SECRET

10 DOWNING STREET

THIS FILE MUST NOT GO OUTSIDE 10 DOWNING ST

FILE TITLE:	SERIES
SITUATION	NORTHERN IRELAND
	PART: 2
PART BEGINS: 22 JULY 2005.	PART ENDS: 29 SEPTEMBER 2005
	CAB ONE:

LABOUR ADMINISTRATION

PREM 49/4260

SECRET

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PART

CLOSED

DATE CLOSED	29 SEPT 05

Series : **NORTHERN IRELAND**

File Title : **SITUATION**

Part : **2**

Date	From	To	Subject	Class	Secret
21/06/2001	NIO	NIO	Call on Mark Durkan, 21 June	U	0
25/06/2001	First Min/NI Assembl	PM	Agreement on IRA Weapons	U	0
25/06/2001	NIO	NIO	Situation Report for 22 -25 June	R	0
25/06/2001	NIO	NIO	David Trimble's intentions	C	0
25/06/2001	NIO	NIO	Wash-up Meeting with Richard Haass, 22 June	C	0
25/06/2001	NIO	SS/NIO	Where do we go from Here?	C	0
26/06/2001	SS/NIO	PM	Northern Ireland: The Next Few Days	C	0
26/06/2001	FA/APS	NIO	Meeting with David Campbell and David Lavery	R	0
27/06/2001	FA/APS	NIO	(T) Telephone Conversation with Taoiseach	C	0
27/06/2001	Ch.Staff	PM	Northern Ireland - PM's visit - Background Information	C	0
27/06/2001	SS/NIO	PM	Northern Ireland - Tomorrows Visit	C	0
27/06/2001	ss/dtlr	DPM	Sentencing Review	U	0
27/06/2001	NIO	NIO	Draft de Chastelain Report	C	0
27/06/2001	Ch.Staff	PM	Brief for NI visit 28/6	C	0
28/06/2001	NIO	NIO	PM's Interest in Drumcree	C	0
28/06/2001	NIO	NIO	PM's Meeting with the UUP 28 June	C	0
28/06/2001		PM	From Grand Orange Lodge - PM's visit to Northern Ireland	C	0
28/06/2001	NIO	FA/APS	Meeting with de Chastelain Commission	C	0
28/06/2001	NIO	NIO	Policing Discussions with the SDLP	U	0
28/06/2001	NIO	Ch.Staff	Dublin, Monaghan and Dundalk Bombings	U	0
29/06/2001	FA/APS	NIO	(T) Northern Ireland: Prime Minister's Telephone Call with President	C	0
29/06/2001	NIO	NIO	Publishing the Dechastelain report	C	0
29/06/2001	NIO	NIO	Closure on policing Government position paper	C	0
29/06/2001	First Min/NI Assembl	NI/Assembly	Transferring the First Ministers Office Functions to Sir Reg Empey	U	0
02/07/2001	Cab Off	PS/SOC	Bloody Sunday Inquiry: Leak	C	0
02/07/2001	NIO	NIO	Venues for Proximity Talks Week Commencing 9 July	C	0
02/07/2001	First Min/NI Assembl	PM	Personal Statement to the Northern Ireland Assembly	U	0
02/07/2001	NIO	NIO	Politics : The Next Steps	C	0
02/07/2001	NIO	NIO	Meeting with SDLP re policing: Wedneday 4 July	C	0
02/07/2001	NIO		Statement by Secretary of State for Northern Ireland - recent develo	U	0
02/07/2001	US /HMA	NIO	Northern Ireland : US Administration	U	0
02/07/2001	NIO	NIO	PM's weekend thoughts	C	
02/07/2001	FA/APS	NIO	Personal Statement to the Northern Ireland Assembly	U	0
03/07/2001	NIO	NIO	Meeting with South African High Commissioner, Cheryl Ann Carolou	C	0
03/07/2001	NIO	NIO	Proximity Talks Week Commencing 9 July	C	0
04/07/2001	NIO	NIO	Proximity Talks, W/C Monday 9 July	C	0
04/07/2001	FA/APS	NIO	(M) Dinner with Taoiseach	C	0
04/07/2001	FA/APS	PM	Bloody Sunday Inquiry: leak	C	0
04/07/2001	Ch.Staff	PM	Northern Ireland: Sinn Fein	C	0
04/07/2001	FA/APS	PM	Bloody Sunday Inquiry: Leak	C	0
04/07/2001	NIO	NIO	Meeting with Sinn Fein and Irish Officials	C	
05/07/2001	NIO	NIO	How to review the Police Act	C	
05/07/2001	NIO	NIO	Getting through to September	C	
05/07/2001	NIO	NIO	Implementation of the agreement Draft paper handed to the Irish	U	
05/07/2001	NIO	FA/APS	Reply to Mallon - Trimble's resignation	C	0
05/07/2001	NIO	NIO	Meeting with the SDLP on policing issues for July	C	0
05/07/2001	NIO	Ch.Staff	Possible Statement	C	0
05/07/2001			to Walter Kirwan, Taoiseachs office: govt backing further elections to		0
05/07/2001	Ireland/HME	NIO	Draft Irish Opening Text	U	0
05/07/2001	NIO	NIO	A Collective Statement	U	0
05/07/2001	NIO	NIO	Draft Concluding Statement	C	0

Series : **NORTHERN IRELAND**

File Title : **SITUATION**

Part : **2**

Date	From	To	Subject	Class	Secret
05/07/2001	FA/APS	NIO	Meeting with David Trimble	R	0
05/07/2001	NIO	NIO	Lateral Entry - Here Be Dragons	C	0
05/07/2001	NIO	Ch.Staff	Parades Commission Determination: Drumcree	U	0
05/07/2001			Irish Government: A Possible Way Forward on Decommissioning	U	0
29/09/2005	NIO	cos	Irish Inquiry into Dublin and Monaghan Bombings	U	

10 DOWNING STREET

PM / I agree with this totally. It is the Northern Ireland case for cultural change. The speech can do this.

I basically agree with Tom Kelly's note (attached).

I think you need to set out the big picture in your speech in Norwich in Belfast - I have got the Unionist peace, mixed secretly on the prospect of devolved administration.

We need to focus on getting SF into the police, cajoling the DUP into power, as an ordering slippage backwards we must get the police to deal with the Loyalists.

The good news is the DUP privately accept that decommissioning is done and gone.

29/9

First, the good news. This week has really changed the dynamic. The body language of unionism has changed. All will depend on the two IMC reports, but the penny is beginning to drop that this time it may be for real – and the IRA may have gone away.

But, as always in Northern Ireland, solving one problem simply leads to another.

And the key problem we may face over the next few months may not be convincing people that the IRA really have given up, but, rather, convincing them that what flows from that is something worth having – in other words, that a devolved government centred on the DUP and Sinn Fein is not just possible, but also desirable.

The problem, essentially, is one of disenchantment.

It isn't just that the whole process has taken far longer than anyone thought in 1998. It is also that whereas at the time of the Referendum people thought the result was going to be a process built on moderates, it has turned out to the advantage of the extremes.

The result, people fear, is that even if the IRA lives up to its word, and the DUP back, however slowly and reluctantly, into government, what you will have is essentially a shoddy deal, in which:

- Sinn Fein continues to benefit from its ill gotten gains gaining power in the North, and infiltrating the institutions of the State North and South to undermine democratic authority;
- DUP and Orange Order sectarianism is unchecked;
- And Loyalist paramilitarism continues unchecked.

For many, particularly professional, people, that is not a welcome prospect. Those who were sheltered from the Troubles by their relative wealth, the lives of squaddies and the RUC, and Direct Rule suddenly feel threatened.

Some of the exiles who came back to Northern Ireland in the wake of the GFA are thinking of leaving again – fearing not just the rise of the extremes, but also the impact of two parties whose social thinking hasn't really developed beyond 1969.

The danger, therefore, is not just that every move we make will be seen as a concession to Sinn Fein, but that even if we achieve our objective of a devolved government, with Sinn Fein fully participating in policing, people will, at best, be unenthusiastic, and, at worst, downright resentful, or hostile.

In part the problem is that our message has become too focused on process, rather than ends. In other words, we talk about the goal of getting devolution restored, and Sinn Fein on to the Policing Board, as if they were ends in themselves. We need to broaden the message, and go back to basics in outlining the fundamental purpose of the peace process – to normalize not just the security profile in Northern Ireland, but life in general.

To have a society in which the normal standards of democracy and the rule of law apply.

A society in which not just is there an absence of paramilitary violence, but all sides, unequivocally and actively, support the police in tackling both crime and action against those who break the law. A society in which both republicans and loyalists will support the police in tackling organized crime. A society in which both sides will abide, however reluctantly, by decisions on marching. A society in which it is possible to talk about the Respect agenda on the Falls and the Shankill without people thinking you are taking the piss.

A society in which local politicians for the first time take real, and shared, responsibility for local decisions despite their continuing fundamental differences over both the constitutional issue and the (even recent) past.

And a society in which professionals engage properly with local politicians rather than regarding them as an alien menace who they need Direct Rule to protect them from.

So, yes, we need to keep stressing how genuinely significant the IRA move is. Yes, we need to keep underlining to unionism that they are getting what they wanted – the Union guaranteed by consent, an end to IRA violence and criminality. Yes, too, we need to keep demonstrating to nationalists that we are serious about loyalist paramilitaries – and keep pushing unionists into a less equivocal position. And, yes, we need to get Sinn Fein involved in policing.

But what we also need to do is paint in the big picture – tell people what the positive benefit is in developing a Northern Ireland in which politicians have moved on from oppositionism, paramilitary violence and crime no longer sucks up so many resources, and we are able to stand on our own feet.

In other words, we need to challenge as well as understand – and that applies not just to the paramilitaries, or politicians, but the professional classes as well.

THE NATIONAL ARCHIVES

DEPARTMENT/SERIES PREM49 PIECE/ITEM 4260 (one piece/item number)	Date and sign
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Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

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This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
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Sign and date next to the reason why the record is not available or Number not used.

faxed direct
@ 320
by
30.9.05.

Faxed to NIO TA 10/10 05
faxed to Jackie
Spear.

10 DOWNING STREET
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

29 September 2005

Dear Mitchell,

Thank you for your letter of 16 September in relation to the proposed US Investment Conference in Northern Ireland. I am very grateful that you and Ambassadors Tuttle and Kenny are willing to give this your personal support. I know that you discussed this with Peter Hain recently.

You raise a number of points about the background against which this conference might be staged. As far as tax incentives are concerned, I believe that Invest Northern Ireland offer investment packages which have already proved attractive to US investors. But I am sure that all those involved would benefit from further advice on how best to attract investment and I understand that Peter has asked Bruce Robinson, Permanent Secretary at DETI (NI), to brief Ambassador Kenny in Dublin on what is currently available. I understand that this meeting will take place shortly and I am sure that it will be a very useful opportunity for Invest Northern Ireland to test out their approach. I am grateful to Ambassador Kenny for his interest.

As far as the security environment is concerned, I agree absolutely that the TV images of recent weeks have been very damaging and will take some time to fade from memories of potential investors. I also agree that the issue of support for policing across the community is critical to the future of Northern Ireland. As you know we are pressing hard for progress in this area. But I am not sure that it is directly related to investment confidence. Major investment in Northern Ireland has taken place against far less favourable backgrounds in the past and there is always a danger of over-playing the threat to public safety. Northern Ireland remains one of the safest places to do business in Europe, with one of the lowest crime rates.

Finally, while Gerry Adams and Martin McGuinness are quite right in thinking that this would be a useful opportunity for the political parties to engage with each other in facing the real economic challenges for Northern Ireland, the

Government has always believed that the Investment Conference is a good thing in its own right. As you know, Peter has stressed repeatedly in recent weeks the need to raise Northern Ireland's game in the face of challenges from globalisation. We strongly support the idea of a US Investment Conference even if the recent events may mean that the proposed timing of April may not be achievable. But I know that Peter will want to speak to you further about timing once Invest Northern Ireland have developed a firm proposal and he has had a chance to judge the political mood and to discuss it with you.

Once again I am very grateful for your support and for that of your colleagues.

With best wishes.

Thank you for your help in making these visits

yours

JONATHAN POWELL

The Hon Mitchell B Reiss

LEADER OF THE HOUSE OF COMMONS

THE RT HON GEOFF HOON MP

AP
cc JPO

Our Ref: LP3576

29th September 2005

Dear Peter,

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Thank you for your letter of 2 August seeking drafting authority from LP Committee for a Bill amending the powers of the Northern Ireland Human Rights Commission (NIHRC). This letter confirms LP agreement to that drafting authority. The question of publication and its timing, however, needs to be viewed within the programme as a whole. No decisions on this can be taken until the overall situation becomes clearer.

The Bill is intended to implement several aspects of the review which the NIHRC conducted into its powers and which were accepted by the Government in December 2004.

No member of LP replied on handling or presentational matters. You may, therefore, take it that you have drafting authority. You will, of course, need to ensure policy clearance is obtained for all the provisions.

You wish to publish the Bill in draft for pre-legislative scrutiny in early 2006. However, any decisions on publishing in draft and the timing need to be taken in the context of the legislative programme as a whole. As you know, significant extra pressures have developed on what was already an ambitious programme. Business Managers are, therefore, considering what steps can be taken to try to accommodate these requests, but final decisions can only be made when the overall position becomes clearer. In addition, since little information is currently available on this Bill, it is impossible to say at this stage whether drafting it in the timescale you envisage would be achievable.

I would therefore ask you to write again to LP Committee, once the Bill has been drafted, so that publication in draft can be considered within the wider situation at that time.

2 Carlton Gardens LONDON SW1Y 5AA
Tel: 020 7210 1025 Fax: 020 7210 1075
www.commonsleader.gov.uk

I am copying this letter to the Prime Minister, members of DA and LP Committees, Sir Gus O'Donnell and First Parliamentary Counsel.

Yours sincerely,

Geoff

GEOFF HOON

The Rt Hon Peter Hain MP
Secretary of State for Northern Ireland

2 Carlton Gardens LONDON SW1Y 5AA
Tel: 020 7210 1025 Fax: 020 7210 1075
www.commonsleader.gov.uk

AP / cc JPo. 1. DATEx 2. File

PS/SoS(SCLAB)
David Hanson (CLAB)
Shaun Woodward (CLAB)
Angela Smith CLAB
Joe Pilling
[redacted] Phillips
Nick Perry
Stephen Leach
Carol Moore
Adrian Arbuthnot
Tom Hare
David Mercer

LEADER OF THE HOUSE OF COMMONS

THE RT HON GEOFF HOON MP

26/9/05

Our Ref: LP3543

29th September 2005

Dear Peter,

VIOLENT CRIME BILL – EXTENSION OF PROVISIONS TO NORTHERN IRELAND

Thank you for your letter of 20 June to the Deputy Prime Minister seeking agreement for the extension of certain firearms and weapons provisions to Northern Ireland.

You wished for the Bill's provisions on firearms, with the exception of airguns and imitation firearms, to be extended to Northern Ireland. In addition, you wished for further provisions on weapons, including the increase in the minimum age for buying a knife, to also apply to Northern Ireland.

Charles Clarke replied to agree to the extension of the provisions you requested. However, since your letter was dated the day of Second Reading, it was impossible for him to announce the measures then as you requested, though he is, of course, happy to do so at Committee.

Since these amendments would help ensure consistency of government policy across the UK and should not engender any significant handling issues, you may take it that you have LP clearance for the amendments to be made at Commons Committee stage.

I am copying this letter to the Prime Minister, members of DA and LP committees, Sir Gus O'Donnell and First Parliamentary Counsel.

Yours sincerely.

Geoff.

GEOFF HOON

The Rt Hon Peter Hain MP
Secretary of State for Northern Ireland

2 Carlton Gardens LONDON SW1Y 5AA
Tel: 020 7210 1025 Fax: 020 7210 1075
www.commonsleader.gov.uk

PS/SofS (CL&R)
PS/David Hanson (CL&R)
Joe Alling
Jonathan Phillips
Robert Hannigan
Robin Masefield
Stephen Leach
David Brooker
Robert Crawford
Mark Sweeney
Chris Pratt
Jonathan Margetts
Katherine Hughey
Syd Hussain
Clare McCarthy
Phil Taylor

237/51/05

AP
cc JPo

L Matrix
2 File

LEADER OF THE HOUSE OF COMMONS

THE RT HON GEOFF HOON MP

Our Ref: LP3576

29th September 2005

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Yours sincerely,

Geoff

GEOFF HOON

The Rt Hon Peter Hain MP
Secretary of State for Northern Ireland

2 Carlton Gardens LONDON SW1Y 5AA
Tel: 020 7210 1025 Fax: 020 7210 1075
www.commonsleader.gov.uk

342095

file

cc TK
JP Phillips

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

28th Sept.

Dear Harold,

Thank you for helping with the decommissioning process - it was deeply appreciated.

Best wishes,

Yours sincerely,

Tony Blair

Reverend Harold Good OBE

342094

cc TC
JP Phillips

10 DOWNING STREET
LONDON SW1A 2AA

28th Sept.

THE PRIME MINISTER

Dear Alec,

Thank you so much for helping with the decommissioning process - it was greatly appreciated.

Best wishes,

Yours sincerely,

Tony Blair

Father Alec Reid.

100094

cc TK
JP Miller

10 DOWNING STREET
LONDON SW1A 2AA

28th Sept.

THE PRIME MINISTER

Dear John,

Just a word to congratulate on a huge achievement. Let us hope it can now really change the political climate. It has been a long wait and you have handled it all with superhuman patience.

Thank you & best wishes,

Yours ever,

Tony

Gen John de Chastelain OC CMM CD

10 DOWNING STREET

Dear Tk

Per discussion
Lees to Thx
Jonathan Phillips

PRIME MINISTER

TK+

3/9

Northern Ireland

Please do a thank you letter to Gen. de Chastelain saying how we appreciate the work and are to Harold Good (the new Canadian chairman) for his work as an impartial witness and one to Alec Reed (the Canadian priest)

27/9

Monica Jelley

From: Debbie Ailes
Sent: 04 October 2005 13:38
To: Monica Jelley
Subject: FW: *Addresses*
Importance: High

to see correct address and despatch - thanks

-----Original Message-----
From: Harwood, Julie [mailto:Julie.Harwood@nio.x.gsi.gov.uk]
Sent: 04 October 2005 12:49
To: Debbie Ailes
Subject: FW: *Addresses*
Importance: High

Hi Debbie - apologies but Harold Good has moved! New address below (hope it's not too late!):

" Treetops", Brown's Park, Marino, BELFAST, BT18 0AB

Thanks.
Julie

Communications on the Northern Ireland Office's computer systems
may be monitored and/or recorded to secure effective operation
of the system and for other lawful purposes.

Debbie Ailes

From: Harwood, Julie [Julie.Harwood@nio.x.gsi.gov.uk]
Sent: 03 October 2005 17:07
To: Debbie Ailes
Subject: FW: 2 things

I have an address for Harold Good and Alec Reed but I'd like to double-check them with our Political Affairs Branch tomorrow morning just in case they have different ..... are you OK to wait until then?

From: Harwood, Julie
Sent: 03 October 2005 16:58
To: 'Debbie Ailes'
Subject: RE: 2 things General OC CHM CH

Thanks Debbie. I've got John de Chastelain's address:

Independent International Commission on Decommissioning
Rosepark House
Upper Newtownards Road
BELFAST
BT4 3NX

Our Private Office is trying to find out the other two. Will let you have them a.s.a.p.

Julie

From: Debbie Ailes [mailto:DAiles@no10.x.gsi.gov.uk]
Sent: 03 October 2005 16:55
To: Harwood, Julie
Cc: Antony Phillipson
Subject: 2 things

Julie

The cast list for tomorrow's meeting with the Irish at 1100 is:

Irish Ambassador
Michael Collins
Pat Hennessy
Nial Burgess
Ken O'Leary
Martin Fraser

plus JP1, JP2 and RH; and

I have to despatch three letters to John de Chastelain, Harold Good and Alec Reed. Do you by any chance have current addresses for them please?

Thanks
Debbie

Debbie Ailes

From: Harwood, Julie [Julie.Harwood@nio.x.gsi.gov.uk]
Sent: 04 October 2005 11:16
To: Debbie Ailes
Subject: FW: *Addresses*

Hi Debbie, apologies for delay. Two addresses as promised:

Reverend Harold Good OBE
49 Old Forge Manor
BELFAST
BT10 0HY

Father Alec Reid
Clonard Monastery
BELFAST
BT13 2RL

Thanks.
J.

Communications on the Northern Ireland Office's computer systems
may be monitored and/or recorded to secure effective operation
of the system and for other lawful purposes.

JPa
cc AP.

lt Matrix
2. File

RESTRICTED - POLICY

DEPUTY PRIME MINISTER

OFFICE OF THE
DEPUTY PRIME MINISTER
26 Whitehall
London
SW1A 2WH

Tel: 020 7944 8623
Fax: 020 7944 8621

Shaun Woodward MP
Parliamentary Under Secretary of State
Northern Ireland Office
Stormont Castle
Stormont Estate
Belfast
BT4 3TT

28 September 2005

Dear Shaun

TERRORISM (NORTHERN IRELAND) BILL

Your letter to me of 26 August sought DA clearance of minor amendments to the scope of the Terrorism (Northern Ireland) Bill, following the announcement of a programme of security normalisation measures. This letter confirms policy clearance.

A response was received from Charles Clarke (Home Office, 19 September), who was content.

All other colleagues were content. You therefore have DA clearance.

I am copying this letter to the Prime Minister, DA and LP colleagues, First Parliamentary Counsel and Sir Gus O'Donnell.

JOHN PRESCOTT

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

Brigadier Tauno Nieminen *General John de Chastelain* *Andrew D. Sens*

Address in Dublin

Dublin Castle
Block M, Ship Street
DUBLIN 2

Tel No: (01) 4780111
Fax No: (01) 4780600

Address in Belfast

Rosepark House
Upper Newtownards Road
BELFAST BT4 3NX

Tel No: (028) 90 488600
Fax No: (028) 90 488601

REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSSION ON DECOMMISSIONING

To:

The Rt. Hon. Peter Hain, MP
Secretary of State for Northern Ireland
BELFAST

To:

Mr. Michael McDowell, TD
Minister for Justice, Equality and Law Reform
DUBLIN

1. Over the past number of weeks we have engaged with the IRA representative in the execution of our mandate to decommission paramilitary arms.

2. We can now report that we have observed and verified events to put beyond use very large quantities of arms which the representative has informed us includes all the arms in the IRA's possession. We have made an inventory of this materièl.

3. In 2004 the Commission was provided with estimates of the number and quantity of arms held by the IRA. These estimates were produced by the security forces in both jurisdictions and were in agreement. Our inventory is consistent with these estimates and we believe that the arms decommissioned represent the totality of the IRA's arsenal.

4. The manner in which the arms were decommissioned is in accordance with the remit given us by the two governments as reflected in their Decommissioning Acts of 1997.

5. A Protestant and a Catholic clergyman also witnessed all these recent events: the Reverend Harold Good, former President of the Methodist Church in Ireland, and Father Alec Reid, a Redemptorist priest.

6. The new single inventory of decommissioned IRA arms incorporates the three we made during the preceding IRA events. This lists all the IRA arms we have verified as having been put beyond use. We will retain possession of this inventory until our mandate is complete.

7. We can report, however, that the arms involved in the recent events include a full range of ammunition, rifles, machine guns, mortars, missiles, handguns, explosives, explosive substances and other arms, including all the categories described in the estimates provided by the security forces.

8. In summary, we have determined that the IRA has met its commitment to put all its arms beyond use in a manner called for by the legislation.

9. It remains for us to address the arms of the loyalist paramilitary groups, as well as other paramilitary organizations, when these are prepared to cooperate with us in doing so.

Tauno Nieminen

John de Chastelain

Andrew Sens

26 September 2005

From The Taoiseach's Office

File

Top: FA/AP

cc JP
Press (TK)

SUBJECT
MASTER
Filed:

Joint Statement by the Taoiseach and Prime Minister

The two Governments have today received a report from the Independent International Commission on Decommissioning (IICD).

The report states that the IICD has overseen a further and final major programme of arms decommissioning by the IRA. It is the IICD's assessment, based on the information available to it and the two Governments, that the IRA has now placed all of its arms completely and verifiably beyond use.

We warmly welcome this landmark development. Having sought to achieve this outcome for so many years, its significance now needs to be acknowledged and recognised. It is the clearest signal ever that the IRA's armed campaign is over.

We also welcome the presence of clergymen from the Protestant and Catholic communities as independent witnesses to the decommissioning process. Their presence should enhance public confidence.

Although the completion of IRA decommissioning removes a dangerous threat and offers a welcome and important opportunity for progress, we are today most of all conscious of the victims of the IRA's protracted campaign and their families. They remain central to our thoughts and prayers. The tragic and unnecessary loss of life and terrible injuries suffered over an extended period can never be forgotten.

In our joint statement of 28 July, we said that the IRA's words must be borne out by actions. Today's IICD report represents a major step forward in this regard.

We look forward to the reports, scheduled for October and January, of the Independent Monitoring Commission, which will address the question of paramilitary and criminal activity.

We strongly believe that the interests of everyone in Northern Ireland and throughout these islands are best served by the earliest practicable restoration of the devolved institutions of the Good Friday Agreement. We recognise that trust and confidence will take time to rebuild but we hope that today's developments will provide a vital stimulus. For their part the Governments will do everything we can to facilitate progress.

The completion of IRA decommissioning makes it all the more urgent that loyalist paramilitary activity be brought to an end and that all loyalist arms be decommissioned.

We would like to express our profound appreciation for the work of General De Chastelain and his colleagues on the IICD. They have made an invaluable contribution to the process of building and assuring peace. We are deeply indebted to them for the professional and painstaking manner in which they have carried out this part of their mandate.

26 September 2005

SKP 26/9/05

R30/9
Scanned + Emailed
30/9

de Jonathon Phillips.

apropos our discuss

30/9.

25th September 2005

PRIVATE

Dear Jonathon

Attached is the C.V. of the candidate we spoke of on the telephone last week.

I hope that you will agree that this man will fit the needs as expressed. I have spoken to him and told him of the need to respect confidentiality and he understands that your process has to run a course. I firmly believe he is committed to the outcome that we discussed and that he fully appreciates the significance. As I said last week, I believe that this candidate will feel more secure and our endeavours will be more productive if he can be accompanied by someone of the stature of Michael Smurfit. To that end, I think you should leave no stone unturned in ensuring that both this candidate and Michael receive the awards thereby ensuring a successful outcome of this exercise and providing a platform to build a new relationship with nationalism.

I will be in touch the week after this.

Regards,

Damian

JOHN MCDAID CV

1. PERSONAL DETAILS

Surname	McDaid
Forename(s)	John
Title (Mr / Mrs / Miss / Ms / Dr / Other)	Mr
Honours / Decorations / Academic / Other letters used	MBE FCA

	Day	Month	Year
Date of Birth	31	01	1948

Home Address	4 O'Donovan Road		
	Derry		
Postcode	BT48 8PS	Telephone No:	028 71354875
Daytime Address	28-32 Clarendon Street		
	Derry		
Postcode	BT48 7ET	Telephone No:	028 71266122

Preferred address for correspondence?

Home	X	Daytime/Business	

2. QUALIFICATIONS

Details of any educational / professional qualifications held.

Fellow of the Institute of Chartered Accountants in Ireland

3. PUBLIC APPOINTMENTS (APPOINTMENTS MADE BY GOVERNMENT DEPARTMENTS)

Dates		Organisation & Sponsoring Department	Position / Main Responsibilities	
From	To			
April 2003	Date	International Fund For Ireland. Secretary of State/Irish Minister for Foreign Affairs	Appointed Board Member. To consider appropriate management and expenditure of Fund's resources.	
May 2002	Dec. 2002	Project Board on Reinvestment & Reform Initiative – OFM DFM	Co Chair. To consider and advise on establishment, remit and status of Strategic Investment Body for NI	
Feb 2000	March 2004	Economic Development Forum - DETI	Appointed member of Forum. Attend meetings, research relevant topics, and participate in discussion of current economic issues.	

4. CAREER HISTORY

Employment details

Dates		Organisation	Position / Main Responsibilities
From	To		
1973	Date	McDaid McCullough Moore Chartered Accountants	Senior Partner of Chartered Accountancy Firm providing services to clients from small businesses to some of the largest private companies in Northern Ireland and the Republic of Ireland.
1969	1972	E F Mc Cambridge & Co., Chartered Accountants.	Manager of a substantial Accountancy practice liasing directly with clients and reporting to partners.
1964	1969	E F Mc Cambridge & Co., Chartered Accountants.	Articled Clerk/trainee accountant. Learning through work and studying for professional examinations.

5. OTHER RELEVANT EXPERIENCE

Other positions held, including volunteer or voluntary sector work.

Dates		Organisation	Position / Main Responsibilities
From	To		
03/81	Date	Londonderry Inner City Trust	Company Secretary and Director of this organisation which has been engaged in the rebuilding of derelict sites within the walled City of Derry. Chairman of finance subcommittee. Convene regular subcommittee meetings to monitor Trust finances. Attend regular board meetings
05/86	06/89	Maydown Precision Engineering Limited	Deputy Chairman. Member of team which started the company following Molin's closure. Assisted in raising the necessary funds and with partners invested £10000 in the venture to ensure adequate private funding was available. Attended regular Board meetings and negotiated with Trades Unions on behalf of Board.
03/88	Date	Derry Northside Development Trust	Chairman. Chair meetings of Board of Directors of this very successful community organisation. Monitor finances. Plan ongoing developments.
03/89	03/04	Londonderry Chamber of Commerce	Member of Council. Past President (1999) and chairman of economic committee. Involved in many civic activities during presidency.
09/89	Date	St Columb's College	Member of Board of Governors of prestigious Grammar School. Chairman of Finance subcommittee and Staffing subcommittee. Convene meetings on a regular basis and attend and report to regular meetings of Board.
03/97	Date	Ulster Community Investment Trust	Initially member of advisory board which developed the concept of a community bank. Became a director on incorporation in 1999. Appointed Chairman in 2001. Chaired monthly meetings of Board of Directors of this relatively recently founded organisation. Chaired meetings of Advances Committee and Remuneration Committee. Resigned chair on appointment to IFI in 2003 to avoid any possible conflict of interest
03/97	10/00	Derry Investment Initiative	Board member and former ex officio deputy chairman of organisation formed to encourage inward investment in Northern Ireland.
07/99	05/02	Northern Ireland Chamber of Commerce & Industry	Represented Londonderry Chamber of Commerce and North West. Attended council meetings and participated in policy discussions.
04/00	Date	Derry Diocesan Trust Fund for Retired Priests	Founding director of organisation to raise funds to provide for the needs of retired priests in the Derry Diocese.

5. OTHER RELEVANT EXPERIENCE: - ADDITIONAL INFORMATION

Londonderry Inner City Trust:

By the early eighties the area within the walled city of Derry had been devastated in the ongoing IRA bombing campaign. As many as one third of the buildings in the area had been demolished or damaged. Unemployment was rife and disaffected young people were increasingly coming under the influence of the paramilitaries.

The private sector was naturally reluctant to invest and rebuild and so it fell to the community sector to react.

In 1981 I, with others, was approached by the well known community activist Paddy (Bogside) Doherty who had conceived the idea of rebuilding the inner city while at the same time providing employment and training opportunities for young people. In March the Inner City Trust was founded. The first site was acquired for £6,000 and the work of rebuilding and training began. Twenty-four years later the Trust has a property portfolio valued in excess of ten million pounds and hundreds of young people have experienced training and employment opportunities. As the peace process has developed the private sector has returned to the development of the city and so the Trust has refocused its work and now provides bursaries to help young people move into third level education.

Maydown Precision Engineering:

In 1986 Molins, an engineering company which manufactured machinery for use in the tobacco industry and which employed approximately six hundred people in the Londonderry area, decided to close its Derry factory.

This was a serious blow to the local economy as unemployment was three times the national average, and Molins was the last remaining large employer in engineering in the area.

A number of the employees decided to try to raise the funds to buy the plant with a view to securing at least some of the jobs. I was approached by a local Trade Union official to help in this enterprise. My business partners and I invested £10000 in the new company and as a result almost two hundred jobs were saved at the plant.

I served on the Board of Directors in a voluntary capacity for three years as Deputy Chairman.

Derry Northside Development Trust:

Shantallow is a large housing area to the north of Derry, with some thirty thousand inhabitants. It was created as a response to the chronic shortage of houses in Londonderry in the early seventies. It is one of the most economically deprived areas in Northern Ireland and such community facilities as existed were destroyed in the early eighties in the IRA bombing campaign. The private sector was again, naturally, unwilling to invest in the area and community intervention was needed. I was asked by the local Parish Priest to become involved with a group to consider ways of alleviating the poverty and deprivation in the area. We conducted a survey of the area and established that there were areas within Shantallow where unemployment was as high as 40% and that in some families three generations were unemployed.

Derry Northside Development Trust was formed and I have chaired the organisation in a voluntary capacity almost continuously since 1988.

As a result of the Trust's intervention and with financial assistance from The International Fund for Ireland and the Department for Regional Development a major community owned facility now exists in the centre of Shantallow. The complex houses a substantial supermarket with associated shopping mall, a campus of the North West Institute for Further and Higher Education and most recently business start up premises.

Two hundred jobs have been created in the centre and this number continues to grow.

Saint Columb's College:

Saint Columb's College is one of the largest Catholic Grammar Schools in Northern Ireland with a tradition of educational excellence dating back to 1879.

It is probably unique, certainly within these islands, in that it boasts two Nobel Laureates among its past pupils.

I have been a member of the Board of Governors since 1989, and chair the finance and staffing subcommittees.

Ulster Community Investment Trust Limited:

In the mid nineties I was one of a number of people involved in community activity who were consulted about the possibility of creating a community bank with a view to providing additional financial resources for the Social Economy. At that time, grants for the sector were decreasing and the mainstream banks were reluctant to become involved in loans to community enterprises.

A further consideration was the need for community enterprises to be more financially aware and to be sustainable.

As a result of this process the Ulster Community Investment Trust Limited was formed in 1999 and has provided long term loan finance and business mentoring services to community enterprises throughout Northern Ireland.

I was chairman of the Trust from 2001 until my appointment to the Board of the International Fund for Ireland in April 2003.

6. ADDITIONAL PERSONAL INFORMATION

Married: To Pauline for thirty-two years.

Family: Two sons and four daughters. One grandson.

Hobbies: Golf, travel.

Received MBE in Queen's Birthday Honours 2005 for "Services to the Community in Northern Ireland."

Presently preparing to exit McDaid McCullough Moore after four decades of involvement in accountancy to pursue other interests.

CONFIDENTIAL AND URGENT

For: Jonathan Powell, 10 Downing Street, London

From: Damian

Date: 3 October, 2005

Dear Jonathan,

APPOINTMENT OF NATIONALIST WORKING PEERS

With reference to our last conversation I enclose a citation for Dr Michael Smurfit who would be agreeable to being appointed as a moderate Irish nationalist working peer to accompany John McDaid from Derry (whose CV you have). It is very important to consider both together. John McDaid is taking a very personal risk here (you may be aware that Denis Bradley was badly beaten – these are realities still in Derry), and he needs heavyweight cover. Michael Smurfit will help him and ensure that the Catholic hierarchy weighs in to support the appointments. Incidentally, although Michael is a prominent retired Irish businessman he was born in England and has British citizenship.

Jonathan, David C told me of your concerns over the method of appointment. I have to be frank here. If there are 3 or 4 more unionist working peers appointed (as rumoured), on top of 8 or 9 existing unionist peers, the existing imbalance will be grossly exaggerated. If a couple of nationalists follow some time later through the independent process it will be seen as tokenism and I don't think our two nominees will allow their names to proceed in that case.

I think the PM must act to address the imbalance by appointing them as Labour peers, but clearly indicate why – that he is acting to address an imbalance and hopes that this will assist moderate nationalism to move to a position where they can feel comfortable nominating themselves. (There is a precedent with Gerry Fitt and Billy Blease's appointments years ago) I firmly believe the media (and many in the Labour Party) will welcome this move by the PM and that this move will receive widespread ensure positive publicity in NI. (DC will ensure a positive unionist welcome aswell)

I would urge you to ask the PM to do this. It will definitely start to make a difference here.

DAMIAN

Personal Details:

Full Name: Michael William Joseph Smurfit

Date of Birth: 7 August, 1936

Place of Birth: St Helen's, Lancashire, England

Nationality: British and Irish

Address: Le Prince de Galles
Rue des Citronniers
Monaco

Family: Four sons and two daughters

Business Career:

1955	Joined Jefferson Smurfit and Sons Limited
1961	Left to form Jefferson Smurfit Packaging Limited in Lancashire
1964	Rejoined Jefferson Smurfit Group as a Director. Company floated on Irish Stock Exchange
1966	Appointed Joint Managing Director, Jefferson Smurfit Group PLC
1969	Appointed Deputy Chairman
1977	Appointed Chairman and Chief Executive
1999	Appointed Chairman of Smurfit Stone Container Corporation
2003	Appointed Chairman Emeritus of Smurfit-Stone Container Corporation

Other Directorships:

1975-1985	Director of New Ireland
1978-1983	Director of Allied Irish Bank PLC
1979-1991	Chairman of Interim Telecommunications Board (Telecom Eireann)
1985-1990	Chairman of The Racing Board
2004-present	Director of CNG Travel Group PLC

Achievements:

Fellow of the International Academy of Management

LL.D, Trinity College, Ireland
LL.D, National University of Ireland
LL.D, University College, Galway
LL.D, University of Scranton, Pennsylvania
LL.D, Babson College, Boston
Hon Dr of Engineering, University of Missouri
Hon Fellowship of the Royal College of Surgeons in Ireland
Hon Alumnus of University of Notre Dame, Indiana

IN CONFIDENCE

NOMINATION FOR A WORKING PEERAGE FOR SIR MICHAEL WILLIAM JOSEPH SMURFIT

Nomination:

Sir Michael Smurfit has consented to being nominated for a working peerage. He offers himself as a spokesman for moderate Irish nationalist opinion and would commit to participate actively in the House of Lords and to use the position to further promote Anglo-Irish relations and to support the Northern Ireland peace process.

Background:

Michael Smurfit was born in Lancashire, England in 1936, was educated in Ireland and joined the family company, Jefferson Smurfit & Sons Limited, in 1955. He rose rapidly through the company supervising expansion in Ireland and acquisitions throughout the United Kingdom, USA, Latin America, and continental Europe. He served as Chairman and Chief Executive of the Jefferson Smurfit Group from 1977 to 2002, and remains Chairman to this day. He is responsible for building the largest paper-packaging business in the world.

