEACH

SUMMARY

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SECRETARY OF STATE
FOR
NORTHERN IRELAND

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Kirsten McFarlane

JOHN REID
14 August 2001

(approved by the Secretary of State and signed in his absence)

Fax to Alistair Macfarlane, NIO cc DCU

1) JCS MT
2) GR
CS ✓
cc: DAT.

Grateful for advice/ draft reply please.
Anna Wechsberg 14/8
No 10.

FO

HOUSE OF COMMONS
LONDON SW1A 0AA

Ulster Unionist Constituency Office
24 Fountain Street
Antrim BT41 4BB
Tel (028) 9446 1211
Fax. (028) 9446 8988
E-Mail: DavidBurnside@d-b-a.demon.co.uk

13 August 2001

Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
LONDON
SW1

I am increasingly concerned of the threat to our security in Northern Ireland, posed by the anticipated disbandment of the RUC full-time Reserve. I am told time and time again by you and the Secretary of State John Reid that changes in policing will not take place if the condition on the ground does not appear "normal".

You should be aware that the full-time Reserve supplies over 40% of officers on the ground in areas such as West and North Belfast and that over 25% of the Mobile Support Units are presently staffed by the full-time Reserve.

The number of officers in the full-time Reserve has dropped considerably from 3300 to 2400. The Provisional IRA have targeted the RUC physically and through propaganda for years; they wish to destroy the name of the RUC, its ethos and its operational capability. At present they are carrying out attacks through propaganda against the RUC Reserve and the Special Branch, whilst the RUC continue to protect Northern Ireland and the Mainland from Republican terrorism.

I would like to arrange a meeting at No 10 with 6 RUC full-time Reserve officers to discuss their concerns, my concerns and the concerns of the decent law abiding people who are constantly disregarded by the drip by drip appeasement to terrorist \ political parties like Sinn Fein.

David W B Burnside MP

PRIME MINISTER'S SECTION
14 AUG 2001

FAXED 10/8/01 16:05

Version 4 2.30 pm

AW
c: MF
Anne Stevens

DRAFT STATEMENT

I want to begin my comments this afternoon by paying tribute to the politicians from all parties who have been - **and still are** - engaged in the painstaking, painful process of inching towards the full implementation of the Good Friday Agreement.

In the past week, since the Governments published their joint proposals, there has been passionate debate. As a politician, I recognise that this passion and frustration has expressed itself in some harsh words on all sides.

But I also recognise – as many of you in the media and many members of the public do - that if you look beneath the words you see significant progress.

Both Governments knew that there would be parts of their proposals which were difficult for different parties, for different reasons.

INVESTOR IN PEOPLE

But we were very encouraged to see that the package was not rejected – indeed it was generally seen as having the potential for all to move forward together.

It is because of that potential – and the fact that we are tantalisingly close to being in a different world here in Northern Ireland – that we believe we should give the parties more time.

As so often in Northern Ireland, we have reached an immovable date. I know that many people who do not find politics absorbing may groan at the prospect of going past that date. But I believe that dates are here to serve the people and not the other way round.

It is now clear that the Assembly cannot elect a First and Deputy First Minister before Sunday. In that case, I would then be obliged by section 32(3) of the Northern Ireland Act 1998 to propose a date for the next Assembly elections.

It is true that we have not yet secured the final agreement we were seeking. But since the two Governments published

their proposals on 1 August for completing the implementation of the Good Friday Agreement, there has been significant progress. The proposals have been welcomed and endorsed by several of the pro-Agreement parties. I believe we have made progress on policing. The IRA's agreement with the IICD of a method by which they will put their arms completely and verifiably beyond use is a very significant step which has been welcomed by all.

It has been represented to me that, in these circumstances, at a delicate moment in the political process, when discussions are still continuing and the parties are still digesting the two Governments' proposals, it would be against the interests of the process to plunge Northern Ireland immediately into an election campaign, and the more polarised political atmosphere that that would inevitably entail.

I have therefore decided to make an order under the Northern Ireland Act 2000 suspending devolved government in Northern Ireland. The Order comes into effect at midnight tonight.

INVESTOR IN PEOPLE

I have conveyed this decision to the Irish Foreign Minister Brian Cowen. He has proposed, and I have agreed, that we should meet tomorrow to review the situation. We will also have urgent contacts with the parties. I hope and believe that the necessary review can be completed very quickly, and that I can lift the suspension and restore the situation before the end of the weekend.

INVESTOR IN PEOPLE

CONFIDENTIAL

FROM: PS/SECRETARY OF STATE (L)
11 AUGUST 2001

cc. PS/Secretary of State (L&B)
PS/Sir Joseph Pilling (L&B)
Mr Jeffrey o/r
Mr Watkins o/r
Mr Leach
Mr Maccabe
Miss O'Mara
Mr Hannigan
Mr Masefield o/r
Mr Rogers
Ms Wechsberg, No 10
HMA Dublin
cc. JPO
Press

Mr Fittall

PHONE CALL WITH BRIAN COWEN, 10 AUGUST

The Secretary of State spoke to Brian Cowen at around 7.30 last night at Cowen's request.

2. Cowen congratulated the Secretary of State. The announcement seemed to have gone well. The Secretary of State pointed out that Sinn Féin had threatened to withdraw co-operation with the IICD. Cowen was dismissive, saying 'I wouldn't even speculate any further' (comment: more out of irritation than optimism). His people were checking out the situation but he would be furious (he put it more bluntly than that) if it turned out to be true.