In 1994 the Group doubled its sales base in Europe with the acquisition of the paper and packaging operations of the French company, Saint-Gobain; and in 1998 the Group effected the largest ever merger in its sector by merging its US associate with Stone Container Corporation. The resulting company, Smurfit Stone Container Corporation employed over 70,000 workers in some 500 facilities across 30 countries.

The Group was acquired then privatised by Madison Dearborn Partners in November, 2002 and following the disposal of its N American assets its core focus is now in the South American and European markets.

Sir Michael has taken an active role in the social and sporting life of the United Kingdom and Ireland. He has been a prominent supporter and advocate of improving Anglo-Irish relationships across business, sporting, and political sectors. He has encouraged dialogue amongst all parties in Ireland and was a major supporter of the 1998 Good Friday peace Agreement, contributing a significant sum to the Yes Referendum campaigns, North and South. He is one of the UK and Ireland's largest philanthropists contributing nearly £ 5m to worthy causes in Great Britain and Northern Ireland alone. He is a keen supporter of horse racing and breeding and served as Chairman of the Racing Board for five years.

Sir Michael has received numerous academic awards and senior national honours from nine countries including the KBE from the United Kingdom. Sir Michael would bring significant talent and expertise to the House of Lords and would fill what is a serious deficit of moderate Irish nationalist representation in the Upper House. Sir Michael has made no significant financial contributions to any political Party.

44 28 71318220

Hon Irish Consul, Monaco

Cross and Star of Grand Officer of Merit of the Knightly Order, Pro Merito Melitensi
Commendatore of the Order of Merit of the Italian Republic
Orden Francisco de Miranda, Venezuela
Orden Al Merito Nacional, Columbia
Legion d'Honneur, France
Cross of Merit of the Holy Sepulchre of Jerusalem
Grand Cross of Merit with Gold Star of the Holy Sepulchre of Jerusalem
Grand Cross Knight of the Order of the Holy Trinity
Officier de l'Ordre de Saint-Charles, Monaco

1994 European Man of the Year
1995 RDS Industry Gold Medal
1998 Mater Foundation Gold Medal
1998 Ireland Fund of Great Britain, Special Lifetime Achievement Award
1999 Pulp and Paper Week, Executive of the Year Award
2003 Maynooth College, Gold Medal of St Patrick Award
2003 Business and Finance, Lifetime Achievement Award

Interests:

Golf, Tennis, Horse Riding, Horse Breeding, Skiing

CONFIDENTIAL AND URGENT

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From: Damian

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LL.D, Babson College, Boston
Hon Dr of Engineering, University of Missouri
Hon Fellowship of the Royal College of Surgeons in Ireland
Hon Alumnus of University of Notre Dame, Indiana

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Commendatore of the Order of Merit of the Italian Republic
Orden Francisco de Miranda, Venezuela
Orden Al Merito Nacional, Columbia
Legion d'Honneur, France
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Grand Cross of Merit with Gold Star of the Holy Sepulchre of Jerusalem
Grand Cross Knight of the Order of the Holy Trinity
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2003 Maynooth College, Gold Medal of St Patrick Award
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Interests:

Golf, Tennis, Horse Riding, Horse Breeding, Skiing

NIO

Political Directorate

Northern Ireland Office
Directorate/ Division Title
Political Directorate
11Millbank
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Telephone 020 7210 6468
Facsimile 020 7210 6479

Robert Hannigan
Associate Political Director
Northern Ireland Office

Email address
robert.hannigan@nio.x.gsi.gov.uk

Jonathan Powell
No 10 Downing Street
London SW1A 1AA

29 September, 2005

Dear Jonathan,

Irish Inquiry into Dublin and Monaghan Bombings

1. Patrick MacEntee has written to the Prime Minister, the Secretary of State for Northern Ireland and others in Government, including the Heads of the Security Service and SIS, to ask for specific information relating to the Dublin and Monaghan Bombings. His Commission of Investigation was established by the Irish Government as a result of Justice Barron's first report, into the 1974 bombings. The investigation could recommend another full Irish public inquiry. As you know, we have consistently resisted pressure from the Irish to establish our own inquiry into Dublin / Monaghan.

2. Time is short. MacEntee's Commission is required to report by mid-November.

3. You will recall that we conducted wide-ranging searches for Justice Barron's original Dublin / Monaghan inquiry, and passed him a significant amount of material, in summary form. Eliza Manningham-Buller has consistently made clear that she cannot spare the resources to carry out a search of that scale again, and we have refused to do so in response to Barron's two subsequent investigations. The Irish have criticised us for lack of co-operation with Barron generally and have threatened to take us to the European Court of Human Rights. When the Taoiseach raised this with him in June, the PM promised to look again at whether there was more that we could do, and asked that the Irish be more specific about what they wanted. We provided a letter which Antony Phillipson sent to Michael Collins in August following this up; we have not yet received a reply.

4. MacEntee's request is very specific – it asks about sightings of particular individuals and vehicles in the 1970s. Joe Pilling has consulted Permanent Secretaries in the other Departments to whom MacEntee has written. It is unlikely that anyone holds relevant information, but we could not be absolutely certain without carrying out extensive file-searches. The Security Service and the MOD feel strongly that searches would carry too high a cost in terms of resources. In addition, even if material was uncovered, there might be national security concerns about releasing it.

5. Against this background, we judge that the best next step might therefore be to offer MacEntee what we gave to Barron – ie. the material that we've already identified as relevant to the Dublin / Monaghan bombings. We can't be absolutely certain that the searches for Barron would have turned up everything we have on MacEntee's terms of reference, but it's the best we can manage within the tight timescale. If MacEntee is not satisfied by this, we might need to go back to Whitehall colleagues: but there is likely to be a high degree of resistance to doing any further searches, and you will need to decide whether the pressure coming from Dublin makes this a necessity.

Robert Hannigan (Signed)

Robert Hannigan
Associate Political Director

cc: Anthony Phillipson
Jonathan Phillips
Mark Sweeney
Katie Pettifer
Stewart Eldon, HMA Dublin

DRAFT LETTER FOR THE SIGNATURE OF SECRETARY OF STATE FOR NORTHERN IRELAND

Patrick MacEntee, S.C., Q.C.
Commission of Investigation (Dublin and Monaghan Bombings of 1974)
State Apartments
Upper Castle Yard
Dublin Castle
Dublin 2

September 2005

Thank you for your letter of 23rd August. I can confirm that I am replying on behalf of all ten individuals and bodies that you listed in your letter, including the Chief of General Staff, who was omitted from those mentioned in my Private Secretary's letter of 23rd August due to an oversight. I am also responding on behalf of the Police Service of Northern Ireland.

I fully appreciate the importance of the investigations and inquiries that have been carried out, and are being carried out, into the Dublin and Monaghan bombings. When Justice Barron's original Inquiry was set up, the UK Government identified a significant amount of relevant material, which was collated into a submission to his Inquiry.

We have considered, collectively, whether any of the bodies that you wrote to is likely to hold information on the specific issues set out in your terms of reference. There are only a few who might conceivably hold information of that nature. The search that was carried out for Justice Barron's inquiry identified all the information that was considered to be of relevance to the Dublin and Monaghan bombings. Given the date and nature of the incidents

you are investigating, we therefore think it very unlikely that we hold any additional material relevant to your Commission's specific terms of reference. Additionally, we know from previous experience that the type of information you seek, even if it did happen to appear incidentally in our records, is unlikely to have survived for over thirty years.

I appreciate that you might consider that it would not be possible to say this with absolute certainty without carrying out a search of files from the relevant time period. But this would be a vast and time-consuming exercise, particularly since it is not at all clear which files might conceivably be relevant. It would have a very heavy cost for Government in terms of resources, when set against with the low likelihood of identifying relevant material.

I therefore believe that the most practical way in which we can assist your Commission is by providing you with a full set of the information on the Dublin / Monaghan Bombings that we provided to Justice Barron. I attach the submission with this letter. I hope that this will be helpful, and I wish you success in your work.

SECRETARY OF STATE

DRAFT STATEMENT BY THE BRITISH GOVERNMENT

[Final text will of course depend on text of statement by IICD and witnesses]

I warmly welcome today's statement by General de Chastelain on IRA decommissioning and the separate statement by the independent witnesses. This is an important development in the peace process and one we have all been waiting for, for a long time.

The Government is very grateful to General John de Chastelain and his colleagues Andy Sens and Tauno Nieminen for their authoritative and effective oversight of this process.

I particularly welcome General de Chastelain's confirmation that de-commissioning is complete and that the amount of arms and material decommissioned by the IRA matches the inventories provided by the security services of the two governments last year.

Successive British governments have sought final and complete decommissioning by the IRA for over ten years. Failure to deliver it had become a major impediment to moving forward the peace process. Today it is finally accomplished. And we have made an important step in the transition from conflict to peace in Northern Ireland.

If the IMC confirm that all other activity has ceased then that transition, as far as the IRA are concerned, will be complete.

The involvement of representatives of the Protestant and Catholic faiths as independent witnesses in the process is new and significant and should give added confidence to both communities that IRA decommissioning is both complete and permanent.

A demand first made over a decade ago has now been met. People may complain that it has taken too long to deliver, and some may still be sceptical about republican intentions, but I ask that everyone pauses and listens to the independent voice of General de Chastelain, who has in the past not been afraid to voice his frustration with the failure to make progress, and the voices of the two independent witnesses, when they confirm that IRA decommissioning has now been successfully completed and independently verified. We call on all other

paramilitary groups now to cooperate with the IICD on the immediate destruction of their weapons.

I recognize that after the disappointments of the past, and in particular the Northern Bank robbery, confidence will not be re-built over night. But that should not blind us to the true significance of the progress now being made to implement the commitments made by the IRA in July and to remove a key obstacle to progress. The British government will continue to implement its obligations under the Belfast Agreement and the Joint Declaration. In time we believe this will lead to the restoration of devolved government and to a more peaceful and prosperous future for Northern Ireland.

10 DOWNING STREET

London SW1A 2AA

FAX HEADER SHEET

TEL NUMBER 020 7321 0905

FAXED 23/9

To Michl Collins Dublin

From:

Title of document:

Classification: Secret / Confidential / Restricted / UC

Date of document:

Date faxed:

Time:

Number of pages: Leader +

Message:

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If the IMC confirm that all other activity has ceased then that transition, as far as the IRA are concerned, will be complete.

The involvement of representatives of the Protestant and Catholic faiths as independent witnesses in the process is new and significant and should give added confidence to both communities that IRA decommissioning is both complete and permanent.

A demand first made over a decade ago has now been met. People may complain that it has taken too long to deliver, and some may still be sceptical about republican intentions, but I ask that everyone pauses and listens to the independent voice of General de Chastelain, who has in the past not been afraid to voice his frustration with the failure to make progress, and the voices of the two independent witnesses, when they confirm that IRA decommissioning has now been successfully completed and independently verified. We call on all other

paramilitary groups now to cooperate with the IICD on the immediate destruction of their weapons.

I recognize that after the disappointments of the past, and in particular the Northern Bank robbery, confidence will not be re-built over night. But that should not blind us to the true significance of the progress now being made to implement the commitments made by the IRA in July and to remove a key obstacle to progress. The British government will continue to implement its obligations under the Belfast Agreement and the Joint Declaration. In time we believe this will lead to the restoration of devolved government and to a more peaceful and prosperous future for Northern Ireland.

URGENT

10 DOWNING STREET

London SW1A 2AA

FAX HEADER SHEET

TEL NUMBER 020 7321 0905

FAXED Ph 23/9

To Leo Green, SF

From:

Title of document:

Classification: Secret / Confidential / Restricted / UC

Date of document:

Date faxed:

Time:

Number of pages: Leader +

Message: I have not shown the draft statute to the Prime Minister but I cannot guarantee he will not look at it.

De-commissioning questions:

Quantity

- How many weapons were de-commissioned?
- What calibre – did it include sam 7s, semtex, sniper rifles;
- What condition were the weapons in – were they viable;
- What was the breakdown between the different types of weapons;
- Did they compile a list of what they saw and are they going to publish it;
- If they can't answer any of the above, why not – is because they didn't have enough access to the weaponry, or because the condition of them being witnesses was that they wouldn't give such information. If so, and they can't really tell us anything, what confidence can they add?

Method

- How were the weapons de-commissioned;
- Have they been put permanently out of use, or could the IRA return to the dumps and disinter the weapons for use;
- Again, if they cannot describe the method, why not? Has the IRA banned them from doing so?
- If the weapons have been de-commissioned, why can't their location be revealed since they are now harmless and people would be able to see for themselves?

Witnesses' role

- Who approached them to take on this role? Were they appointed by the IRA? If so, they aren't independent. Was there any discussion with the unionists about the appointment of the Protestant representative? If not, why not? Why did they agree to take on the role – aren't they just acting as mouthpieces for the IRA – wouldn't it have been better for community confidence if the IRA had agreed to a DUP nominee;
- What is their relationship with the IICD?
- What expertise do they have in munitions – who did they rely on to tell them what they were describing;
- What makes them think that the process has been complete – isn't it likely that the IRA has kept some weaponry back, at least for self-protection;

- Is this the end to the conflict ?

DRAFT STATEMENT BY THE BRITISH GOVERNMENT

[Final text will of course depend on text of statement by IICD and witnesses]

I warmly welcome today's statement by General de Chastelain on IRA decommissioning and the separate statement by the independent witnesses. This is an important development in the peace process and one we have all been waiting for, for a long time.

The Government is very grateful to General John de Chastelain and his colleagues Andy Sens and Tauno Nieminen for their authoritative and effective oversight of this process.

I particularly welcome General de Chastelain's confirmation that de-commissioning is complete and that the amount of arms and material decommissioned by the IRA matches the inventories provided by the security services of the two governments last year.

Successive British governments have sought final and complete decommissioning by the IRA for over ten years. Failure to deliver it had become a major impediment to moving forward the peace process. Today it is finally accomplished. And we have made an important step in the transition from conflict to peace in Northern Ireland.

If the IMC confirm that all other activity has ceased then that transition, as far as the IRA are concerned, will be complete.

The involvement of representatives of the Protestant and Catholic faiths as independent witnesses in the process is new and significant and should give added confidence to both communities that IRA decommissioning is both complete and permanent.

A demand first made over a decade ago has now been met. People may complain that it has taken too long to deliver, and some may still be sceptical about republican intentions, but I ask that everyone pauses and listens to the independent voice of General de Chastelain, who has in the past not been afraid to voice his frustration with the failure to make progress, and the voices of the two independent witnesses, when they confirm that IRA decommissioning has now been successfully completed and independently verified. We call on all other

paramilitary groups now to cooperate with the IICD on the immediate destruction of their weapons.

I recognize that after the disappointments of the past, and in particular the Northern Bank robbery, confidence will not be re-built over night. But that should not blind us to the true significance of the progress now being made to implement the commitments made by the IRA in July and to remove a key obstacle to progress. The British government will continue to implement its obligations under the Belfast Agreement and the Joint Declaration. In time we believe this will lead to the restoration of devolved government and to a more peaceful and prosperous future for Northern Ireland.

HO 2/File

From: Daniel Thornton
Date: 23 September 2005

ALEX CRUTTWELL

cc: **Antony Phillipson (w/out attachments)**

BILLY WRIGHT INQUIRY

1. We agreed that I would provide you with papers that fall within the remit of the Billy Wright Inquiry, so that you could provide a combined Cabinet Office/No10 response. Following a file search, I attach three papers:
    a. A letter from John Holmes to Ken Lindsay of 7 January 1998 (relevant to bullet 2 of Henry Palin's letter).
    b. A minute from John Holmes to the PM of 18 March 1998 (relevant to bullet 2 of Henry Palin's letter).
    c. A letter from the PM to Billy Wright's father of 4 May 1999 (relevant to bullet 1. of Henry Palin's letter).
2. I would be grateful if you could keep me informed of progress you are making with the Inquiry, and in particular when you have sent the Inquiry the No10 papers.

DANIEL THORNTON

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 January 1998

Dear Hew,

IRISH PRISONERS

The Prime Minister held a meeting on prisoner issues this morning with the Home Secretary, Dr Mowlam, Adam Ingram, Joe Pilling and Alan Shannon (Northern Ireland Prison Service). Michael Pakenham, Jonathan Powell and I were also there.

Repatriations

The Home Secretary raised the issue of the timing of the repatriation of seven further prisoners to the Irish Republic, the principle of which was already agreed. After some discussion, it was agreed that 8 January might be acceptable, depending on other developments in the peace process. However, the repatriation was later postponed because of the uncertainty and operational difficulties on the Irish side. It may now take place next week.

Commission on Sentence Review

Discussion then turned to the joint paper of 12 December from the Home Secretary and Northern Ireland Secretary about the longer term issue of prisoner releases. Dr Mowlam argued that it was difficult to keep the Loyalists in the process while nothing whatsoever was being offered on this front. Moreover, if we were too cautious about our plans, and about legislation, this could effectively prevent a settlement. Her preference would be to begin to hint at the possibilities now, and for early legislation, with implementation only in the event of a settlement being firmly in place. Leaving everything to a late stage in the process would jeopardise the chances of a successful settlement.

The Prime Minister made clear that he was prepared to contemplate a Commission on the lines proposed, but nothing should be said about this for the moment, at least until real progress had been made in the talks. It might be possible to say something in a month or two's time. On actual releases, he was strongly of the view that no-one should be released until a settlement was through

in terms of a successful referendum and acceptance by the parties. Even then he would prefer any releases to be on some kind of parole or licence, where they could be recalled in the event of a return to violence.

The Home Secretary strongly endorsed this cautious approach, and said his clear preference would be that any legislation should only be put to Parliament once it was clear that a settlement was in place and violence had been given up, at least by the main paramilitaries. This would not prevent a written account of what would happen being worked out in the talks.

Roisin McAliskey

The Home Secretary explained the position. He was arranging for her to be seen by a senior forensic psychiatrist, in order to establish whether there was any medical reason not to extradite her. Extradition would be very difficult to avoid unless there was overwhelming medical evidence that she would have been unable to stand trial in this country if that were being contemplated. A decision could still take some weeks.

Balcombe Street Four

The Home Secretary explained that the Irish government would have difficulties if he set whole life tariffs, but he was concerned about setting precedents for other prisoners. One possibility would be to set tariffs of 40 or 45 years. He had asked for legal advice on this. Meanwhile the representations from one of the four had given more time for consideration.

Maze Inquiry

Dr Mowlam explained the position about the Narey and Ramsbotham inquiries. The Narey inquiry would need to conclude quickly, and probably report by the end of the month. There were long-standing problems about the regime in the Maze, but some of the media stories were well wide of the mark. The Prime Minister said that, presentationally, it was important to make clear that the problems were indeed longstanding, and that the understandable reluctance of prison officers to take a tough line, given the intimidation they faced, was a more important factor in this than any politically driven softness towards terrorist prisoners.

I am copying this to Ken Sutton (Home Office) and Jan Polley (Cabinet Office).

Yours ever

JOHN HOLMES

Ken Lindsay Esq
Northern Ireland Office

From: John Holmes
Date: 18 March 1998

PRIME MINISTER

THE MAZE PRISON

I attach a letter from Mo, asking for your agreement to make a Parliamentary Statement next week about the Narey Report, and a copy of the report itself. I do not expect you to read the report, you will be glad to hear, but you may like to glance at chapter 1 (pages 6-11), to give you a flavour of what the Maze is like and the difficulties faced by those running it.

Narey makes a number of practical recommendations, but basically accepts that the prison is unique and that there is not much to be done about it. The report is therefore likely to be seen by Unionists as inadequate and a white-wash.

Mo's letter was also written before the latest murder of a Loyalist prisoner in the Maze. That is bound to increase the criticism of the Narey Report when it comes out. Sir David Ramsbotham has just started his own inspection of the Maze. His report is likely to be published in a few weeks time.

This is all very difficult. There is no doubt that the regime at the Maze is more or less indefensible. But it has grown up over many years, and the trend cannot now be reversed without huge difficulty, and trouble on the streets. This is not the moment to take such a task on. So there is little choice but to follow the honest line Adam Ingram took in responding to a PNQ earlier this week of simply accepting that the Maze poses unique problems, that the regime is unsatisfactory, but that changing it is too difficult.

Should Mo make a statement to Parliament next week in these circumstances? I am not sure there is much to be gained by this, unless the pressure for her to do so is irresistible. It would be better to wait for the Ramsbotham Report, and for her then to make a statement on both reports. It might be worth having a word with her about this in the morning.

JOHN HOLMES

18 March 1998

3 a&b

10 DOWNING STREET
LONDON SW1A 2AA

4 May 1999

THE PRIME MINISTER

Dear Mr. Wright,

Thank you for your letter of 5 April on your concerns about the circumstances surrounding the murder of your son Billy in the Maze Prison and asking for a public inquiry into the events. You have also requested a personal meeting with me to discuss your concerns. I know that you have written in similar terms to the Secretary of State for Northern Ireland and have recently received a reply from the Minister, Adam Ingram.

Like the Secretary of State and the Minister I want to express sincere condolences for the death of your son. You have my deepest sympathies. But I know that nothing can compensate for your loss.

In your letter you comment on the verdict returned by the jury; allude to the involvement of senior prison management in the incident; and claim to be a victim of "selective justice". If I could deal with each of these issues in turn.

Firstly in relation to the Coroner's Inquest, you state that the findings are "a clear indication that many of those responsible are still at large". The findings of the Coroner's Court do not support this accusation. First, the findings repeat the outcome of the police prosecution that the murder was carried out by the three INLA inmates. At no point is reference made to more people being involved than those who were convicted. The Coroner did not and was not required to undertake the equivalent of a full criminal investigation. The police

AT

rigorously investigated the entire incident, identified those involved, and prosecuted accordingly.

As to the involvement of Prison Service staff in the murder, I emphatically refute any suggestion that this was the case. In their deliberations, none of the investigations found any such evidence and any such implication is totally without foundation. Those who killed your son are known, have been convicted of murder by due process of law, and the fundamental issues surrounding his death have been resolved.

As Adam Ingram has pointed out, the circumstances surrounding the death have already been the subject of three separate investigations. There has been the criminal investigation by the Royal Ulster Constabulary and prosecution by the Director of Public Prosecutions; the inquiry - at the request of the Secretary of State - by Mr Martin Narey and his team; and the full inquest by HM Coroner for Greater Belfast. I have every confidence in the quality, thoroughness and independence of those proceedings and investigations. I cannot agree that two court hearings held in open and public courts along with a published inquiry report can be described as "selective justice".

To repeat what the Minister has said, following such intense exploration and exposition of the facts, like Adam, I feel that neither a meeting to discuss the case nor a further public investigation is warranted.

Yours sincerely

Tony Blair

David Wright Esq

FAXED

Department of the Taoiseach
Roinn an Taoisigh

To/ Chuig: Jonathan Powell.

From / Ó: Mr Michael Collins
Second Secretary General

Date/ Dáta: 23/9/2005

Subject / Abháir: _____

Pages/ Líon iomlán na leathaneach/: 3, including this

Message / Teachtaireacht :

As promised.

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Nótáiltear: Is féidir eolas príbhléideach / rúnda a bheith sa bhfraics seo, atá dírithe ar an seolaí amháin. Munar tú an seolaí, nó an duine freagrach as an bhfraics a cur chuig an seolaí, nil sé ceadaithe é a chóipeáil nó a thabhairt d'éinne eile. Má fhaigheann tú an faics seo tré thimposte cuir scéala teileafóin láithreach chuigainn. Go raibh maith agat.

Phone /Telefón : 6194092/6194105
Fax / Facsuimhir : 6621019
E-mail: : michael.collins@taoiseach.gov.ie

Government Buildings, Dublin 2.
Tithe an Rialtas, Baile Átha Cliath 2.

Draft [Joint Taoiseach/PM] Statement on Decommissioning

(Subject to De Chastelain's statement)

The two Governments have today received a report from the Independent International Commission on Decommissioning (IICD).

[We have decided to publish that report].

The report states that the IICD has overseen a further and final substantial act of arms decommissioning by the IRA. It is the IICD assessment, based on the information available to it and the two Governments, that the IRA has now placed all of its arms completely and verifiably beyond use.

We accept that assessment and we warmly welcome this landmark development. Having sought to achieve this outcome for so many years, its significance now needs to be acknowledged and recognised. It is the clearest signal ever that the IRA's war is over.

We also welcome the presence of clergymen from the Protestant and Catholic communities as independent witnesses to the decommissioning process. We hope that their presence, and what they say, will enhance public confidence.

Although the completion of IRA decommissioning removes a dangerous threat and offers a welcome and important opportunity for progress, we are today most of all conscious of the victims of the IRA's protracted campaign and their families. They remain central to our thoughts and prayers. The tragic and unnecessary loss of life and terrible injuries suffered over an extended period can never be forgotten.

In our joint statement of 28 July, we said that the IRA's words must be borne out by actions. Today's IICD report represents a major step forward in this regard.

We look forward to the reports, scheduled for October and January, of the Independent Monitoring Commission, which will address the question of paramilitary and criminal activity.

We strongly believe that the interests of everyone in Northern Ireland and throughout these islands are best served by the earliest practicable restoration of the devolved institutions of the Good Friday Agreement. We recognise that trust and confidence will take time to rebuild but we hope that today's developments will provide a vital stimulus. For their part the Governments will do everything we can to facilitate progress.

The completion of IRA decommissioning makes it all the more urgent that loyalist paramilitary activity be brought to an end and that all loyalist arms be decommissioned. We expect that all parties and community leaders will show strong leadership and use their influence to bring this about.

We would like to express our profound appreciation for the work of General De Chastelain and his colleagues on the IICD. They have made an invaluable contribution to the process of building and assuring peace. We are deeply indebted to them for the professional and painstaking manner in which they have carried out their mandate.

End.

Top: JDT

The Rt Hon the Lord Goldsmith QC

9 BUCKINGHAM GATE
LONDON SW1E 6JP

020-7271 2460

Rt Hon Geoff Hoon MP
Leader of the House of Commons
2 Carlton Gardens
London
SW1Y 5AA

20 September 2005

Dear Geoff

TERRORISM (NORTHERN IRELAND) BILL

Peter Hain has copied to me his letter to you of 19th September in which he seeks Law Officers' consent to the early commencement of this Bill.

For the reasons set out in his letter, it is clear that there is an imperative need to ensure the continuation of Part VII powers after their lapse in February of next year and so I agree to the Bill commencing on, or within two months of, receiving Royal Assent.

I copy this letter to members of LP Committee, Sir Gus O'Donnell and First Parliamentary Counsel.

Yours ever

Peter

SKP 23/9/05

CONFIDENTIAL

Northern Ireland: Situation

fco

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

SUBJECT MASTER Filed:

20 September 2005

Dear Alan,

PRIME MINISTER'S DISCUSSION WITH IAN PAISLEY, 20 SEPTEMBER 2005

The Prime Minister spoke to Ian Paisley by phone this afternoon.

Paisley said that the last few weeks had been rough. The situation could have been avoided. He had done his best to this end, but in vain. He said that the Government and the police could also have done more. He was especially critical of police intelligence on the problems. He added that things could have been even worse – 5 or 6 districts could have "gone up" and we were lucky that they had not. The problems were exacerbated by the loyalist feud. Gunmen were looking to secure whole districts to aid their drug businesses and organised crime. The Government had to distance itself from them – some of them were community workers paid by the taxpayer. Ordinary people were living in fear. The police did not have the resources to deal with the situation. Paisley said that he had never been as worried about matters as he was now.

The Prime Minister said that he and Paisley should sit down and work a way through these issues together. They were due to meet on 6 October. Paisley said that he would fax some papers over in the next few days to inform that discussion. They would cover: parades; a financial package; public administration issues; and confidence building measures. He would bring a delegation with him, but would welcome a discussion with the Prime Minister alone at the outset of the meeting. The Prime Minister said that would be no problem.

Comment: We discussed the meeting on 6 October. We will send the DUP papers to you/Jonathan Phillips when they arrive.

CONFIDENTIAL

I am copying this letter to Jonathan Powell and Tom Kelly here, and to Jonathan Phillips.

Yours,

ANTONY PHILLIPSON

Alan Whysall
Principal Private Secretary
NIO

From: Robert Hannigan
Associate Political Director
23rd September 2005

Copy distribution below

Secretary of State

US INVESTMENT CONFERENCE – DRAFT REPLY FROM JONATHAN POWELL TO MITCHELL REISS

As you know, Mitchell Reiss wrote to Jonathan Powell to raise concerns about the planned Investment Conference (letter attached). In short, Reiss makes three points:

- the investment environment in the Republic is more favourable to business and the UK should be prepared to offer tax incentives (last week in Cambridge and repeatedly over the past two years he has argued that corporate tax rates north and south of the border should be harmonised). As you know, this is unthinkable to HMT given the impact on the rest of the UK and would almost certainly cause a serious dispute within the EU. But Invest Northern Ireland does already offer limited packages to foreign companies with considerable success and Bruce Robinson is travelling to Dublin shortly to brief Ambassador Kenny on what is available.

- Reiss ties the issue of cross-community support for policing to investment from the US. While the policing issue is indeed important the link with investment is questionable: major US companies invested in Northern Ireland when the situation in relation to policing was far worse that it is now.

- Reiss relays his conversation with Gerry Adams, who was less than helpful in showing no interest in the investment element of the conference – he simply saw it as an opportunity to engage with the DUP. Our position has always been that the Investment Conference is a good thing in its own right.

2. I have drafted a reply for Jonathan which reflects these points. If you are content with the approach, including the suggestion that we should delay the conference if necessary in order to get it right, as we discussed briefly the other day, I will forward it to No 10.

Robert Hannigan
Millbank 6484, SC 88014
E-mail: Robert.Hannigan@nio.x.gsi.gov.uk

Distribution

Jeff Rooker
David Hanson
Angela Smith
Joe Pilling
Nigel Hamilton
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Bruce Robinson, DETI
Chris Maccabe
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Clare Salters
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Dominic Martin, Washington
Andy Pike, New York
Claire McCarthy
Phil Taylor

DRAFT LETTER FROM JONATHAN POWELL TO MITCHELL REISS

The Hon Mitchell B. Reiss
Vice Provost for International Affairs
The College of William and Mary
Williamsburg,
Virginia 23187

September 2005

Thank you for your letter of 16 September in relation to the proposed US Investment Conference in Northern Ireland. I am very grateful that you and Ambassadors Tuttle and Kenny are willing to give this your personal support. I know that you discussed this with Peter Hain recently.

You raise a number of points about the background against which this conference might be staged. As far as tax incentives are concerned, I believe that Invest Northern Ireland offer investment packages which have already proved attractive to US investors. But I am sure that all those involved would benefit from further advice on how best to attract investment and I understand that Peter has asked Bruce Robinson, Permanent Secretary at DETI (NI), to brief Ambassador Kenny in Dublin on what is currently available. I understand that this meeting will take place shortly and I am sure that it will be a very useful opportunity for Invest Northern Ireland to test out their approach. I am grateful to Ambassador Kenny for his interest.

As far as the security environment is concerned, I agree absolutely that the TV images of recent weeks have been very damaging and will take some time to fade from memories of potential investors. I also agree that the issue of support for policing across the community is critical to the future of Northern Ireland. As you know we are pressing hard for progress in this area. But I am not sure that it is directly related to investment confidence. Major investment in Northern Ireland has taken place against far less favourable backgrounds in the past and there is always a danger of over-playing the threat to public

safety. Northern Ireland remains one of the safest places to do business in Europe, with one of the lowest crime rates.

Finally, while Gerry Adams and Martin McGuinness are quite right in thinking that this would be a useful opportunity for the political parties to engage with each other in facing the real economic challenges for Northern Ireland, the Government has always believed that the Investment Conference is a good thing in its own right. As you know, Peter has stressed repeatedly in recent weeks the need to raise Northern Ireland's game in the face of challenges from globalisation. We strongly support the idea of a US Investment Conference even if the recent events may mean that the proposed timing of April may not be achievable. But I know that Peter will want to speak to you further about timing once Invest Northern Ireland have developed a firm proposal and he has had a chance to judge the political mood and to discuss it with you.

Once again I am very grateful for your support and for that of your colleagues.

With best wishes.

Northern Ireland: situation

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

SIR GUS O'DONNELL
CABINET OFFICE

NORTHERN IRELAND OFFICE: PERMANENT SECRETARY

The Prime Minister has approved the appointment of Jonathan Phillips as Permanent Secretary to the Northern Ireland Office, as proposed in your note of 14 September.

Ivan Rogers

IVAN ROGERS

19 September 2005

Secretary of the Cabinet and Head of the Home Civil Service

PRIME MINISTER

NORTHERN IRELAND OFFICE: PERMANENT SECRETARY

I would be grateful for your approval of the appointment of Jonathan Phillips as Permanent Secretary to the Northern Ireland Office in succession to Sir Joe Pilling when he retires in November. As you know this is a key post to lead the Department through the next stages of the Peace Process and then to oversee the transition to devolved administration.

Background

2. The post was advertised throughout the Home Civil Service. Baroness Prashar chaired a panel comprising Brenda McLaughlin, a Non-Executive Director of the NIO, Bill Jeffrey and myself. We interviewed the three candidates who applied: Jonathan Phillips, Jonathan Stephens and Joe Montgomery.

3. The panel was unanimous that Jonathan Phillips was the most credible candidate. His current role seriously gives him a keener understanding of the political situation than the others, but he also demonstrated more of the qualities we were looking for. He has the authority that comes from his knowledge base as Political Director but also talked sensibly about other aspects of Northern Ireland's public administration. He has the confidence of Ministers and colleagues in Number 10 and has good relations with Nigel Hamilton in the NICS. He has the respect of, and is trusted by, the various stakeholders with whom he has already had dealings. He clearly has the skills to develop effective relationships with other players.

4. If we had any doubts about Jonathan for this job they were his ability to stand back as Permanent Secretary from the day to day management of the political process and give his successor the space that Joe Pilling has given him. We must all make sure that we do not look only to him once he has found a good successor. I will also need to work with him to make sure he has time to devote his energies to public service reform in Northern Ireland and to contribute to wider Civil Service reform.

5. The job description and Jonathan Phillips' CV are attached.

Ref: AO2005/1331

6. Peter Hain is happy for Jonathan to be appointed. **Are you also content?** If so, No 10 will make the announcement in conjunction with the NIO.

GUS O'DONNELL
14 September 2005

Ref: AO2005/1331

PERMANENT SECRETARY, NORTHERN IRELAND OFFICE

Background Information

The NIO was created in 1972 when the Northern Ireland Parliament and Government were suspended. Northern Ireland returned to direct rule after a period of devolution in October 2002. The Secretary of State and his team of four Ministers are responsible for political development, constitutional issues, policing, security, criminal justice and the social and economic policies which from 1999 to 2002 were the responsibility of locally elected Ministers. The main task, in which the Prime Minister is engaged as well as the Secretary of State, is to complete the process which began with the ceasefires and the Good Friday Agreement by putting a permanent end to violence and handing over to a Northern Ireland Executive.

The postholder is the Secretary of State's chief adviser. In practice advice on formerly devolved subjects is co-ordinated by the Head of the Northern Ireland Civil Service, with whom the post holder works closely.

The NIO has some 3750 staff with a resource budget for 2005-06 of £1.4bn. There are four executive agencies covering prisons, forensic science, compensation and youth justice. The Department has managerial responsibility but not professional responsibility for the Public Prosecution Service and the Crown Solicitor's Office. There are several NDPBs with important responsibilities sponsored by the NIO: the Policing Board, the Parades Commission, the Human Rights Commission, the Probation Board and the Civil Service Commission. The NIO is also responsible for appointing and sponsoring the Police Ombudsman and for appointing the Equality Commission.

A senior member of the NIO chairs the Criminal Justice Board which brings together the whole criminal justice system including the areas for which the Lord Chancellor and the Attorney General are responsible.

Most members of the NIO work in Belfast but around 80 people work in the London office. The postholder has offices in both cities and is normally in London and Belfast for a substantial part of each week. Around 200 NIO staff belong to the Home Civil Service. The rest belong to the Northern Ireland Civil Service.

For further information on the Northern Ireland Office, the website address is www.nio.gov.uk

Job Description

The key purposes of the job are to:

- support the Secretary of State
- lead the Department and
- act as Accounting Officer

Specific functions include

- advising the Secretary of State on difficult issues of policy and delivery, particularly those with a cross cutting dimension
- supervising the work in all areas of government in Northern Ireland to check that it supports and is consistent with the overall aim
- chairing and leading the work of the Departmental Board which includes two non-executive directors
- building and from time to time refreshing a senior management team drawn from within the NIO, other Whitehall Departments and elsewhere in the Northern Ireland Civil Service
- leading management change to secure improved performance including, in the short term, settling the content of the third major change programme so that the organisation continues to be fit for purpose
- contributing to the corporate management of the Civil Service and leading the reform agenda in the NIO, and in particular the roll out of Professional Skills for Government
- ensuring that the efficiency agenda is pursued effectively
- forming constructive relationships with an unusually wide range of key stakeholders including the Cabinet Office, Home Office, MOD, the Intelligence Agencies, Scotland and Wales, HMG's posts in Dublin, Washington, New York and Boston, Irish officials, political, church and community leaders, the Chief Constable, the General Officer Commanding and the leaders of several NDPBs.

Candidate Profile

The next permanent secretary of the NIO will have:

- extensive experience of work on policy in controversial and volatile areas
- a convincing record of leadership and change management in complex organisations
- a strong commitment to diversity
- a well-tested temperament for handling the unexpected and resilience in the face of disappointment and public criticism
- a relish for negotiation, persuasion and influencing rather than direct command
- a track record of forging effective personal relationships with stakeholders who have different objectives
- enough understanding of Northern Ireland to achieve early credibility in the role

Eligibility

This post is only open to Home Civil Servants

Applications

Applications should provide a CV and a short statement of why they consider themselves suitable and their approach to the job. This should be sent by Wednesday 7th September to Alice Perkins at Room 3.6a, Admiralty Arch, The Mall, London SW1A 2WH (email alice.perkins@cabinet-office.x.gsi.gov.uk). Interviews will take place later that month. The recruitment process will be overseen by a panel comprising Gus O'Donnell, Bill Jeffrey

Ref: AO2005/1331

and Brenda McLaughlin under the chairmanship of the First Civil Service Commissioner, Baroness Usha Prashar.

CROXLEY
Heritage

JONATHAN PHILLIPS

Summary

A highly experienced senior civil servant with twelve years' board level experience, including some in the private sector, with proven ability to deliver change in a public sector environment and with wide experience of people and financial management. Successful, top level involvement in policy making, representational and negotiating roles, including three years spent supporting the Prime Minister and successive Secretaries of State in the Northern Ireland political process.

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Leadership of NIO team supporting the Secretary of State and the Prime Minister in the search for political agreement in Northern Ireland. Key achievements:

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- Senior level secondment to BAE Systems as a member of Sea Systems Group Board responsible for introducing organisation, process and infrastructure changes to improve performance across the warship businesses.

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(Resigned from board of this HSBC subsidiary in 1996 to avoid potential conflicts of interest with DTI post.)

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Personal details and education

Born: 21 May 1952.

Educated:
- Queen Mary's Grammar School, Walsall;
- St John's College, Cambridge (MA, PhD in history);
- London University Institute of Education (Postgraduate Certificate).

Other appointments:
Governor, St Saviour's and St Olave's School, Southwark.

Married with two sons.

Address: 11 Millbank, London, SW1P 4PN. Tel: 0207 210 6467.

e-mail: jonathan.phillips@nio.x.gsi.gov.uk

From: Jonathan Powell
Date: 19 September 2005

PRIME MINISTER

cc: Tom Kelly
Antony Phillipson

IAN PAISLEY: CHECKLIST

You are speaking to Ian Paisley on the phone at lunchtime tomorrow (because you do not have time to meet him) and we have promised him a meeting in the week of Tory Party Conference.

Points you want to make to him:

Recent Loyalist violence completely unacceptable. Glad he has forcefully condemned it.

Glad he has played last few months cleverly with SF. Important he does the same when decommissioning is complete. Should not rule anything out or constrain his options. Lets see if they mean it.

HMG has no side deals with SF. Our aim is to end paramilitarism and criminality and get rid of the weapons once and for all. If and when that happens and people are sure then we should try to set up devolved government.

Look forward to seeing you the week after next.

(NB peerages and PC for him)

Points he may raise:

Abolish the Parades Commission – not sensible, but as Peter told you we are looking at the processes.

Victims Commissioner – he should welcome this.

Reconstitution of the Policing Board – Peter is thinking about it (the Unionists have withdrawn from the Belfast DPP temporarily).

RIR – know you are speaking to John Reid.

CONFIDENTIAL - PERSONAL

PM seen

From: Jonathan Powell
Date: 19 September 2005

PRIME MINISTER

NORTHERN IRELAND

I saw Adams and McGuiness alone at Clonnard. They asked me to report you alone. They will speak directly to Bertie, but to no one else.

Decommissioning will be complete by the end of the week. They plan a de Chastelain press conference on Monday. He wants to make a short personal statement at the beginning about the 8 years he has devoted to this. It is apparently not damaging. The independent witnesses will issue a written statement at the same time. The IRA will issue a statement that evening. One of the reasons they want the gap between completion and the statements is so that they can check both IRA and de Chastelain statements – they say neither side is expert at PR! The next day the independent witnesses will do a photo op and do sit down interviews with Ken Reid etc. They want to avoid press conferences.

The independent witnesses are Father Alec Reid and Harold Good (former President of the Methodists – first suggested to them by Jeffrey Donaldson). It is clear these two are already at work and they don't want to get into a negotiation with us about names or ask us to bless them. They do however want us to show them a government statement to follow decommissioning in the most positive terms possible. I am working this up and will show it to them on Wednesday. You should do a brief clip for TV on Monday.

McGuiness said that de Chastelain would say that the inventories set by British and Irish security services had been met or exceeded. If this is true, it gives us something to pin our hat on in our public comments.

They are worried about the DUP reaction. I said we would be urging them to keep their options open.

They are also worried about the Loyalists starting to kill random Catholics. That would put them in a very difficult position. I am sure the police are alive to this danger and doing all they can but have asked the NIO to double check.

They will want to see you the week of the Tory Party Conference.

JP

CONFIDENTIAL - PERSONAL

Kate Gross
as per email

NOTE FOR THE LEADER OF THE HOUSE OF COMMONS:
SHORT MONEY FOR SINN FEIN

We need to discuss and agree a way forward on our commitment to Sinn Fein on short money. Ideally, we would bring forward a motion on this at the same time as the one on lifting the suspension of Westminster allowances (on which, I am grateful for the help we are receiving from your office).

Payment of short money to Sinn Fein is a long-standing commitment in discussions involving No 10 and previous NI Secretaries of State. The time is right to move on this.

It would have been untenable to accept before now that Sinn Fein should receive short money: Government could not legitimately be held to account by a party linked to an active paramilitary organisation. The IRA's 28 July statement and the full decommissioning of their weapons are historic steps forward. The time is right to move on short money; and not moving will create considerable problems in the political process.

We do not think that the oath/not taking seats is a stumbling block: we have found a way through that in relation to Westminster allowances in order to enable Sinn Fein to best represent their constituents.

The issue on short money appears to turn on whether Sinn Fein are conducting Parliamentary business. Although they do not take their seats, they certainly do conduct activities that hold Government to account. Like other NI parties, they play a recognisably opposition role in that regard.

The 1998 report of the Neill Committee on Standards in Public Life said, '.... we believe that the short money scheme is founded on the sound principle that, in a parliamentary democracy, the party in government should be held to account and kept in check by a vigorous and well-prepared opposition.'

On that basis, we remain of the view that a Government motion should be possible on the basis that although Sinn Fein do not take the oath/their seats, they are conducting Parliamentary business in the broadest sense.

· GH

· cleared by DH

[Conor]

09/14/2005 21:05

7572215070

Northern Ireland :situation

=== COVER PAGE ===

TO: _____

DA

FROM: DR MITCHELL B REISS

FAX: 7572215070

TEL: 7572213599

1- DIC

2- ~~JTF~~

COMMENT:

7572215070

United States Department of State

Washington, D.C. 20520

FACSIMILE: 011-44-207-839-9044

TO: The Honorable Jonathan Powell
FROM: Ambassador Mitchell B. Reiss
RE: Northern Ireland Investment Conference
DATE: September 16, 2005

3 pages with cover

If you have any problems with this facsimile, pleased call 757-221-3599.

United States Department of State

Washington, D.C. 20520

September 16, 2005

By Facsimile

The Honorable Jonathan Powell
Chief of Staff
Office of the Prime Minister
London, England

Dear Jonathan:

Thank you for inviting the participation of the United States in a conference in April 2006 designed to attract foreign direct investment to Northern Ireland. Ambassadors Tuttle and Kenny and I will do all we can to cooperate with Her Majesty's Government and support this effort.

As such an early stage, it is understandable that there are a number of outstanding conceptual, operational and logistical questions related to the conference, and we have already discussed some of them with Peter Hain and Jonathan Phillips. However, we would like to draw your attention, and that of the Prime Minister, to two issues in particular that corporate America is sure to raise when we approach it about participating in the conference:

- Investment Environment: A threshold question for CEOs is going to be why they should invest in Northern Ireland at all when the investment climate is more favorable south of the border. Is the UK willing to offer any tax incentives or similar measures to attract business?

- Security Environment: Even without the unhelpful images from Belfast this past week, there is the question of policing. We have one party, the DUP, that supports policing, but does little to discourage its supporters from rioting; and we have another party, Sinn Fein, that does not support policing at all. CEOs may wonder whether it is safe for my employees to live and work in Northern Ireland.

There is one other point. You asked me to tell Sinn Fein that I recommended that the conference be held next April, rather than by the end of this year. In my discussion with Gerry Adams and Martin McGuinness earlier this week about the conference and the related issues of the financial and security environments, Gerry revealed that he did not

7572215070

expect the conference to lead to any companies investing in Northern Ireland. Rather, he saw the conference as an opportunity to compel Paisley to meet with him.

Even assuming that Paisley will feel compelled to act as Gerry believes (and I am not persuaded), none of us, in good conscience, can instruct our staffs and ask our friends in the business world to devote the time, money and effort needed to make this conference a success if the main purpose, for Sinn Fein, is simply to engineer a meeting between Gerry and Ian. I am sure you will understand.

The Ambassadors and I remain committed to helping you and the Prime Minister in moving the peace process forward, but we are asking that we address the issues identified in this letter before proceeding further. I am sure you would agree that a conference that raised false hopes would be worse than no conference at all.

I would welcome your thoughts at your earliest convenience.

With best wishes,

Yours sincerely,

Mitchell B. Reiss

cc: The Honorable Robert Tuttle
The Honorable James Kenny
Mr. Dean Pittman

NIO : strhahen

[redacted]onathan Powell

From: Antony Phillipson
Sent: 16 September 2005 16:07
[redacted]: Jonathan Powell; Tom Kelly; 'jonathan.phillips@nio.x.gsi.gov.uk'; 'robert.hannigan@nio.x.gsi.gov.uk'
Subject: Mitchell Reiss/Gerry Adams + Martin McGuinness

Kirsten Schultz at the US Emb gave me a readout of Reiss/Adams+McGuinness last week. She added that they were receiving a number of calls from anonymous unionists suggesting that Reiss ought to keep his nose ought of NI and perhaps devote his energy to helping "New Orleaners"

Nothing revealing from Adams:

- GA optimistic that decommissioning will happen soon and quickly. He said the DUP had rejected an offer to discuss witnesses - GA said he would have been prepared to lobby the IRA for the DUP's choice as part of a broader SF/DUP engagement. They had refused. He had urged Reiss to press Paisley to meet GA.

- MMcG said that the riots had been focussed on Paisley/Robinson/Dodds constituencies. they had done nothing to stop them. Reg Empey had also been very disappointing. Reiss had said that the U's had shown no responsibility and no leadership, as he then said publicly. The U's were more comfortable looking to the past than the future. GA apparently said that Mitchell McLaughlin was working on a outreach programme to the U community; they would welcome US ideas.

- GA lobbied for a Bush/Paisley call to urge Paisley to engage in all-party talks after decommissioning; he also mentioned the PM's possible speech in November (sic). He noted that SF would hold a big fundraising dinner on 5 November.

- GA urged Reiss to help out on visas after decommissioning (to allow fundraising I assume). Reiss said they would see when the time came.

- GA also talked at length about the Colombia 3 but Kirsten had no detail; and he finished by saying that SF fully supported the McCartney sisters - but they clearly saw SF as part of the problem.

JP2/RH - I urged her to contact you to say hello; she's pretty new to all this - her previous job was at the US mission to the UN in NY

Secretary of the Cabinet and Head of the Home Civil Service

PRIME MINISTER

NORTHERN IRELAND OFFICE: PERMANENT SECRETARY

I would be grateful for your approval of the appointment of Jonathan Phillips as Permanent Secretary to the Northern Ireland Office in succession to Sir Joe Pilling when he retires in November. As you know this is a key post to lead the Department through the next stages of the Peace Process and then to oversee the transition to devolved administration.

Background

2. The post was advertised throughout the Home Civil Service. Baroness Prashar chaired a panel comprising Brenda McLaughlin, a Non-Executive Director of the NIO, Bill Jeffrey and myself. We interviewed the three candidates who applied: Jonathan Phillips, Jonathan Stephens and Joe Montgomery.

3. The panel was unanimous that Jonathan Phillips was the most credible candidate. His current role seriously gives him a keener understanding of the political situation than the others, but he also demonstrated more of the qualities we were looking for. He has the authority that comes from his knowledge base as Political Director but also talked sensibly about other aspects of Northern Ireland's public administration. He has the confidence of Ministers and colleagues in Number 10 and has good relations with Nigel Hamilton in the NICS. He has the respect of, and is trusted by, the various stakeholders with whom he has already had dealings. He clearly has the skills to develop effective relationships with other players.

4. If we had any doubts about Jonathan for this job they were his ability to stand back as Permanent Secretary from the day to day management of the political process and give his successor the space that Joe Pilling has given him. We must all make sure that we do not look only to him once he has found a good successor. I will also need to work with him to make sure he has time to devote his energies to public service reform in Northern Ireland and to contribute to wider Civil Service reform.

5. The job description and Jonathan Phillips' CV are attached.

6. Peter Hain is happy for Jonathan to be appointed. **Are you also content?** If so, No 10 will make the announcement in conjunction with the NIO.

GUS O'DONNELL
14 September 2005

Ref: AO2005/1331

PERMANENT SECRETARY, NORTHERN IRELAND OFFICE

Background Information

The NIO was created in 1972 when the Northern Ireland Parliament and Government were suspended. Northern Ireland returned to direct rule after a period of devolution in October 2002. The Secretary of State and his team of four Ministers are responsible for political development, constitutional issues, policing, security, criminal justice and the social and economic policies which from 1999 to 2002 were the responsibility of locally elected Ministers. The main task, in which the Prime Minister is engaged as well as the Secretary of State, is to complete the process which began with the ceasefires and the Good Friday Agreement by putting a permanent end to violence and handing over to a Northern Ireland Executive.

The postholder is the Secretary of State's chief adviser. In practice advice on formerly devolved subjects is co-ordinated by the Head of the Northern Ireland Civil Service, with whom the post holder works closely.

The NIO has some 3750 staff with a resource budget for 2005-06 of £1.4bn. There are four executive agencies covering prisons, forensic science, compensation and youth justice. The Department has managerial responsibility but not professional responsibility for the Public Prosecution Service and the Crown Solicitor's Office. There are several NDPBs with important responsibilities sponsored by the NIO: the Policing Board, the Parades Commission, the Human Rights Commission, the Probation Board and the Civil Service Commission. The NIO is also responsible for appointing and sponsoring the Police Ombudsman and for appointing the Equality Commission.

A senior member of the NIO chairs the Criminal Justice Board which brings together the whole criminal justice system including the areas for which the Lord Chancellor and the Attorney General are responsible.

Most members of the NIO work in Belfast but around 80 people work in the London office. The postholder has offices in both cities and is normally in London and Belfast for a substantial part of each week. Around 200 NIO staff belong to the Home Civil Service. The rest belong to the Northern Ireland Civil Service.

For further information on the Northern Ireland Office, the website address is www.nio.gov.uk

Job Description

The key purposes of the job are to:

- support the Secretary of State
- lead the Department and
- act as Accounting Officer

Specific functions include

- advising the Secretary of State on difficult issues of policy and delivery, particularly those with a cross cutting dimension
- supervising the work in all areas of government in Northern Ireland to check that it supports and is consistent with the overall aim
- chairing and leading the work of the Departmental Board which includes two non-executive directors
- building and from time to time refreshing a senior management team drawn from within the NIO, other Whitehall Departments and elsewhere in the Northern Ireland Civil Service
- leading management change to secure improved performance including, in the short term, settling the content of the third major change programme so that the organisation continues to be fit for purpose
- contributing to the corporate management of the Civil Service and leading the reform agenda in the NIO, and in particular the roll out of Professional Skills for Government
- ensuring that the efficiency agenda is pursued effectively
- forming constructive relationships with an unusually wide range of key stakeholders including the Cabinet Office, Home Office, MOD, the Intelligence Agencies, Scotland and Wales, HMG's posts in Dublin, Washington, New York and Boston, Irish officials, political, church and community leaders, the Chief Constable, the General Officer Commanding and the leaders of several NDPBs.

Candidate Profile

The next permanent secretary of the NIO will have:

- extensive experience of work on policy in controversial and volatile areas
- a convincing record of leadership and change management in complex organisations
- a strong commitment to diversity
- a well-tested temperament for handling the unexpected and resilience in the face of disappointment and public criticism
- a relish for negotiation, persuasion and influencing rather than direct command
- a track record of forging effective personal relationships with stakeholders who have different objectives
- enough understanding of Northern Ireland to achieve early credibility in the role

Eligibility

This post is only open to Home Civil Servants

Applications

Applications should provide a CV and a short statement of why they consider themselves suitable and their approach to the job. This should be sent by Wednesday 7th September to Alice Perkins at Room 3.6a, Admiralty Arch, The Mall, London SW1A 2WH (email alice.perkins@cabinet-office.x.gsi.gov.uk). Interviews will take place later that month. The recruitment process will be overseen by a panel comprising Gus O'Donnell, Bill Jeffrey

Ref: AO2005/1331

and Brenda McLaughlin under the chairmanship of the First Civil Service Commissioner, Baroness Usha Prashar.

JONATHAN PHILLIPS

Summary

A highly experienced senior civil servant with twelve years' board level experience, including some in the private sector, with proven ability to deliver change in a public sector environment and with wide experience of people and financial management. Successful, top level involvement in policy making, representational and negotiating roles, including three years spent supporting the Prime Minister and successive Secretaries of State in the Northern Ireland political process.

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Address: 11 Millbank, London, SW1P 4PN. Tel: 0207 210 6467.

e-mail: jonathan.phillips@nio.x.gsi.gov.uk

Northern Ireland.

1. PR
2. File

SECRET

NIO

Policing & Security Directorate

Northern Ireland Office
Policing & Security
Directorate
Stormont House
Belfast BT4 3SH
Telephone 028 90 527013
Facsimile 028 90 527897

Carol Moore
Associate Director
Northern Ireland Office

Email carol.moore@nio.x.gsi.gov.uk
www.nio.gov.uk

2692

Jonathan Powell
No 10
Downing Street
LONDON

13 September 2005

Dear Jonathan CC: AP

DE-SPECIFICATON OF UDA/UFF

My Secretary of State is obliged under legislation to keep the status of specified and other paramilitary organisations under review. Such a review has recently been undertaken and the advice of senior officials, supported by the Chief Constable, is that there are sufficient grounds for specifying the UVF.

In view of this evidence my Secretary of State has decided, having proper regard to the legislation, to take the advice offered that the UVF/RHC be specified. This will take effect at midnight tonight.

Yours sincerely

Carol Moore.

CAROL MOORE

faxed to
ali 15/16.9.05.
cey

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 September 2005

Dear Alan

MEETING WITH MCGUINNESS AND KELLY, 12 SEPTEMBER

Jonathan Powell met Martin McGuinness and Gerry Kelly at No10 on 12 September. Jonathan Phillips and I were present on our side.

McGuinness said that the rioting over the weekend in Belfast had been prompted by a variety of factors, including a desire by unionists to reverse the IRA's statement. There was a clear leadership deficit within unionism. Jonathan agreed; the question was how we could persuade the leadership to stand up and be counted. He noted that your Secretary of State would be meeting Ian Paisley on 14 September. Kelly said that he was the key player – not only because he was leader of the DUP but also because he was a church leader. Jonathan added that we also had to get the business community to speak up about the damage that the riots would do to the prospects for investment and jobs in Northern Ireland.

Kelly said that he was concerned that some were seeking to justify the violence on the grounds that it reflected widespread social deprivation. This was rubbish. He added that a way also had to be found to deal with the UVF/UDA feud within loyalism. McGuinness said that the UK Government had to take the lead on this. and "face them down". Jonathan agreed. We were looking to tackle this in two ways: clamping down hard on criminality, and building up its moderate leaders from within. McGuinness asked if there had been any contact with David Ervine. Jonathan Phillips said he was looking to calm things down as much as possible.

McGuinness noted that he, too, would be meeting your Secretary of State on 14 September. He would press him to engage in talks with the parties to begin restoration of the institutions. We needed to find a way to rebuild some of the positive momentum. Jonathan agreed. We planned to set up such talks. He noted that the sooner decommissioning was completed the better, although we were under no illusion that the Unionists would then be content. But a positive report from the IMC plus confirmation from the IICD that decommissioning had

been done would make it harder for the Unionists not to engage. He added that we were considering whether the Prime Minister ought to make a major speech in October on these issues.

McGuinness raised a series of detailed points:

- would we declare the UVF and UDA ceasefires over? Jonathan Phillips said he should wait and see;
- what would we do on baton rounds? It was only a matter of time before someone was killed. Jonathan said the events of the weekend had shown that they were necessary – leaving the police and army with no alternative to live rounds if they needed to defend themselves was not an option.
- The Spanish were considering a request from the Germans for the extradition of Leonard Hardy – McGuinness asked us to intervene. He had already spoken to the Irish Government. Jonathan said we would discuss with the Irish.
- Demilitarisation. It had gone well and been well received in "certain" communities.

Finally, Jonathan asked whether Sinn Fein could do more on policing. We were happy to facilitate discussions between them and PSNI, but it would be better if they took these forward directly. McGuinness said this was very difficult. The events of the summer had not increased confidence in PSNI. It would be easier to do this in the context of the institutions being restored and a discussion on the devolution of policing and justice.

I am copying this letter to Jonathan Powell and Tom Kelly here, Jonathan Phillips (NIO) and Stewart Eldon (Dublin).

Yours

ANTONY PHILLIPSON

Alan Whysall
Principal Private Secretary
NIO

WP
cc: AP
TH

FROM: CAROL MOORE
11 SEPTEMBER 2005

DESK IMMEDIATE

See Distribution Below

SECRETARY OF STATE (B&L)

SUMMARY OF EVENTS FOLLOWING ORANGE ORDER PARADE AT WHITEROCK SATURDAY 10 SEPTEMBER

Introduction

As you know officials manned the NIO Operations Room throughout Saturday in order to provide a response to the events which unfolded from the parade by the Orange Order in North and West Belfast. Security Minister Shaun Woodward was also present. We maintained a VCR link to PSNI Gold Command and had access to police aerial and CCTV pictures.

2. The purpose of this minute is to give you and copy recipients a resume if what happened yesterday and a brief look forward to some of the issues which may emerge as a consequence.

Orange Order Parade

3. Part of the parade (District 9) marched to the Workman Avenue Gate where they presented a letter of protest to the police. They then returned to the Springfield Road and stopped. They indicated that their parade was over and that they were now protesting. The other two Orange Order District Lodges proceeded through the Mackies Industrial Estate to the Springfield Road and then split up into two separate parades. The consequence of this was that with those who had gone to the Workman Gate this meant that the police were effectively having to deal with three parades and as this was not in line with the

determination it meant that at times their resources were stretched because they were not always in the correct place.

Associated Events

4. This deliberated splitting of the parade coincided with serious rioting first at Springfield Parade, where a group of four Army landrovers came under sustained attack, and at Hesketh Avenue

5. Petrol bombs, paint bombs and other missiles were thrown at police who responded initially with water cannon to drive the rioters back. Later we received reports of blast bombs and of live ammunition being fired from the crowd. (One civilian was reported to have been injured in the neck.) Impact rounds were deployed and the police and army fired shots at a gunman was reported to have been injured in the shoulder but got away. We also received reports that a civilian had been seriously injured by a blast bomb and there are unconfirmed reports that the victim may have been responsible himself for the blast bomb.

6. As the day and evening progressed public disorder broke out in various parts of the City and also spread to parts of County Antrim.

7. Shaun Woodward observed that while it could be said that these events were not as organised as the nationalist attacks on the police at July 12, they did nonetheless put the PSNI under huge strain because they broke out on several fronts. The indications were that around 8.00 pm the police may have been able to deal with a serious outbreak at one more front.

8. The nationalist areas of the Short Strand was tense throughout the period and while sporadic rioting broke out from that side on occasion it was in the main kept under control by Sinn Fein. (Alex Maskey was on the ground here and Gerry Kelly in other areas.)

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

Facts and Figures

10. The police are in the process of pulling together facts and figures but our current understanding is:

- up to 800 police deployed;
- up to 1,200 army deployed;
- one police officer serious injured (in hospital);
- 32 police officers "walking wounded" (military casualties not yet known);
- Approximately 250 impact rounds fired by army;
- Between 100-200 impact rounds fired by PSNI;
- Six live shots by PSNI;
- One live shot by army.

11. We are continuing to monitor the situation closely with the police. At present the situation is calm and there is no current indication of further disorder today but clearly the situation is volatile and police remain on standby.

Media

12. Media coverage of Saturday's events has remained fairly factual with little political comment. Late last night Ian Paisley issued a statement pointing the finger of blame towards the Parades Commission but calling for calm. Sir Reg

Empey in his statement said that the parades issue now had to become part of the final political settlement. Last night Shaun Woodward issued a statement condemning the violence and disorder that was carried on local bulletins.

13. This morning, Shaun Woodward has done short interviews with BBC Radio Ulster, Downtown and BBC Radio 4 for hourly news bulletins condemning the violence and calling for all to support the Police. The Secretary of State has also issued a statement describing the violence as totally unacceptable and pointing towards his meeting with the Chief Constable tomorrow.

14. Sir Hugh Orde will give a press briefing at lunchtime which will provide media with the facts and figures behind yesterdays rioting which will carry media coverage through until tomorrow evening. We are currently developing media handling plans for Monday to take account of media demand and the need to be seen to be tackling the political dimension of this issue.

Follow-Up

15. We will remain in close touch with all the relevant authorities. The Chief Constable is aware that you will wish a meeting with him tomorrow. We will provide further analysis then in the light of the outcome of the UDA meeting, public and political reaction and other relevant intelligence.

16. Key issues to consider will be whether this is going to be the start of a programme of violence and further retrenchment or whether it will push issues, like parading, into the confidence building measures which Unionists have already fielded. Other implications, for example, over paramilitary involvement, will also have to be addressed.

CAROL MOORE

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Annex A

Chronology of Events

The main Whiterock Parade commenced at 14.30 hrs. This coincided with a series of coordinated unlawful road blockages at Ravenhill, Albertbridge, Ligoniel, Westland and Crumlin Roads, and Grosvenor Road roundabout. Two MSUs and one public order company were dispatched to separate rival orange and green factions in the vicinity of Short Strand and Albertbridge. Police were also deployed to Grosvenor Road to deal with the blockage.

The parade reached Workman Avenue gates at 15.20 hrs where a letter of protest was handed over LOL 974 Whiterock remaining as a token protest, a number of lodges proceed through the Invest NI site (there was associated trouble from supporters) and where they met police lines at the Springfield Road junction. These actions were clearly in breach of the determination and were deliberately engineered, in concert with the wider disruption, to stretch police resources to the maximum.

Thereafter the situation deteriorated with:

- Orange supporters attacking the police line with bricks bottles and planks of wood; police deployed water cannon.

- The military came under very serious attack in the adjacent Springfield Parade with large numbers of petrol and blast bombs thrown by a crowd which swelled to about 300. The police pushed the mob back along West Circular Road in support of military colleagues. One police officer was reported to have serious facial injuries.

- Serious rioting continued in the area with heavy use (estimated at hundreds) of petrol/blast-bombs and other missiles. (Check number) police vehicles were burnt out or otherwise disabled by the mob. Cars were hijacked, street lamps were torn down and barricades were erected in the Highfield Estate area. The police discharged a number of impact rounds (check figure with police) in response. Reports of two gunmen were confirmed by the police who fired eight live rounds in self defence. The military discharged (200 est) impact rounds and also used 6 rounds of live fire. They claimed a hit, though the gunman made off.

- Further rioting by loyalist occurred at police lines at Crumlin Road/Hesketh Road at 1645 hrs and a stand-off between the green and police continued at Short Strand. Subsequently trouble erupted in the vicinity of Cluan Place/Paulette Gardens (loyalists) at 1830 hrs.

- Between 1900 hrs and 2100 hrs sporadic outbreaks of trouble erupted at Mount Vernon, stretching through the Rathcoole. A riot also developed at Ballyclare with 3 cars burnt out in the Town Square and petrol-bombs thrown at the police and there were reports of shooting (no injuries) at both Ballyclare and Ballymena.

- At 2100 hrs loyalists from Ballysillan made their way to Ligoniel and engaged the green in hand to hand fighting. Two MSUs were deployed.

- The Green side continued to agitate at both the Ardoyne and Short Strand but key Sinn Fein players kept a lid on their respective areas.

- Between 2200 – 2300 hrs police with military support entered the Shankill to clear the area of rioters who had set a number of vehicles alight, throwing petrol-bombs and shooting.

- Trouble occurred to the north of the city at Whiteabbey (Arthurs Bridge) with the police response of 4 Landrovers coming under attack. The nearby Northern Bank was set alight. Police recovered 60 petrol-bombs.

- Further along the 'northern line' disturbances occurred in Carrickfergus with petrol-bombing and reports of shooting. A military PO company was dispatched.

- These and other incidents, including attacks on RC Churches at Harryville and Ahoghill continued until 0230 hrs.

- At the same time the police, with military support made a concerted effort to clear the Albertbridge Road area, including the removal of a JCB.

- Full order was restored at 0300 hrs and Gold ordered a stand down.

file
Rand reports
7/9.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 September 2005

Dear Alan

MEETING WITH THE IRISH, 6 SEPTEMBER 2005

Jonathan Powell met Michael Collins at No.10 yesterday morning. Michael was accompanied by Pat Hennessy, Ken O'Leary, Niall Burgess, Martin Fraser and Ambassador Daithi O'Ceallaigh. Robert Hannigan and I were present on our side.

Jonathan and Michael ran through the full range of issues for the autumn:

- Decommissioning: Ken O'Leary said that de Chastelain and his team were working away. The key issue was the witnesses that the IRA would choose. Adams had made clear that they would not accept the DUP's suggestion. But it was also unlikely that the DUP would accept the protestant witness put forward by the IRA. Michael Collins said that we did not know who the witnesses were, but his view was that they should just get on with it. Jonathan agreed; the fact that de Chastelain was around suggested things could happen soon. O'Leary said that de Chastelain said it would take some weeks, but it could be very quick. Robert Hannigan said that Jonathan Phillips had noted that de Chastelain had said it might take 4-6 weeks from last Friday. The other issue we had to address was whether de Chastelain would say that 100 per cent of arms had been decommissioned. O'Leary said that had to be a call for the Commission to make.

- Handling the DUP: Robert set out contacts with the DUP over the summer since their meeting with the Prime Minister in early August. They seemed to have calmed down, but there was a real handling issue and they had a long list of things they wanted. They had met Defence Secretary John Reid to discuss the RIR, but there was not much we could do on that in the near future. They also wanted progress on the Victims Commissioner, which should be reasonably straightforward; the Policing Board, where they were still angry about a roll-over rather

than reconstitution – the Irish should expect Paisley to raise this with the Taoiseach when they next met; and public appointments where they were still irate about the new Head of the Human Rights Commission. Meanwhile there was the prospect of OTRs becoming a real issue (see below). Jonathan said that on the Policing Board, the SDLP and the DUP should discuss a way forward. Michael Collins agreed. Jonathan added that the main problem in terms of handling the DUP was that they felt under no pressure from their community to move. Michael said that the Taoiseach would meet Paisley the week after next. He would encourage them to engage. He expected the DUP to major on the Colombia three as well. Jonathan asked whether there were any surprises on the Irish side that the DUP would not like, eg MLA engagement with the Oireachtas. Michael said the DUP were not that bothered about this, although they were using it as a stick to beat the UUP with. And Sinn Fein had not helped by exaggerating what was envisaged.

- On The Runs: Jonathan said this would be a rough ride. We would look to introduce legislation in early November. The issues that we and the Irish would face were broadly similar, although we had the added complication of a particular case. Michael agreed. He noted that the Irish had removed the two involved in the McCabe case from their list. Robert noted that we hoped to get our bill through by spring. We would then need to set up the body to implement the process.

- Policing: Michael noted that President McAleese would visit Belfast soon and would meet Hugh Orde and visit PSNI. This would be a big public statement of Irish support for progress on policing. Pat Hennessy added that Dermot Ahern would also visit Belfast soon. He would focus on bridging sectarian divides in the city.

- Prime Minister's speech: Jonathan said we were thinking about whether the Prime Minister should visit Belfast in the second half of October to make a wide-ranging speech, along the lines of his Harbour Commissioners speech. Michael welcomed this. He noted it might put pressure on the Taoiseach to do the same.

- Devolution of policing and justice: Robert noted that we were committed to facilitating talks between the parties on this and a number of other areas. Jonathan said we should meet our commitments. It would be helpful if your Secretary of State and Dermot Ahern could

maintain momentum with the parties during the autumn. On policing and criminal justice, where there was extreme sensitivity from the unionist side, Robert noted that David Hanson and Shaun Woodward were already engaging with the parties bilaterally on related issues. These meetings might be widened to cover our commitment to Sinn Fein without antagonising the DUP.

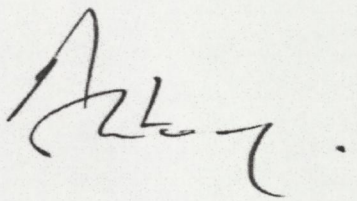
- Economic issues: Robert noted that there were plans for an investment seminar with US support. Mitchell Reiss would attend.

- IMC report: Robert said that it was early days but the initial indications were positive. There had been a big decrease in punishment beatings. But we did not know what they would be able to say about criminality. We expected the report in early October.

- Shadow assembly/Plan B: Jonathan noted that we should not ditch this idea completely. Sinn Fein were now the most anti, so we should not force the pace, but we should still work up contingency plans. He added that he also expected Sinn Fein to ask about a Plan B if the DUP kept blocking progress after decommissioning. We should bat this off for now. Michael agreed. This was a very sensitive issue for the Irish. Jonathan said we knew this. Michael added that we also had to watch the SDLP on Strands 1-3. It would be very hard to reopen the deal done in December. Jonathan said we should leave this for the endgame.

I am copying this letter to Jonathan Powell and Tom Kelly here, Stewart Eldon (Dublin), Sir David Manning (Washington) and Andy Pike (New York).

Yours,



ANTONY PHILLIPSON

Alan Whysall
NIO

CONFIDENTIAL

e-mailed to party.

From: Jonathan Powell
Date: 6 September 2005

PRIME MINISTER

cc: Antony Phillipson
Tom Kelly

NORTHERN IRELAND

With luck this should not take up too much of your time this autumn. The trick is to demonstrate to SF that we are still listening to them even though they have given up their trump card of violence, and to persuade unionist opinion that Republicans have given up paramilitarism (if they have) so that they in turn press the DUP to form a devolved executive early next year.

I met the Irish today

We believe that decommissioning will be under way in the next few days and we hope completed before the end of the month. The IRA seem unlikely to use the Presbyterian clergyman the DUP are pressing and will instead use a Methodist clergyman, who will carry some weight with moderate unionist opinion but not with the DUP. The DUP are likely to do what they can to rubbish decommissioning, and there are a number of tricky issues: the lack of transparency; method of decommissioning; can the IICD confirm that all weapons have been decommissioned; what happens to the inventories. And then of course there is the question of how de Chastelain handles the media.

The IMC are heading for a first report in the first half of October. At the moment this will be positive, but will only cover August. The second report will be at the turn of the year.

Republicans are likely to turn up the pressure once decommissioning is complete and after the first IMC report. We will try to get talks going rapidly – between Peter Hain and Dermot Ahern, between them and the parties and at some stage between you and Bertie. We need to talk to the parties about the devolution of policing and justice, although the DUP will refuse to engage on this, and to SF about policing. I will need to convene another meeting between Hugh Orde and SF leaders. We will also get economic talks going as promised. It is important that we keep the SDLP and UUP engaged in these talks as well.

CONFIDENTIAL

By October SF will be pressing us to get the DUP to talk to them. You will need to see Ian Paisley privately, and we have pencilled in a second Belfast Harbour Commissioner's Office speech for Friday 21 October to apply some pressure. Bertie will be in Belfast on 3 November and will make a similar speech.

The most awkward thing for us will be the introduction of the OTR legislation in early November and the announcement on Rita O' Hare. We will try to calm down the DUP by meeting some of their demands elsewhere, but they are very minor. They are threatening to leave the Policing Board unless we reconstitute it with more DUP members. We are going to try to direct them to talk to the SDLP who are adamantly opposed, but we may face a crisis on 15 October if they walk off. They will meet Bertie in a couple of weeks time.

We have an awkward decision on what to do about the DUP/SF agreement on the strands at some stage. The SDLP are adamant that it not go ahead. It is probably best to play this long and only try to legislate on it only when we are close to an agreement to re-establish the institutions. We should also keep the idea of a Shadow Assembly in play, although SF are opposed at the moment.

The Irish are not willing to discuss plan B. We should resist doing so with SF until the end of the year. The problem now is there is no balancing plan B of moving ahead without SF, assuming they do give up paramilitarism. And yet there is very little substance to a plan B without the DUP.

The real problems on the ground in NI are the UVF/LVF feud and now the UVF attacks on the police, plus the increasing boldness of dissident republicans who are attempting more credible attacks. Peter Hain will need to decide whether to specify the UVF shortly.

JP.

JONATHAN POWELL

From Robert Hannigan
Associate Political Director
5 September 2005

Cc See distribution below

This note should not be copied further

Secretary of State

I thought that it would be useful for you and the Ministerial team to have set out in one place the shape of the autumn for discussion this week. The timetable attached is made up of the various commitments flowing from the early summer along with other planned or known events. Many of these are in themselves difficult or controversial, but they are more or less fixed. I have not included the key issue of political talks but have set out below (8) the areas to be discussed with the parties. There are two further areas which are only partially included in the timetable but which need to be factored in when you have had a chance to discuss them:

The Loyalist feud: UVF ceasefire and PUP allowances

2. This is the most immediate issue facing you. The IMC report on the feud has now been received. It recommends that you specify the UVF (despite the fact that it is not the IMC's role to make judgements on ceasefires – a point we have made to them) and that you go ahead with confirming the further extension of financial penalties against the PUP. David and Shaun have been engaged in different aspects of this and Hugh Orde has a strong operational interest in your decision. You will want an early discussion.

DUP handling

3. You will know from your own meeting with the DUP and the accounts of the Prime Minister's that there are a range of issues needing decisions at various stages during the autumn. We are not sure how quickly the DUP are expecting or would find helpful delivery of whatever can be delivered: they are clearer on the timing of some issues than others. Their list includes:

- **RIR** (currently being taken forward by John Reid following his meeting with the DUP. We are unlikely to see firm proposals from the MOD before the end of October).
- **(Interim) Victims Commissioner**. This is ready to go but is awaiting suggested names.
- **Roll forward (re-constitution) of the Policing Board**. This is probably the most difficult issue to resolve but the DUP clearly have an expectation of some movement. You will want a separate discussion on this.
- **Public appointments (ECNI and NIHRC).** Officials are looking at whether a Deputy Chief Commissioner could be appointed to the Human Rights Commission under existing legislation, were Monica McWilliams to agree.
- **Other 'confidence building measures'**. The most significant (de-rating of Orange Halls and appointment of the Chair of the Ulster Scots agency) are more or less ready to go. Others involve a range of NI departments, primarily DCAL, and will need to be taken forward by the Ministerial team during the autumn.
- **DUP peerages.** As you know, No10 have this is in hand.

Political talks with the parties

4. We are committed (to Sinn Fein) to facilitate meetings as follows:

- With the parties on re-establishing the institutions
- With the parties on devolution of criminal justice and policing
- With the parties on economic issues, infrastructure, investment etc
- With Sinn Fein on OTRs and other bilateral issues
- With Sinn Fein on policing (meetings to be chaired by No10 with PSNI and No 10 involvement)
- In addition, David is taking forward consultation with the parties on electoral legislation and Shaun is also talking bilaterally about police reform.