3. On their 'review' meeting (scheduled for 11.30 today), Cowen thought they should try to find some areas where they could commit themselves to early action and consider how the Implementation Group might work. The Secretary of State said that he planned to publish the policing implementation plan soon and would give the Irish the criminal justice plan in the next few days.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
07771 947 146

CONFIDENTIAL

CONFIDENTIAL

AW
cc. JPO
Press

FROM: PS/SECRETARY OF STATE (L)
10 AUGUST 2001

cc. See below

Mr Jeffrey

PHONE CALL WITH THE PRIME MINISTER, 10 AUGUST

The Secretary of State updated the Prime Minister at 3.45 this afternoon. He explained that, while he could make no guarantees, Seamus Mallon had given his word that he would recommend the SDLP accept the new policing arrangements. Trimble had agreed not to pull his Ministers out. The Irish had hesitated a little before agreeing. They would say that they 'understood' the decision but Irish constitutional law prevented them supporting it. He had spoken to Richard Haass, who was planning to put out a warmer statement than the Irish were pressing him to produce. The Secretary of State now planned to make an announcement at 4.30. He was unable, for legal reasons, to specify the length of the suspension but he would say that he hoped to restore by the weekend. Suspension would take effect at midnight and, although he was not saying so publicly, he planned to restore at 9am on Sunday.

2. The Prime Minister agreed that this was the best we could do in the circumstances and thought it was important to keep inching forward when we could.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
EXT 07771 947 146

NORTHERN IRELAND INFORMATION SERVICE

10 August 2001

REID ANNOUNCES SHORT-TERM SUSPENSION

"I want to begin my comments this afternoon by paying tribute to the politicians from all parties who have been - **and still are** - engaged in the painstaking, painful process of inching towards the full implementation of the Good Friday Agreement.

"In the past week, since the Governments published their joint proposals, there has been passionate debate. As a politician, I recognise that this passion and frustration has expressed itself in some harsh words on all sides.

"But I also recognise – as many of you in the media and many members of the public do - that if you look beneath the words you see significant progress.

"Both Governments knew that there would be parts of their proposals which were difficult for different parties, for different reasons.

"But we were very encouraged to see that the package was not rejected – indeed it was generally seen as having the potential for all to move forward together.

"It is because of that potential – and the fact that we are, I believe, tantalisingly close to being in a different world here in Northern Ireland – that I believe parties should be given more time.

"As so often in Northern Ireland, we have reached an immovable date. I know that many people who do not find politics absorbing may groan at the prospect of going past that date. But I believe that dates are here to serve the people and not the other way round.

"It is now clear that the Assembly cannot elect a First and Deputy First Minister before Sunday. In that case, I would then be obliged by section 32(3) of the Northern Ireland Act 1998 to propose a date for the next Assembly elections. This would be against a background where, it is true, that we have not yet secured the final agreement we were seeking. But since we and the Irish Government published our proposals on 1 August for completing the

Press Office, Castle Buildings, Stormont, Belfast, BT4 3SG
Tel: (028) 9052 0700 Fax: (028) 9052 8473 / 8478 / 8482

implementation of the Good Friday Agreement, there has been significant progress. The proposals have been welcomed and endorsed by several of the pro-Agreement parties. I believe we have made progress on policing. The IRA's agreement with the IICD of a method by which they will put their arms completely and verifiably beyond use is a very significant step which has been welcomed by all.

"It has been put to me that, in these circumstances, at a delicate moment in the political process, when discussions are still continuing and the parties are still digesting the two Governments' proposals, it would be against the interests of the peace process to plunge Northern Ireland immediately into an election campaign, and the more polarised political atmosphere that that would inevitably entail.

"I have therefore decided to make an order under the Northern Ireland Act 2000 suspending devolved government in Northern Ireland. The Order comes into effect at midnight tonight, and I hope that the period of suspension will be very short.

"I have conveyed this decision to the Irish Government. Their Foreign Minister, Brian Cowen, has proposed, and I have agreed, that we should meet tomorrow morning here at Hillsborough to review the situation. I hope and believe that the necessary review can be completed very quickly, and that I can lift the suspension and restore the situation before the end of the weekend."

CONFIDENTIAL

FROM: PS/SECRETARY OF STATE (L)
10 AUGUST 2001

cc. PS/Secretary of State (L&B)
PS/Sir Joseph Pilling (L&B)
Mr Watkins o/r
Mr Alston
Mr Fittall
Miss O'Mara
Mr Hannigan
Ms Wechsberg, No 10

IMMEDIATE

Mr Jeffrey

PHONE CALL WITH DAVID TRIMBLE

The Secretary of State spoke to Trimble at 1445 this afternoon. Trimble had just finished speaking to John Taylor.

2. Trimble was content for the Secretary of State to announce a short suspension that afternoon. He would follow the line he had used yesterday, that a short suspension was only worthwhile if it could be used to achieve something concrete, which he hoped would be the case. He would reserve his position.

3. The Secretary of State confirmed that he would make a statement at 4.30pm. He would make clear that he had not agreed this with anyone and that it was his own best assessment of the way forward. For Trimble, that was 'fine'.

KIRSTEN MCFARLANE

KIRSTEN MCFARLANE
07771 947 146

CONFIDENTIAL

TOTAL P.0

TOTAL P.01

File
Copy in DCO Intsec.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

9 August 2001

Dear Paul

PRIME MINISTER'S TELEPHONE CALL WITH THE TAOISEACH

The Prime Minister telephoned the Taoiseach at 8pm yesterday evening, following his phone conversation with your Secretary of State.

The Prime Minister said the situation looked bad. The Taoiseach said he had spoken to Tim Dalton a couple of hours earlier, following his (Dalton's) meeting with Adams, McGuinness and Howell. Sinn Fein had told Dalton that the reason they had not been able to move further was Trimble's negative reaction to de Chastelain's statement. But Dalton did not believe this. He thought the IRA had already decided that they would put the scheme in place but hold off for a while before taking any action.

The Taoiseach said we needed to know what was going on. If the IRA were not going to move now, what were we to think? Brian Cowen was up near the north now. The Taoiseach had asked him to meet McGuinness on Thursday (9 August).

The Taoiseach asked the Prime Minister what he thought Trimble would make of all this. The Prime Minister said he thought Trimble would react very negatively. We had managed to hold him back from pulling his Ministers out on Wednesday, by telling him that we still believed there would be progress. But now the Prime Minister thought Trimble would go ahead and force suspension of the Assembly. Trimble had made very clear that he could not risk elections, which were likely to deliver a much more hardline, anti-Agreement mix of UUP members.

The Prime Minister said that, frankly, he did not understand the IRA's logic. If they had acted now, they could have put the decommissioning issue behind them. Trimble would have gone straight back in on the basis of an act - he had told the Prime Minister so on the phone on Tuesday night. The Taoiseach said he had sent this message – about Trimble's intentions – back to Sinn Fein. They had been worried that Trimble was trying to impose additional conditions,

but his message should have reassured them. The Taoiseach said he did not understand the IRA's logic either. It was crazy to agree the scheme and then not act. Adams and McGuinness had told him on Monday night that the IRA would definitely act. If the IRA held off acting now we would lose all the momentum of the last week. Things could only get more difficult. The Prime Minister agreed. Unionist demands would just get bigger. Trimble would be saddled with more conditions.

The Taoiseach reiterated that he was sending Brian Cowen to see McGuinness. But the message tonight was that there would be no movement from the IRA before Sunday. The Prime Minister said there might be some hope if the IRA could tell us clearly that they were going to act in the next couple of weeks. But he doubted we could get this kind of commitment from them. He felt personally let down by Sinn Fein. He had gone out on a limb to get Trimble on board, telling him that he believed the IRA would act. But the doubters had been proved right.

The Taoiseach asked whether anyone would be speaking to Adams. The Prime Minister said he was not planning to do so himself; but Jonathan Powell might do, to make clear how we felt. The Taoiseach said he would do the same. We should not give up yet. The Prime Minister said we needed to use the next 24 hours to put all the pressure we possibly could on Sinn Fein. If in the end we did have to suspend, we needed to do so in a way which preserved some forward momentum, including by saying that we were not ruling out elections, and that we would have a review. The Taoiseach agreed. If we let things slide after this weekend, the whole process could go into a tailspin. The real pity was that the SDLP had been on-side too.

The Prime Minister said we needed to work out together what we said publicly. The Taoiseach agreed: our press offices should talk.

Yours sincerely

Anna Wechsberg

ANNA WECHSBERG

Paul Priestly
NIO

CONFIDENTIAL

AW file

FROM: BILL JEFFREY
POLITICAL DIRECTOR
9 AUGUST 2001

cc/GS

Prime Minister

you might want to see - background for the conference call with John Reid - he'll report back on his discussion with all the parties today.

Anna 9/8

cc Sir Joseph Pilling
Mr Watkins o/r
Mr Alston
Mr Fittall
Mr Maccabe
Miss Wechsberg, No 10
Sir Ivor Roberts, HMA Dublin

PS/Secretary of State (B&L)

MEETING WITH SINN FEIN THIS AFTERNOON

I attach some lines for the meeting with Sinn Fein this afternoon.

2. The headlines from this morning's discussion with Daithi O'Ceallaigh and a colleague are:

- As I rather expected, under Sinn Fein pressure, the Irish are slipping back from towards the position they were in over suspension last year. O'Ceallaigh acknowledged that I had consistently warned that if Unionist Ministers resigned we would have no option but to suspend. He also agrees that elections would produce an Assembly which would prevent rather than advance progress, possibly for years. But there was a strong signal that the Irish Government would not support suspension, even if Unionist Ministers had resigned. I said that I had understood the Taoiseach to accept the inevitability of suspension in these circumstances, when he spoke to the Prime Minister last night. I also set out rather luridly the arguments for suspension ("how would you feel if it was only Unionists in the Executive?") but without much evident impact.

- O'Ceallaigh's basic pitch was that we were "tantalisingly close" to a breakthrough. Sinn Fein needed more time. If there was an indeterminate suspension, we would lose Sinn Fein, and the IRA would withdraw from the

INVESTOR IN PEOPLE

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positions taken in the last few weeks. We had to find some way of creating another six weeks in which something could happen.

- At the beginning of the discussion, O'Ceallaigh offered a short "technical" suspension as one way of creating more time, the other being the calling of elections. I said it might be, if we had hard enough information about the IRA's short-term intentions to persuade Trimble to stay in. But halfway through the discussion O'Ceallaigh heard from his Minister that even a short suspension of that kind would be unacceptable to Sinn Fein. I said that, if that was the case, one was bound to suspect that the Sinn Fein position was tactical rather than principled, and they were just angling for an election. If that was so, why should we suppose that anything would happen on decommissioning in the short term? O'Ceallaigh looked uncomfortable.

- The discussion was also interrupted by a call from Dalton to O'Ceallaigh. The Taoiseach had spoken to Adams for an hour this morning. Adams had warned that everything we had achieved would be lost if we suspended "in any way". If we wanted the IRA to do a deal, the best way was to call elections. Dalton's advice was to try to get into a review without suspension.

- We left things on the basis that we had at least cleared the air. I registered strong disappointment at the Irish position on suspension. They had known for ages where we stood. We would do our best to keep Trimble in play, but we needed to know more about the IRA's real intentions.

[signed]

BILL JEFFREY

INVESTOR IN PEOPLE

CONFIDENTIAL

Lines for Sinn Fein

- Don't diminish the significance of the IRA statement, but disappointed there is to be no actual start before the weekend. PM and I have always made it clear that we thought this essential.

- If the IRA were willing to give some kind of public timeframe for a start in the next few weeks, I could imagine us holding things together, but not otherwise.

- We have no intention of suspending the institutions unless Unionist Ministers resign. It they stay in, I will have to set a date for elections on Sunday. Grateful to have your views on when that should be.