5. While it is clear from this list what Sinn Fein want to discuss and that they would like round table talks convened quickly, we can assume that any party meetings are likely to be bilateral for most of the autumn. The DUP want to talk about their issues (para 3). There seems no chance that they will have anything to do with the Sinn Fein agenda until the IICD report and the first 2 IMC reports are published. Our best hope is to engage with them on their issues and, if verification goes well, get them talking about issues of mutual and 'neutral' interest (economy, investment etc), before they finally agree to talks on restoration, probably in the New Year at the earliest. But this timescale will need exploring and developing in private dialogue with them. In particular, they have demanded a commitment to legislate on the changes to the institutions set out in last December's 'Proposals for a Comprehensive Agreement' document. There may be some scope for engaging them on this detail later in the

autumn. But all parties – notably the SDLP – have problems with this document and talks could be protracted in the absence of movement on the bigger picture.

6. The other parties all want political talks but on their own issues. The **SDLP** is demanding specification of the UVF and is paranoid that we have done a secret deal with republicans on policing which will undermine their position. They will want to discuss little else. The **UUP** is taken up with internal matters but Reg Empey is still interested in his ideas for an Assembly which scrutinizes Westminster legislation. The **Alliance** wants conditions placed on the OTRs scheme (linking it to the issue of exiles and injecting greater accountability) – a foretaste of likely parliamentary debate, particularly in the Lords.

7. In short, there is likely to be a great deal of political talking and activity in the autumn but very little will be multilateral or 'round-table'. Everything will depend, of course, on the pressure generated by IICD and IMC verification of IRA decommissioning and paramilitary inactivity. Sinn Fein will complain bitterly about the speed of engagement by unionists and will press both Governments for movement on 'Plan B' but again this will only gather real force in proportion to the perceived unreasonableness of the DUP position. As you know the Prime Minister's speech (possibly in late October) will be a key moment for highlighting the progress made. Officials have also worked on some ideas for engaging the parties in structures considering or scrutinising legislation (short of full devolution) as you requested.

'Devolved' matters

8. I know that a good deal of work has been going on to prepare a range of initiatives for the autumn on the 'devolved' side. It is worth noting that both SF and the DUP have expressed interest in particular issues during their discussions on the wider process. You may want to discuss with the Ministerial team, Phil and Claire, and Nigel and colleagues what is planned in the context of the wider strategic objectives of the autumn and the next 12 months. There may be scope for using key issues (eg water charges and 11-plus) as ways of engaging parties in discussions which, while bilateral, may at least be structured around the same subjects. It may also be possible to hold back any 'concessions' on key issues as victories which the parties could claim, separately or together, and which might build momentum for a return to the institutions.

The Irish Government

9. Jonathan and I met the new DFA officials team recently and Jonathan Powell is hosting a meeting with Michael Collins and us tomorrow at Downing St. In short, Dermot Ahern would like to meet you as soon as possible and the Irish are looking for a formal BIIGC in October. The Irish will continue to press for visible progress on North-South issues and we can expect further interventions on the Dublin/Monaghan bombings and possibly on the Finucane inquiry.

(Signed)

Robert Hannigan
Millbank 6484; SC 88014
Robert.Hannigan@nio.x.gsi.gov.uk

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Dominic Martin, Washington
Andy Pike, NY
Jonathan Powell, No 10
Antony Phillipson, No 10
Tom Kelly, No 10

Annex A

Indicative timetable for autumn 2005 [the order of events in each month is not intended to be firm]

September

- IMC report on loyalist feud (w/b 6th) [publication date to be agreed]
- Whiterock parade (10th)
- De-rating of Orange (Community) Halls announcement
- SofS Labour Party Conference speech
- ? Agreed text on Baton Rounds issued
- Consultation on new powers for Human Rights commission launched
- Consultation on electoral bill (registration/party funding) closes
- DUP peerages announced
- **IICD report on IRA decommissioning**

October

- **1st post-IRA statement IMC report on paramilitary activity**
- Introduction/publication of OTRs Bill
- Roll-forward of policing Board deadline (16th)
- SofS 'state of the nation' speech on devolved matters
- BIIGC
- Motions before HoC on SF allowances and Short Money
- **PM speech in Belfast**
- ? legislation to extend Terrorism Act VII powers

November

- OTRs Bill: Second Reading
- US-led investment conference in NI (or Spring)
- Possible publication of 'Emerging Issues' paper on ex-prisoners
- SofS to visit USA
- New appointments to Parades Commission

December

- Electoral bill (registration/party funding) introduced

January

- **2nd post-IRA statement IMC report on paramilitary activity**
- IMC report on progress of normalisation
- ? framework legislation on devolution of criminal justice and policing introduced

February

- [Conference on future of policing]

FROM: **JONATHAN PHILLIPS**
Political Director
02 September 2005

cc: David Hanson (L&B)
Shaun Woodward (L&B)
Joe Pilling (L&B), *o/r*
Nick Perry, *o/r*
Robert Hannigan
Carol Moore
Richard Dennis
David Brooker
Elaine Wilkinson
Claire McCarthy
Jonathan Powell, *No.10*

Secretary of State (L&B)

DECOMMISSIONING

1. John de Chastelain phoned me this afternoon to confirm that the (now) three members of the IICD were back in Dublin. They were fully engaged with the IRA representative and had made satisfactory arrangements to undertake the programme of decommissioning.

2. Their expectation was that this would take a matter of weeks. When I pressed him he said 4-6 weeks, though with a fair wind it might be completed at the early end of that range.

3. We should not expect to hear from them again during the process unless particular issues requiring our intervention arise. One example of that is if the witnesses, who will be present at events at the invitation of the IRA, request the kind of immunities that we have provided for the Commissioners themselves. The IICD are not suggesting that we should offer this and the IRA representative is not pressing for it.

4. If things go smoothly, the next call in a few weeks' time should be to say that the programme of decommissioning is complete. I confirmed that at that point the Commissioners will give us the opportunity to discuss their public presentation of the "result". You will recall that I had made this point at the meeting I had with them at the end of July. We can consider over the next week or so how precisely we shall handle that. (Several copy recipients will understand the need to avoid the kind of presentation which occurred in the autumn of 2003 following a single act of decommissioning and after which the process of political dialogue collapsed.)

5. Finally, I confirmed again our position that we would not expect the inventory of IRA decommissioning to be published until after the decommissioning of all paramilitary groups had been accomplished.

Jonathan Phillips

JONATHAN PHILLIPS
11 Millbank ☎ 6467

Northern Ireland : situation

ACB

JPO

cc: AP

KEG

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SECRETARY OF STATE

MSU 2/2C

2 September 2005

Dear John,

In his letter of 2 August Peter Hain sought DA and LP approval for the drafting of a Bill to extend the powers of the Northern Ireland Human Rights Commission (NIHRC). I am content with his proposals.

Although Peter's proposals would appear to have no direct effect on the MOD, we would be interested in the development of the powers to grant the NIHRC access to places of detention and to compel evidence and witnesses - particularly given the involvement of MOD in investigations and inquiries generally and the possibility that NIHRC's investigations might impinge on MOD. I would therefore be grateful if my legal staff could be kept informed as this issue progresses.

I am copying this letter to the Prime Minister, Geoff Hoon, members of DA and LP Committees, Sir Andrew Turnbull and First Parliamentary Counsel.

Kind regards

John

JOHN REID

The Rt Hon John Prescott MP
Deputy Prime Minister and First Secretary of State

Covering SECRET

2596

Cabinet Office

Defence and Overseas Secretariat

70 Whitehall
London
SW1A 2AS

Telephone 020 7276 0455
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E-mail alex.cruttwell@cabinet-office.x.gsi.gov.uk
Web www.cabinet-office.gov.uk

The Billy Wright Inquiry
Conference House
152 Morrison Street
The Exchange
Edinburgh
EH3 8EB

2 September 2005

Dear Pauline

We spoke on the telephone earlier this week about documents for the Billy Wright Inquiry.

I understand that my colleague Alan Glennie has already sent a number of boxes relating to the terms of reference of the Inquiry to your Edinburgh office.

I attach to this letter nine further documents from the Cabinet Office files, following a search for the period 1996 to 1999. The criteria for the search was mention of Billy Wright. This has obviously produced papers which have only passing mention of Billy Wright. There are a number of papers which contain sensitivities in terms of discussions of other political aspects (such as the Drumcree and Garvaghy Road.

For the Joint Intelligence Committee material I am aware that you are in touch with my colleague Ruth Ingamells directly.

I am copying this letter, with attachments, to Sue Gray, Phil Tomaney and Alan Glennie (Cabinet Office) Annabel Jones (NIO) and Daniel Thornton (Number 10).

ALEX CRUTTWELL

Covering SECRET

SKP 6/9/05

Cabinet Office papers for the Billy Wright Inquiry

Originating Department	Date	From	To	Security Classification	Description of document	Sensitivity
No 10	4 May 1999	PM	David Wright	UNCLASS	Letter from PM to Billy Wright's father, in response to earlier eltter	Personal letter from PM to Mr Wright
NIO	5 July 1999	PS/SofS NI	NIO	SECRET	Summary of meetings between SofS NI and CC RUC and Lord Eames	Discussion of Drumcree marches and the Garvaghy Road Group
No 10	15 July 1996	PS/PM	PM	UNCLASS	Summary of PANORAMA programme on Drumcree	
NIO	17 July 1996	PS/SofS NI	PS/PM	CONF	Briefing for PM meeting with Dr Alderdice	
NIO	Jul 1996	PS/MoS NI	PS/PM	UNCLASS	Briefing for PM meeting with PUP and UDP	
No 10	30 Aug 1996	PS/PM	PM	CONF	Minute outlining key issues of the day in NI	
No 10	6 Sep 1996	PS/PM	PM	CONF	Minute outlining key issues of the day in NI	
No 10	11 Sep 1996	PS/PM	PM	CONF	Minute outlining key issues of the day in NI	
No 10	28 Nov 1996	PS/PM	PS/SofS NI	CONF	Outcome of meeting between PM and DUP leaders	Discussion of PIRA ceasefire

3 aob

10 DOWNING STREET
LONDON SW1A 2AA

4 May 1999

THE PRIME MINISTER

Dear Mr. Wright,

Thank you for your letter of 5 April on your concerns about the circumstances surrounding the murder of your son Billy in the Maze Prison and asking for a public inquiry into the events. You have also requested a personal meeting with me to discuss your concerns. I know that you have written in similar terms to the Secretary of State for Northern Ireland and have recently received a reply from the Minister, Adam Ingram.

Like the Secretary of State and the Minister I want to express sincere condolences for the death of your son. You have my deepest sympathies. But I know that nothing can compensate for your loss.

In your letter you comment on the verdict returned by the jury; allude to the involvement of senior prison management in the incident; and claim to be a victim of "selective justice". If I could deal with each of these issues in turn.

Firstly in relation to the Coroner's Inquest, you state that the findings are "a clear indication that many of those responsible are still at large". The findings of the Coroner's Court do not support this accusation. First, the findings repeat the outcome of the police prosecution that the murder was carried out by the three INLA inmates. At no point is reference made to more people being involved than those who were convicted. The Coroner did not and was not required to undertake the equivalent of a full criminal investigation. The police

AT

rigorously investigated the entire incident, identified those involved, and prosecuted accordingly.

As to the involvement of Prison Service staff in the murder, I emphatically refute any suggestion that this was the case. In their deliberations, none of the investigations found any such evidence and any such implication is totally without foundation. Those who killed your son are known, have been convicted of murder by due process of law, and the fundamental issues surrounding his death have been resolved.

As Adam Ingram has pointed out, the circumstances surrounding the death have already been the subject of three separate investigations. There has been the criminal investigation by the Royal Ulster Constabulary and prosecution by the Director of Public Prosecutions; the inquiry - at the request of the Secretary of State - by Mr Martin Narey and his team; and the full inquest by HM Coroner for Greater Belfast. I have every confidence in the quality, thoroughness and independence of those proceedings and investigations. I cannot agree that two court hearings held in open and public courts along with a published inquiry report can be described as "selective justice".

To repeat what the Minister has said, following such intense exploration and exposition of the facts, like Adam, I feel that neither a meeting to discuss the case nor a further public investigation is warranted.

yours sincerely

Tony Blair

David Wright Esq

SECRET

FROM: PS/SECRETARY OF STATE
5 July 1996

DESK IMMEDIATE!!

Copy No [ ] of 23

cc: PS/Secretary of State (B&L) - B [2&3]
PS/Sir John Wheeler (L&B) - B [4&5]
PS/Micheal Ancram (L&B) - B [6&7]
PS/PUS (L&B) - B [8&9]
PS/Sir David Fell - B [10]
Mr Legge - B [11]
Mr Thomas - B [12]
Mr Leach - B [13]
Mr Watkins - B [14]
Mr Ray - B [15]
Mr Stephens - B [16]
Mr Hill - B [17]
Mr Perry - B [18]
Mr Maccabe - B [19]
Mr Wood (L&B) - B [20&21]
Mr Budd, Cabinet Office [22] -M
Mr Holmes, No 10 [23] —M

MR STEELE - B [1]

DRUMCREE

This note summarises the outcome of the meetings that the Secretary of State had with the Chief Constable and Lord Eames on the question of Drumcree, and further conversations with Lord Eames late last night.

Chief Constable

2. The Chief Constable, accompanied by Ronnie Flanagan, came to see the Secretary of State in the afternoon of 4 July. The Secretary of State was accompanied by Sir John Wheeler, PUS and myself. The Chief Constable and Mr Flanagan gave a detailed assessment of the prospects for the Drumcree march on Sunday 7 July. The key factors influencing their assessment of the situation were as follows:

a. There had been a complete lack of contact between the local Portadown Orange Lodge and the Garvaghy Road residents. Both sides were taking an extremely hard line.

b. Martin Smyth, as Grand Master of the Grand Orange Lodge, had suggested that the RUC proposals for a re-routing of the march was reasonable, but this had cut no ice with the local Orangemen. There was evidence of links between Billy Wright, of the mid-Ulster UVF, and the local Orange Lodge with clear threats of an end to the Loyalist ceasefire if the march were not allowed to proceed down the Garvaghy Road.

c. The Orange Order had laid applications for a large number of marches to take place on Monday and Tuesday in sensitive areas of the Province. These were clearly being used as a means of putting pressure on the Police to force the march down the Garvaghy Road.

d. On the Nationalist side, there were also fears that if the march did go through, contrary to the wishes of the local population, there would be severe unrest in other Nationalist areas. Both sides saw this as 'Custer's last stand'. The Orange Order regarded the RUC as being directed by the Government who, in turn, were being directed by Dublin through Maryfield. The Nationalists saw the march as a way of demonstrating that they were second class citizens and that the Orange Order could walk where they wanted.

e. The implications for other marches, notably on the Ormeau Road on 12 July, were very considerable regardless of whatever option the police selected.

3. The Chief Constable summarised the operational options as follows:

a. The RUC could attempt to push the march through the Garvaghy Road in accordance with the wishes of the Orange Order. There was no guarantee that they could achieve this and the public defeat of the RUC could be very damaging. The problems would not simply arise on the Garvaghy Road, but along the whole route to Drumcree and back to Portadown. The Nationalists would stage a counter march in the opposite direction which would be a major source of confrontation. If physical force were needed to push the march through the Garvaghy Road - and it almost certainly would - it would gravely damage the reputation of the RUC as an impartial police force, possibly for several years. There would almost certainly be Nationalist unrest in other parts of Northern Ireland as a result, not dissimilar to that which followed the release of Private Clegg.

b. Given that the Orange Order did not seem prepared to accept the RUC recommendation for an alternative route which would take them down part of the Garvaghy Road, the only other option was to block the return march close to Drumcree. This would almost certainly lead to a similar stand off to last year though the RUC had plans to ensure that there was less chance of a repetition of last year's attempt to outflank the police. This would spark the other marches in sensitive areas referred to above and other forms of unrest in the rest of Northern Ireland. There was also the risk of a return to violence by some or all of the Loyalists.

4. The Chief Constable said that this was an extremely uncomfortable dilemma. Either option would lead to major trouble, though he thought that the first would probably be shorter and sharper than the second which could be prolonged and become increasingly nasty. At the moment his view was that the right operational decision would be to prevent the return march by the

Orangemen. Otherwise we would be seen to be giving in to blackmail. There was also the possibility of a judicial review being launched by other side, though it seemed much more likely that this would come from the Garvaghy Road residents rather than the Orange Order. This would not necessarily be a bad thing if the police and the Government were able to point to a court ruling.

5. The Chief Constable and Mr Flanagan said that they would reach a decision by the morning of 5 July and announce it then.

6. The Secretary of State asked about the prospects of sealing Portadown to avoid reinforcement by PIRA/Sinn Fein supporters. The Chief Constable said that it would only be partially effective. The problem was that there were 5 or 6 thousand local residents who would be more than enough to cause real trouble. The Secretary of State made the point that it was a clear objective of PIRA/Sinn Fein to split the Unionists away from HMG. There was a risk that stopping the march would play into that. The Chief Constable recognised this but said that Nationalists also regarded it as a last stand and he repeated the very severe operational difficulties of trying to force the march through. Sir John Wheeler commented that the Orange Order felt that overall they had gone as far as they could go to accommodate concerns about their marches. Trimble was deeply impaled on the hook of events at Drumcree last year and would be forced to back the Orange Order in the event of unrest.

7. The Secretary of State said that the decision was ultimately a matter for the Chief Constable and whichever option he selected, he could be sure of support from the Government. The Chief Constable thanked the Secretary of State for this, but stressed that he was not closed to new ideas. At the moment, however, he was inclined to stop the return march by the Orange Order from Drumcree and to ban the counter march by the Nationalists.

Lord Eames

8. Shortly after the Secretary of State had seen the Chief Constable, Lord Eames paid a call, at his request. He said that he had been working on the Drumcree problem for some six months and until that afternoon had not seen a glimmer of hope that a major confrontation could be avoided. However, he had very recently learned that the Orange Order had now authorised the local Portadown Lodge to meet directly with the Garvaghy Road residents. Lord Eames' intermediaries were meeting both sides that night with the aim of trying to secure a meeting under Lord Eames' chairmanship either very late on Friday night or early on Saturday morning. There was just a chance if a meeting could be arranged that a compromise involving an alternative route which would allow both the Orange Order to claim they had walked down the Garvaghy Road and the Nationalists to protest peacefully, could be brokered. In the meantime, he felt that it would be best if the RUC were not to announce a decision on how they were going to handle Drumcree.

9. The Secretary of State noted this possibility and suggested that Lord Eames contact me later than night to pass on the outcome of the work carried out by his intermediaries. In the meantime we would warn the RUC of this possibility and ask them to take it into account in reaching a decision on the handling on Sunday's event and the timing of any announcement. Lord Eames thought that this was the right approach. He, unprompted, said that he was very strongly against the idea of the RUC trying to force the march through the Garvaghy Road, for the same reasons enunciated by the Chief Constable at his earlier meeting.

10. Lord Eames subsequently rang me at home at around midnight last night. He said that the possibility of a direct meeting between the two sides still existed, though it had not been agreed. He would, the following morning, be offering his services to chair a meeting with them jointly or severally on an open agenda on Saturday morning. He reported the views of his intermediaries that both sides were beginning to recognise the consequences of their

positions, particularly on the Orange side. However, his intermediaries had also reported a lack of appreciation by the Orange Lodge of the oduracy of the Nationalist position on this occasion.

11. I duly passed this on to you, the Secretary of State, Sir John Wheeler and PUS last night and you passed it on to Mr Flanagan. In the event, at today's press conference, the RUC did not announce a decision on how they were going to handle Sunday's event.

Brendan McAllister

12. The last ingredient in this particular mixture was thrown into the pot earlier today when Brendan McAllister of the Mediation Network, rang me to say that he had been subpoena'd in support of an action being taken against the Secretary of State by the Garvaghy Road residents. He would be obliged, under oath, to report what he believed to be an undertaking from Mr Flanagan last year, at the same event, that there would be no more marches in areas where they were not accepted. McAllister claimed that this had been a crucial factor in persuading the residents to allow the march down the Garvaghy Road last year. He was very concerned lest this damaged his position vis a vis Mr Flanagan and the rest of the RUC. I offered words of reassurance on the latter point, saying that if he had been subpoena'd he had little alternative but to repeat what he believed to be the case. I also said, however, that it would clearly be difficult personally for him.

13. McAllister seemed grateful for the opportunity to get this off his chest and undertook to keep me in touch with any developments that he might glean in the run-up to Sunday.

SIGNED

MARTIN HOWARD
Private Secretary

From: Jonathan Haslam
Date: 15 July 1996

PRIME MINISTER

cc: Alex Allan
John Holmes
Andrew Marre

PANORAMA FILM

The following read-out of the 17-minute Panorama film this evening has been given to me by the reporter responsible - Peter Taylor.

The film is intended to give the background to the Drumcree march last week. It includes - in segments - a 6 or 7 minutes' worth of Sir Hugh Annesley.

Annesley points out that the origin of the difficulty this year came from the triumphalist attitude struck by Trimble and Paisley at the end of last year's march. He lays the blame on the extreme wings of the Orange Order and the Nationalists.

He says that he spent a year trying to prevent similar scenes occurring but neither side would compromise. Paramilitaries on both sides were exerting pressure to ensure that attitudes remained hard.

Trimble refused to speak to the representative of the Gavaghy Road residents because of his terrorist background and claims that he was not representative of residents' views. There is a quote from a Northern Ireland Office document that accepts that the views of the residents were broadly representative of the reality.

The film reports that Trimble had a meeting in a Portadown church with Billy Wright (widely known as "King Rat" and believed to be the leader of the UVF in mid-Ulster). Trimble, who has said that he does not have contacts with paramilitaries, is reported to be embarrassed when quizzed about this.

In another interview section Annesley says that he had a meeting with Sir Patrick Mayhew the week prior to the march when he outlined his options. Annesley makes it perfectly clear that Sir Patrick did not seek to give any political direction but left the operational decisions entirely to him.

On being asked about the change of mind Annesley makes it clear that he did so entirely on his responsibility and that no pressure was applied to him.

The film also says that church leaders were given a deadline of 10.30am on 11 July to see if they could negotiate a local settlement, but that after that time Annesley would have to take his own action.

Annesley is asked if last week was a defeat for law and order and says "Yes, but that happens from time to time". He goes on to point out the massive dangers in any assembly of many thousands of people.

The film also has a short interview with Martin McGuinness and some film of his appealing for calm. It is suggested in this short section that the IRA ordered the closure of many bars in the province as drink fuels the emotions.

In your interview you could point out that if the situation had deteriorated and many lives been lost the questions would all have been about why Sir Hugh did not change his mind.

In further discussion Peter Taylor told me that he thought that both sets of paramilitaries are keen to maintain the ceasefire in Northern Ireland. He does not believe the peace process is dead - calm will reassert itself and the two Governments can rebuild trust. He also points out that the affair has re-united Nationalist opinion following the rupture that occurred with the murder of the Garda officer and the weapons find in the South.

Questions which are likely to arise are:

(i) If London does not have a political influence on the RUC in these circumstances, should it?

(ii) Does this mean that the forces of law and order are subject to mob-rule?

JONATHAN HASLAM

CONFIDENTIAL

From: The Private Secretary

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

cc - EO
JH
Bup.

John Holmes Esq
Private Secretary to the
Prime Minister
10 Downing Street
London SW1A 2AZ

17 July 1996

Dear John,

PRIME MINISTER'S MEETING WITH DR ALDERDICE: THURSDAY 18 JULY 1996

The Prime Minister has agreed to meet Dr Alderdice in the House of Commons at 3.40pm tomorrow.

Judging from his conversation with you on 12 July and by his comments during his bilateral meeting with the Secretary of State and Michael Ancram on Tuesday Dr Alderdice will be in a grim and gloomy mood. The meeting is likely to focus on the lack of confidence among the nationalist community and also many protestants, in the Chief Constable and the RUC following Drumcree, together with the undermining of the talks process by the actions of the Unionists, particularly David Trimble.

OBJECTIVES AND HANDLING

At the meeting, the Prime Minister might therefore aim to:

- listen to Dr Alderdice's views;

- show understanding of the depth of feeling by both the nationalists and liberal protestants;

- confirm the Government's belief that a settlement is possible;

- reaffirm the Government's commitment to the talks process;

- persuade the Alliance Party to continue to engage constructively in the negotiations.

The background to Drumcree was set out in my letter of [yesterday] which provided briefing for the Prime Minister's meeting with the SDLP.

POLICING

Dr Alderdice considers that by reversing his original decision at Drumcree, the Chief Constable was saying that the rule of law cannot be enforced in the face of the Orange Order and that the RUC would prefer to stand up to the nationalists rather than Unionists. The result has been a complete loss of confidence in the RUC by the nationalist community, and he would find it difficult to argue against any future nationalist demands for greater Dublin involvement in Northern Ireland, to protect their interests. The only way to restore confidence would be to remove the Chief Constable from his post.

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TALKS

Dr Alderdice also believes that by their actions the Unionist's (both UUP and DUP) have entirely wrecked the Talks process, and have clearly breached the Mitchell principles of democracy and consent by their failure to oppose the threat or use of force by others. He has alleged that Mr Trimble's meeting with Billy Wright, a known loyalist paramilitary who has not noticeably supported the loyalist ceasefire, is evidence of a conspiracy to undermine the leadership of the UVF because it is too liberal. But he did admit that Mr Trimble had the support of 80% of the protestant population. Dr Alderdice also believes that the Unionists' activities have undermined the arguments about the exclusion of Sinn Fein from the Talks, on the grounds that they use force and the threat of force to achieve political ends - despite the fact that the requirement for a ceasefire has been set in statute. When he spoke with you he saw no prospect of a settlement and he has been unable to offer any suggestions as to how to keep the talks process going, apart from asking the Unionists what action they propose to take to repair the damage. He has returned to his familiar theme of calling for the two Governments to take responsibility and impose a solution.

Speaking notes are attached on the following topics:

Drumcree
Policing (also includes background note)
Talks process

A copy goes to Jan Polley

MARTIN HOWARD

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BACKGROUND BRIEFING

Section 7(2) of the Police Act (Northern Ireland) 1970 provides that:

> "The Police Authority with the approval of the Secretary of State may call upon any senior officer of the Royal Ulster Constabulary to retire in the interests of efficiency and (without prejudice to the foregoing) shall, if required by the Secretary of State, call upon the Chief Constable so to retire."

It would therefore be open to the Secretary of State to require the Police Authority for Northern Ireland to call upon the Chief Constable to retire. It would however be likely to be a lengthy affair because section 7(3) of the same Act provides for officers subjected to that call to be able to make representations on their own behalf and where such representations are made that an Inquiry shall be held to consider the matter and to report to the Secretary of State. The Chief Constable is of course due to retire, in normal circumstances, on 3 November this year.

2. However in direct relation to recent events in Northern Ireland, decisions taken by the Chief Constable and utterances from various local and other politicians and others the Chief Constable's position must now be viewed against the backdrop of what was said in the House by the Secretary of State on Monday 15 July. Then, when addressing the week's developments and particularly in relation to the Chief Constable's handling of the situation he made it clear that the Chief Constable "... had and retains the Government's full support". In reply to one point made by Mr Mates (official report column 974) he said:- "... he (the Chief Constable) has taken an unparalleled degree of personal criticism. I reiterate what I said in my statement on behalf of the Government: we uphold each of the decisions that he took".

3. Alderman Sean Neeson, a member of Mr Alderdice's Alliance Party and ex-mayor of Carrickfergus has indicated his intention of putting

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forward a motion of no confidence in the Chief Constable because of the decisions he has taken over the past 10 days in relation to Drumcree et seq. He is to do so, apparently, after the Authority has discussed recent events with the Chief Constable at a meeting on Friday afternoon. It is by no means certain that Mr Neeson will press the motion but if he does, while there is no positive intelligence about the mood of all the Members of the Authority, it is thought the motion would not be passed: there can however be no guarantee. If it were to be passed it would be of serious concern and a matter for the Secretary of State to discuss with the Chairman of the Police Authority.

sds/1954

EO
JH
BUP.

NORTHERN IRELAND OFFICE
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Minister of State

John Holmes Esq
Private Secretary to the
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

July 1996

Dear Mr Holmes

MEETING WITH THE PUP AND UDP: 22 JULY

The Prime Minister is to meet representatives of the two minor loyalists parties, the Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP), today at 5.00 pm. Sir John Wheeler and Jonathan Stephens will be present from the NIO.

Although often considered together, each party is sensitive to any suggestion that they are not being treated as separate, independent parties. The Prime Minister should therefore be careful to give each party equal status.

The PUP will be represented by its leader, Hugh Smyth (who the Prime Minister met when he was Lord Mayor of Belfast) and David Ervine; the UDP by its leader, Gary McMichael, and prisons spokesman, John White. Personality notes are attached.

Objectives

This will be the first time the Prime Minister has formally met either of these parties. It comes at a time when the loyalist ceasefire is under significant pressure and both parties are worried that there is little significant political progress to point to.

Minister of State

The meeting itself will be welcome to the loyalists as a sign of their significance to the Government. The Prime Minister might aim to use the meeting to:

- register the importance of the loyalist ceasefire;

- demonstrate the Government's determination to make progress to substantive issues in the negotiations;

- listen to loyalist concerns, particularly about prisoners.

Background

Although there is not as close integration as there is between Sinn Fein and PIRA, each party is effectively the political representative of a paramilitary group:

- the PUP is linked with the Ulster Volunteer Force (UVF), responsible, for example, for the murder of 6 people in a pub in Loughinisland in 1994. A hardline UVF leader in Portadown, Billy Wright (now possibly split from the UVF), acting without the authority of his leadership, is generally thought to have been responsible for the murder of a Catholic taxi driver outside Portadown two weeks ago;

- the UDP is linked with the Ulster Defence Association (UDA) and the Ulster Freedom Fighters (UFF) responsible, for example, for the murder of 7 people in a bar in Greysteel in 1994. The UFF claims to have planted a bomb in Dublin last Thursday, bringing central Dublin to a halt for several hours in what seems to have been a deliberate hoax.

Minister of State

Both parties, although in existence for many years, only achieved significance with the loyalist ceasefire of 13 October 1994, declared by the umbrella body, the Combined Loyalist Military Command (CLMC). The key to that ceasefire were the assurances given to these parties by the Government as to its stance on the Union and the principle of consent.

During exploratory dialogue, both parties' main concern was to secure movement on prisoner issues reflecting their significant prisoner constituency. Although prepared to discuss the modalities decommissioning much more constructively than Sinn Féin, both resisted encouragement to seize the moral high ground over republicans by a gesture of starting to decommission. Like republicans, loyalists have continued with punishment beatings and other terrorist activity. The PUP were embarrassed by the arrest, and subsequent conviction, of a member of their exploratory dialogue team for gun running from Scotland.

The weakness of both parties has been that they have never developed their electoral showing beyond a few pockets of support. However, their standing advanced in the 30 May elections - the PUP gained 3.5% (only just less than Robert McCartney's UKUP) and the UDP 2.2%, giving them two of the regional seats each under the electoral system designed to give them a good chance of success.

Since 10 June, they have played a constructive part in the negotiations. Both affirmed the Mitchell principles without equivocation. They did not share the mainstream unionist parties' concerns about the role of Senator Mitchell, nor their pre-occupation with the procedural rules. They have shared in the

general frustration and impatience of the other smaller parties at the procedural wrangling so far and the failure to address issues of substance.

In political philosophy, both parties are unionist and prepared to accept a devolved government with responsibility - sharing and a Bill of Rights. Both have tapped a grassroots unionism not reached by the mainstream parties. Both incline to community-orientated and socialist politics.

There is little love lost between the two loyalist parties and the mainstream unionist parties. Relations with the DUP - reflecting long term antagonism - are particularly frosty. Mr Trimble, however, who has a history of maintaining closer contact with loyalists than many UUP MPs would care for, is respected.

Current issues

The loyalist ceasefire is clearly the most important. It remains just about intact, although if PIRA violence continues it is a question of when, not whether, it will break down.

Both parties have warned that it is increasingly fragile - if the bomb in Enniskillen last week had been PIRA's, indicating a return to violence in Northern Ireland, the loyalist ceasefire would have been abandoned. Further significant PIRA attacks in GB would have the same result. As it is, the UFF Dublin hoax of last week serves as a warning. Both parties are most probably genuine in their efforts to maintain the ceasefire but, in the final analysis, the real decisions are taken by the paramilitary leaders. (I am arranging separately for you to see a report - 190796/R/03 - which is relevant.)

Minister of State

Participation in the negotiations is one of the loyalists' clear gains as a result of the ceasefire. But both parties are concerned that lack of substantive progress has diminished its worth. They want to see the negotiations get on to substantive issues and will want to hear what plans the Government has to break through the procedural log jam. The loyalist parties could have a key role in such a breakthrough, since their support will be essential in establishing sufficient consensus if the DUP have to be faced down.

Even so, there is one substantive issue they wish to avoid - decommissioning. Both parties are clear that there is no prospect of loyalist decommissioning any weapons without a start to PIRA decommissioning. Realistically, they expect there will be no start to PIRA decommissioning, even if Sinn Fein joins the negotiations, until a final settlement is negotiated.

They are therefore worried that some parties - the DUP in particular - will use any discussion of the decommissioning issue to demonstrate that the loyalists are not prepared to make a start to decommissioning on their own and to claim that they should accordingly be thrown out of the negotiations. Mr Trimble, however, has told Ministers that he appreciates the importance of keeping loyalists in the negotiations and handling decommissioning in a manner that allows this.

The key, which we have already stressed to the loyalists, is that the Mitchell report requires mutual decommissioning - so the loyalists can sign up, we hope, to the Mitchell report and still maintain their position that they will not decommission before the IRA starts to.

Minister of State

Marches have been a difficult issue for both parties. Both, along with the loyalist leadership, called for calm and restraint but individual loyalist paramilitaries have been involved in promoting confrontation. In particular, Billy Wright played an instrumental role in the Drumcree confrontation - and is also thought to have been responsible for the random murder of a local Catholic taxi driver (which the PUP have avoided condemning, adopting Adams' refusal to engage in the "politics of condemnation").

Prisoners remains a vital issue for both parties, although they have been content so far to pursue it outside the negotiations itself. They are under pressure from loyalist prisoners who feel they have seen no benefit from the loyalist ceasefire. Both parties know the Government's room for manoeuvre is limited - in particular they understand that it is impossible to make changes to remission arrangements or treatment of life sentence prisoners which would not apply equally to PIRA prisoners and are obviously unacceptable in current circumstances.

They continue to stress the importance of showing progress on prisoner issues in maintaining the loyalist ceasefire. They intend to raise a number of specific prisons issues with the Prime Minister, although they recognise they will not get an answer today. It is of the highest importance not to close the door on these issues and to keep open the possibility of further measures.

There is continuing loyalist violence and intimidation. Punishment beatings have continued throughout the ceasefire and still do, with some 44 attacks this year. Loyalists had some involvement in the intimidation of more than 600 Catholic families out of their homes over the last two weeks. The parties will, sincerely, protest their adherence to the Mitchell principles and the efforts they have made

Minister of State

to bring such violence and intimidation under control. Nevertheless, it is essential the Prime Minister raises the subject because, in the wake of Drumcree, most Catholics think that the Government has adopted double standards towards loyalist and republican violence.

A speaking note is attached, together with a separate briefing note on detailed prisons issues.

Press line

I also attach a press line for use after the meeting, together with some possible supplementary Q & A. It may be helpful to show the press line to the parties during the meeting - they will particularly welcome a positive reference to prisoner issues.

Yours ever

Paul Arkwright

PS/Sir John Wheeler

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File

From: John Holmes
Date: 30 August 1996

PRIME MINISTER

NORTHERN IRELAND

A quick procedural note on the next steps may be helpful.

Paddy Mayhew is only returning to the office on Monday, but will be looking at various draft papers over the weekend, which should reach us early next week. We are basically expecting four papers:

(i) advice on the prospects for the talks, which resume on 9 September, and how to maximise the chances of progress, particularly over decommissioning. Paddy is planning to meet Spring on Thursday next week, and NIO Ministers hope to have had at least some contact with the main parties before 9 September.

(ii) further advice on what alternative course we might pursue if the talks collapse (you saw an initial paper before the summer break).

(iii) a note on what the UUs might be offered, eg on a Northern Ireland Grand Committee, in The Queen's Speech context. I know you are very keen on this.

(iv) advice on when you might best visit Northern Ireland yourself.

Marches apart, not a lot has happened over the summer break, with exhaustion the name of the game all round. The ball is still in the Hume/Adams' court on their so-called initiative. The general atmosphere has improved a little since Drumcree, but the two communities remain nervous, frightened and polarised,

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with the middle ground still more or less unoccupied except by Alderdice.

The main current fear is that the Loyalist ceasefire may break down. The NIO are in touch with the loyalist parties, to urge the ceasefire's maintenance, and are also looking urgently at the prisoner issues raised by the loyalists with you. But none of this is helped by the current row over the Combined Loyalist Military Command death threat to "King Rat" Billy Wright, a rebel UVF member. The NIO have condemned the threat, despite our distaste for Wright himself, but are otherwise keeping their heads down. The Unionists have demanded the expulsion of the PUP and UDP from the talks. But it is not for us to judge whether the loyalist political parties have broken the Mitchell principles through the loyalist paramilitary threats to Wright - that is for Mitchell as Chairman of the Plenary to rule on in the first place. You are incidentally seeing Mitchell on Thursday 12 September at 0900.

The other notable feature of the summer has of course been the absence of further IRA attacks since Manchester. This is almost certainly a combination of summer holidays (even terrorists have them!) and the serious disruption caused to mainland IRA activity by Security Service/police successes, rather than a deliberate policy or a prelude to a new ceasefire. The "peace" could be broken at any time. But it does at least give the Adamses of this world a better opportunity to argue for a new ceasefire if they want to try. You will see elsewhere in the box papers about a possible IRA General Army convention, which does not in my view bode well for the future. The Irish are slightly more optimistic (but they usually are).

No decisions for you in any of this, but I wanted to set the scene for papers to follow, hopefully before you go off to Scotland.

JOHN HOLMES

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File

From: John Holmes
Date: 6 September 1996

PRIME MINISTER

NORTHERN IRELAND

The Forum resumed its "work" today. The SDLP and Sinn Fein continue to boycott it. Its first decision was to fly the Union flag over the new, expensive building where it meets, which will hardly help to persuade the Nationalists to rejoin.

The talks resume on Monday. The omens are unclear. Both Governments are keen to make a success of them, and the main political parties, on the basis of initial contacts with them, are also positive in theory. (Paisley is probably an exception!) Other good signs are that the UUP and the Irish Government are talking to each other, and that the UUP and SDLP also had a reasonably friendly encounter on Thursday.

The Mayhew/Spring meeting, also on Thursday, went reasonably well with a good atmosphere and a useful discussion on how decommissioning might be dealt with procedurally. But it did not reach any clear conclusions.