- But if Unionist Ministers resign, the fact is that government becomes unsustainable with representatives of only one tradition in the Executive. Direct rule is the last thing I want. I would work as hard as I could to get things back as quickly as possible after a review. But in the end I'm responsible for stable government in Northern Ireland.

- I'll do my best to persuade Trimble to keep his Ministers in the Executive, but I need some hard and publicly useable information about the IRA's intentions. Can I say that if he holds off for a few more weeks, the IRA will definitely act?

CONFIDENTIAL

INVESTOR IN PEOPLE

CONFIDENTIAL

AW file.
cc GS
FAXED at 18:35 9/8 Jm

FROM: BILL JEFFREY
POLITICAL DIRECTOR
9 AUGUST 2001

Prime Minister

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Anna 9/8

cc Sir Joseph Pilling
Mr Watkins o/r
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INVESTOR IN PEOPLE

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BILL JEFFREY

INVESTOR IN PEOPLE

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INVESTOR IN PEOPLE

Im has seen AN PHOBLACHT 9/8

IRA Statement On Arms

Here is the full text of the IRA's statement on the arms issue, received by *An Phoblacht* (Republican News).

"On 8 March 2001 the IRA leadership re-established contact with the IICD the Independent International Commission on Disarmament. Since then the IRA representative has met with the IICD eight times.

"As a result of these discussions we can confirm that the IRA leadership has agreed a scheme with the IICD which will put IRA arms completely and verifiably beyond use.

"We note the ongoing attempts in some quarters to prevent progress. They should not be permitted to succeed. Our representative will continue to meet with the IICD. The IRA leadership will continue to monitor political developments."

P O'Neill, Irish Republican Publicity Bureau, Dublin.

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P O'Neill, Irish Republican Publicity Bureau, Dublin.

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RESTRICTED

f'w

From: **Anna Wechsberg**
Date: **7 August 2001**

PRIME MINISTER

cc: **Jonathan Powell**

✓

PHONECALL WITH DAVID TRIMBLE

John Reid was keen to get a message to you before you speak to Trimble.

NIO are very worried that some of things Trimble is saying (see attached) – eg on the need for the SDLP to sign up on policing – are muddying the waters, unsettling Sinn Fein and making life more difficult for everyone. There is a real risk that by appearing to add extra conditions through these kinds of statements, the UUP will end up letting Sinn Fein off the hook. Trimble needs to stay steady, and keep his message clear and simple – ie stick to saying that the IRA have made a useful move, and that the important thing is that they follow through.

Jonathan agrees.

Sinn Fein are due to meet the Decommissioning Body again late tomorrow afternoon.

Anna.

ANNA WECHSBERG

MEDIA MONITORING UNIT

GICS
GOVERNMENT INFORMATION & COMMUNICATION SERVICE

TRIMBLE – May I say how deeply disappointed we are at the position which the SDLP has adopted today. And how wholly inadequate is the SDLP's position. I think I have to say very clearly to them that this is not a way in which a serious political party should behave.

(Sky 1700)

McGUINNESS: Trimble has made grievous error of judgement ... He's chosen to undermine role of IACD .. Either they have responsibility for this matter, or they do not .. Trimble has also upped the ante on other issues .. He's made nationalist support for policing a condition of his support for other moves .. There are those who have argued that Trimble is for the agreement .. but increasingly in my view he's opposed to the whole process, and to change .. Evidence for this is his rejection of key elements of the GFA .. He's voted against prisoner releases, Patten, the IACD .. He's acted unlawfully in refusing to allow SF mins to fulfil their roles .. Key role is role of Brit Govt .. many will ask what they are doing .. They must stop pandering to Trimble, and they have to start defending the GFA .. Time to get back to basics on this .. Politicians need to support the IACD and stop undermining it .. People who question it are undermining it .. they shd accept De Chastelain is the person in charge .. We are wedded to every aspect of the decommissioning .. It's time for Trimble to butt out of the international body .. to recognise De Chastelain shd be left to do his work with the armed groups .. We've had a very historical move .. question really is, is Trimble going to support the international body? I hope he recognises it's time to be reasonable, and realise primacy lies with De Chastelain and not with Trimble. It shd come as no surprise .. Of all the mistakes that have been made over the last 3 yrs, what Trimble has done in rejecting the IACD determination is the biggest blunder of all .. he has to recognise we can only move forward under the terms of the Commission .. His responsibility is for us to continue to work, to make politics work .. and to ensure that in making politics work we can hasten the day when making politics work is a reality .. Trimble's obstructionist approach has undermined that .. We're fully behind the GFA .. One of the most important achievements of Weston Park is the UK govt's admission the GFA hasn't been fully implemented. There's still much work to do .. If Trimble thinks he'll hasten the day by following the strategy he's taking, he's living in cloud-cuckoo land .. Trimble's approach begs the question how far on we'd be in the process of putting arms beyond use if Trimble had dealt plainly .. If Trimble were to join in with the rest of us, we cld be much more optimistic that politics cld work .. There is a duty on the British Govt to publish the implementation plan .. What we're seeing is very determined attempt by Trimble to undermine the Commission .. The only way to stop that is by the Brit Govt making it clear this is intolerable and unacceptable .. Question is how we empower De Chastelain .. Is Trimble going to butt out? .. We're totally opposed to suspension of the Assembly – it's against the GFA. Any suspension of the GFA wld be to reward Trimble for his threat to bring down the institutions. (Sky, BBC24 1550)

GICS Media Monitoring Unit
Room B18, Cabinet Office, 70 Whitehall, London SW1A 2AS
Fax: 020 7270 1030 e-mail: mmu@cabinet-office.x.gsi.gov.uk

GERRY ADAMS MP
SINN FÉIN
PRESIDENT

AW
c JR of
MT
GS/TK

7 August 01

Mr Tony Blair MP
Prime Minister
10 Downing Street
London

A Chara Tony

Further to the British and Irish government's proposals of 1 August 01, I am now attaching our response.