The resumed talks will immediately run into two obstacles. The first is the demand, led by Paisley, that the Loyalist parties be excluded from the talks because of the death threat to Billy Wright. There is an established procedure to be followed, involving all parties and the Governments, - and a reasonable chance of finessing this one way or the other.

CONFIDENTIAL

The second, more serious obstacle is of course decommissioning. The NIO will be ready to deploy if necessary a suggestion for work to be taken forward in 4 plenary sub-groups, one on each of the 3 Strands and the fourth on decommissioning. The idea would be that all 4 groups would report back to the plenary by 25 September, in order to enable the 3 Strands to commence work on 30 September, together with a sub-committee on decommissioning, with an agreed practical work plan for the latter and a built-in review timetable of progress.

It is far from clear whether this will fly. But there will be a lot of informal discussion this weekend at an investment conference in Oxford attended by NIO Ministers and all the main parties. We should know more after this where current bottom lines lie.

Finally, NIO Ministers are meeting Mitchell on Monday morning to try to get him on board for this procedure.

I am keeping closely in touch with the NIO, and will let you know over the weekend or on Monday if the scenario changes significantly. I am not optimistic in general about the talks, but I suspect they will not break down completely for a few weeks at least, while various procedural devices are tried.

JOHN HOLMES

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From: JOHN HOLMES
Date: 11 September 1996

PRIME MINISTER

NORTHERN IRELAND

Elsewhere in the Box is a bundle of papers on the Hume/Adams Initiative. You might like also an update on developments in the talks.

Yesterday was a day of relative optimism. Constructive meetings continued between the UUP and SDLP, and between ourselves and the various parties, and the Irish Government and the various parties, including the UUP. In particular, there were signs that the UUP had shifted their position on decommissioning, in a more realistic direction. They seemed ready to accept the kind of procedural way forward we had hoped.

These developments have not disappeared, but have been over-shadowed today by rapidly developing arguments about who has infringed the Mitchell Principles. You will recall that this began with a DUP complaint against the Loyalist parties, because of the death threat to Billy Wright. The DUP and the Loyalists all presented their case to the Plenary yesterday morning. The general view was that the Loyalists won the debate hands down.

The two Governments concluded today, without too much difficulty, that the Loyalist parties had not significantly infringed the Mitchell Principles and that therefore no action to expel them from the talks was justified. So far so good - and the signs are that the DUP will not in the end walk out as a result.

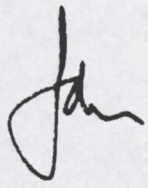
However, the Alliance have now taken up the running with Alderdice insisting

on bringing a formal complaint against the DUP and UUP over Drumcree. This may provoke counter charges by the UUP against a member of the SDLP (Durkan) for statements he made at the time, and possibly charges by the SDLP against McCrae, of the DUP, for sharing a platform with Billy Wright!.

This is all extremely messy and unhelpful. As I understand it the Plenary has now been formally adjourned until Monday (when it is hoped Mitchell will be back). Much of the problem seems to be that Alderdice feels aggrieved because the two Governments are, in his view, pandering to the extremes on both sides, and taking no notice of the centre (ie him).

Paddy Mayhew was feeling very gloomy about these developments last night and suggesting that he wanted to talk to you. But he has not pressed this further today and seems to be less worried now. He will presumably say something to Cabinet about all this in the morning.

Meanwhile, Bruton has been making optimistic noises in Washington about a new IRA ceasefire. But these do not seem to have any basis, other than wishful thinking (and, perhaps, his background knowledge of the Hume/Adams Initiative).



JOHN HOLMES
11 September 1996

[F\Ireland.MRM]

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

28 November 1996

Dear Ken,

CALL BY THE DUP, 28 NOVEMBER

Dr. Paisley, Peter Robinson and Willie McCrea called on the Prime Minister for 50 minutes this afternoon. Sir Patrick Mayhew and Michael Ancram were also present.

Dr. Paisley asked whether the Prime Minister had received his letter. The Prime Minister said that he had. He had noted that it was as crisply worded as usual. There was no mistaking its meaning.

Discussion then shifted to the announcement the Prime Minister had made in the House of Commons earlier, and the texts which had been published. Robinson commented that we had not published Hume's communication to the Government. The Prime Minister said that he did not think it would be right for him to do so, although he had no objection if Hume wanted to publish it. The Prime Minister went on to describe the thinking behind what we had said. The basic point was that a fake ceasefire like the last one would not do. A new ceasefire would have to be genuinely unequivocal, with more convincing words than last time about its lasting nature. But we would also need actions as well as words, for example an end to paramilitary activity. We had set out criteria by which this could be measured, and made clear that we would need some time to assess whether these criteria were being met. We did not have a particular time period in mind, since if we set one, that would lead to the expectation that Sinn Fein would automatically come in once it was over.

The Prime Minister continued that we were not convinced that a genuine ceasefire was likely, although another short term ceasefire was possible. That was why we had wanted to set our position out clearly in advance. If we had gone on waiting to publish our position, Sinn Fein would have continued levering themselves into a better PR position. We had been aware of Unionist suspicion of our intentions, and determined to dispel this. If there was a ceasefire, Sinn Fein would have to meet the criteria. If they did not, they

would not be admitted to the talks. If they went in but then failed to live up to their promises, they would have to leave.

Dr. Paisley said that, comparing our text with Sinn Fein statements, he believed there had been movement by the British Government towards the Sinn Fein position. He did not like the reference to the two Governments meeting Sinn Fein to hear their commitment to the Mitchell principles. Bypassing the other parties in this way was exactly what Adams wanted. Robinson asked whether this step would follow immediately after a ceasefire. The Prime Minister said that the Governments would only meet Sinn Fein to hear their explanations, not to negotiate. We had not put a timescale on when such a meeting would take place. That could only be decided once there was a ceasefire. In any case, Ministerial meetings would be preceded by meetings at official level.

Dr. Paisley referred to the confidence building measures mentioned on page three of the statement. The Prime Minister said that it was clear from the text that these were for Sinn Fein to take, not the Government.

Dr. Paisley said that he objected to the suggestion that the two Governments would be in control of the process following a ceasefire, for example the proposal for a plenary. This seemed to take no account of the views of the other parties. Sir Patrick Mayhew said that it was for him, and him alone, to decide whether Sinn Fein could be given an invitation to join the talks. He had to be satisfied that they qualified in terms of paragraphs 8 and 9 of the command paper. Whether a plenary followed an invitation to Sinn Fein to join the talks would of course depend on all the parties.

Robinson commented that we had been through all this before. The Security Forces had failed to understand what the IRA were up to during the previous ceasefire, and the IRA would be more careful to conceal their traces this time round. Something more tangible was needed before Sinn Fein could join the talks - either a very long period of time or the handing over of some weapons. The Prime Minister commented that he believed we now had better intelligence than in the past. We would certainly know what was going on, as would others living in Northern Ireland. We had no intention of being taken in.

Dr. Paisley said that targeting was going on even now. He claimed that the Conservative MP Rod Richards had observed one of his colleagues being followed and targeted only the day before. He recalled what the Prime Minister had said during the last ceasefire. He had claimed that if it broke down, the whole world would put Sinn Fein in the dock. This had not happened in practice. Meanwhile, he also did not like the suggestion in our text that there should be negotiations in good faith on constitutional issues. He for one would

not negotiate on these issues.

The Prime Minister commented that the Unionists enjoyed every possible safeguard. There was no chance of the Union being fractured. Dr. Paisley said that he had been given the same reassurance by a succession of Prime Ministers. But he had also seen a succession of unacceptable documents, from the Anglo Irish Agreement to the Framework Document. "His country" was being run by Dublin, the Alliance party and a motley collection of other small parties, who formed a caucus in the talks. The Unionists were a minority in the talks and were not taken seriously. He knew in any case that once Sinn Fein joined the talks, it would be impossible to get them out again. All these things were leading to Unionist unrest.

Robinson shifted on to continuing Loyalist violence, referring to recent shooting and other incidents. The Loyalists remained in the talks despite their violence, and the clear threats to Billy Wright. And on top of that, the Prime Minister received them and praised them as heroes of the peace movement. In fact, they were gangsters.

The Prime Minister said that he was not aware of the details of Loyalist violence. But the point of meeting them and referring to them approvingly was to try to stop them going back to violence. This led to a good deal more from the DUP side about the nature of the Loyalists and their connections with the CLMC, coupled with resentment at praise for the Loyalist role in the talks.

Dr. Paisley returned to how the British Government had moved towards the Sinn Fein position, and the likelihood of further movement. Hume and the Irish had already been saying that our position was only a holding position and would shift further. Robinson again commented on the way in which we had picked up Sinn Fein wording, for example about no pre-conditions, and had moved towards them on the idea of a timeframe. The Prime Minister said that we had not changed our view on a timeframe. It was clear that decisions on this were in the hands of the talks participants.

Dr. Paisley commented that the talks were a farce, and the IRA had no intention of giving up violence. Nevertheless, the Government were telling Sinn Fein that if they signed up to the Mitchell principles, they could come in to the talks. Anyone could sign up to these principles without meaning it for a second. Adams certainly would. The Prime Minister said that he understood these points. But we would be able to monitor the performance of those who signed up to the principles and throw them out of the talks if they broke them. This provoked another series of complaints from the DUP side about the failure to throw out the Loyalists from the talks. McCrea repeated that the Loyalists were just a bunch of thugs. Robinson said that the UDA man who had been on his way to kill Alec Kerr had not even been arrested although he had confessed

his mission. Sir Patrick Mayhew said that he rejected any suggestion of political interference in such decisions. Complaints should be addressed to the Director of Public Prosecutions.

Robinson returned to the document which Hume had given us. Why could it not be published? The Prime Minister repeated that this was for Hume, and he would not be surprised if Hume did publish it.

Dr. Paisley attempted to conclude that nothing which had been said changed what he had said in his letter to the Prime Minister. He was gravely worried about what was happening in the talks, particularly about the influence of Mitchell. Mitchell's staff were socialising with Sinn Fein, but nothing had been done about it. Sir Patrick Mayhew said that he had no reason to doubt the assurances he had been given by Senator Mitchell on this score.

The Prime Minister said that he did not think either Dublin or Washington would react well to our publication of the document. But we had wanted to make clear the criteria which the IRA and Sinn Fein would have to meet. This was now out publicly, so everyone knew what the criteria were.

McCrea said that if there was no more movement towards Sinn Fein, if the Government showed that it was totally committed to Ulster, and there were no more bad documents, this might be reassuring. But the proof of the pudding would be in the eating. The meeting concluded on this ambiguous note.

Comment

The meeting was friendlier in tone than this account might suggest. There was a general theme of suspicion of the Government from the DUP side, but they did not seem to have a clear focus in what they were saying. They preferred instead to raise a serious of individual complaints and anecdotes, in a now familiar way.

I am copying this letter to Jan Polley (Cabinet Office).

Yours ever

John

JOHN HOLMES

Ken Lindsay Esq
Northern Ireland Office

02072108597

MATRIX 1. MTA NI. 2. File

DT cc. JPO AP RCG

dca

Department for Constitutional Affairs
Justice, rights and democracy

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RESTRICTED – POLICY

The Right Honourable John Prescott MP
Deputy Prime Minister
26 Whitehall
London
SW1A 2WH

27th August 2005

Dear John,

NORTHERN IRELAND HUMAN RIGHTS COMMISSION (NIHRC)

Peter Hain copied to me his letter of 2 August to you and Geoff Hoon asking for DA and LP Committee policy clearance for a Bill to extend the powers of the NIHRC.

These proposals have, of course, been under consideration for some time and I welcome measures which will enable the NIHRC more effectively to fulfil its important role in the championing and protection of human rights.

As Peter's letter recognises, however, this initiative comes at the same time as we are creating the Commission for Equality and Human Rights (CEHR) here, and with the Equality Bill still before Parliament. We must, I think ensure that we do not, by changing the powers, remit or structure of the NIHRC, create further pressure for us to make unwelcome changes to the equivalent provisions applying to the CEHR. Of course, there are important differences between the two bodies. The NIHRC is a free-standing Human Rights Commission, (such as is likely to be created shortly in Scotland) with the power to investigate individual cases. In addition, it operates in the particular circumstances of Northern Ireland. Provided we are very clear about these essential differences between the two bodies, I do not myself see any objection to giving the NIHRC access to places of detention, together with the power to compel evidence and witnesses.

But I am less attracted to the proposal to give statutory recognition to the power of the NI Commission to offer opinions on UK reports to UN bodies and Committees. It is clearly within the power of the NIHCR (and also of the CEHR) to offer such opinions, but I would be nervous about giving this power of either body express statutory recognition, since to do so would serve merely to give their observations additional weight in Geneva and New York, irrespective of their content or merits. I believe that it

INVESTOR IN PEOPLE

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should be sufficient for us to emphasise in Parliament that this is a proper function of the NIHRC without enshrining it in legislation.

I am also a little concerned at the proposal to remove the requirement that the Secretary of State must approve the number of staff employed by the Commission, their remuneration and terms of conditions of employment. I know that the current provisions of the Northern Ireland Act are highly restrictive, and that there is a strong case for giving the NIHRC greater managerial flexibility. But I would not wish to see the requirement of Ministerial approval removed in respect of the overall framework for terms and conditions of staff, or overall numbers, not least since the equivalent provisions relating to the CEHR are coming under sustained pressure in Parliament. There seems to me to be a case instead for applying the model we have developed for the CEHR to the NIHRC.

Clearly, there is a good deal of work to be done in developing these proposals over the coming months and I hope that Peter's officials will work with mine and those of other colleagues to ensure we achieve an appropriate degree of consistency of approach. Subject to this, I am happy for the proposals to proceed.

I am copying this letter to the Prime Minister, Geoff Hoon, Peter Hain, members of DA and LP Committees, Sir Gus O'Donnell and First Parliamentary Counsel.

Yours,

LORD FALCONER OF THOROTON

02072108597

MATRIX 1. MSA 2. Rich

DT cc JPo AP KEG

NI

dca

Department for Constitutional Affairs
Justice, rights and democracy

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Secretary of State and Lord Chancellor
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The Rt Hon Peter Hain MP
Secretary of State for Northern Ireland
Northern Ireland Office
Block B Castle buildings
BELFAST
BT4 3SG

27th August 2005

Dear Peter,

SECURITY NORMALISATION: DIPLOCK COURTS

I have seen your letter of 3 August to Peter Goldsmith in which you indicate your intention to repeal Part VII of the Terrorism Act 2000, including the provisions relating to Diplock courts.

I wholly support the thrust of your proposals, provided that the necessary enabling environment is established and can be sustained.

You acknowledge in your letter that the risk of intimidation of jurors by paramilitaries could undermine the administration of justice if not properly addressed. It is crucial, therefore, that any proposals for change should be carefully thought through in order to ensure that the integrity of the criminal justice system in Northern Ireland is preserved.

One practical consequence of the repeal of Part VII will be the removal of the special provisions relating to bail. Currently defendants charged with scheduled offences may only be granted bail by a judge of the High Court or Court of Appeal. This provision was made originally to minimise the risk that Resident Magistrates would be intimidated. Any change in these arrangements must take account of the security implications for the Resident Magistrates concerned.

In developing proposals in relation to Part VII you will, I know, be alert to the need to consult fully with the Lord Chief Justice of Northern Ireland, Sir Brian Kerr. You will be aware that the Chief Justice is concerned to ensure that we are able to secure effective trials in a context where intimidation by paramilitary organisations remains a live possibility. This is likely to be the case for some time to come notwithstanding the generally improving security situation in Northern Ireland.

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I have instructed my officials in the Northern Ireland Court Service to work closely with yours on the development of these proposals.

I am copying this letter to the Attorney General and Jonathan Powell.

Yours,

Charle

LORD FALCONER OF THOROTON

Alliance
The Alliance Party of Northern Ireland

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Rt Hon Tony Blair MP
10 Downing Street
London
SW1A 2AA

1 September 2005

Dear Prime Minister

Legislation on 'On the Runs'

I understand that legislation to deal with the outstanding issue of the 'on the runs' is likely to be tabled in Parliament in the autumn.

The early release of politically-motivated prisoners was one of the most difficult aspects of the Good Friday Agreement. It was a bitterpill that many people swallowed in the interests of peace and progress. To allow OTRs to be treated even more favourably is likely to create major problems within the wider community. Yet it appears that people will be asked to accept that they be allowed to freely return to Northern Ireland.

In the Weston Park package of July 2001, the British and Irish Governments effectively proposed an outright amnesty for the OTRs. By the time of the Joint Declaration, it was accepted that this matter had to be addressed through a quasi judicial process and that qualifying persons be placed on licence. But these proposals still retain many flaws.

Alliance believes that there are a number of changes that can and should be made to the details of this formula to bring it more into line with the normal process of justice, and to stop the appearance of a continual sequence of drip-feed concessions to Republicans.

First, the issue of those previously exiled from Northern Ireland was not dealt with by the July IRA statement. There should be a requirement that the Secretary of State certify that the threats against those exiled have been lifted by any organisation wishing to avail of the OTR legislation for its members. Several thousand people have been forced from their homes by paramilitaries, either for being suspected of involvement in crime or for merely crossing the path of the paramilitary godfathers. It would be perverse if guilty paramilitaries were able to return to their homes in safety while innocent people who have been forced out by paramilitaries were not.

Second, Alliance believes that there are major weaknesses in the proposals that an OTR who wishes to return to Northern Ireland would be dealt with by an 'Eligibility Body' and a Special Judicial Tribunal, but not have to appear in court to avail of the scheme. This ability for OTRs to avoid a court appearance is a major weakness in the scheme. An appearance in court would give some limited recognition of the offences committed, and may give some victims a limited sense of justice. By comparison, those applying for an amnesty from the South African Truth and Reconciliation Commission did have to appear in public.

Third, the grounds for revoking a licence for early-release prisoners in the Northern Ireland Sentences Act (1998) were set rather narrowly. At that time, a ceasefire was defined in very limited terms – as terrorist actions against the state and 'the other side' of the community. Since then, there has been a long and hard battle for it to be commonly recognised that all paramilitary activity constitutes a threat to democracy and the rule of law. This was clearly established in Paragraph 13 of the Joint Declaration of April 2003. Such commitments are supposedly at the heart of the recent IRA statement. It makes sense, therefore, to ensure the licence terms of the OTRs require no engagement in paramilitary or criminal activity either by the individual concerned or their organisation.

I request the opportunity to discuss these issues with you before legislation is tabled in Parliament.

Given the involvement of the Irish Government, and the Parliamentary issues raised, I am copying this letter to the Taoiseach and Opposition Spokesmen in Westminster.

Yours sincerely

David Ford

David Ford MLA
Party Leader

FROM: JONATHAN PHILLIPS
Political Director
26 August 2005

cc: David Hanson (L&B)
Shaun Woodward (L&B), *o/r*
Joe Pilling (L&B), *o/r*
Nick Perry
Chris Maccabe
Robert Hannigan, *o/r*
Stephen Leach
Carol Moore
Richard Dennis
Ken Lindsay
Dennis Godfrey
Clare Salters, *o/r*
Mary Madden, *o/r*
Mark Sweeney, *o/r*
Elaine Wilkinson
Chris Flatt
Claire McCarthy
Phil Taylor
Jonathan Powell, *No.10*

DQ
TK

Secretary of State (L&B)

DUP: MEETING WITH JEFFREY DONALDSON, 25 AUGUST

1. I met Jeffrey Donaldson yesterday, as you know, following Robert's meeting with Jeffrey and Peter Robinson last week. The atmosphere was entirely friendly with no hint of rancour over the various issues and announcements which had soured the atmosphere at the beginning of August. His emphasis was entirely on the question: how do we move on from here and, in particular, how do we create an atmosphere in which members of his party would back away from some of the harder line rhetoric we've heard over the past few weeks. Overall, there are few new developments in relation to the position Robert reported last week, but the detail is worth recording and there are one or two new action points.

2. I began, as you requested, by telling him that you had very clearly registered the party's anger and that you recognised the need for confidence building in their direction. I also conveyed your thanks over his role in relation to bringing in the Shankhill victims to see you. That was well received.

3. We then launched into a review of the issues:

- **RIR**. It was helpful that the required meeting with the Secretary of State for Defence had been arranged for 1 September. Donaldson said that, as the DUP's point-man on this subject, he was arranging a series of consultation meeting so that soldiers could express their concerns. It was

already clear from these and from his postbag that while there remained some anger at the way the army had handled the communication of the decision, most individuals were focusing on the terms of their departure. Both on this and on the long outstanding question of a fund for UDR widows, it was vital that there be a good MoD response. Nothing to add on the substance here to what is recorded from the earlier meetings. As I've said to you, I think there is a case for your speaking to John Reid by phone before the 1 September meeting to emphasise the political importance of this.

- **Victims Commissioner**. I confirmed that they are thinking of names for an interim appointment. Nothing yet.

- **De-rating of Orange Halls**. I said that the concerns they had raised about possible additions to health and safety requirements were without foundation.

- **Human Rights/Equality Commission**. Largely a reprise of Robert's conversation. I said that they should focus on the next natural round of appointments to the Equality Commission and in the meantime engage quickly with Bob Collins. I reiterated Robert's points about the NIHRC and confirmed that we would explore the feasibility of a deputy to Monica McWilliams.

- **Policing Board**. Nothing here to add to Robert's conversation. I simply reiterated the difficulties and that we were trying to be creative.

In bringing this section of the conversation to a conclusion he emphasised that progress on the above issues over a period of weeks alongside movement on other issues with which you are familiar (peerages, Ulster Scots and so on) would be likely significantly to change what was a very downbeat mood in the party.

4. This led to my enquiring about the firmness of the positions that had been articulated about the timescale for the two phases of devolution: restoration of the existing devolved functions and then justice and policing. On both he acknowledged that the language used at the beginning of August (2 and 10 years, respectively) needed to be regarded as negotiating positions. Confidence building measures, the effectiveness of the decommissioning process and the quality of the IMC reports would all affect the position. One the positive side he didn't rule out <u>private</u> discussions with you in the autumn about the way forward on the big picture politics and he undertook to talk to Peter Robinson about letting us have the paper they had prepared on options falling short of full restoration.

5. He confirmed that beneath the harder line rhetoric Peter Robinson remained pragmatic and keen to move things forward. Likewise our view of Dr Paisley's continuing constructiveness remains, in his judgement, correct. I added, and he agreed, that Paisley would surely not want a negotiating process dragging on for two years, for age and legacy reasons. On the other hand, he noted that Peter Robinson's tougher stance was probably a necessary positioning given the mood of the party and the prospect of a leadership contest at some stage. That stance would be an inhibitor. He also acknowledged that Nigel Dodds had become harder line. His reservations about a deal were clearly more deep-rooted than the explanation offered at the end of 2004 to the effect that he simply wanted to get the May 2005 elections out of the way first.

6. On the prospects for the first phase of devolution I concluded by asking whether the party appreciated the pressure it would be under by January 2006 if the IMC had produced a clean bill of health and there had been no other negative events. He said that he did. Others would need that reality pointing up as the weeks went by.

7. We didn't discuss timescales for the devolution of justice and policing. He was much more anxious to reiterate the points he had been making in public about the unacceptability of convicted republican or loyalist paramilitaries having a role in policing. I said that he should not assume that ideas being considered in some parts of PSNI were Government policy. We had not done deals with Sinn Fein in this territory. Indeed, our own thinking was not yet far advanced. That said, there were difficult issues in relation to Sinn Fein being brought to the point of supporting policing which could not be ignored. The PSCO concept, for example, would probably need to be considered. There were precedents in Great Britain. While there were no plans to expunge criminal records, we might have to think creatively about the criteria which qualified or barred individuals from particular activities. There might be helpful precedents in Great Britain in relation to appropriate vetting tests. He said that he agreed with that. His final plea was that before you or Shaun advanced any propositions in public you should talk them through privately with him; he wanted to be constructive and to help ensure that we avoided unnecessary pitfalls.

8. In the same vein he asked whether I thought you would be willing to have a meeting with him and Drew Nelson about ways forward in terms of handling parades. I said that I thought it better for him to approach Shaun in the first instance since you'd asked Shaun to take discussion on this forward in the autumn. I'm sure this would be a good thing to do. Even if there is pressure to do away with the Parades Commission, allowing the DUP to bring the Order in will be a small contribution to the confidence building agenda.

9. Finally, I asked if he had any views on the UVF/LVF feud and in particular Mark Durkan's weekend attack on the Government for not specifying the UVF. He said that it was hard to sustain the line that the ceasefire was in tact. His own view was that the UVF needed to receive a very hard message that their behaviour would not be tolerated, ideally, if it was possible, by recalling to prison, any of those involved who were on licence. He indicated that even if this were not possible, we were probably in a position where specification was inevitable. Unionists would not criticise such a move.

10. In summary, our key interlocutors in the DUP are still in the game, difficult though their internal management problems are. You will need to meet Robinson and Donaldson pretty quickly after your return and with some encouraging messages on some of the subjects referred to above. As you know, we're working on them.

Jonathan Phillips

JONATHAN PHILLIPS
11 Millbank ☎ 6467

Northern Ireland : Policy.

The Rt Hon the Lord Goldsmith QC

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Rt Hon John Prescott
Deputy Prime Minister
26 Whitehall
London
SW1A 2WH

24 August 2005

Dear John,

Peter Hain copied to me his letter to you and Geoff Hoon in which he sought DA and LP Committee policy clearance for a Bill to extend the powers of the Northern Ireland Human Rights Commission.

The proposed increase in the powers of the Commission has been under consideration for some time and I am, in general terms, content with what is proposed. I am concerned however that the intention to grant the Commission, for the purposes of conducting investigations, the power to compel evidence and witnesses does not extend to, and so undermine the independence of, the Public Prosecution Service of Northern Ireland in respect of the exercise of its prosecution functions.

You may recall that in the Justice (Northern Ireland) Act 2000, we maintained that independence by exempting the PPS from the equality provisions imposed by sections 75 and 76 of the Northern Ireland Act 1998, insofar as they touched on the prosecution functions of the Service. In all other respects, of course, the PPS is subject to the NI Equality Scheme. I seek Peter's assurance that the proposed scheme will not undermine the prosecutorial independence of the Service. It is important that with devolution of criminal justice functions now closer than ever, we ensure that we retain a strong, independent Service, able to take robust decisions without the constant risk of interference. Prosecutorial decisions remain, of course, challengeable before the Courts.

I copy this to the Prime Minister, Geoff Hoon, Peter Hain, members of DA and LP Committees, Sir Andrew Turnbull and First Parliamentary Counsel

Yours ever

Lord

faxed 18.8.05 (F)

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 August 2005

Dear Michael

Further to the Prime Minister and the Taosieach's discussion of the Barron enquiry last month, I am writing in Jonathan Powell's absence to set out briefly what we understand to be the current position in relation to the issue of our cooperation with Justice Barron's investigations, and the action we have taken.

We said in July that we would welcome further clarification on precisely what further information was being requested from the British Government. The Taosieach undertook to go back to the Oireachtas Sub-Committee considering Justice Barron's reports with this request. In the meantime, we also have received another letter from the Sub-Committee, with some further requests for information relating to Justice Barron's second report, on the Dublin bombings of 1972 and 1973.

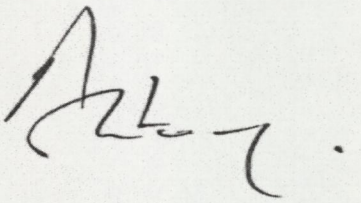
We assume that the Irish Government's, and the Committee's, concerns about the provision of information relate to this second report: and any further clarification you are able to provide in the light of your contact with the Committee would be helpful. In the meantime we have asked for some further work to be done to see whether there are ways in which we might be able to provide further assistance to Justice Barron and the Sub-Committee. We have already made clear on several occasions that there is no prospect of a UK inquiry being established into any of the matters investigated by Justice Barron, but we can look at whether there is anything further that it is practical for us to do in relation to providing information. We will write to you again on this in due course.

In July the Prime Minister mentioned without commitment the possibility of a senior judge reviewing material held by the British Government which may be relevant to Justice Barron's investigations. Before we start to consider whether any such review would be feasible or helpful it is important to fully explore the existing routes through which we might be able to meet the concerns

which have been expressed by Justice Barron and the Sub-Committee about the British Government's provision of information.

I am copying this letter to Alan Whysall in the office of the Secretary of State for Northern Ireland, and to Jonathan Powell here.

Yours sincerely



ANTONY PHILLIPSON

Mr Michael Collins

Northern Ireland Office

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Principal Private Secretary to the
Secretary of State for Northern Ireland

JPO
CCAP

Jonathan Powell
Chief of Staff
10 Downing Street
London
SW1A 2AA

JCs – pl can you ask NIO if this can wait for TB's return?
Charles

3 August 2005

Dear Jonathan

At the Prime Minister's meeting with the Taoiseach in London on Monday 27 June, the Taoiseach raised the issue of the British Government's non co-operation with Justice Barron who was appointed by the Irish Government in 2001 to investigate and report on the Dublin/Monaghan Bombings of 1974, the Dublin Bombings of 1972/3, and the Dundalk Bombing of 1975.

We provided a substantial amount of information to Justice Barron's investigation into the Dublin/Monaghan Bombings of 1974. However, at the time of Justice Barron's original request for information on the 1972/3 Dublin Bombings, the Prime Minister judged, on advice from the Security Service, that resources could not be devoted to carrying out such a wide-ranging search. You indicated to the Taoiseach that we would be willing to examine further ways in which we might be able to help if a more precise request were made. He said that he would take this back to the Oireachtas Sub-Committee who have responsibility for considering and producing the response of the Irish Parliament to Barron's reports. The Prime Minister also raised the possibility of asking a senior judge to review the relevant papers, though you entered a note of caution and made it clear that we were not making any commitment on this.

It was our impression that this left the ball firmly in the Irish Government's court. However, Michael Collins has recently told Stewart Eldon that he thought the onus was on us due to the Prime Minister's mention of a senior judge. The Ambassador helpfully repeated the note of caution about this idea which you had sounded at the meeting but was left with the impression that no one in the Taoiseach's Department had approached the Sub-Committee with our request for refined details about what

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Northern Ireland Office

they wanted. Michael also confirmed to Stewart that the Taoiseach was making preliminary inquiries through their Attorney General about whether the Irish Government might have grounds for a case at the European Court of Human Rights in Strasbourg.

In light of this, we thought it may be useful for you to write to Michael Collins to make a formal request for greater clarity on the information required, and to condition expectations regarding the possibility of a senior judge reviewing material. I attach a draft letter for your signature. The letter makes clear that you will write again when you have explored whether there is any more that can be done in relation to the provision of information to Justice Barron or the Committee. We will provide further advice on this. The Security Service will need to be closely involved in any decisions on this, given the resource issues mentioned above, and you may wish to discuss the matter with Eliza Manningham-Buller at an early stage.

The letter also attempts to draw out from the Irish which particular strand of Barron's investigations they wish us to co-operate on, by making clear our assumption that their concern is the second Barron Inquiry into the Dublin Bombings of 1972/3. Both Barron and the Sub-Committee have criticised the British Government for failing to provide the requested information in relation to these bombings. The letter makes clear that we are prepared to look constructively at how we might be able to respond to a specific request that we have just received from the Sub-Committee and, by implication, others that might follow relating to the Dundalk Bombing of 1975 (which Barron is due to report on shortly).

The letter also reinforces our position that, while we are prepared to consider how we may respond to requests for information, we are not prepared to go beyond this and entertain the prospect of establishing an inquiry. You will recall that this relates to calls from the Irish Government for the establishment of a UK inquiry into allegations of British state collusion in the Dublin/Monaghan Bombings of 1974, as a result of Barron's Report into these bombings (which did, however, find that while allegations of collusion between British security forces and the perpetrators of the bombings were not fanciful, they had not seen any evidence to corroborate it and that it could not be inferred, even as a matter of probability). We are still unsure at this stage

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whether a European challenge from the Irish would centre on our failure to establish an inquiry or on our alleged non co-operation regarding the provision of information, and would want to quash any expectation that we might move on the former at the outset.

Finally, the letter makes clear that the Prime Minister's suggestion of the possibility of a senior judge reviewing our material was made without commitment and that we do not feel that we are yet at the stage where it would be useful to explore this, given that there are still existing possibilities for meeting Irish concerns which have yet to be exhausted.

I am copying this letter to Eliza Manningham-Buller.

Yours,

Alan

ALAN WHYSALL
PRINCIPAL PRIVATE SECRETARY

SOFS PRIVATE OFFICE

AR as amended.
I'll type up for my sig and send off on my behalf.
Thanks
AJ.

#Michael Collins
Department of the Taosieach
Dublin

August 2005

Further to the discussion at the recent meeting between the Taoiseach and the Prime Minister, I thought it might be helpful if I wrote to you setting out briefly what we understand to be the current position in relation to the issue of our co-operation with Justice Barron's investigations, and the action we have taken.

We said in July that we would welcome further clarification on precisely what further information was being requested from the British Government, and the Taosieach undertook to go back to the Oireachtas Sub-Committee considering Justice Barron's reports with this request. In the meantime, we also have received another letter from the Sub-Committee, with some further requests for information relating to Justice Barron's second report, on the Dublin bombings of 1972 and 1973.

We assume that the Irish Government's, and the Committee's, concerns about the provision of information relate to this second report; and any further clarification you are able to provide in the light of your contact with the Committee would be helpful In the meantime, following our conversation last week, we have asked for some further work to be done to see whether there are ways in which we might be able to provide further assistance to Justice Barron and the Sub-Committee. We have already made clear on several occasions that there is no prospect of a UK inquiry being established into any of the matters investigated by Justice Barron, but we can look at whether there is anything further that it is practical for us to do in relation to providing information. We will write to you again on this in due course.

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~~During our discussion last week~~ In July the Prime Minister mentioned without commitment the possibility of a senior judge reviewing material held by the British Government which may be relevant to Justice Barron's investigations. Before we start to consider whether any such review would be feasible or helpful, ~~I think~~ it is important to fully explore the existing routes through which we might be able to meet the concerns which have been expressed by Justice Barron and the Sub-Committee about the British Government's provision of information.

I am copying this letter to the Secretary of State for Northern Ireland, Alan Whysall in the office of the and for Jonathan Powell here.

JONATHAN POWELL

SECRET - APPOINTMENTS

2370

From: Robert Hannigan
Associate Political Director
8 August 2005

cc Jonathan Phillips o/r
Jonathan Powell No 10 o/r
Antony Phillipson No 10

Secretary of State o/r

DUP PEERAGES

In case I'm on leave when this next arises, a quick note to record the read-out the Prime Minister gave me of a conversation he had with Dr Paisley on peerages.

2. Dr Paisley handed him a letter with suggestions. He wanted a third peerage and the PM indicated that, in the context of an enlarged autumn list (and the political difficulties for the DUP at the moment), he might be prepared to accept this. In addition to Eileen Paisley and Maurice Morrow the DUP suggestion was Willie Hay (MLA and former Mayor of Derry). I said that we regarded him as a very good thing: at the most moderate end of the DUP and instrumental in brokering successful resolution of parades disputes in Derry.

3. The PM said he had made it clear to Dr Paisley that Andrew Hunter was out of the question. Paisley appeared to understand and did not press the matter.

4. I notice that some of this (including the PC for Paisley but excluding the third peerage) appeared on the front page of the following day's Irish Times, from a journalist with good DUP sources.

(Signed)

Robert Hannigan
Millbank: 6484; Belfast 88014
E-mail: Robert.Hannigan@nio.x.gsi.gov.uk

CONFIDENTIAL & PERSONAL

From: Clare Salters
Devolution & Legislation Division
5 August 2005

Copy distribution below

Robert Hannigan

OFFICIALS MEETING WITH SINN FEIN, 5 AUGUST

You and I met with Leo Green and Aiden McAteer this morning. The meeting was good natured and business-like, though they were keen to press us for swift progress on all the commitments we had made in response to their 6th July paper.

2. We had an initial discussion about the DUP's current position: did we think they were serious about a 2 year delay before restoration? You said that you thought they were extremely angry and sceptical at the moment, but it was very difficult to predict how that would play out in the long term. Verification would be crucial to helping build confidence and pave the way for further progress. In the meantime, it was important to avoid antagonising or alienating the DUP, including by appearing to rush things, because too rapid progress in the short term could hinder long term success.

3. **Marches**: Leo Green expressed some anxiety about the forthcoming Apprentice Boys march through the Ardoyne, commenting that Sinn Fein did not want to see a repeat of the 12th July, and feared that the dissidents would exploit would the situation. There was general agreement that the important thing was to get through this year and focus on planning for next year sufficiently early so that resolution was possible in advance of the marching season. In that context the more that Sinn Fein could do, for example, in encouraging the Bogside residents to engage constructively with the Commission, the better. You emphasised Hugh Orde's points, made in earlier discussions, that any relaxation on the capacity for Sinn Fein members to talk direct to PSNI would be very welcome. Leo Green indicated that he did not expect a change of policy in the short term.

4. **Baton rounds:** Both Green and McAteer referred to last nights' use of baton rounds, commenting that, just because they were fired at loyalists, that didn't mean the police were taking a balanced approach. You referred to the fact that some police officers had taken legal action against Hugh Orde for not deploying baton rounds early enough, holding this up as an indication of how he was under pressure from both sides. They registered the point, but suggested that the fact that there had been two events in which baton rounds had been used in a short space of time indicated that the PSNI were getting relaxed about their use. There was some discussion about making the statement that had been agreed about the use of baton rounds; you indicated that it would need to wait until the Secretary of State was back and a suitable opportunity. The first half of September seemed the earliest that this would be possible.

4. **Restoration**: They asked about the likely format of meetings in the autumn. You indicated that our plan would be to meet with the parties bilaterally initially, recognising that each was likely to have a different agenda. It would be ideal to move to multi-lateral or round-table meetings as soon as possible, but we needed to move at a pace that was unlikely to lose people from the process. Aiden McAteer suggested that there were some issues that he judged the DUP would be comfortable involving themselves in round-table discussions on (for example the Bill of Rights, the peace dividend and the proposed economic conference). Leo Green suggested that it might help if OFM/DFM were to seek out briefing meetings with Sinn Fein and the DUP (either singly or jointly): for example discussions on a preliminary programme for government, the work on sectarianism/racism etc. His rationale was that, since ultimately both parties would be represented in that department, both would have an interest in helping to shape thinking there. You took note but made no commitment.

5. **Elections**: you handed over advanced copies of the consultation document that issued later on today, but there was no significant discussion about it.

6. **Human Rights:** you confirmed that the consultation paper on the Human Rights Commission's powers would issue in September. They asked about when the Bill of Rights Forum would be convened. We explained that there was a sequencing issue here: to set this up in advance of the new Human Rights Commissioners taking up their appointments, would send a confusing signal, arguably making it harder for the Commission to bed down and establish itself, particularly with its current (unionist) critics. Leo Green stressed that it should not be down to the Commission to signal when it was ready for the forum to be convened: this was a discussion for the parties, rather than the Commission. We took the point, but stressed the importance of avoiding undermining the Commission or appearing to seek to sideline it.

7. **Civil Service nationality requirements**: I explained that the position was unchanged from when they last discussed this with the Secretary of State. The Private Members Bill (which they had seen) had been introduced, and was likely to have a second reading in December.

8. **Money**: they asked about progress. You explained that the position on Short Money and Westminster allowances etc was as previously discussed. We agreed to return to the issue of policy development grants in September, when we had a clearer idea of DCA thinking.

9. **Ex-prisoners**: Leo Green acknowledged that Nigel Hamilton's group had made a useful start at identifying the problems faced by ex-prisoners, but stressed that that was as far as it had got. Remedies for these problems had not yet been identified. You indicated that you would be looking at this in the weeks ahead.

10. **OTRs**: You updated them on progress on the 165 names that had been provided by Sinn Fein in the various lists. There were 55 cases on which we had not gone back to Sinn Fein, though many of these were ones where we had sought further clarification of who the individuals were (date of birth, address etc) in order to be able to establish their status. They asked

that we refurnish them with those unanswered questions. **[Action: Mark Sweeney]**. You reported that we were working on the legislation, based on the instructions which they had seen in 2003; it would be introduced in October as planned. They requested a meeting early in September to talk through the detail. They also expressed an interest in the implementation of the scheme: it would need to be up and running as soon as possible since expectations would be created from the point at which the legislation was introduced. You took the point, but emphasised that the creation of a parallel court system was no small feat and, while as much as possible would be done in parallel with the legislation going through Parliament, there would inevitably be some lag between Royal Assent and all applications being processed. They asked about the particular case; you confirmed the position remained the same.

11. **Conditions in Maghaberry**: Leo Green mentioned that, following Sean Kelly's recent imprisonment, Sinn Fein had become aware of potential problems within Maghaberry arising from "segregation". The long lock-up periods (which he alleged were 22-23 hours a day) were a real powder-keg; which might enable dissidents to manufacture a campaign over conditions of prisoners, one of the most emotive issues for the republican community. They also expressed concern about the attitude of prison staff on Kelly's release: allegedly one had called him, to his face, a "piece of republican s**t", which Green suggested indicated that the atmosphere in the prison remained unchanged since the Agreement. You suggested that they should discuss these issues with Robin Masefield. **[Robin Masefield to note].**

12. **DOLF**: I said we would be aiming to start discussions with the parties in the autumn, initially bilaterally, since we did not think there was a realistic prospect of multi-lateral discussions initially. Leo Green indicated that Gerry Kelly was likely to want a meeting on the subject early in September.

13. **Plan B:** we did not discuss this at length but both Green and McAteer were adamant that if the institutions were not restored early, or if prospects for restoration at all looked flakey, they would want to see a plan B.

14. The meeting concluded with us agreeing to meet again in September.

Clare Salters

Clare Salters
Millbank 6591
E-mail Clare.Salters@nio.x.gsi.gov.uk

Distribution

Secretary of State
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Antony Phillipson

DUP
www.dup.org.uk
96 Belmont Avenue, Belfast, BT4 3DE.
Tel: 028 90 473111 Fax: 028 90 471797

4th August 2005

Dear Prime Minister

You are aware of the strong feeling of injustice expressed by my colleagues and myself about our being unrepresented in the House of Lords. While I am happy that steps are underway to start to address this lack of DUP representation I believe that only announcing two Peers for my party (especially if you intend to also announce another UUP Peer at the same time) will be taken by my colleagues in the DUP and our supporters in the Province as a further slight upon the party. With two members in the Lords we would still be seriously under-represented when compared to the size of the UUP team.

I do not want to upset the arrangements already in place. I would, however, urge you to consider increasing that compliment. In the present circumstances it would be extremely helpful in countering the growing belief that the government is treating us with contempt. If you are prepared to look at this matter I would ask that you select from the following three names –

- Andrew Hunter (Former MP for Basingstoke);
- William Hay (Assembly Member for Foyle and former Mayor of Londonderry);
- Jim Wells (Assembly Member for South Down).

I trust, though it is late in the process, you will consider this request positively.

Ian R K Paisley

Dr Ian R K Paisley MP MLA
(Leader of the DUP)

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File: NORTHERN IRELAND Situation

From: Robert Hannigan
Associate Political Director
4 August 2005

Copy distribution below

SUBJECT MASTER Filed

PS/Secretary of State

PRIME MINISTER'S MEETING WITH DUP, 4 AUGUST

The Prime Minister met Ian Paisley, Peter Robinson, Jeffrey Donaldson, David Simpson, and Sammy Wilson. Anthony Phillipson and I were present. Anthony will be preparing a note but I thought I should feed in the many action points for the office arising from the meeting and record some wider thoughts about how we might handle the DUP (reflecting your comments to me yesterday, the discussion you had with the PM last night and a discussion I had with the Prime Minister after today's meeting).

2. Dr Paisley rehearsed many of the points he had made to you (normalisation, RIR, appointments to ECNI and NIHR, Policing Board roll-forward). In short, the DUP and the wider unionist community needed assurance and evidence that this was not a "one-way street". As in your meeting Robinson and others were far more passionate, where Paisley himself was calm and reasonable throughout. Paisley subsequently handed over a list of confidence-building requirements (attached A) which build on the paper he handed you yesterday (attached B for convenience). There was no mention of specific timescales for the DUP's engagement and Paisley was careful not to be tied down by the media afterwards.

3. The PM responded by reassuring the DUP that this was a 2 year process of normalisation which was conditional on IRA actions, not words (a point he made several times). He observed that the early normalisation moves were in fact things which the Chief Constable and GOC would have liked to do earlier – if anything we had held them back until the IRA delivered. He encouraged Dr Paisley to speak to Hugh Orde direct.

4. On the specific points raised by the DUP (Annex A), the Prime Minister said that he would facilitate a meeting for them with John Reid as soon as he (John) returned from leave (Anthony is arranging). He hoped they would be able to meet their needs on 1a and c, but that 1b would be up to the MOD and the army: if the DUP could persuade them that would be fine by him. On 1d, the PM said they should also discuss this with John Reid – he could see the force of their argument. **[Nick and Carol will no doubt want to discuss with MOD].**

5. On the Victims Commissioner (point 2) the PM said he had spoken to you and that you were keen to move quickly on this. You would be speaking to Dr Paisley when you returned from leave and planned to consult him on the post and possible candidates. [Mark, Claire McC, and OFMDFM will want to discuss and give thought to the very difficult issue of how we might handle the definition of victims which Paisley covered at some length. Peter, Angela, and the PM are all aware of the sensitivities. This issue will need to move quickly in September].

6. On appointments (3) the PM made no commitments but said that he was aware that you had been discussing this with the DUP. Robinson handed over the article on Una Gillespie (attached to Alan's note yesterday) and had a good deal to say about "Charlie Haughey's niece" (Monica Williams).

7. On the Policing Board (4) the Prime Minister said that you were looking at options in the context of political discussions. The DUP raised the issue of CSOs again and stressed their extreme concern at developments (and their belief that the decision on the Policing Board was part of a plot to make it easier to 'push through' the CSO project at the behest of Sinn Fein). They also raised their concern at rumours that catholic PSNI officers would soon be 'fast-tracked' for promotion. [Nick: you may want to factor these points into your work on policing. Peter also said that he would like advice on options for re-constituting all or part of the Board in the autumn. We discussed briefly].

8. On the demand for legislative changes (5) the conversation was such that the Prime Minister did not need to give a response either way but indicated that this was the sort of territory you hoped to discuss in the autumn.

9. On peerages, the Prime Minister saw Dr. Paisley after the main meeting. We discussed this briefly afterwards and I will report separately.

10. In general the PM echoed privately your view that we need to see what we can do to redress the sense that the unionist community is being disadvantaged. While there is some inevitable and unavoidable pain to come we should continue to pay careful attention to handling and revisit confidence building measures for the DUP.

11. Jeffrey Donaldson caught me on his way out and we agreed to meet in London next week to discuss what has happened and what might be done. I will report back to you. Once we have met Political Directorate will work with Nick, OFMDFM and others to draw together the various issues of interest to the DUP (those in this note and elsewhere) with a view to having a more comprehensive handling plan for your return. In the meantime I have asked for the response to earlier DUP requests to be held back until you have time to consider them in the new context. In the current climate the DUP are inclined to regard anything as part of a deal with SF, however innocuous. We are therefore revisiting forthcoming announcements (David Hanson is speaking to Jeffrey Donaldson to see how the DUP would regard the consultation on electoral legislation which, in normal circumstances, would not be a problem).

12. It is clear that we have a significant problem with the DUP which needs to be addressed. Some of it is to do with substance and policy, some more to do with handling and communications (though in truth there is little that could have been done differently in recent weeks). But it is worth reporting [very sensitive - copy recipients please do not copy further] that in his private discussion with the Prime Minister Dr Paisley was pragmatic about the political realities. I can give you a further account of the readout the PM gave

me when you return. I will also let David Hanson know the details in advance of the call the PM hopes to make to him regarding the DUP tomorrow.

(Signed) Robert Hannigan

Robert Hannigan
Millbank 6484, SC 88014
E-mail: Robert.Hannigan@nio.x.gsi.gov.uk

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Antony Phillipson, No 10
Tom Kelly, No 10 o/r

Annex A

In an attempt to bring some confidence back to the unionist community and support democratic politics we need the PM to move on some immediate matters.

1. The PM to arrange for us to meet with Secretary of State for Defence next week to consider -
   a. Smooth-tracking soldiers from Home Battalions to 1st Battalion for those who wish;
   b. A small battalion which can be used oversees but where there is a presumption in favour of their use as part of the NI garrison; and
   c. Negotiating a sensible package for those leaving.
   d. UDR Fund
2. PM has agreed to the appointment of a Victims Commissioner - the post will be advertised next month and the appointment made in October.

3. Government will review the composition to the Human Rights and Equality Commissions in order to get a better community balance.

4. The political component of the Police Board will be reconstituted in October.

5. Government commitment to make legislative changes to the NI Act to meet Comprehensive Agreement proposals in relation to the Assembly.

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6. PM considering an addition DUP peerage.

DUP
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Tel: 028 90 473111 Fax: 028 90 471797

3rd August 2005

Dear Sec of State,

In recent months the Government has taken a number of decisions which have caused great offence in the unionist community. While accepting that people would only be persuaded by the actions rather than the words of the IRA, the Government have taken actions which have been based solely on political expediency.

These include the appointment of anti-unionist Monica McWilliams as Chief Human Rights Commissioner, the appointment of Bob Collins from the Republic of Ireland as Chief Equality Commissioner, the composition of both commissions, the release of Sean Kelly, the publication of the so-called 'Normalisation Programme' of demilitarisation and the disbandment of the Home Battalions of the RIR on the basis of IRA words alone.

We will not acquiesce in these decisions. The decisions taken in recent months have had a very damaging impact on the unionist community. The unionist community feels alienated and betrayed by the Government and morale is at a dangerous low. It is vital that corrective action is taken by the Government to restore unionist confidence over a wide range of issues.

We have previously given the Government an indication as to how unionist confidence could be built and we are prepared to update our proposals. However, there is a strong feeling, backed up by events that the Government moves with expedition and with urgency to address republican demands but drags its feet and only grudgingly considers unionist concerns.

Events of the last few weeks have departed from their own Comprehensive Agreement which was being negotiated in December. It is therefore important for the Government to clarify what it believes is the status of the Comprehensive Agreement now. If the Government have gone back on the requirement for photographs, what else has it resiled from?

We have been particularly concerned about the manner in which the Government has approached these issues. Despite previous written promises concerning consultation we were not informed of the details of the announcements which were being made – still less were we engaged in consultation about the outcome. It is critical that the Government sets out what other announcements or concessions are due to be made. Informing us, as representatives of the majority community in Northern Ireland, a few minutes before announcements are made (while the terrorist IRA/SF negotiates our future and are aware of the government's plans long before) is not democracy, but dictatorship. It is certainly not consultation.

As a consequence of the recent actions of the Government, and unless matters are dealt with to our satisfaction, we propose to take the following steps. Still further action will follow in the event of more concessions.

- The DUP is mandated not to progress the forming of an Executive with any party which is not committed to exclusively peaceful and democratic means. Consistent with what we have described as "*The Blair Necessities*" the DUP requires republicans to completely decommission in a verifiable and transparent manner to the satisfaction of everyone. All paramilitary and criminal activity must be entirely ended and assessed over an adequate period of time. We must be satisfied the IRA is out of business for ever.

- The DUP will not engage in any discussions with the Government on the return of devolution until next year and only then in the context of a politically enabling environment.

- Because of the concessions to republicans already announced by the government and in particular its treatment of the RIR, we are adding eighteen months onto the minimum of six months previously stated by the IMC and others as being required in order for us to make our judgement on the quality of the IRA's war having ended.

- We shall extend our assessment period further for any more concessions of consequence which either HMG or the Government of the Irish Republic makes to republicans.

- There will be no engagement with Sinn Fein while we remain dissatisfied it is wholly committed to democratic and lawful politics.

- To determine when and if the party should participate in an inclusive Executive it will consult the unionist community. This consultation may either be on the foot of an electoral mandate or we shall set up our own wide ranging and comprehensive programme of

consultation. That consultation will include the victims of terror and all the elements of the unionist family.

- In the event of the return of devolution the DUP would not support the devolution of Policing and Justice during this or the next Assembly term. The unionist community would not tolerate Sinn Fein participation in such matters for at least a decade and then only if they have consistently respected lawful authority and have given support to our police and the courts.
- There is a legal requirement that the Police Board should be representative of the community. Given that its membership reflects an election held over seven years ago, it no longer fulfils this requirement. In the event that the Police Board is not reconstituted we will withdraw our support from the Board and review the role of our members in relation to it and the District Policing Partnerships.

Urgent action is required from the Government if the confidence of the unionist community is to be regained. Failure to address unionist concerns will mean that the prospect of a return to devolution will be delayed indefinitely.

Ian Paisley

Dr Ian R K Paisley MP MLA

(Leader of the DUP)

~~SECRET~~

2. File: NORTHERN IRELAND Situation

CONFIDENTIAL & PERSONAL

From: Robert Hannigan
Associate Political Director
4 August 2005

SUBJECT MASTER
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PS/Secretary of State

PRIME MINISTER'S MEETING WITH SINN FEIN, 4 AUGUST

The Prime Minister met Gerry Adams, Martin McGuinness, Mary Lou McDonald and Catriona Ruane this afternoon. Anthony Phillipson and I were present and this note is simply to supplement Anthony's on matters of interest to the NIO.

2. Adams gave an account of reaction to the IRA statement in the republican community (surprise in some circles but general approval; 'depression' at the DUP response) and observed that there was no longer any positive leadership within unionism. He regarded the DUP response as tactical but wanted the PM's assessment. The PM gave an account of his meeting with the DUP which had been much more encouraging than the public comments by Paisley would suggest. He spent some time outlining the DUP's management problem and urged Adams not to make matters worse. He repeatedly encouraged Adams to help the DUP 'feel safe enough' to enter talks: verification that the IRA had fulfilled it's promises would change the atmosphere.

3. Adams and McGuinness were both concerned at a lack of momentum and wanted the PM to apply pressure to the DUP. The PM said that he had already agreed to do this but it would only be credible in the light of verification. Adams again bemoaned the lack of unionist leadership and the prospect of delay in restoring the institutions: the PM acknowledged the point but observed that had the IRA issued their statement 2 years ago Sinn Fein would now be in government with the UUP.

4. There were a number of detailed points worth recording:

- Adams raised the 'peace dividend'. The PM invited him to speak to the Chancellor direct. Adams suggested that Gordon Brown should invite both SF and the DUP to discussions on this. The PM agreed to pass the idea on to the Chancellor when they met this afternoon.

- Adams raised the promise of a statement (of the agreed text) on PBRs from the PM or you. The PM said we would look at this [afterwards he indicated the he was in absolute agreement that we should not do this now. I have discussed with Nick the possibilities for doing this in September and I will stall SF on the grounds that both you and the PM will be out of the country].

- Adams complained that you had mentioned the possibility of a shadow Assembly (which he attributed to malign NIO advice). The PM said he personally thought a shadow Assembly was an excellent idea and one which ought to be part of SF's own tactics. He accepted their opposition to the idea but thought they would be sensible to re-consider it; but he would not push it or refer to it publicly.

- Adams raised equality and human rights. The PM encouraged SF not to use the issue to 'rub unionist noses'.

- The PM passed on Hugh Orde's concerns about the attitude of the Bogside Residents during a conversation on parades. Adams and MGuinness both said the solution lay with the Parades Commission who should ban the feeder parade (I think Adams said he will be seeing the PC tomorrow).

- Finally the PM touched on policing and encouraged SF to engage at local level, especially in border areas. The

conversation was cut short as the PM had to go to another meeting.

5. The PM decided in the course of the morning to do a short 'doorstep' for the NI media this afternoon. He plans to reassure unionists that, while he regards the IRA statement as very significant, he continues to believe that verification is key and he understands their concerns.

(Signed) Robert Hannigan

Robert Hannigan
Millbank 6484, SC 88014
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Anthony Phillipson
No 10

Dear Anthony,

PRIME MINISTER'S MEETINGS WITH THE DUP AND SINN FEIN – THURSDAY 4 AUGUST

I am attaching speaking notes for the Prime Minister's meetings tomorrow in the usual format.

For background, you will be aware that the DUP have reacted very badly to the normalisation announcement (particularly confirmation that the Royal Irish Regiment home service battalions will no longer be needed). They blame the Prime Minister for this and accuse him of reneging on commitments made in December (in fact his letters to Paisley [attached for convenience] made it clear that the RIR would not be retained but offered consultation on the resettlement of soldiers. John Reid has now started that consultation). They are also angry at the decision to roll forward the current membership of the Policing Board (putting off it's reconstitution, which would have given the DUP more seats). And, of course, they still resent the release of Sean Kelly. Separately, they have indicated that the lack of photos of decommissioning and the use of clergymen not approved by them is likely to increase the delay in political engagement.

Tom and I have discussed the reaction and we both take comfort from the fact that Dr Paisley has so far been strong on rhetoric ("Government will pay a high price") but short on specifics of what they will do. But today's press shows a hardening of line (Paisley "there can be no place in any future government of Northern Ireland for Sinn Fein/IRA..... and we will not be engaged in any negotiations with that aim.") The DUP are seeing Peter at 12:00 today and we will have a better idea of their approach after that, but I wanted to get this to you before you left Riyadh. I can update you tonight or when I arrive at No 10 tomorrow morning.

On Sinn Fein, the meeting should be straightforward. Gerry Adams welcomed the speed of normalisation and has been calling on the Prime Minister to put pressure on the DUP to engage. He will no doubt want to discuss this and the shape of the process in the autumn. I have suggested a few points the PM might like to make.

I will be on hand to deal with any detail and take forward anything that needs action.

All good wishes,

(Signed) Robert Hannigan

Robert Hannigan
Associate Political Director

PRIME MINISTER'S MEETING WITH THE DUP, 4 AUGUST 2005

Objective

- To absorb DUP anger at the Government response to the IRA statement (particularly the speed and scale of normalisation, the end of the Royal Irish Regiment, and the roll-forward of the existing Policing Board membership).

- To persuade Dr Paisley not to take any hasty decisions or to withdraw from the process.

Points to make

- Understand the strength of your feelings on normalisation.

- I judged the IRA statement to be extremely significant and on that basis thought it right to publish the revised normalisation plans from 2003 (in which I know the DUP had no part). But as I said to you last week, verification is key and the normalisation programme, like everything else, is dependent on the IRA keeping its word.

- Also understand the emotional impact of the announcement about the RIR. I pay tribute to the role the RIR has played in fighting terrorism but it has always been made clear that when the police no longer need their support their role will come to a natural end.

- John Reid has launched a consultation on how serving members of RIR might continue to contribute to UK defence (they will have the opportunity to serve in regular army if they wish but I realise they are NI based and this will not be possible for all).

- I hope DUP will take a full part in the consultation. John Reid would also welcome views on how we might commemorate the service given by RIR when the time comes.

- On Policing Board, I know that this was a difficult decision for Peter. His priority is to maintain the stability and continuity of the Board. He has decided to roll forward the membership for the moment but not indefinitely.

- DUP members have played an important role on the Board and I hope they will continue to do so [they have hinted that they may disrupt business as a protest].

- Once again I want to reassure you that I accept the need for verification but I hope you will leave the door open for political engagement if the IICD and IMC can confirm that the IRA has acted on its statement.

PRIME MINISTER'S MEETING SINN FEIN 2005, 4 AUGUST 2005

Objective

- Largely presentational, to acknowledge scale of IRA decision, but without further inflaming unionist opinion.

- To encourage Adams and McGuinness not to make handling of unionism more difficult in the short term.

Points to make

- Interested in your assessment of reaction to the statement. Unionism reacted reasonably well to the statement itself, but obviously Government responses this week have incensed them.

- I saw Ian Paisley this morning. The DUP needs careful handling in the short term if we are to encourage them to engage in the autumn.

- Important that Sinn Fein maintains a non-confrontational approach if we are to achieve this.

- DUP regard action as all that matters. Decommissioning – with a maximum possible transparency and credibility for the unionist community – and positive IMC reports will therefore be the moment at which pressure will really begin to tell.

- I have agreed to make a speech in Belfast in October but realistically this will only have a real impact on unionism if it can point to successful verification by the IICD and the IMC.

- In the meantime officials will progress the other issues discussed before the statement. But we need to do so in a sensitive way, particularly until verification of the IRA's statement comes through. It's in no-one's interest to drive the DUP off the pitch.

- That apart, I envisage the process from September being along the lines set out in the paper Jonathan gave you.

HOUSE OF COMMONS
LONDON SW1A 0AA

6 December 2004

Rt. Hon. Tony Blair MP
Prime Minister
10, Downing Street
LONDON
SW1

Dear PM

Thank you for your letter of 2 December on the subject of the Royal Irish Regiment (Home Service) battalions.

I must point out to you that the Royal Irish Regiment had its foundation in the abolishing of the Ulster Defence Regiment. The abolishment of that Regiment after all its sacrifices was a very very bitter blow to the Ulster people. The fact that in the House of Commons the debate on the abolition of the Regiment was guillotined and I who had the honour of speaking in defence of the Regiment was not permitted to finish my speech, this was absolutely disgraceful and entered the very quick of the Ulster people.

In full view of that now we are coming its seems to a second stage when the Regiment itself seems to be ready for another degree of guillotine. If there is going to be a continuation of 5000 troops I must insist that the Home Service battalions should at least be retained as part of that garrison based in Northern Ireland. There is a very serious dissident terrorist threat and this could be escalated into a campaign against the Police in their public duties related to attacks on parades etc.

I am very well aware of the reorganisation of the entire Army but I do feel that in the special circumstances the best solution both financially and politically is that the Home Service are used in the manner I have suggested. I think that you would agree with me that it is crucial that no premature decision is taken by the Chief Constable on the deployment of the Home Service.

We require a firm commitment that our representations on this issue will be given top priority.

Yours

Ian R.K. Paisley

3. AUG. 2005 11:13 POLITICAL DIRECTORATE NO. 871 P. 3
POLITICAL DIRECTORAT
03/12/2004 08:17 PMO MOBILE COMMS 3 → 02084399044 NO.058 P0

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

2 December 2004

Dear Ian,

Thank you for your letter on the subject of the Royal Irish (Home Service) battalions.

The Government has made clear that the Royal Irish (Home Service) battalions will continue to support the Police for as long as they require routine military support to counter terrorism. Indeed, their role has been expanded over the past year as General Service battalions have been redeployed to other tasks and we expect this to continue.

When you discussed the Home Service with the Defence Secretary he made clear that he would wish to consider any proposals you may have for their future role beyond Op BANNER. The Ministry of Defence intends, in the event of the security normalisation programme being implemented, to initiate a consultation process seeking the views and proposals of interested parties, including the DUP, as to how those officers and soldiers currently serving with the Royal Irish (Home Service) who wish to do so might continue to contribute to the United Kingdom's defence commitments. In circumstances where individuals are not able or willing to do so, this work will also address potential resettlement packages for both full time and part time members. We would expect this work to be finished by June 2005.

The Defence Secretary also appreciates your concerns for the civilian workforce. Adam Ingram will be meeting with Trades Unions later this month to discuss these issues.

Yours ever,

Tony

The Reverend Dr Ian Paisley MP MEP MLA

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Jonathan Phillips

10 DOWNING STREET
LONDON SW1A 2AA

PP9A/36

7 December 2004

THE PRIME MINISTER

Dear Ian,

Thank you for your letter of 6 December on the Royal Irish Regiment.

As I made clear to you orally, we will certainly give your representations on this issue a top priority.

cc Carol
Mark

Yours ever,

Tony

The Reverend Dr Ian Paisley MP MEP

R/N: 591848

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Principal Private Secretary to the
Secretary of State for Northern Ireland

Jonathan Powell
Chief of Staff
10 Downing Street
London
SW1A 2AA

faxed/Emailed attached.

3 August 2005

Rec'd already - file cc AP TK

Dear Jonathan

At the Prime Minister's meeting with the Taoiseach in London on Monday 27 June, the Taoiseach raised the issue of the British Government's non co-operation with Justice Barron who was appointed by the Irish Government in 2001 to investigate and report on the Dublin/Monaghan Bombings of 1974, the Dublin Bombings of 1972/3, and the Dundalk Bombing of 1975.

We provided a substantial amount of information to Justice Barron's investigation into the Dublin/Monaghan Bombings of 1974. However, at the time of Justice Barron's original request for information on the 1972/3 Dublin Bombings, the Prime Minister judged, on advice from the Security Service, that resources could not be devoted to carrying out such a wide-ranging search. You indicated to the Taoiseach that we would be willing to examine further ways in which we might be able to help if a more precise request were made. He said that he would take this back to the Oireachtas Sub-Committee who have responsibility for considering and producing the response of the Irish Parliament to Barron's reports. The Prime Minister also raised the possibility of asking a senior judge to review the relevant papers, though you entered a note of caution and made it clear that we were not making any commitment on this.

It was our impression that this left the ball firmly in the Irish Government's court. However, Michael Collins has recently told Stewart Eldon that he thought the onus was on us due to the Prime Minister's mention of a senior judge. The Ambassador helpfully repeated the note of caution about this idea which you had sounded at the meeting but was left with the impression that no one in the Taoiseach's Department had approached the Sub-Committee with our request for refined details about what

Northern Ireland Office

they wanted. Michael also confirmed to Stewart that the Taoiseach was making preliminary inquiries through their Attorney General about whether the Irish Government might have grounds for a case at the European Court of Human Rights in Strasbourg.

In light of this, we thought it may be useful for you to write to Michael Collins to make a formal request for greater clarity on the information required, and to condition expectations regarding the possibility of a senior judge reviewing material. I attach a draft letter for your signature. The letter makes clear that you will write again when you have explored whether there is any more that can be done in relation to the provision of information to Justice Barron or the Committee. We will provide further advice on this. The Security Service will need to be closely involved in any decisions on this, given the resource issues mentioned above, and you may wish to discuss the matter with Eliza Manningham-Buller at an early stage.

The letter also attempts to draw out from the Irish which particular strand of Barron's investigations they wish us to co-operate on, by making clear our assumption that their concern is the second Barron Inquiry into the Dublin Bombings of 1972/3. Both Barron and the Sub-Committee have criticised the British Government for failing to provide the requested information in relation to these bombings. The letter makes clear that we are prepared to look constructively at how we might be able to respond to a specific request that we have just received from the Sub-Committee and, by implication, others that might follow relating to the Dundalk Bombing of 1975 (which Barron is due to report on shortly).

The letter also reinforces our position that, while we are prepared to consider how we may respond to requests for information, we are not prepared to go beyond this and entertain the prospect of establishing an inquiry. You will recall that this relates to calls from the Irish Government for the establishment of a UK inquiry into allegations of British state collusion in the Dublin/Monaghan Bombings of 1974, as a result of Barron's Report into these bombings (which did, however, find that while allegations of collusion between British security forces and the perpetrators of the bombings were not fanciful, they had not seen any evidence to corroborate it and that it could not be inferred, even as a matter of probability). We are still unsure at this stage

Northern Ireland Office

whether a European challenge from the Irish would centre on our failure to establish an inquiry or on our alleged non co-operation regarding the provision of information, and would want to quash any expectation that we might move on the former at the outset.

Finally, the letter makes clear that the Prime Minister's suggestion of the possibility of a senior judge reviewing our material was made without commitment and that we do not feel that we are yet at the stage where it would be useful to explore this, given that there are still existing possibilities for meeting Irish concerns which have yet to be exhausted.

I am copying this letter to Eliza Manningham-Buller.

Yours,

Alan

ALAN WHYSALL
PRINCIPAL PRIVATE SECRETARY

#Michael Collins
Department of the Taosieach
Dublin

August 2005

Further to the discussion at the recent meeting between the Taosieach and the Prime Minister, I thought it might be helpful if I wrote to you setting out briefly what we understand to be the current position in relation to the issue of our co-operation with Justice Barron's investigations, and the action I have taken.

I said last week that we would welcome further clarification on precisely what further information was being requested from the British Government, and the Taosieach undertook to go back to the Oireachtas Sub-Committee considering Justice Barron's reports with this request. In the meantime, we also have received another letter from the Sub-Committee, with some further requests for information relating to Justice Barron's second report, on the Dublin bombings of 1972 and 1973.

I assume that the Irish Government's, and the Committee's, concerns about the provision of information relate to this second report; and any further clarification you are able to provide in the light of your contact with the Committee would be helpful In the meantime, following our conversation last week, I have asked for some further work to be done to see whether there are ways in which we might be able to provide further assistance to Justice Barron and the Sub-Committee. We have already made clear on several occasions that there is no prospect of a UK inquiry being established into any of the matters investigated by Justice Barron, but we can look at whether there is anything further that it is practical for us to do in relation to providing information. I will write to you again on this in due course.

During our discussion last week, the Prime Minister mentioned without commitment the possibility of a senior judge reviewing material held by the British Government which may be relevant to Justice Barron's investigations. Before we start to consider whether any such review would be feasible or helpful, I think it important to fully explore the existing routes through which we might be able to meet the concerns which have been expressed by Justice Barron and the Sub-Committee about the British Government's provision of information.

I am copying this letter to the Secretary of State for Northern Ireland.

JONATHAN POWELL

CONFIDENTIAL

File.

SIR KEVIN TEBBIT KCB CMG

MINISTRY OF DEFENCE
FLOOR 5, ZONE D, MAIN BUILDING, WHITEHALL
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PERMANENT UNDER-SECRETARY OF STATE

D/PUS/8/1 (404)

28 July 2005

Dear Joe,

ESTABLISHMENT OF FINUCANE INQUIRY

Thank you for sending me a copy of your letter of 11 July to Bill Jeffrey about panel members and terms of reference for the Finucane inquiry.

I have had no further thoughts on whether the inquiry should have a single judge or a panel of three. I believe that the way ahead will probably become clearer when Alex and Eliza have taken soundings and we have some possible names to consider. I have no comments on the draft terms of reference.

I am sending copies of this letter to Bill Jeffrey, Eliza Manningham-Buller, Juliet Wheldon, Alex Allan and Jonathan Powell.

CC: MAP
PJC

Yours ever,

Kevin

Sir Joseph Pilling KCB
Permanent Secretary
Northern Ireland Office
Stormont Castle
Belfast BT4 3TT

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LCUAP
TK
JPO

Oifig an Taoisigh
Office of the Taoiseach

FAX / FACS

TAOISEACH'S OFFICE
OIFIG AN TAOISIGH

DATE / DÁTA: 28 July *TIME / AM:* 6.00pm

TO / CHUIG: Anthony Phillipson

FROM / Ó David Feeney

PAGES / LÍON IOMLÁN NA LEATHANACH: 4

MESSAGE / TEACHTAIREACHT:

Anthony

The Taoiseach has asked that his statement on today's developments, which he delivered at 4.30pm, be brought to the Prime Minister's attention.

David

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Phone / Telefón : 01 6789333
Fax / Facsuimhir : 01 6764048

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2
Office of the Taoiseach, Government Buildings, Dublin 2.

Statement by An Taoiseach

Today's developments herald a new era for all of the people of the island of Ireland. This is a day that we have been working towards for over a decade.

All of us know that the history of modern Ireland has often been a blood-stained one. But history's tide can and will be reversed by people of goodwill refusing to be held as prisoners to the past.

The tradition of using violence to advance political objectives has a long history in this country. In all the upheavals and change over the centuries, we have never succeeded in bringing an end to that violent tradition. I hope and believe that today can mark the day when the tradition of violence finally comes to an end.

I welcome the commitment by the IRA to end its armed campaign, to complete the process of decommissioning and to use exclusively peaceful means. This statement is unprecedented. If the IRA's words are borne out by verified actions, it will be a momentous and historic development.

It is important today that we remember the victims of violence – the thousands on all sides who were killed and injured, and the families who lost loved ones. Today will be a difficult day for them and they are in our thoughts.

Our focus now is on the completing the implementation of the Good Friday Agreement, which has brought such immense benefits to this country.

As Prime Minister Blair and myself make clear in our joint statement, there are difficult issues to be addressed. These include policing, the end to loyalist paramilitary activity and the restoration of the political institutions.

This will require hard work to reach agreement with all of the people of this island, including the representatives of the Unionist community. I know that they will judge the IRA based on its behaviour and activity.

The Irish and British Governments will also judge this statement based on actions. Independent verification will be vitally important to enable trust and confidence to be restored. Vital roles in the verification process will be played by the Independent International Commission on Decommissioning and the Independent Monitoring Commission

This is a great day for the constitutional republican tradition represented by the Irish Government and other parties, North and South. The statement by the IRA – although very late in the day – is a clear acknowledgement of the moral imperative of constitutional republicanism: that violence has no place in securing Irish unity.

It is also a great day for the British Government and people, under the leadership of Tony Blair. His contribution to peace in Ireland has been immense. His commitment and energy have remained undimmed, even in very difficult times in recent weeks. I thank him for his contribution.

Finally, I would like to say that is a very important day for me personally and for many others who have worked with me.

I have always believed that the peace process is the most important work of any Irish political leader. It is a privilege to be involved as Taoiseach on a day like today.

There are challenges still ahead, but today is a good day for Ireland.

Northern Ireland Office

All of us, and particularly the people of Northern Ireland, have looked forward to the day when all violence was a thing of the past. Many people, in different walks of life, have worked to bring this about. We owe a debt to them all. We must also remember and recognise the many victims of violence. It is for them and their families that closure of this chapter of Northern Ireland's history will be especially significant.

For its part the Government accepts that the IRA statement is intended to express acts of completion. On that basis, the Government will implement those areas of the Joint Declaration of 2003 which were dependent on this long-awaited decision by the IRA. We will introduce legislation this autumn to resolve the outstanding issue of paramilitary suspects 'on the run' and we will move quickly to begin the normalisation programme outlined in the Joint Declaration. I intend to publish an updated version of that programme shortly.

In the light of acts of completion by the IRA the Government will play its part in facilitating a discussion with Northern Ireland political parties on the shared goal of devolving criminal justice and policing. We would like to see Sinn Fein members taking their seats on the Policing Board at the earliest opportunity because support for policing from all political parties right across the community in Northern Ireland is in the interests of everyone.

We need to maintain our focus on eradicating all paramilitary violence in Northern Ireland – whether Loyalist or Republican – but the IRA's decision is a very important step indeed on the way to ensuring that future generations in Northern Ireland will be able to lead normal lives in peace and security. If the words of the statement are borne out in actions over the coming weeks and months, they will be seen as an historic milestone in the turbulent and often painful history of Northern Ireland. There will be an undeniable responsibility on unionists to participate in Government with Sinn Fein. Then the twin goals of permanent peace and sustainable devolved government can at last be realised. It is in the interests of everyone in Northern Ireland not only that violence and criminality come to an end, but also that devolved government is re-established so that people have greater control over decisions affecting them. Northern Ireland deserves no less.

I am copying this to Cabinet colleagues, and to the Cabinet Secretary, the Director General of the Security Service and 'C'.

PETER HAIN

Northern Ireland Office

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Secretary of State for Northern Ireland

FG

JPO
LCHAP
TK.

The Rt Hon John Prescott MP
Deputy Prime Minister
26 Whitehall
London
SW1A 2WH

28 July 2005

Dear John,

As we discussed at Cabinet when we last met, the IRA has now issued a statement about its future. I am writing to let you know how we are responding. I am also writing in the same sense to all members of Parliament, since the House is not sitting, and to all members of the Northern Ireland Assembly.

I warmly welcome what the IRA has said. It is a major move by the IRA of a kind the Prime Minister called for in his speech in Belfast in October 2002 - an historic turning point for Northern Ireland. The degree of consultation in the IRA and the lack of conditionality in the statement seem to the Government to be very significant features.

The clarity of this statement is in contrast to its predecessors. It states in plain language that the armed campaign is at an end. Nevertheless, the way that the conflict has played out in Northern Ireland means that there will be some caution. But caution should not become obduracy. Since the IRA has stated it is relegating physical force to history and dedicating itself to exclusively peaceful and democratic means, I hope that all democrats will acknowledge the significance of that commitment. It opens up the prospect that devolved government can be re-established in Northern Ireland and on an inclusive basis.

The words do, of course, need to be carried through in actions – actions that are verified by the Independent Monitoring Commission (IMC) over the coming months. Assuming that is the case, the statement should mean an end to paramilitarism and all that went with it – intelligence-gathering, recruitment and training, so-called punishment beatings and exiling, the procurement of weapons and so on – as well as, crucially, of criminality. We have asked the IMC to produce an additional report in January 2006, three months after their next regular report in October, to enable us to see progress on the ground.

We also look forward to confirmation by the Independent International Commission on Decommissioning that the IRA's arsenal has been decommissioned.

THE NATIONAL ARCHIVES

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10 DOWNING STREET
LONDON SW1A 2AA

Foreign Policy Adviser to the Prime Minister,
and Head of the Defence and Overseas Secretariat

27 July 2005

Dear Steve

POSSIBLE IRA STATEMENT

I promised to let you have an outline of what the US Administration might say in response to an anticipated statement by the IRA. This is at Annex A.

Our current understanding is that the IRA statement is likely to say that the leadership has ordered an end to the armed campaign with effect from tomorrow (Thursday 28th July). All units have been ordered to put down their arms and representatives have been authorised to engage with the Independent Irish Commission for Decommissioning. All volunteers have been instructed only to operate through exclusively peaceful means and not to engage in any other activities whatsoever.

On that basis, the British Government will be welcoming the statement as an historic turning point, and making clear that the republican movement now needs to deliver on the acts of completion that we have been seeking.