As our document states, notwithstanding our reservations on a number of key areas, the proposals contained within the package provides a basis for further progress if the governments have the political will to proceed.

Sinn Fein's concerns on all of the issues addressed have been conveyed in detailed written form to both governments on a consistent and regular basis. Most recently, we did so on Friday, 13 July at Weston Park. In addition I also wrote separately to both of you on the issue of Inquiries into the killings of Pat Finucane, Rosemary Nelson and Robert Hamill.

These are all matters to be resolved. A significant factor in all of that is the operation and functioning of the institutions as agreed in the GFA. Be assured of Sinn Fein's continuing commitment to the Agreement and to the process to have it fully implemented.

We look forward to hearing from you.

Is mise

Gerry Adams MP

Sinn Fein 53 Bothar na bhFal, Beal Feirste, Eire BT12 4PD
53 Falls Road, Belfast, Ireland BT12 4PD
Website: http://www.sinnfein.ie

SINN FEIN RESPONSE TO THE BRITISH AND IRISH GOVERNMENTS PROPOSALS OF 1 AUGUST 2001

Sinn Fein is totally committed to full implementation of the Good Friday Agreement in all its aspects and in the terms agreed.

The Governments explicitly recognise that the Good Friday Agreement has not been implemented thus far. That is a good development. We welcome that.

At our Ard Chomhairle meeting last Friday Sinn Fein acknowledged that notwithstanding our reservations on a number of key areas, the proposals from the two governments provide a basis for further progress if the governments have the political will to proceed.

We spelt out plainly where deficiencies continue to exist between the Agreement and the government's position. These include policing, demilitarisation, the justice system and the political institutions.

THE IICD

Sinn Fein fully supports the section of the Good Friday Agreement on the issue of decommissioning. Indeed our position on the issue of arms is much more advanced. We therefore welcome the report from the Independent International Commission on Decommissioning (IICD). This report marks a huge historical breakthrough in its determination that the IRA's representative's proposal 'initiates a process that will put IRA arms completely and verifiably beyond use'.

The two governments, the UUP and other parties, should grasp the new opportunity that this unprecedented statement from the IICD creates. We should all now move speedily towards the full implementation of the Good Friday Agreement.

Once again the IRA has demonstrated its commitment to the search for a lasting peace. The other parties need to match that commitment and should respond positively and constructively.

The IICD and the armed groups should be allowed to get on with the job of resolving the issue of arms.

POLICING AND JUSTICE

Sinn Fein is fully committed to achieving a civic police service which is accountable, representative of the community it polices and free from partisan political control.

In the short term the matter for Sinn Fein to decide upon is whether to nominate to the Policing Board.

Sinn Fein will not nominate representatives to sit on the policing board at this time. Neither will we call upon people to join or support this force. We will only be in a

position to decide positively on these issues when the British government have closed the gap between their proposals and the requirements of the GFA.

On Saturday, 4 August, a party delegation met with the British Secretary of State, John Reid. Although some progress has been made the gap between the British government's policing plan and their declared objective of implementing the Patten recommendations and the requirements of the Good Friday Agreement remain significant.

The British government has committed itself to publishing a revised implementation plan on policing. They have not done this. This needs to happen. This is the people's agreement. They need to see what is being proposed on policing. They need to see the legislative amendments which the British government intends to make to its Police Act.

Three years on from the signing of the Good Friday Agreement we have yet to see the British government's implementation plan and draft legislation for the reform of the criminal justice system. This is germane to the creation of an acceptable policing service.

The British government has committed itself to publishing these in the future. The sooner, obviously, the better so that the electorate and their representatives can see what is being proposed.

INQUIRIES

There has been considerable controversy over the killings of Pat Finucane, Rosemary Nelson and Robert Hamill and there has been a campaign by their families for a full independent judicial inquiry into each case.

Sinn Fein has refused to make these high profile cases a matter for bargaining or bartering in negotiations on policing. Our position on this issue mirrors that of the families – there should be a full, independent, judicial inquiry into each case and it should be initiated immediately. These families, and all others in that position, have a right to the truth.

DEMILITARISATION

While the British government's position on demilitarisation falls short of what we believe is required, the British government should move ahead anyway to do what it has said it will do.

CONCLUSION

As stated, the government's proposals provide a basis for further progress if the government's have the will to proceed.

We therefore call on the UUP to fill the position of First Minister and to end their unlawful veto on the institutions. We call upon the pro-agreement parties to work together to resolve these current difficulties. In particular, we call upon both governments to defend and implement the Good Friday Agreement.

FROM: PS/Secretary of State (B)
07 August 2001

cc: *See Distribution List*

Bill Jeffrey - O

THE SECRETARY OF STATE'S TELEPHONE CONVERSATION WITH RICHARD HAASS: 6 AUGUST

The Secretary of State spoke with Richard Haass at around 6.30 pm yesterday evening.

2. Referring to the IICD's report of earlier in the day, indicating that the IRA had agreed modalities on decommissioning, the Secretary of State said the Government had welcomed this as a significant move forward which had the potential to provide a speedy resolution of the arms issue. He added that the Taoiseach had been somewhat more effusive, describing the move by the IRA as "historic"; the Secretary of State preferred to reserve such language for when decommissioning actually happens. He had just seen Trimble, who was concerned that the IRA intended this latest move to be a substitute for actual decommissioning; Trimble was still insisting that he needed 'product', and he needed the SDLP to sign up to the Policing Board. The Secretary of State added there were no obstacles to the SDLP signing up if the context was right and an act of decommissioning could create that necessary context; we had stressed to the Irish the need for an act of decommissioning.