We discussed the possibility of the President calling Dr Paisley to encourage him not to reject the statement out of hand. A speaking note is at Annex B. The Prime Minister would greatly appreciate the President making such a call, which will reinforce the messages that we will be trying to get across to Dr Paisley and others. We understand that the statement is likely to become public at 1400 here (0900 EST); we judge that a phone call a few hours later would have the greatest impact.

Best wishes

Yours

Nigel

NIGEL SHEINWALD

Stephen J Hadley
The White House

CONFIDENTIAL - PERSONAL

ANNEX A

IRA STATEMENT: POINTS TO MAKE IN RESPONSE

- Welcome the statement as a very significant turning point in Northern Ireland's history and a major move on the part of the republican movement.

- Understand that many (especially victims and their families) will be sceptical – They will want to be certain that terrorism and criminality are indeed things of the past. The reports of the Independent Monitoring Commission and Independent International Decommissioning Commission will be crucial to this verification process.

- But if that happens, this presents an historic opportunity for Northern Ireland. Hope that all politicians will grasp the opportunity to work towards the early restoration of the power-sharing Assembly on an inclusive basis.

- Now have the potential for people of NI to move on – we need to work together to make that potential a reality.

- US will play its part in making peace a lasting reality in NI.

ANNEX B

SPEAKING NOTE FOR PRESIDENT'S CALL TO DR IAN PAISLEY

- We have spoken before about the NI Peace Process. I wanted to take the opportunity to discuss this again at what may be a crucial point in this process.

- I know that there have been a number of statements in the past which have not delivered peace. And I know that this has made many people, particularly those that you represent, very sceptical about whether the IRA is serious about what it says. I understand that completely.

- It is clearly crucial that we see independent confirmation that the commitments made are borne out by reality on the ground. I recognise that, and understand your wish for that process to be transparent.

- If that happens; if there is a genuine end to paramilitary and criminal activity and if all the IRA's weaponry is decommissioned, that would represent a genuinely historic turning point for Northern Ireland. You know better than me how much people want this to happen. Am sure you would agree that this would be a truly worthwhile prize.

- For my part, I want to see that hope become real, and for the people of Northern Ireland to be able to look forward to a future free from the threat of terrorism. I know that it will take real courage – particularly for the many victims of IRA violence and their families – to accept that the statement can unlock that prospect. They will be looking to you for leadership. Your response in the early days following the statement will be crucial in setting the tone across the unionist community, and we must make sure that we don't close any options off.

- I know that you are a man of faith and a man of integrity, who will want to do what is right for Northern Ireland.

Secret. 2264

PM
cc JPO
CCAP
TK.

To Jonathan Powell
from Ann Whysall

1+2 ~~xxx~~ pages

Typed version of statement; also sent electronically.

AJW
23/7

STATEMENT AS DICTATED BY GERRY ADAMS, 27 JULY

The leadership of Oglaigh na hEireann has formally ordered an end to the armed campaign. This will take effect from 4.00pm this afternoon.

All IRA units have been ordered to dump arms.

All Volunteers have been instructed to assist the development of purely political and democratic programmes through exclusively peaceful means. Volunteers must not engage in any other activities whatsoever.

The IRA leadership has also authorised our representatives to engage with the IICD to complete the process to verifiably put its arms beyond use in a way which will further enhance public confidence and to conclude this as quickly as possible. We have invited two independent witnesses, from the Protestant and Catholic churches, to testify to this.

The Army Council took these decisions following an unprecedented internal discussion and consultation process with IRA units and Volunteers.

We appreciate the honest and forthright way in which the consultation process was carried out and the depth and content of the submissions. We are proud of the comradely way in which this truly historic discussion was conducted.

The outcome of our consultations show very strong support among IRA Volunteers for the Sinn Fein peace strategy. There is also widespread concern about the failure of the two governments and the unionists to fully engage in the peace process. This has created real difficulties. The overwhelming majority of people in Ireland fully support this process. They and friends of Irish unity throughout the world want to see the full implementation of the Good Friday Agreement.

Notwithstanding these difficulties, our decisions have been taken to advance our republican and democratic objectives, incuding our goal of a united Ireland. We believe there is now an alternative way to achieve this and to end British rule in our country.

It is the responsibility of all Volunteers to show leadership determination and courage. We are very mindful of the sacrifices of our patriot dead, those who went to jail, Volunteers, their families and the wider republican base. We reiterate our view that the armed struggle was entirely legitimate.

We are conscious that many people suffered in the conflict. There is a compelling imperative on all sides to build a just and lasting peace.

The issue of the defence of nationalist and republican communities has been raised with us. There is a responsibility on society to ensure that there is no re-occurrence of the pogroms of 1969 and the early 1970s.

There is also a universal responsibility to tackle sectarianism in all its forms.

The IRA is fully committed to the goals of Irish unity and independence and to building the republic outlined in the 1916 Proclamation.

We call for maximum unity and effort by Irish republicans everywhere. We are confident that by working together Irish republicans can achieve our objectives. Every Volunteer is aware of the impact of the decisions we have taken and all Oglaigh are compelled to fully comply with these orders.

There is now an unprecedented opportunity to utilise the considerable energy and goodwill which there is for the peace process. This comprehensive series of unparalleled initiatives is our contribution to this and to the continued endeavours to bring about independence and unity for the people of Ireland.

PR
Tue

10 DOWNING STREET

PM

CC TH

Northern Irelw

I attach Th IRA statemt,
Th speaking points we hv
Adms gv wd vr, Peter
Hain's dft letter to MPs
& our joint statemt w/
Th Irish

We envisage gv reading
gov response a/v Th Mend
Service at lunchtime

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- Warmly welcome the IRA statement today. Genuinely historic. The people of Ireland, North and South, have waited a generation for a day like this.

- In my Belfast Harbour speech of 2002 I called on the IRA to make a move like this. The phrase I used was acts of completion. I said at the time that only a move like this could unblock the peace process in NI.

- The statement today should mean an end to paramilitarism and all that went with it – intelligence gathering, recruitment and training, punishment beatings and exile, the procurement of weapons – as well as of criminality.

- It is particularly notable that the statement is unconditional and states in plain language that the armed campaign is at an end.

- It also makes it clear that the decommissioning of all IRA weapons will take place as soon as possible, under the supervision of the IICD.

- This is a potential turning point for NI, and I pay tribute to the leadership of Gerry Adams and Martin McGuinness, which has made it possible. The fact that this has been subject to such intensive consultation in the IRA is particularly significant. It is now up to all of us to work to make the potential a reality.

- Of course whether or not this is actually an act of completion depends on action as well as words. Everyone in NI will want to be certain that paramilitarism and criminality are indeed a thing of the past. That is the job of the IMC, which will make its next report in the first half of October.

- I believe we now have the potential for everyone in Northern Ireland to move on. It is certainly our wish to get the institutions back up and running as soon as possible. The blockage has been removed. Now we have to make the potential a reality.

DRAFT LETTER (version of ~~21001~~1100, 27~~6~~/7)

Dear Parliamentary Colleague

Today the IRA issued a statement about its future. As the House is not sitting, I am writing to let you know the Government's response.

[**Dear MLA:** Today the IRA issued a statement about its future. I am writing to let you know the Government's response.

Dear John [Prescott, copied to Cabinet colleagues]: As we discussed at Cabinet when we last met, the IRA has now issued a statement about its future. I am writing to let you know how we are responding ~~to that statement~~. I am also writing in the same sense to all members of Parliament, since the House is not sitting, and to all members of the Northern Ireland Assembly].

I warmly welcome what the IRA has said. It is a major move by the IRA of a kind the Prime Minister called for in his speech in Belfast in October 2002 - an historic turning point for Northern Ireland. The degree of consultation in the republican movement and the lack of conditionality in the statement seem to the Government to be very significant features.

The words do, of course, need to be carried through in actions – actions that are verified by the Independent Monitoring Commission (IMC) over the coming months. Assuming that is the case, the statement should mean an end to paramilitarism and all that went with it – intelligence-gathering, recruitment and training, so-called punishment beatings and exiling, the procurement of weapons and so on – as well as, crucially, of criminality. All of us, and particularly the people of Northern Ireland, have looked forward to the day when IRA violence was a thing of the past. Many people, in different walks of life, have worked to bring this about. We owe a debt to them all. We must also remember and recognise the many victims of violence. It is for them and their families that closure of this chapter of Northern Ireland's history will be especially significant.

[The clarity of this statement is in contrast to its predecessors. It states in plain language that the armed campaign is at an end.] Nevertheless, the way that the conflict has played out in Northern Ireland means that there will be some caution. But caution should not become obduracy. If the republican movement is relegating physical force to history and dedicating itself to exclusively peaceful and democratic means, I hope that all democrats will acknowledge the significance of that commitment. It opens up the prospect that devolved government can be re-established in Northern Ireland and on an inclusive basis.

However, verification of the IRA's actions will be very important. The Independent Monitoring Commission has a vital task to perform in this regard and we have asked them to produce an additional report in January 2006, three months after their next regular report in October, to enable us to see progress on the ground. I know from my conversations with the members of the Commission that they are prepared for the important role they will have to play in the coming months. We also look forward to confirmation by the Independent International Commission on Decommissioning that the IRA's arsenal has been decommissioned.

For its part the Government accepts that the IRA statement is intended to express acts of completion. On that basis, the Government will implement those areas of the Joint Declaration of 2003 which were dependent on this long-awaited decision by the IRA. We will introduce legislation this autumn to resolve the outstanding issue of paramilitary suspects 'on the run' and we will move quickly to begin the two year normalisation programme outlined in the Joint Declaration. I intend to publish an updated version of that programme shortly.

In view of the IRA statement it is important that Sinn Fein now moves quickly to support policing across the community. This is the next logical step, and one which the Government has consistently called for. In the light of acts of completion by the IRA the Government will play its part in facilitating a discussion with Northern Ireland political parties on the shared goal of devolving criminal justice and policing. We would like to see Sinn Fein members taking their seats on the Policing Board at the earliest opportunity because support for policing across the community in Northern Ireland is in the interests of everyone.

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Note
This is an initial draft of a joint statement by the Irish and British Governments. It assumes a satisfactory IRA statement and is therefore subject to further discussion, and approval by the Taoiseach and Prime Minister, in light of the content of any such statement.

DRAFT JOINT STATEMENT

The British and Irish Governments welcome today's statement from the IRA.

The end of the IRA as a paramilitary organisation is the outcome the Governments have been working towards since the cessation of military activity in 1994. We acknowledge the significance of the IRA statement. Both Governments are hopeful that the practical elements of this statement will be implemented in the terms set out. If the IRA's words are borne out by actions, it will be a momentous and historic development.

We also acknowledge that trust has been damaged and will take time to rebuild. Independent verification will be vitally important to enable trust and confidence to be restored. Vital roles in the verification process will be played by the Independent International Commission on Decommissioning and the Independent Monitoring Commission. Their reports will help the Governments to assess whether all paramilitary and criminal activity on the part of the IRA has come to a decisive end and whether decommissioning has been finally completed

Verified acts of completion will provide a context in which we will expect all parties to work towards the full operation of the political institutions, including the Northern Ireland Assembly and Executive, and the North-South structures, at the earliest practicable date.

We also expect all parties and community leaders to use their influence to bring loyalist paramilitary and criminal activity to an end, including the full decommissioning of weapons.

The normalisation of society in Northern Ireland also requires that all parts of the community support and enjoy the protection of the police. It is more important than ever that progress is made in extending support across all sections of the community for the new policing arrangements throughout Northern Ireland.

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We urge all political leaders, and everyone with a genuine interest in bringing peace and stability to Northern Ireland, to join with us in our determination to ensure continued and rapid progress.

10 DOWNING STREET

PM/

CC TH

Northern Ireland

I attach TH IRA statement, TH speaking points we told Adams you would use, Peter Hain's draft letter to MPs and our joint statement w/ TH Irish.

We envisage you recording your response a/w TH Mental Service at lunchtime.

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N[redacted]l Sheinwald

To: Nigel Sheinwald; Jonathan Powell; 'Phillips, Jonathan (Pol Dir)'; 'Salters, Clare'; Tom Kelly

Cc: 'Brooker, David'; Antony Phillipson

Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

I've now spoken to Hadley, who will brief the President. Agreed that I will send him this afternoon (a) elements for US statement and (b) speaking note for Bush/Paisley conversation on Thursday if poss, together with our understanding of key elements in IRA statement. Can Antony let me have these please?

-----Original Message-----
From: Nigel Sheinwald
Sent: 27 July 2005 11:37
To: Jonathan Powell; 'Phillips, Jonathan (Pol Dir)'; 'Salters, Clare'; Tom Kelly
Cc: 'Brooker, David'; Antony Phillipson
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

I will speak to Steve Hadley later today on US statement, and speaking to paisley.

-----Original Message-----
From: Jonathan Powell
Sent: 27 July 2005 09:19
To: 'Phillips, Jonathan (Pol Dir)'; Salters, Clare; Tom Kelly
Cc: Brooker, David; Antony Phillipson; Nigel Sheinwald
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

Antony - can you speak to the White House. We need to trump Reiss. Can you ask the WH to put out a statement along the lines of ours and the Irish not some freelance operation of Reiss's. We will send them the words.

-----Original Message-----
From: Phillips, Jonathan (Pol Dir) [mailto:Jonathan.Phillips@nio.x.gsi.gov.uk]
Sent: 27 July 2005 08:11
To: Jonathan Powell; Salters, Clare; Tom Kelly
Cc: Brooker, David; Crawford, Deborah
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

Reiss is hung up on doing is own thing - the rather curious piece I showed you on Monday. We'll try and get Peter to talk hin into saying soemthing more positive.

My best guess is that McDowell's statement of yesterday about the membership of the PAC is the start of his move back towards the Taoiseach. D Ahern is being summoned back form holiday (in France, I think) for tday and tomorrow. The biggest issue under debate is what they will say about SF's fitnees for government which is a FF rather than a coalition matter.

From: Jonathan Powell [mailto:JPowell@no10.x.gsi.gov.uk]
Sent: 27 July 2005 08:06
To: Salters, Clare; Phillips, Jonathan (Pol Dir); Tom Kelly
Cc: Brooker, David; Crawford, Deborah
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

we also need to think about what we want the Americans to say. presumably as close as possible to our statement.
What do we think is happening inside the Irish government on all this? Sounds a bit fraught from my calls last night.

-----Original Message-----
From: Salters, Clare [mailto:Clare.Salters@nio.x.gsi.gov.uk]
Sent: 27 July 2005 07:53
To: Jonathan Powell; Phillips, Jonathan (Pol Dir); Tom Kelly
Cc: Brooker, David; Crawford, Deborah
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

Our SOS will ring Reiss the night before. On advice from Washington/NY, he will also ring Kennedy, Clinton (H) and George Mitchell.

From: Jonathan Powell [mailto:JPowell@no10.x.gsi.gov.uk]
Sent: 26 July 2005 19:11
To: Phillips, Jonathan (Pol Dir); Tom Kelly
Cc: Brooker, David; Salters, Clare
Subject: RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

What do we plan to do about the Americans. Who will speak to Reiss?

> -----Original Message-----
> **From:** Phillips, Jonathan (Pol Dir) [mailto:Jonathan.Phillips@nio.x.gsi.gov.uk]
> **Sent:** 20 July 2005 18:25
> **To:** Jonathan Powell; Tom Kelly
> **Cc:** Brooker, David; Salters, Clare
> **Subject:** RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]
>
> Sorry, I'm a cold bureaucrat. I'll omit specific reference to SF and give to Brendan to tomorrow.
> We should, I think, go to the Americans on the basis of an agreed text with the Irish. When we do that is related to your second point. I think we lose some credibility with Reiss if we show this to him before we've seen the statement. Handling him is now even more difficult because, as I understand it, he thinks that the Governments shouldn't see the IRA text in advance of publication! I'll touch on this with Brendan tomorrow too.
>
> As regards PM and SOSNI, I assumed that Tom would do one of his usual **excellent** pieces for that, but if that's not the plan, let me know. The SOSNI piece is what I was referring to in my earlier email as a letter to MPs etc, in effect a reacasting of a Parliamentary statement. We'll put that to Peter by the end of the week and copy you in. There are also some potentially tricky Qs and As which we will need to run past you before you (and I) go off.
>
> ---
>
> **From:** Jonathan Powell [mailto:JPowell@no10.x.gsi.gov.uk]
> **Sent:** 20 July 2005 17:28
> **To:** Tom Kelly; Phillips, Jonathan (Pol Dir)
> **Cc:** Brooker, David; Salters, Clare
> **Subject:** RE: JP DRAFT JOINT STATEMENT (20-07) [UNCLASSIFIED] [Non-Record]

OK. Could be a bit warmer.
Should we agree with the Americans as well as the Irish? What have we done about the US proposal that we agree our assessment of the IRA statement in advance?
Don't think we need to mention SF specifically in para 5.

Are we also preparing statements to put out in the PM's and SOSNI's names, the latter setting out what we are going to do. Can I see them before I go off?

-----Original Message-----
From: Tom Kelly
Sent: 20 July 2005 17:19
To: 'Phillips, Jonathan (Pol Dir)'; Jonathan Powell
Cc: Brooker, David; Salters, Clare
Subject: RE: JP DRAFT JOINT STATEMENT (20-07)

Jonathan Ph,
As far as I am concerned I would hereby verfiy that you have successfully de-commissioned sub-ordinate clauses !

I think it is excellent. It is clear and precise. Personally, I would include an explicit reference to Sinn Fein and policing because it adds to the sense of being completely up-front. The less interpretation that is needed, the better.

Tom

-----Original Message-----
From: Phillips, Jonathan (Pol Dir) [mailto:Jonathan.Phillips@nio.x.gsi.gov.uk]
Sent: 20 July 2005 15:52
To: Jonathan Powell
Cc: Tom Kelly; Brooker, David; Salters, Clare
Subject: JP DRAFT JOINT STATEMENT (20-07)

Brendan Scannell told me last night that there were slight difficulties in Dublin (read McDowell, I think) about clearing the draft joint statement I sent you earlier in the week. (I had been told that it was cleared.)

In any event it needed a bit of re-drafting and I've had a go. It would probably be quite helpful to the Irish if we sent a version back to them this week. Are you and/or Tom content that this meets Tom's criteria? **May I send it to the Irish?** I haven't shown it to Peter yet. David Brooker is finalising a

note for Peter to send to MPs in lieu of a Parliamentary statement if we need that in the short term.

On timing, Brendan thinks that SF are trying to put things in place so that the IRA statement could be made on Friday 29 July. There are one or two small bits of collateral eg a meeting between de Chastelain and Adams today and the fact that the Irish Government has now received a (much smaller) list of requirements from SF, but nothing definitive and at least as much evidence to the contrary.

Peter thinks that he should be in Belfast on Monday. Are you content to do the **Empey meeting without NIO representation** (me in Belfast with Peter, Robert on leave) or would you like me to see if David Hanson could do it?

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STRICTLY CONFIDENTIAL

From: David Campbell **cc Damien McAteer**

Date: 27 July, 2005

For: Jonathan Powell

NOMINATION OF MODERATE NATIONALIST WORKING PEER(S)

1. Following our conversation on Monday regarding the desirability to include perhaps two moderate nationalists in the next working peers list I have spoken to Damien McAteer. He has confirmed that the SDLP can not make nominations but he firmly agrees that there is a total imbalance in the upper house which will become further exaggerated with the creation of new UUP and DUP peers.

2. McAteer is willing to discreetly try and identify one or two quality individuals who would be viewed as representing the broad Irish nationalist tradition. Whilst he cannot deliver SDLP endorsement I think he could at least secure a positive press reaction from the Party leadership on their appointment.

3. It would help him enormously if you would telephone him on this matter. He would like to run a couple of names past you but it would give him cover in the Party if he can say that he was contacted by Number 10, if challenged. His contact numbers are 07799 867953 or 02871 260559.

4. He will need an assurance that if he approaches serious individuals that their nomination stands a good chance of success, obviously knowing that the normal propriety checks apply. I am happy to help him prepare citations etc.

5. I think there is a good chance of a quick result if you are able to talk to him soon. In view of expected events this week this could be helpful in drawing nationalism further into the parliamentary process and securing normality in Northern Ireland.

[signed]

DAVID CAMPBELL

File

10 DOWNING STREET
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

27 July 2005

Dear Gerry,

The British Government makes no demands of the IRA on decommissioning other than those set by the IICD remit. The government asserts the independence of the IICD and will accept its report on the arms issues.

Yours ever

Jonathan

JONATHAN POWELL

Mr Gerry Adams MP

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

26 July 2005

Dear Alan,

PRIME MINISTER'S MEETING WITH THE UUP

The Prime Minister met Sir Reg Empey and other members of the UUP, including Alan Mcfarland and Lady Sylvia Hermon at No.10 yesterday afternoon. Jonathan Powell, Jonathan Phillips and I were present on our side.

The Prime Minister offered his congratulations to Sir Reg on his election as UUP leader. Sir Reg said that the UUP's enthusiasm to play a role in the peace process was undiminished. The UUP had achieved some important things in the past. There was a lot of unfinished business. They would want to play a role in the next steps. The key question was what happened next.

The Prime Minister asked about the mood of people in Northern Ireland. Sir Reg said they were waiting for the statement from the IRA. There was a lot of cynicism and scepticism in light of recent events. The key would be what happened, rather than what was said. Any hint of concessions because of the mere fact of making a statement would be very badly received. Lady Hermon said that the Prime Minister should watch any accusation of double standards. There was great support for the leadership he was showing in response to the London attacks. But if at the same time he was granting amnesty to convicted terrorists (ie "on the runs") then that would not go down well. The Prime Minister said we should wait to see what the IRA did. He recognised that it needed to be a clear step forward.

Sir Reg said that one problem was the increased separation of communities in Northern Ireland. There was a risk that any IRA statement, and the Government's response would encourage this. For example, any talk of separating the First Minister and Deputy First Minister post would be very damaging. The Prime Minister said he recognised that we could not make progress unless actions matched words. The Northern Bank robbery and the McCartney murder had exposed the contradictions that the IRA and Sinn Fein knew they needed to deal with. He stressed that the UUP should look at their achievements in the last seven years with pride. He added that a key difference was now that the Government in the Republic of Ireland was in the same place as us. That was a big change. He stressed that if

the IRA did the business then the Unionist community would need to respond. Sir Reg said he recognised this. The other question was what would happen if they fell short. Paralysis undermined those who supported democracy.

Lady Hermon urged the Prime Minister to deal with two things in particular. First while she welcomed the decision to look into the issue of the disappeared, it was absurd that those who had disappeared since the Good Friday Agreement were not covered by this. One of her constituents, Lisa Dorrian, was the victim in such a case. The Prime Minister asked Jonathan Phillips to have the case looked into again. Second, she said that we needed to get decommissioning right this time. It had been a disaster last time.

Sir Reg raised the question of identity cards. The UUP firmly supported this. But Northern Ireland was a potential back door to the UK. Sylvia Hermon agreed. We should put pressure on the Republic of Ireland to introduce them.

Sir Reg said there were a range of other issues that he would want to raise with the Prime Minister, but he would do so with his officials in the interests of time. These included parades, human rights, and the Maze Panel.

The Prime Minister asked what the UUP's political strategy was now. Sir Reg said they would focus on promoting the values of Unionism. He recognised they had to develop a programme that was relevant. The key to this was getting Stormont functioning. We needed to force people to take decisions.

The Prime Minister repeated the importance of the Unionist community responding properly if the IRA made a credible statement. We had to break the cycle. Sir Reg said that they would have to be very cautious. He repeated that actions spoke louder than words. The Prime Minister agreed. The IMC would be an important arbiter.

I am copying this letter to Jonathan Phillips.

Yours,

ANTONY PHILLIPSON

Alan Whysall
NIO

26705 -

DRAFT

U.S. Response to Sinn Fein Statement

We welcome today's IRA statement pledging to "xxx". This statement follows Sinn Fein President Gerry Adams' call on April 6 for the IRA to renounce violence and rely on purely political and democratic means. We understand that the IRA's reliance on "exclusively peaceful and democratic means" indicates that its members will no longer cooperate with any foreign terrorist organizations.

This IRA statement must now be followed by actions demonstrating the republican movement's unequivocal commitment to the rule of law and to the renunciation of all paramilitary and criminal activities. We will look to the Independent International Commission on Decommissioning and the Independent Monitoring Commission to verify that the commitments outlined in today's statement are fully implemented and sustained on the ground in the communities of Ireland, North and South.

President Bush salutes Prime Minister Blair and the Irish Taoiseach, Bertie Ahern, for their leadership on this issue. The United States remains steadfast in its support for the peace process and continues to work closely with the British and Irish governments to achieve a comprehensive settlement that achieves lasting reconciliation under the principles of the Good Friday Agreement.

SUBJECT MASTER
Filed:

NI - Strategy
A2.

10 DOWNING STREET
LONDON SW1A 2AA

S 87 /05

From the Prime Minister's Chief of Staff

25 July 2005

Dear Peter,

PRIME MINISTER'S MEETING WITH ADAMS AND McGUINNESS: 25 JULY 2005

Adams and McGuinness came to see the Prime Minister this morning.

Adams said they had seen the Taoiseach. They would go back and see him again tonight. Tomorrow they would meet the IRA. They would have a final statement on Wednesday to show to us and the Taoiseach. It would be released on Thursday.

They had not yet finalised the text but it would have the following six points:

a) It would be unconditional. It would be rooted in the consultation process in the IRA. But it would not be subject to any context or the implementation of the Good Friday Agreement or anything else.

b) The Army Council would formally end the armed campaign.

c) All volunteers had been ordered to engage only in purely political and democratic activity and exclusively peaceful means and not to engage in any other behaviour whatever. He elaborated that this would mean no training, recruitment, bank robberies etc.

d) All Units were ordered to dump arms.

e) All volunteers were instructed to comply fully with these orders.

f) The IRA representative had engaged with the IICD in order to decommission all IRA arms. Two independent witnesses would be involved.

The Prime Minister that he would have to make it clear that we understood this to mean no criminality, and it was import that Adams and McGuinness did not contradict this. Adams said if asked this question he would say what part of "any other behaviour" did people not understand?

Third, I asked about the apparent disparity between dumping arms and engaging with the IICD. Adams explained that it was crucial that the leadership regained control of all weapons. They therefore needed to instruct volunteers to dump arms before they could be decommissioned. He said in that regard there might be some difficulty if people were caught moving arms because they would need to be intensively consolidating weapons holdings over the coming weeks.

Given the circumstances they would no longer rush to get the whole process done in a couple of weeks but would take a couple of months over it. I said it was crucial they made clear in the IRA statement that all IRA arms would be decommissioned; that the decommissioning would be completed as soon as possible; and that all modalities and practical aspects would be agreed with the IICD. It would also help if the two independent witnesses were credible to the unionists.

Adams asked how quickly we could get the unionists into the process. The proposed 9 months was far too long. They wanted a tentative timetable from us with institutions set back up by Christmas. We should put the necessary legislative changes in hand now. He was worried that once the IRA had made its statement the focus would turn to other issues. He and McGuinness thought there was a case for putting off the first IMC statement until November so that the British Government could take the necessary steps after that report, rather than waiting for the second report.

The Prime Minister said it would not be possible to get institutions set back up by Christmas. Proposing it would simply get the Unionists' backs up. Pressure had to come from the DUP and from the Unionist community. That would mean the Republicans would have to carry some of the weight in persuading them. The Prime Minister said that he thought an early IMC report in the first few weeks of October, followed by a second report in early January, was the best way forward. He might make a speech in Belfast after that first report. Adams asked whether we could draw the DUP into a process. It was important that we get them to speak to Sinn Fein. They were not in favour of rolling devolution. They wanted all the Good Friday Agreement institutions back up at

once. But there needed to be some sort of process in the intervening months, both public and private.

The Prime Minister agreed. He was prepared to press the DUP to get into dialogue and he thought we should aim after the second IMC report in the New Year to try to get the institutions up and running again if the circumstances were right.

Adams also asked the Prime Minister to ask President Bush to telephone Ian Paisley after the IRA statement, and again in the autumn, to press him to speak to Sinn Fein. He also suggested that the Americans co-sponsor an economic conference in Northern Ireland in the autumn, attended by all the parties. Sinn Fein and the DUP should meet the Chancellor about the economic dividends for the Province.

The Prime Minister raised policing. We needed to find a half-way house. If Sinn Fein could not move directly to joining the Policing Board, they should begin a dialogue with Hugh Orde and his officers. Adams said they agreed. We needed an interim step on policing. That was why they wanted to establish a dialogue with the other parties on the devolution of policing and justice, and why they were prepared to agree to a dialogue in Downing Street with the PSNI. They would however stick to their process on policing and would not allow themselves to be bounced.

Finally, Adams asked to see the Prime Minister next week at Chequers for a photo opportunity. We will arrange this.

I am not copying this letter further.

JONATHAN POWELL

The Right Honourable Peter Hain MP
NIO

JPo. P

Peter Howes

From: Harwood, Julie [Julie.Harwood@nio.x.gsi.gov.uk]
Sent: 25 July 2005 13:22
To: Debbie Ailes
Cc: Duty Clerks
Subject: **Two docs for discussion**
Importance: High
Sensitivity: Confidential

Hi Debbie, JP2 will be staying on to discuss the attached docs with JP1 after the 2.00pm No.10 mtg this afternoon. JP2 would you like you/garden girls to have copies for any amendments which may be made.

Thank you.
Julie

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RESPONSE TO SINN FEIN'S 6 JULY 2005 PAPER

Item 1: Agree.

Item 2: The British Government announces as part of its response to the IRA statement that the two year programme set out in Annex 1 of the Joint Declaration will be implemented and front-loaded. This programme will reflect changes since that time (some items already having been dealt with). Some elements of the front-loading are dependent on the confidence building steps set out in Jonathan Powell's letter to Gerry Adams of 2 December 2004.

Item 3: Suspension cannot be lifted until there is political agreement.

Item 4:

- Repeal of the British Government's suspension power will take place in the context of legislation implementing changes to Strands 1-3 (see below).

- Legislation implementing the Strands 1-3 elements of the Proposals for a Comprehensive Agreement will need to follow verification of IRA commitments and agreement with the parties about the timetable for restoration.

- OTRs. This commitment will be announced immediately after the IRA statement and in the context of an early sequence being initiated legislation will be introduced in the autumn with the intention that second reading will be no later than 30 November 2005. As agreed in December, the particular case mentioned to us will also be dealt with at that time.

- We remain committed to the Joint Declaration position that the repeal of counter-terrorist legislation will take place at the end of the two year normalisation programme and to the commitment made in December 2004 that if the enabling environment allows this programme to be completed more quickly, we would aim to repeal the legislation by a correspondingly early date.

- The British Government remains fully committed to implementing the Patten recommendations on baton rounds. The new Attenuating Energy Projectile will only be used in public order or crowd control situations, in response to an individual or individuals threatening violence, where the only alternative would be the use of live rounds, following the same rules as in England and Wales. Research on a further alternative continues, with a target date of 2006.

- The then Secretary of State announced the decision to extend the powers of the Northern Ireland Human Rights Commission in December 2004. We intend to consult by the end of September 2005 about the basis of that extension in line with the commitments made in December 2004, taking account of the development of the Commission for Equality and Human Rights for England and Wales. The consultation timing reflects the appointment date of the new Human Rights Commission.

- The British Government has announced that legislation dealing with electoral registration will be introduced during this session. The Northern Ireland parties will be consulted by early August 2005 about the precise proposals. [These will include the removal of the annual canvass.]

- Contrary to expectations in December 2004 there is no Government legislation that will remove this requirement in the current Parliamentary session. A Private Member's Bill – the Crown Employment (Nationality) Bill – is scheduled to have its second reading in December 2005. In the meantime, we will look again to see whether there are other ways of creating more flexibility in this area.

- In December we committed to implement the recommendations of the then forthcoming Electoral Commission report in relation to Policy Development Grants in a way which dealt with your concerns. The Commission has now reported and has chosen to address the complaints from a number of parties about eligibility by recommending that criteria should be broadened to encompass all parties with at least two members elected to Westminster, the European Parliament, or one of the devolved legislatures. This has implications beyond Northern Ireland and the Government is considering how to take the issue forward.

- On Short money a motion will be put before the House at the same time as other allowances are restored to Sinn Fein (see below).

- We envisage that the financial penalties imposed on Sinn Fein following the recommendation of the IMC will be removed in the light of an appropriate report from the Commission. At the same time a motion would be put before the House of Commons seeking to restore Westminster allowances. (As noted above, a separate motion on Short money would be put down at the same time.)

- There is no intention to amend or repeal the IMC legislation at this stage.

- Consideration of a financial package can only be taken forward in the context of a restored Assembly and Executive.

Items 5 and 6: We welcome engagement with the IICD to put all arms beyond use. We very much hope that it will be possible to agree with the IICD that independent witnesses will accompany the IICD team.

Item 7: The British Government will announce its intention, as part of the initial response to the IRA statement, to consult Northern Ireland parties bilaterally on the devolution of policing and criminal justice with a view to introducing framework legislation in the autumn.

Item 8: Framework legislation will be enacted within a 12 month period.

Item 9: The British Government welcomes Sinn Fein commitment to an early process to address the issue of policing. We believe that these steps should be taken earlier if community confidence is to be maintained.

Item 10-12: These matters are all dependent on agreement with Northern Ireland parties and, as appropriate, the Irish Government and the Irish Parliament.

Item 13: The British Government confirms its position in relation to other commitments made in the context of negotiations in 2004 and on the basis on which they were given.

Item 14: The British Government remains committed to the position stated in the Comprehensive Proposals, namely, that legislation enabling the transfer of powers on policing and justice will come into force as soon as possible, "once sufficient confidence exists across the community, as expressed in a cross-community vote in the Assembly, proposed by the First Minister and Deputy First Minister".

DRAFT LETTER

Dear Parliamentary Colleague

[Yesterday] the IRA issued a statement about its future. I am writing to let you know the Government's response to that statement. Had the House been sitting I would have come to Parliament to make a statement about it.

The IRA statement, if carried through in actions that are verified by the Independent Monitoring Commission (IMC) over the coming months, will mean the end of the IRA as an active paramilitary organisation. [Some detail/quotes on the statement and decommissioning if possible]. On that basis, we welcome what the IRA has said. All of us, and particularly the people of Northern Ireland, have looked forward to the day when IRA violence was a thing of the past. Many people, in different walks of life, have worked to bring this about. We owe a debt to them all. I pay tribute to all those who have played their part. We must also remember and recognise the many victims of violence. It is for them and their families that closure of this chapter of Northern Ireland's history would be especially significant.

There have been many statements from the IRA in the past. They have not always provided the clear-cut answers that we believe the situation required, or expressed the IRA's intentions in ways that we wanted to hear. This is a reflection of the way that the conflict has played out in Northern Ireland and its tortured history. So it is right that there should be some caution. But caution should not become obduracy. If the republican movement is relegating physical force to history and dedicating itself to exclusively peaceful and democratic means, I hope that all Parliamentarians will encourage that commitment to democracy.

It is the case that diminishing levels of trust in Northern Ireland - eroded by a series of actions over the past number of years which do not need to be rehearsed - have left many people sceptical about statements and words, from whatever source. [As was made clear in the joint statement from the British and Irish Governments yesterday] it is essential for the rebuilding of trust that the IRA's words are carried through in its actions. And as a matter of confidence building, people will want to see those actions verified by the IMC. I know from my conversations with the members of the Commission that they are prepared for the important role they will have to play in the coming months. [We also look forward to confirmation by the Independent International Commission on Decommissioning that the IRA's arsenal has been decommissioned.]

For its part the Government accepts that the IRA statement is intended to express an act of completion. On that basis, the Government will implement those areas of the Joint Declaration of 2003 which were dependent on this long-awaited decision by the IRA. We will introduce legislation this autumn to resolve the outstanding issue of paramilitary suspects 'on the run' and we will move quickly to begin the two year normalisation programme outlined in the Joint Declaration. Elements of that programme have already been implemented [and I will be discussing with the Chief Constable and the GOC what scope there is for accelerating the programme further if the security environment permits].

In the light of the IRA statement it is important that Sinn Fein now moves quickly to extend its support for policing across the community in Northern Ireland. This is the next logical step, and one which the Government has consistently called for. In the light of acts of completion by the IRA the Government will play its part in facilitating a discussion with Northern Ireland political parties on the shared goal of devolving criminal justice and policing. We recognise the difficulties for republicans in supporting policing, just as we recognise the concerns of unionists, but we hope to see Sinn Fein members taking their seats on the Policing Board at the earliest opportunity because support for policing across the community in Northern Ireland is in the interests of the whole community.

If the words in the IRA statement are borne out in its actions over the coming weeks and months, it will be seen as an historic milestone in the turbulent and often painful history of Northern Ireland. the IRA's decision signals a confidence that future generations in Northern Ireland will be able to live in security and peace. If those signals are implemented, then the responsibility on unionists to participate in Government with Sinn Fein will be undeniable. It will mean that the twin goals of lasting peace and sustainable devolved government can at last be realised. The people of Northern Ireland deserve no less, and hope for no less.

10 DOWNING STREET

PM

Meeting with The UUP

Reg is trying to outflank The DUP. He will probably be unhelpful when The IRA statement comes out. (Dow Carhill called me to say he understood an IRA statement was imminent).

URGENT

For: Jonathan Powell

From: Sir Roy Empey

Cover + 2

cc Jonathan Phillips
FAXED
No 10
Tom Kelly
Andy Pinkerton

Further for comment
needs work

B.M

19/7

CONFIDENTIAL

From: Sir Reg Empey, MLA

Date: 18 July, 2005

For: Jonathan Powell

Issues for meeting with the Prime Minister, 25 July, 2005

1. I thought it might be useful to provide advance notice of some issues I would hope to cover with the Prime Minister at our meeting on Monday next. I hope to be accompanied by Lady Hermon, MP, Alan McFarland, MLA, Tom Elliott, MLA and David Campbell, Party Vice-Chairman.

2. **General Political Discussion** – what is the PMs thinking on the way forward now. Is there to be a further negotiation with the Parties in the autumn? What progress has been made towards the disbanding of the IRA and the ending of all criminal activity by that organisation? Are any plans being considered for alternative uses for the suspended Assembly? What is to be done with the North-South arrangements which have been operating on a 'care and maintenance' basis for nearly three years?

3. **Parades** – Parading problems are increasing rather than diminishing. Despite reviews of the Parades Commission it remains unrepresentative and is widely recognised as now exacerbating rather than alleviating parades tensions. We wish to discuss alternative approaches to try and reinstate 'normal' summers and help our tourist industry to recover.