3. Summarising, the Secretary of State said today's (6 August) developments represented a step in the right direction but there was some way to go – the IICD had been satisfied as to the IRA's intention and methodology, but timescale was now the issue. Also in view of today's developments, we were taking a flexible approach to the deadline for the parties' responses.

/JH

INVESTOR IN PEOPLE

4. Haass agreed; he considered the IRA's move an important development but the proposals were lacking timetable and product. He asked what pressure we might put on Sinn Fein for more, and when we might do that. He also thought the SDLP would wait to see if there was any further nationalist sweetening done in order to achieve an act of decommissioning.

5. The Secretary of State replied that the line with Sinn Fein would be to welcome the IRA's move but to also say that decommissioning needed to follow, and in the next few days: if the IRA were going to carry through their stated intentions, they must do it right and do it credibly.

6. Haass said he would speak to Adams. He and the Secretary of State would keep in touch.

Signed

SARAH TODD
Private Secretary
☎ 28111

cc: PS/Secretary of State (B&L) – O
PS/Ms Kennedy (B&L) – O
Mr Watkins – O
Mr Fittall – O
Mr Maccabe – O
Miss O'Mara – O
Mr Alston – O
Miss Bharucha – O
Mr Waterworth – O
Mrs Madden – O
Mrs Sear – for Bob Peirce – O
Mr Tatham, No.10 – E
Sir Ivor Roberts, HMA Dublin - O

File

PM Seen

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

Press Statement by the Prime Minister, the Rt Hon Tony Blair MP

This is an important step forward which I warmly welcome and on which I hope we can build rapidly. I believe it has now the potential to resolve the arms issue to everyone's satisfaction.

6 August 2001

Uffind[redacted] Rosie

From: Sheridan, Alice
Posted At: 06 August 2001 17:07
Conversation: BERTIE AHERN. TAOISEACH. SKY NEWS. 6 AUGUST 2001
Posted To: Transcripts

Subject: BERTIE AHERN, TAOISEACH. SKY NEWS. 6 AUGUST 2001

AW
CC: TK LGS.

BERTIE AHERN, TAOISEACH. SKY NEWS. 6 AUGUST 2001

INTERVIEWER

You describe this as historic, but do you think it's going to be enough to pacify unionists?

TAOISEACH

I think it will be enough to satisfy everybody. I think it's even, you know, enough to achieve what we want all do is see the full implementation of the Agreement. Of course there are another few steps in all of this, but they are steps that I'm sure will be taken by General John de Chastelain, he has said as much in his statement. We have for, well I suppose looking at it, the issue of decommissioning has been on the agenda in a real sense since March of 1995. We've spent all of this year right since we started the discussions after Christmas on the 11th of January, trying to find a resolution of this. It was always said by, and agreed by all parties, those pro-Agreement and those not, that the way to achieve this was within the Independent International Commission on Decommissioning because they were the ones that had the remit, they had the legislation that was passed by Westminster and by Dáil Eireann in Dublin, and they have been involved in this actively. And what they're saying today, as you've just reported there, is that they believe that this scheme, this method of putting IRA arms completely and verifiably beyond use, and within its remit and within the scheme set out by the two Governments and the regulations covering that legislation is there, and that this does initiate a process. Of course people will say well, maybe we should wait to the end of the process and maybe we should do this and that and the other, but I think that is really only people that don't want to see the progress. This is enormous progress, it is historic, anyone who's followed the Irish peace process or anyone, any other peace process for that matter, would see the difficulty of taking arms away from groups, would know its significance.

INTERVIEWER

But Taoiseach, with respect, the unionists would say that words are cheap and up till now not one weapon has been decommissioned by the IRA.

TAOISEACH

And very little by anybody else either for that matter, we all know there're many groups that have arms on other sides as well. But, you know, I think, with respect, that I think the Independent International Commission on Decommissioning would not issue a statement saying that they had agreed a scheme, if they did not believe that that was going to happen, and it will happen and I think somebody just moving on to the next step. The next step that we would hear about this will be when it's happened, there's not going to be a trailer on this particular issue. The reality of this is that the International Commission made up of three people who know this inside out, General John de Chastelain, Brigadier Tauno Niemimen and Andrew Sens have stated that they have now signed off in the scheme with the IRA, that that proposal initiates a process that will put IRA arms completely and verifiably beyond use. In my view that will happen and I think everybody should be happy that we've made that progress and hopefully we can make equal progress on the other issues.

INTERVIEWER

Ok, but the Ulster Unionists seem to need more convincing than that. We've heard from Jeffrey Donaldson quite recently he said it certainly doesn't go far enough. Perhaps the IRA and others should be convinced to actually hand over their weapons.

TAOISEACH

Well that's never going to happen. What we're going to see, the arms are going to be put beyond use under the various schemes and they will be put out of use. But I think when Jeffrey Donaldson and others talk about handing over arms, they talk about surrender and none of us who have been involved in this process ever were in this to see people surrender. There were no winners in this, there're lots of losers and what we want to see is that the arms issue is resolved so that we can move on with the other issues, the other important issues of policing, demilitarisation, of the stability of the institutions and, of course, more than anything else Kate, to see that normal democratic politics works in Northern Ireland and that's the real achievement. And I really think today is the beginning of the end of decommissioning being a problem.

INTERVIEWER

But you can only rejoice if all sides agree, from what I've said it doesn't look as though the Ulster Unionists will, at least for now. Perhaps they will be pacified with a timescale, a sort of timetable that these weapons will be put beyond use within?

TAOISEACH

Well I can understand that, I can understand that they would see in the third point made by General de Chastelain that he believes that the proposal initiates a process that will put IRA arms completely and verifiably beyond use, and of course I think they would want to know that the process has started and I hope that happens as soon as possible. But I think once the process has started, the issue of decommissioning then should not continue to be a problem, except in so far as decommissioning is a problem with other people who haven't been involved in decommissioning at all, and I think maybe some heat will move over to them. But I think mainly the difficulty of the IRA issue is coming very near an end.

INTERVIEWER

So you will be happy perhaps to see arms decommissioned say by the end of the year?

TAOISEACH

Well I would like to see the process start, and you know once the process starts, we now know there's a scheme, we now know that it's a verifiable scheme, we now know it's put in to remit it to legislation. I'm happy with all of things, I'd like to know that they've started, hopefully it will start as soon as possible and then how it progresses from there is a matter for General John de Chastelain, and the other groups and he's dealing seen with the IRA representatives, but hopefully he'll also be dealing with the other people who have arms, and of course in Northern Ireland there are many people who have illegal arms.

INTERVIEWER

With respect Taoiseach, is it possible for me to press you on some sort of timetable?

TAOISEACH

Well to start I think the first one, you know, I'm just going on what the General said, he believes that this proposals initiates a process. I'm sure people will want to see the signal that the process has started, and hopefully that will happen as soon as possible. But I'd honestly believe that for people say well, you know, now we've got this and now we have to know that and now we'll need to know the next bit. If anyone started doing that, I think I would question their motivation about seeing the full implementation of the Good Friday Agreement. This is an enormous step. The commencement of the process is one I'd like to see as soon as possible, but I think after that it should be left with the good General and we should get on with the other aspects of it. It then no longer becomes a difficulty in the view of the Irish Government.

INTERVIEWER

A final thought, the Good Friday Agreement has been in intensive care for some time now, do you think it's going to recover?

TAOISEACH

I do, I think today removes an enormous logjam, it removes a difficulty which we've been struggling with since last October in particular and even more recently since just prior to the election in the UK. I think the talks in Weston House and the progress that's been made by Prime Minister Blair and his officials and my colleagues, is something that allows us to move forward. And, as I say, I accept the point that this today doesn't start the progress, it gives us the details of the process but, as people in Northern Ireland would say, through better days and very bad days, the IRA usually deliver on their promises and most of them were not very good promises down the years but they do deliver on them, and I think they'll deliver on this one too. So the issue of decommissioning that has really been on the agenda and a really difficult item since March 1995, I think this is the back broken of that, we'll move on from here and hopefully we'll make some good progress between now and the end of this month.

file

FROM: PS/Secretary of State
06 August 2001

cc: *See Distribution List*

Mr Jeffrey - O

TELEPHONE CONVERSATION WITH JOHN HUME, 6 AUGUST

The Secretary of State received a call from John Hume at 6.30 pm this evening.

2. Hume said the SDLP had just finished their meeting to discuss the political package and would be putting their detailed response in writing to both Governments tomorrow. The response would be positive overall, but would comment on each of the individual proposals.

3. Hume said today's statement by the IICD was "very positive". He had been proposing such a step to Sinn Fein for "ages". In response, the Secretary of State said the one element that was missing was an act to start the process of decommissioning. He hoped today's announcement was not intended as a substitute for such an act. This would simply not wash. Hume did not respond.

Signed

P G PRIESTLY
Principal Private Secretary
☎ (B) 28110
(L) 6462

cc: PS/Secretary of State (B&L) – O
PS/Ms Kennedy (B&L) – O
PS/Sir Joseph Pilling (B&L) – O
Mr Watkins – O
Mr Alston – O
Mr Fittall – O
Mr Maccabe – O
Miss O'Mara - O
Miss Bharucha – O
Mr Crawford - O
Mr Waterworth – O
Mr Tatham, No.10 – E
Sir Ivor Roberts, HMA Dublin – O

/JH

INVESTOR IN PEOPLE

PM Seen

From: Anna Wechsberg
Date: 6 August 2001

PRIME MINISTER

cc: Jonathan Powell
Godric Smith

NORTHERN IRELAND

Attached are:

- The de Chastelain statement on the IRA's new proposals on putting weapons beyond use
- John Reid's statement welcoming this
- Words from the Taoiseach.

Trimble has asked to speak to you. Not yet clear whether you really need to speak to him today: John Reid is seeing him this afternoon, and we will let you know what comes out of that.

Anne.

ANNA WECHSBERG

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

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Brigadier Tauno Nieminen *Andrew D. Sens*

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REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

Top. AW.
cc JPO
MT 0/L

To:

The Rt. Hon. John Reid, MP
Secretary of State for Northern Ireland
Belfast

To:

Mr. John O'Donoghue, TD
Minister for Justice, Equality and Law Reform
Dublin

1. In a recent meeting with the Commission, the IRA representative proposed a method for putting IRA arms completely and verifiably beyond use.

2. We are satisfied that this proposal meets the Commission's remit in accordance with the Governments' scheme and regulations.

3. Based on our discussions with the IRA representative, we believe that this proposal initiates a process that will put IRA arms completely and verifiably beyond use.

TN/LuC

Tauno Nieminen

John de Chastelain

Andrew D. Sens

06 August 2001

SECRETARY OF STATE, DOORSTEP, CASTLE BUILDINGS – 6.8.01

SECRETARY OF STATE

Today the British and the Irish Governments are publishing a report which we have just received from General John de Chastelain, Chairman of the International Commission on Decommissioning. In it you will see that General de Chastelain reports that the IRA have now proposed a method for putting IRA arms completely and verifiably beyond use. General de Chastelain is satisfied that the proposal meets the Commission's remit on decommissioning and that it initiates a process that will put IRA arms completely and verifiably beyond use. I warmly welcome this report from General de Chastelain and from the Commission. The Agreement between the Commission and the IRA is an important and I believe a very significant step forward. I believe it provides the basis and the potential for rapidly resolving the arms issue. That is the end of the statement.

INTERVIEWER

Is this enough?

SECRETARY OF STATE

I think it is a highly significant and an important step forward. Others will make their judgement on this, but General de Chastelain, in his last report, said that he had been asking consistently three questions, one was about the IRA's commitment, one was about the methods and one was about the timescale and certainly two of those have apparently been resolved according to his report today. So I think we should not underestimate the significance of the report today and certainly I and the British Government very warmly welcome the report which has come from General de Chastelain.

Media Monitoring Unit

BERTIE AHERN, TAOISEACH. RTE RADIO. 6 AUGUST 2001

INTERVIEWER

What is your reaction, first of all, to this statement?

TAOISEACH

Well, needless to say we're extremely pleased and this is the kind of issue we've been working on since just after the Christmas break. The Government warmly welcome the agreements between the Independent International Commission Decommissioning and the IRA on the method of putting arms completely and verifiably beyond use. It's a development of historical importance, it represents a major step towards a resolution of the arms issue and I think it also gives us a way of moving towards a full implementation of the Good Friday Agreement.

INTERVIEWER

Is this going to be enough, do you think, for the Northern parties, do you believe it's enough?

TAOISEACH

Well I think the Northern parties and what we're calling on them today is to reflect (unclear) on the significance of it. The question I think they may ask is that this proposal initiates a process and that of course means it has to happen or start happening, but that is a matter for the General John de Chastelain and Brigadier Tauno Niemimen and Andrew Sens who have, you know, for six or seven years worked on this. But they have, I think, painfully negotiated with a lot of the paramilitary groups over a long period, and I think they always have been determined that they would only issue positive statements when they believed they were significant and substantive moves. And in their wording today, I think as always, they're very clear, they say that they entered negotiations with the IRA representative, that they have proposed a method for putting arms completely and verifiably beyond use, and that this proposal meets the Commissioner's remit in accordance with the Governments' schemes and regulations and that they believe that this would start a process that will put arms completely and verifiably beyond us. So I think that fulfils the criteria that we have tried to work on initially, back since the Spring of 1995

And as far as you're concerned Taoiseach, the General's word is a final word?

TAOISEACH

Oh the Governments and all the parties at all time through all negotiations and of late at the Weston Hall meetings just a few weeks ago, they had always said that they would accept totally and absolutely the position of General John de Chastelain and Brigadier Niemimen and Andrew Sens, that if they believe that they could (unclear) agree a process that would verifiably put arms completely beyond use, that everybody would be happy with that. Now obviously I think David Trimble and his colleagues would want to see, and others, would want to see this process commence, but the process for that is between the General and the IRA representatives. And I think the fact that the International Commission have issued this statement today, which speaks for itself, indeed it's a historic breakthrough, other things have to happen out of it admittedly, but I'll be confident that will happen.

INTERVIEWER

And as far as you're concerned, what do you think David Trimble should do, do you think he should put himself forward again as First Minister?

TAOISEACH

Well clearly what we've been working to do is to get things back to where they were, the institutions were working well. There's always difficulties in new a system, new institutions but, the Executive was working well, the Assembly was working well, the North/South Bodies were working well then we got into the difficulties since the end of October last, therefore David Trimble would not authorise the IRA or the Sinn Féin representatives and Bairbre de Brun and Martin McGuinness were blocked from playing their proper role, they were totally entitled to play that role and they proved that in court afterwards. But it's very important that we get back to a situation where David Trimble is there, Seamus Mallon is there and that the Sinn Féin ministers to the Executive get on with their work and that's what we want to achieve and I think this will allow us to move on that. There's another step or two in this clearly that the process starts but ....

INTERVIEWER

Well the clearest step is and if you read General John de Chastelain's statement he says that he believes that, based on the discussions with the IRA representatives, he believes that this proposal initiates a process that will put IRA arms completely and verifiably beyond use. I think people will say that they would like to hear that process has started, and I think that question will arise but that is a matter, it's not a matter that I have any call on, it's a matter clearly between General John de Chastelain and the IRA representatives. So I think taken on its merits, the statement is a very, very significant historic statement.

INTERVIEWER

And it's enough for the process to continue, you believe?

TAOISEACH

It clearly is and hopefully over the next number of days perhaps the outstanding issue of the commencement of that process hopefully will also move on and that will allow us to get on with the full implementation of the Good Friday Agreement, which brings in all of the other issues of policing, demilitarisation and the stability of the institutions as well.

INTERVIEWER

And it's a powerful message, you believe, for the Ulster Unionist Party Officer's meeting tonight?

TAOISEACH

Well I think they should reflect very carefully on this statement. I think I've signalled in the issue that will create some concern from them. But I think they should see the enormous move of this statement and significance of it, and hopefully the implementation of it will commence, I'm sure that will be of concern to them. But I think that John de Chastelain has brought it to this stage, will bring it to the remaining way and that people, I think, should see the historic significance rather than trying to see difficulties in it.

file

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

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REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

Top. AW
cc JSPO
MT O/R

To:

The Rt. Hon. John Reid, MP
Secretary of State for Northern Ireland
Belfast

To:

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Minister for Justice, Equality and Law Reform
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TN / JdeC

Tauno Nieminen John de Chastelain Andrew D. Sens

06 August 2001

CONFIDENTIAL

File

From: Jonathan Powell
Date: 5 August 2001

PRIME MINISTER – CANCUN

I just had a call from Gerry Adams. He said he could not speak on the phone. Something would be happening tomorrow. But he hoped our response, particularly from you, would be sufficiently generous in public. I pressed him a bit, but he would not reveal more.

I have spoken to the NIO and the Irish but they did not appear to know for sure that anything is happening today/tomorrow. De Chastelain is unavailable. All this leads me to believe that decommissioning will be announced tomorrow. I may be wrong, but I think it is important that if it does we put out some words from you about the historic nature of the occasion as well as anything John Reid does. I have asked the Press Office to prepare this on a contingency basis.

By the way, the answer to "Dondestar?" is not "muy ben gracias"!

Pam Green

fo JONATHAN POWELL