4. **Former Maze Prison Development** – The UUP and SDLP negotiated the gift of this and other redundant security sites to the NI Executive. The two Parties were also able to secure cross-Party support for a comprehensive development plan for the site, including a national multi-sports stadium capable of hosting regional events for the 2012 London Olympics. Without consulting the UUP, Officials have asked the DUP and Sinn Fein respectively to lead a new development Panel for the site, despite being unable to reach broader political agreement. This is despite assurances that there would be no rewards for no agreement. We would like this issue addressed and would suggest the solution proposed by Ian Pearson, MP when he was the responsible Minister.

5. **Human Rights Commission appointments**- despite two opportunities to correct the unrepresentative make-up of the NIHRC, and the assurances from HMG that there would be full consultation on any senior appointments, the most recent appointments including the Chairmanship passed without any consultation, and resulted in further imbalance against the Unionist community. The Chairmanship in particular is now held by someone active in

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Private Secretary to the
Secretary of State for Northern Ireland

Jonathan Powell
Prime Minster's Chief of Staff
10 Downing Street
London
SW1A 2AA

22 July 2005

Dear Jonathan,

PRIME MINISTER'S MEETING WITH SIR REG EMPEY – 25 JULY

I attach, as requested, briefing for the Prime Minister's meeting with Sir Reg Empey on Monday.

My Secretary of State has asked me to add that Sir Reg is very much in "outflanking the DUP" mode. Sir Reg is keen to see a role for the Assembly short of full status. The Secretary of State has suggested that the Prime Minister listens to this non-committally.

Yours Sincerely

JACKIE SEAR
PRIVATE SECRETARY

CONFIDENTIAL

MEETING WITH SIR REG EMPEY
25 July 2005

Objective

- To encourage the UUP not to outflank the DUP in responding to the IRA statement and to respond to the points in Sir Reg's note.

Politics

- No definitive progress to report on the IRA – activity is the key, not disbandment.
- Suggest you keep talking to Peter about alternative roles for the Assembly – so far there has been no consensus on interim solutions.
- Not going to abandon North-South – again, talk to Peter about approaches to consultation.

Parades

- The vast majority of parades passed off peacefully and all those who played a part in that are to be commended. As is the Londonderry model – an example of where mutual tolerance and understanding of all traditions has clearly worked.
- Shaun Woodward has already said that the autumn is the time to reflect on this year's experiences and see whether we can improve the process for better dialogue and greater understanding. But as the NI Affairs Committee said last year, the Parades Commission offers the best hope for developing peaceful solutions.

Former Maze Prison Development

- Not aware of any understandings that the leadership of the project would stay with the UUP and SDLP, though recognise the valuable role that both parties have played so far.
- This is not an area where I'm going to intervene: as Jeff Rooker has explained, there is a case for encouraging the DUP and Sinn Féin to work together.

Human Rights & Equality Commissions: appointments

- Both the Human Rights Commission and Equality Commission appointments were made after open competitions based on merit – as the rules require. [**If pressed**: there is no requirement to consult on these appointments – we did not consult any party.]
- Both bodies are pretty evenly balanced in community background terms: *(NIHRC: 5 Catholic, 4 Protestant, 1 neither; ECNI: 9 Catholic, 8 Protestant, 1 neither)*
- Understand that of the 88 applicants for the Equality Commission, none indicated any political activity for the UUP (or DUP). If unionists want to be represented, they must apply
- Know that you have reservations about Monica McWilliams *(new Chief Commissioner at the Human Rights Commission)*. But she was the best performing candidate, and I know Peter Hain has encouraged her to reach out across the community. Understand she has now resigned from the Women's Coalition to enable her to focus properly on her new role, free of political attachments. Hope you will judge her on her actions.
- Similarly, Bob Collins *(new Chief Commissioner at Equality Commission)* has been chosen on merit after an open appointment process. He is the right person to lead the Commission in continuing this essential work. He brings not only valuable experience of running a high-profile organisation *(RTÉ)* but also hands-on experience of making equality a reality. Hope, again, that you will judge him on his actions.

Fide

From: Jonathan Powell
Date: 22 July 2005

PRIME MINISTER

cc: Antony Phillipson
Tom Kelly
David Hill

ADAMS AND MCGUINNESS

You are seeing Adams and McGuinness from 0900-1000 on Monday. Jonathan Phillips and I will then see them to work through the details, and they will probably meet Hugh Orde in Downing Street after that.

Jonathan Philips met them on Thursday and Peter Hain met them today. I attach the records.

Adams needs to show you the IRA statement and you need to make an immediate assessment. In return he wants to see what we will say in reaction. I attach a) draft words from you that we would put out (we assume you won't want to do TV), b) a draft letter from Peter Hain to MPs setting out what we will do on OTRs and demilitarisation, and c) a draft joint statement we are negotiating with the Irish (but which has not been fully accepted by McDowell). All obviously depend on what the IRA statement says.

Predictably they are trying to squeeze as much as possible out of us at the last minute. I am not very sympathetic given that this is a unilateral step that they have to take for their own reasons. We will however give them on Monday an updated note on expedited demilitarisation which is linked to confidence measures by them on policing (attached – Hugh Orde won't agree to delinking the two), and an updated response to their general Leeds Castle wish list. We are not prepared to renegotiate either of these. They will undoubtedly press us to agree faster demilitarisation, delinking it from cooperation on policing and more movement on all the other issues from plastic bullets to human rights. You need to take a tough line on all of these.

On timetable and policing I attach the papers we have given SF. They are still pressing us to agree to set the institutions up after 6 months regardless of unionist opinion. We have made it clear this is unrealistic. And they are refusing to move on policing until policing is devolved. We have made the point to them that it is

in their own interest to make some movement to a halfway house on policing, but they are not convinced.

They still want action on Sean Kelly before their statement.

We believe the IRA intend to put out their statement on Friday, or possibly over the weekend. It is probable that Adams will speak to you again towards the end of the week. McGuinness however is going to the US on Wednesday.

JONATHAN POWELL

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Jonathan Powell
Chief of Staff
10 Downing Street
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22 July 2005

cc AP
TK
[redacted]

Dear Jonathan,

MEETING WITH ADAMS & McGUINNESS, 22 JULY

Gerry Adams, Martin McGuinness and Gerry Kelly came into see the Secretary of State this morning. I was also present.

Adams began by saying that the IRA intended to move by the end of the month. This required intensive effort, therefore, over the next few days. They needed to get the IRA finally across the line in terms which signalled clearly that its armed conflict was over. Their statement, the outline of which he intended to share with the Prime Minister on Monday would make clear also that the IRA will engage with the IICD on decommissioning and also cease its activities. He was clear that this information should in our system not be transmitted beyond Peter, myself and of course you and the Prime Minister. The Irish are as yet unaware of this intention, but Adams is planning to see the Taoiseach on Sunday.

He then went on to say that a number of things were crucial if they were to be successful in their final push with the IRA. They needed:

- the commitments we had given them in December (see below) to be updated and extended;
- the Governments to respond "properly" to the IRA's statement, without conditionality. He hoped that you would be in a position to show them the text of our intended response in a separate meeting following the session with the Prime Minister (and which second meeting it was suggested I also attend);
- a big effort to try and create a positive mood so that it was difficult for the DUP not to go into Government with Sinn Fein in the earliest possible timeframe (doing things like legislating to implement the Strands 1-3 elements of the Comprehensive Proposals were essential to give a sense of cranking up). Such atmospherics were essential to avoid the possibility of some republicans calling for a GAC.

SECRET & PERSONAL

NIO

He said that he would wish to finish the meetings in Downing Street on the basis that they could then go to the IRA in complete knowledge of the package, though he accepted that there may well be a further iteration since we could hardly have available the final draft of our statement in advance of theirs being available. He didn't confirm the precise day on which the IRA statement would appear; our sense was that they were aiming for Friday with an acceptance that this might slip into the weekend.

Before going into a list of specifics on which we are expected to provide an up-to-date position, there was discussion of two particular issues. First, Adams referred to the need for a plan B if we were all to avoid handing a veto to unionism. It was not clear whether he was expecting to see further proposals on this by Monday and we certainly did not offer them. But it is possible that he may press the Prime Minister to go further than the outline timetable we provided in June. In this connection he mentioned the Irish Government's position that Sinn Fein could not become a partner in Government in the South as a significant hurdle. The Secretary of State agreed that we didn't want to find ourselves in plan B territory either and this gave rise to a conversation about whether there were creative ways in which the Assembly could be used to draw people into political dialogue during a preliminary or shadow phase. Adams reiterated his position of the last few weeks which has been that this would be "catastrophic". The Assembly and the Executive had to be restored on a complete basis at the earliest possible date.

Second, the Secretary of State asked about policing. Would Gerry Adams/Sinn Fein say something about this at the same time as the IRA statement? Adams said that the position of the leadership group was that they had to be become part of the policing project, but that the kind of paper we had offered on the devolution of justice and policing was "death" to their ability to achieve it; they could not do it short of the transfer of powers. They were happy to participate in discussion about how the transfer could be dealt with. They liked the idea in the December proposals that there could be regular meetings chaired by No.10 including the Chief Constable and senior representatives of Sinn Fein (and the NIO) until they joined the Policing Board, but the other kinds of confidence-building measures in the December text and our more recent paper were out of the question. Nevertheless, at the Secretary of State's suggestion he did not rule out the possibility of a very early further meeting with the Chief Constable. At the end the discussion Adams suggested that this might, desirably, take place in Downing Street on Monday after the Prime Minister's meeting.

Before moving onto the detail they confirmed that they were in touch with the IICD and would be seeking to engage Tim Dalton as their main interlocutor on that subject when he returned from Australia at the weekend. They are intending to propose witnesses to accompany the IICD, but they didn't give the names of those they had in mind.

SECRET & PERSONAL

NIO

In addition to the requests to see our proposed response to the IRA statement on Monday, they raised the following issues, most of which they will raise with you on Monday:

- **Normalisation** – they said that they wanted an updated paper which develops the position as it was left in December. I have now sent you separately a revised text which does no more than update the detail to reflect what has happened in the intervening months. If you agree, I would aim to get that to the Sinn Fein team on Monday morning before any meeting with the Prime Minster.

- **Restoration** – they find unacceptable the position in our most recent paper that suspension cannot be lifted until there is political agreement. We need to set a date, whether there is agreement with unionists or not and this could perhaps be a feature of a Prime Ministerial speech in Northern Ireland in September or October which I think you have mentioned to them. The Secretary of State was firm on the point that suspension could not be lifted until there was political agreement, although we acknowledged the obvious technical point that we have the powers in the existing legislation to do that.

- **Strands 1-3** – they want a firm time commitment from us about when the legislation implementing the Strands 1-3 elements of the December Comprehensive Proposals will be introduced. We had no further discussion of this since Adams had another meeting to get to, but the Secretary of State's assumption is that we cannot commit to a date in advance of political agreement.

- **OTRs** – they asked for a date by which we would have introduced the legislation and dealt with the particular case. The Secretary of State said that he thought is reasonable to commit to second reading for the legislation no later than the end of November and that the particular case would be dealt with at that time. They will press further on the latter point which we continue to think would be impossible to handle.

- **Plastic baton rounds** – they made the usual case for immediate abolition and the Secretary of State rested firmly on the position that there was no movement beyond our earlier commitment that research on a further alternative (to the Attenuating Energy Projectile) continues with a target date of 2006.

- **Northern Ireland Human Rights Commission** – they seemed to accept the point that we will consult on the decision to present the powers of the Commission in September, but they may raise a particular question about whether the Commission itself should have the power to initiate cases as opposed to the power to support applications from "victims". We hold to the view, not least in the context of the position in the UK more generally, that the broader power would be inappropriate and is not required by the Paris Principles. We said that they could pursue this issue in response to our consultative exercise.

SECRET & PERSONAL

NIO

- **the Electoral Register** – we reiterated that legislation dealing with this would be introduced this session and that the Northern Ireland parties would be consulted soon. I undertook to see whether we could provide by Monday a short summary of what is likely to be in that consultation.

- **Civil Service Nationality Requirements** – we confirmed that a Private Member's Bill had been introduced at the end of June. I was able to hand to them a text of that Bill which I think will deal with that matter for the time being.

- **Financial penalties against Sinn Fein** – Adams said they needed a date by which these would be removed. You will recall that in the document we gave them we said that they would be removed in the light of an appropriate report from the IMC. They are looking for an absolute commitment that this will follow the October IMC report. The Secretary of State declined to give this on the basis that we simply could not know now that the IMC report in October, given an end July (or later) IRA statement, would give sufficient cover. Adams said that the alternative of waiting a further three months until January was totally unacceptable.

- Adams said that they would also press for the repeal of the Secretary of State's powers to impose sanctions on political parties. The Secretary of State gave no ground on this.

- **Peace dividend** – Adams said that although this was not a conditional point they were seeking advice on how to go about achieving this. They thought it would be amongst other things a good area for encouraging co-operation with the DUP. Could we suggest, perhaps, a meeting at which the DUP and Sinn Fein would both be represented to put forward a pitch?

They asked for as many as possible of these things to be cleared before Monday's meeting with the Prime Minister. I undertook that we would get whatever further material was to be provided to them on Monday morning, but gave no specific commitments. I should be grateful to discuss with you what further we might try to provide in that timescale over and above the revised paper on normalisation which I have sent separately to you.

Yours ever,
Jonathan

JONATHAN PHILLIPS

SECRET & PERSONAL

FROM: JONATHAN PHILLIPS
Political Director
21 July 2005

cc: David Hanson (L&B)
Shaun Woodward (L&B)
Joe Pilling (L&B)
Nick Perry
Robert Hannigan, *o/r*
Chris Maccabe
David Brooker
Carol Moore
Mark Sweeney
Clare Salters
Claire McCarthy
Phil Taylor
Jonathan Powell, *No.10*
Stewart Eldon, *HMA Dublin*

Secretary of State (L&B)

FOLLOW UP TO MEETING WITH SINN FEIN, 21 JULY

1. There are detailed notes of the meetings I had with Gerry Kelly, Leo Green and Conor Murphy today to discuss our papers on policing and the response to Sinn Fein's 6 July paper, but I thought you would find helpful the headlines which are likely to be raised with you by Gerry Adams tomorrow. These will also be relevant for the meeting Adams is seeking with the Prime Minister next week.

2. On the **policing** paper, I made very strongly the point that early movement by Sinn Fein in terms of confidence-building measures was very important to the overall project. I had strong support on this from the Irish Government representative, Eamonn McKee. The Gerry Kelly line was perfectly amiable but absolutely unyielding that they would only begin to discuss confidence-building measures when the legislation on the devolution of justice and policing was available, leaving the slight ambiguity that this would be the introduction of legislation rather than its passage. They also continue to press, wholly unrealistically, for the devolution of justice and policing to occur within a year. However, he also signalled that we would face a number of very difficult issues in preparing that legislation given Sinn Fein's concerns about the role the Security Service will have in relation to national security in Northern Ireland.

3. On this you will need to continue the line you have been taking in recent conversations that changes in Sinn Fein's approach to aspects of policing in advance of their joining the Policing Board are essential to change the mood, to support the wider political project and to ensure that there is maximum opportunity for the normalisation programme to be completed quickly. I don't think that the conversation will go further than this in the context of the IRA statement.

4. In this context Kelly also expressed concern about the sincerity of the commitments we had made previously about **plastic baton rounds**. The use of 22 "plastic bullets" (Attenuating Energy Projectiles) in Ardoyne on 12 July was, he said, both in breach of the rules for their use in England and Wales (we are checking) and also ran counter to the sentiments in earlier papers that they had not been deployed for a long period. I said that I was in no position to offer any further movement on baton rounds beyond the existing commitment that research on a further alternative to AEPs continues with a target date of 2006. (As you know, there is a worrying issue about the Home Office's current reluctance to continue funding this programme.) Certainly, the Chief Constable's position is that he is even less likely to show any further flexibility on this issue given that the Police Federation is taking him to court on the grounds that his failure to authorise their use early enough in Ardoyne lead to an unnecessarily high number of injuries to police officers.

5. Turning to the wider list of issues and leaving aside plastic baton rounds I think that there are six which Gerry Adams will want to pursue further with you and the Prime Minister. These are:

- **the IMC**. Quite apart from a continuing demand that we get rid of it (which was not pushed too hard) there are concerns that it may expand its remit so as to inhibit the dialogue we have proposed on the devolution of policing and justice and more seriously that the linkages between an <u>appropriate</u> IMC report and the lifting of the various financial sanctions on Sinn Fein are ambiguous and imply too long an interval between the IRA statement and our responses. On this we got into an unproductive conversation around the timing of the IRA statement in relation to the IMC's October report and their concern that a report three months beyond October was far too long to wait. I emphasised that we were talking about an appropriate report from the Commission and that was the thing to focus on, i.e. the verifiable reality. My advice is that you should avoid a commitment to a date and stick with the line that until the IRA have made their position clear and there has been time to verify that it will not be possible for the Government to move. You will also want to reinforce the point I made about the need for proper Sinn Fein engagement with the IMC.

- they think we need to give a firm date, six weeks from the IRA statement for the **lifting of suspension**. I said that this was wholly unrealistic. There had to be political agreement and I was not willing to put a timescale on that beyond the line in the timetable document which they had been given in June. This made clear that we would seek to hold a first round of all party proximity talks aimed at reconstituting the Executive following an IMC report three months from the IRA statement which confirmed no activity. But in following this line with Gerry Adams tomorrow you will need to make clear that the value of the IMC's October report diminishes the longer we wait for the IRA statement.

- **the peace dividend**. There was the usual pressure on this. I maintained the line that it could only be taken forward in the context of an agreed restoration. They will of course raise it with you and the Prime Minister, but they understand the underlying point.

- **Government statements responding to the IRA statement**. I doubt that Gerry Adams will quite have the nerve to ask you for sight of our response before we have seen the IRA's. This is something we will need to discuss with the Irish given our idea of a joint statement from the two Governments, and No.10 will have a clear view about whether on this occasion we should play the swapping game. For tomorrow, you can simply say that we should come back to this after we have seen the IRA statement.

- **normalisation**. There was a little less pressure on this than I expected and all that I needed to commit to was to provide an update of the paper we gave to Sinn Fein in December to take account of subsequent developments. Subject to Jonathan Powell's view I think it would be perfectly reasonable for you to have this over to Gerry Adams tomorrow; he will not like but should not be surprised that it will continue to contain the conditionality relating to confidence-building measures by Sinn Fein in relation to policing. Nick Perry makes the point very strongly to me that the Chief Constable is very concerned indeed about this aspect of the situation and will be very difficult to persuade to go along with the previously agreed frontloading of normalisation in the absence of signals that such confidence-building will be undertaken.

6. I shall be available in Stormont Castle first thing in the morning if you wish to discuss this before the Adams' meeting.

Jonathan Phillips

JONATHAN PHILLIPS
11 Millbank ☎ 6467

ANNEX A

POLICING

Both Governments believe that early Sinn Fein support for policing is essential.

Building on the work done in the autumn, a Sinn Fein commitment on policing might come in two stages:

- a confidence-building phase in which republicans begin the process of commitment as the British Government prepares the ground for the devolution of policing/criminal justice, followed by

- full engagement with the Policing Board and related institutions (e.g. DPPs and Ombudsman), preferably but not necessarily in the context of a restored Assembly.

The sequence on policing fits into the draft timetable for political progress after an IRA statement as follows:

- IRA statement.

- as part of the confidence building announcement on normalisation, OTRs etc, British Government also announces the intention to consult NI parties bilaterally on the devolution of policing and criminal justice, with a view to introducing framework legislation in the autumn; at the same time the British Government announces roll-over of existing Policing Board (rather than reconstitution) for a final year until October 2006.

- Sinn Fein announces that it will take part in this consultation and will propose to the Ard Chomhairle that it calls a special Ard Fheis to decide on support for the new policing arrangements, once the UK legislation is enacted.

- confidence building measures to 'change the mood' on policing: Sinn Fein agrees to take forward steps set out in Jonathan Powell's December letter and necessary for front-loaded normalisation (including "a more positive attitude to policing so that people are not discouraged from assisting the police, the ending of actions to discourage police visits to schools, or obstructing community policing initiatives"; SF/No10/PSNI/NIO regular meetings on policing); British Government announces further confidence building measures: community policing initiatives, major conference on policing with US support.

- following the first post-statement IMC report [4 in sequence paper], British Government seeks to facilitate all-Party (proximity) talks on models for devolution (as part of wider talks on reconstitution of the Executive) leading to the production of secondary legislation.

- following second post-statement IMC report [8 in sequence paper], framework legislation is enacted.

- Sinn Fein hold special Ard Fheis and agree to join the Policing Board by October 2006.

6 July 2005

Week 1

1. Statement by ONH re activities and issue of arms

2. Statement from BG announcing immediate commencement of demilitarisation programme – frontloaded and with shortened timeframe.

3. Lifting of suspension and announcement that d'Hondt will be run within 6 weeks.

4. Implementation of steps agreed to by British Government in December 2004 including:
   - The removal of the British Government's power to suspend the political institutions
   - Legislation to create:
     - an automatic entitlement by Ministers to attend All-Ireland Ministerial Council meetings
     - a requirement on Ministers to attend Executive meetings and to attend, where appropriate, AIMC meetings
     - a requirement on Ministers to observe the joint nature of the office of the FM and DFM

   In addition:
   - OTRs
   - The repeal of repressive legislation
   - British Government statement on Plastic Bullets
   - New powers for the Human Rights Commission
   - Introduction of new provisions governing electoral registration.
   - Removal of the ban on non-British nationals from senior civil service positions in the north
   - Ending the denial of Policy Development Grant and Short Money assistance to SF
   - The restoration of the Assembly block financial assistance to SF
   - The restoration of Westminster allowances to SF
   - Removal of the BG powers of sanction.
   - A peace dividend

Week 2

5. Rep meets with IICD, and agreement on conclusion of putting arms beyond use.

Week 2- 4

6. IICD confirmation that arms put beyond use.

Week 4

7. Roundtable discussion on transfer of powers on policing and justice with a publicly stated 3 months timeframe for agreement
8. BG announce 12 month timeframe for enactment of legislation enabling the transfer of powers on policing and justice.
9. SF statement setting out a commitment to initiate the process of calling an Ard Fheis to decide on the issue of policing in the context of:
   - Agreement with unionists on both modalities for transfer of powers on Justice and Policing and a 12 month timeframe for the transfer of these powers.
   - The enactment by the British Government of the legislation required to give effect to the transfer of these powers.

Week 6

10. Running of d'Hondt + formation and meeting of an Executive.

11. The establishment of the All-Ireland Parliamentary Forum.

12. The establishment of the All-Ireland Consultative Civic Forum.

13. British Government to honour other commitments.

Week 10 onwards

14. Agreement on 12 month timeframe and modalities re transfer of powers on policing and justice.

If no agreement from Unionists to go into an Executive we need to proceed on an agreed plan B.

ANNEX C

RESPONSE TO SINN FEIN'S 6 JULY 2005 PAPER

Item 1: Agree.

Item 2: The British Government announces as part of its response to the IRA statement that the two year programme set out in Annex 1 of the Joint Declaration will be implemented and front-loaded. This programme will reflect changes since that time (some items already having been dealt with). Some elements of the front-loading are dependent on the confidence building steps set out in Jonathan Powell's letter to Gerry Adams of 2 December 2004.

Item 3: Suspension cannot be lifted until there is political agreement.

Item 4:

- Repeal of the British Government's suspension power will take place in the context of legislation implementing changes to Strands 1-3 (see below).

- Legislation implementing the Strands 1-3 elements of the Proposals for a Comprehensive Agreement will need to follow verification of IRA commitments and agreement with the parties about the timetable for restoration.

- OTRs. This commitment will be announced immediately after the IRA statement and in the context of an early sequence being initiated legislation will be introduced in the autumn. As agreed in December, the particular case mentioned to us will also be dealt with at the time the legislation is introduced.

- We remain committed to the Joint Declaration position that the repeal of counter-terrorist legislation will take place at the end of the two year normalisation programme and to the commitment made in December 2004 that if the enabling environment allows this programme to be completed more quickly, we would aim to repeal the legislation by a correspondingly early date.

- The British Government remains fully committed to implementing the Patten recommendations on baton rounds. The new Attenuating Energy Projectile will only be used in public order or crowd control situations, in response to an individual or individuals threatening violence, where the only alternative would be the use of live rounds, following the same rules as in England and Wales. Research on a further alternative continues, with a target date of 2006.

- The then Secretary of State announced the decision to extend the powers of the Northern Ireland Human Rights Commission in December 2004. We intend to consult in the early autumn about the basis of that extension in line with the commitments made in December 2004, taking account of the development of the Commission for Equality and Human Rights for England and Wales. The consultation timing reflects the appointment date of the new Human Rights Commission.

- The British Government has announced that legislation dealing with electoral registration will be introduced during this session. The Northern Ireland parties will be consulted very soon about the precise proposals.

- Contrary to expectations in December 2004 there is no Government legislation that will remove this requirement in the current Parliamentary session. There is a further possibility of a Private Members Bill being introduced, but the second reading is not until June 2006. In the meantime, we will look again to see whether there are other ways of creating more flexibility in this area.

- In December we committed to implement the recommendations of the then forthcoming Electoral Commission report in relation to Policy Development Grants in a way which dealt with your concerns. The Commission has now reported and has chosen to address the complaints from a number of parties about eligibility by recommending that criteria should be broadened to encompass all parties with at least two members elected to Westminster, the European Parliament, or one of the devolved legislatures. This has implications beyond Northern Ireland and the Government is considering how to take the issue forward.

- On Short money a motion will be put before the House at the same time as other allowances are restored to Sinn Fein (see below).

- We envisage that the financial penalties imposed on Sinn Fein following the recommendation of the IMC will be removed in the light of an appropriate report from the Commission. At the same time a motion would be put before the House of Commons seeking to restore Westminster allowances. (As noted above, a separate motion on Short money would be put down at the same time.)

- There is no intention to amend or repeal the IMC legislation at this stage.

- Consideration of a financial package can only be taken forward in the context of a restored Assembly and Executive.

Items 5 and 6: We welcome engagement with the IICD to put all arms beyond use. We very much hope that it will be possible to agree with the IICD that independent witnesses will accompany the IICD team.

Item 7: The British Government will announce its intention, as part of the initial response to the IRA statement, to consult Northern Ireland parties bilaterally on the devolution of policing and criminal justice with a view to introducing framework legislation in the autumn.

Item 8: Framework legislation will be enacted within a 12 month period.

Item 9: The British Government welcomes Sinn Fein commitment to an early process to address the issue of policing. We believe that these steps should be taken earlier if community confidence is to be maintained.

Item 10-12: These matters are all dependent on agreement with Northern Ireland parties and, as appropriate, the Irish Government and the Irish Parliament.

Item 13: The British Government confirms its position in relation to other commitments made in the context of negotiations in 2004 and on the basis on which they were given.

Item 14: The British Government remains committed to the position stated in the Comprehensive Proposals, namely, that legislation enabling the transfer of powers on policing and justice will come into force as soon as possible, "once sufficient confidence exists across the community, as expressed in a cross-community vote in the Assembly, proposed by the First Minister and Deputy First Minister".

PM response to IRA statement

I warmly welcome this statement from the IRA.

In the context of Irish history it has the potential to be a truly significant moment in the course of events in Ireland, North and South, and in terms of relations between the two islands – particularly because of the lengthy process of consultation which has brought it about.

I recognise the leadership that this has taken, and the vital role played by the Irish government.

But we also recognize that the legitimate fears of those who have become sceptical about IRA intentions during the past seven years will only finally be laid to rest once we have seen the commitments made in the statement today translated into reality.

It is the role of the Independent Monitoring Commission to report on whether that is the case, and the government will be guided by its assessments.

But already it is clear today that Northern Ireland has entered a new era. The process of making paramilitary activity of any kind a thing of the past has taken another huge step forward. It is in that knowledge that the government will act to underpin the peace process and transformation of Northern Ireland from the dark days of the past.

DRAFT JOINT STATEMENT

1. The British and Irish Governments welcome today's statement from the IRA. It holds out the prospect of the IRA's paramilitary and criminal activity being brought to a definitive end. It also commits the IRA to the full decommissioning of its weapons. The end of the IRA as an active paramilitary organisation is a very significant development.

2. The reality of such a development will not be demonstrated by words alone but by actions. Independent verification will be vitally important to enable trust and confidence to be restored. However, with such verification there is a major opportunity to restore momentum to the political process in Northern Ireland and to secure a lasting political settlement within the framework of the Belfast/Good Friday Agreement.

3. The necessary verification will be provided by the Independent International Commission on Decommissioning and the Independent Monitoring Commission. The Governments believe that the members of those bodies have all the necessary experience to perform their roles effectively and objectively. The nature of the decommissioning process and the substance of the IMC's reports will be crucial to re-building public confidence. With this in mind the Governments have therefore asked the IMC to report at more frequent, three monthly, intervals in addition to their normal six monthly assessments. We need to have continuing confirmation that all paramilitary and criminal activity on the part of the IRA has come to a decisive end.

4. These verified acts of completion will set the context in which we will expect all parties to work constructively towards the restoration of the devolved institutions and the full operation of the other institutions of the Agreement at the earliest practicable date. We also expect all parties and community leaders to use their influence to bring all other paramilitary and criminal activity to an end, including the full decommissioning of weapons.

5. The normalisation of society in Northern Ireland also requires that all parts of the community support, and enjoy the protection of, the police. In the light of the IRA statement, it is even more important that progress is made in extending support across all sections of the community for the new policing arrangements throughout Northern Ireland.

6. Actions over the coming months will determine whether today's encouraging words represent the progress which we believe they do. We hope that everyone with a genuine interest in bringing peace and stability to Northern Ireland will give those concerned an opportunity to demonstrate their reality and their significance.

DRAFT LETTER

Dear Parliamentary Colleague

[Yesterday] the IRA issued a statement about its future. I am writing to let you know the Government's response to that statement. Had the House been sitting I would have come to Parliament to make a statement about it.

The IRA statement, if carried through in actions that are verified by the Independent Monitoring Commission (IMC) over the coming months, will mean the end of the IRA as an active paramilitary organisation. [Some detail/quotes on the statement and decommissioning if possible]. On that basis, we welcome what the IRA has said. All of us, and particularly the people of Northern Ireland, have looked forward to the day when IRA violence was a thing of the past. Many people, in different walks of life, have worked to bring this about. We owe a debt to them all. I pay tribute to all those who have played their part. We must also remember and recognise the many victims of violence. It is for them and their families that closure of this chapter of Northern Ireland's history would be especially significant.

There have been many statements from the IRA in the past. They have not always provided the clear-cut answers that we believe the situation required, or expressed the IRA's intentions in ways that we wanted to hear. This is a reflection of the way that the conflict has played out in Northern Ireland and its tortured history. So it is right that there should be some caution. But caution should not become obduracy. If the republican movement is relegating physical force to history and dedicating itself to exclusively peaceful and democratic means, I hope that all Parliamentarians will encourage that commitment to democracy.

It is the case that diminishing levels of trust in Northern Ireland - eroded by a series of actions over the past number of years which do not need to be rehearsed - have left many people sceptical about statements and words, from whatever source. [As was made clear in the joint statement from the British and Irish Governments yesterday] it is essential for the rebuilding of trust that the IRA's words are carried through in its actions. And as a matter of confidence building, people will want to see those actions verified by the IMC. I know from my conversations with the members of the Commission that they are prepared for the important role they will have to play in the coming months. [We also look forward to confirmation by the Independent International Commission on Decommissioning that the IRA's arsenal has been decommissioned.]

For its part the Government accepts that the IRA statement is intended to express an act of completion. On that basis, the Government will implement those areas of the Joint Declaration of 2003 which were dependent on this long-awaited decision by the IRA. We will introduce legislation this autumn to resolve the outstanding issue of paramilitary suspects 'on the run' and we will move quickly to begin the two year normalisation programme outlined in the Joint Declaration. Elements of that programme have already been implemented [and I will be discussing with the Chief Constable and the GOC what scope there is for accelerating the programme further if the security environment permits].

In the light of the IRA statement it is important that Sinn Fein now moves quickly to extend its support for policing across the community in Northern Ireland. This is the next logical step, and one which the Government has consistently called for. In the light of acts of completion by the IRA the Government will play its part in facilitating a discussion with Northern Ireland political parties on the shared goal of devolving criminal justice and policing. We recognise the difficulties for republicans in supporting policing, just as we recognise the concerns of unionists, but we hope to see Sinn Fein members taking their seats on the Policing Board at the earliest opportunity because support for policing across the community in Northern Ireland is in the interests of the whole community.

If the words in the IRA statement are borne out in its actions over the coming weeks and months, it will be seen as an historic milestone in the turbulent and often painful history of Northern Ireland. the IRA's decision signals a confidence that future generations in Northern Ireland will be able to live in security and peace. If those signals are implemented, then the responsibility on unionists to participate in Government with Sinn Fein will be undeniable. It will mean that the twin goals of lasting peace and sustainable devolved government can at last be realised. The people of Northern Ireland deserve no less, and hope for no less.

ANNEX

Paper on security normalisation

The British Government is willing to move forward quickly on an updated programme for security normalisation, originally set out in Annex 1 of the Joint Declaration, in the context of an enabling environment. The 24-month timescale for normalisation will be accelerated if the overall security situation permits it.

We understand the desire to see early signs that this programme is being rapidly implemented and front-loaded. We will therefore announce immediately after an IRA statement that a start will be made within weeks on the vacation and closure of Forkhill base in South Armagh; dismantling the super sangar at Newtownhamilton police station; and removing the observation post at Divis Tower in Belfast and the two observation towers at Masonic in Derry. Routine military deployments west of the Foyle will cease. A structured plan for the phased reduction in troops to peacetime levels will be published. Implementation of the review of the police estate will continue with actions taken as agreed with the Policing Board following consultation with District Commanders and local communities. In addition to the 9 station closures recently announced, work to defortify some 24 police stations is underway.

We will also announce immediately after the IRA statement our intention to remove successively 3 towers in South Armagh: at R12 (Sugarloaf Hill near Camlough), G10 (Creevekeeran near Crossmaglen) and G20 (Drummuckavall near Crossmaglen). Demolition work will start within weeks, and will take approximately 6 months in total. The sites will be returned to greenfield sites. Once complete, these steps will enable a reduction in routine military helicopter activity.

These changes assume an environment in which individual police officers can have confidence that they will not be obstructed in performing their duties in South Armagh. To achieve this level of confidence some important steps are required, including a more positive attitude to policing so that people are not discouraged from assisting the police, the ending of actions to discourage police visits to schools, or obstructing community policing initiatives. We hope that a dialogue can be started that will lead to a new start in policing in South Armagh.

These measures come on top of those already taken since publication of the Joint Declaration, which include the dismantling of 2 South Armagh towers and Oldpark observation post; the demolition or closure of 6 military bases, including Killymeal House and Girdwood; the removal of military infrastructure from Strabane, Castlederg, Woodbourne and Lisnaskea police stations; and the removal from the GOC's command of 5 battalions.

The changes will achieve the objective set out in the Joint Declaration of a community-based police service, supported by and with participation from all sections of the community; and a permanent military garrison of no more than 5000, based at a maximum of 14 sites.

We recognise the need for confidence to be maintained on all sides that the process of normalisation is being implemented rapidly in the right context. Until such time as Sinn Fein join the Policing Board, we will arrange regular meetings chaired by No 10, including the Chief Constable and senior representatives of Sinn Fein.

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1. PJC
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22 July 2005

cc AP
TK
~~BAP~~

Dear Jonathan,

MEETING WITH ADAMS & McGUINNESS, 22 JULY

Gerry Adams, Martin McGuinness and Gerry Kelly came into see the Secretary of State this morning. I was also present.

Adams began by saying that the IRA intended to move by the end of the month. This required intensive effort, therefore, over the next few days. They needed to get the IRA finally across the line in terms which signalled clearly that its armed conflict was over. Their statement, the outline of which he intended to share with the Prime Minister on Monday would make clear also that the IRA will engage with the IICD on decommissioning and also cease its activities. He was clear that this information should in our system not be transmitted beyond Peter, myself and of course you and the Prime Minister. The Irish are as yet unaware of this intention, but Adams is planning to see the Taoiseach on Sunday.

He then went on to say that a number of things were crucial if they were to be successful in their final push with the IRA. They needed:

- the commitments we had given them in December (see below) to be updated and extended;

- the Governments to respond "properly" to the IRA's statement, without conditionality. He hoped that you would be in a position to show them the text of our intended response in a separate meeting following the session with the Prime Minister (and which second meeting it was suggested I also attend);

- a big effort to try and create a positive mood so that it was difficult for the DUP not to go into Government with Sinn Fein in the earliest possible timeframe (doing things like legislating to implement the Strands 1-3 elements of the Comprehensive Proposals were essential to give a sense of cranking up). Such atmospherics were essential to avoid the possibility of some republicans calling for a GAC.

SECRET & PERSONAL

NIO

He said that he would wish to finish the meetings in Downing Street on the basis that they could then go to the IRA in complete knowledge of the package, though he accepted that there may well be a further iteration since we could hardly have available the final draft of our statement in advance of theirs being available. He didn't confirm the precise day on which the IRA statement would appear; our sense was that they were aiming for Friday with an acceptance that this might slip into the weekend.

Before going into a list of specifics on which we are expected to provide an up-to-date position, there was discussion of two particular issues. First, Adams referred to the need for a plan B if we were all to avoid handing a veto to unionism. It was not clear whether he was expecting to see further proposals on this by Monday and we certainly did not offer them. But it is possible that he may press the Prime Minister to go further than the outline timetable we provided in June. In this connection he mentioned the Irish Government's position that Sinn Fein could not become a partner in Government in the South as a significant hurdle. The Secretary of State agreed that we didn't want to find ourselves in plan B territory either and this gave rise to a conversation about whether there were creative ways in which the Assembly could be used to draw people into political dialogue during a preliminary or shadow phase. Adams reiterated his position of the last few weeks which has been that this would be "catastrophic". The Assembly and the Executive had to be restored on a complete basis at the earliest possible date.

Second, the Secretary of State asked about policing. Would Gerry Adams/Sinn Fein say something about this at the same time as the IRA statement? Adams said that the position of the leadership group was that they had to be become part of the policing project, but that the kind of paper we had offered on the devolution of justice and policing was "death" to their ability to achieve it; they could not do it short of the transfer of powers. They were happy to participate in discussion about how the transfer could be dealt with. They liked the idea in the December proposals that there could be regular meetings chaired by No.10 including the Chief Constable and senior representatives of Sinn Fein (and the NIO) until they joined the Policing Board, but the other kinds of confidence-building measures in the December text and our more recent paper were out of the question. Nevertheless, at the Secretary of State's suggestion he did not rule out the possibility of a very early further meeting with the Chief Constable. At the end the discussion Adams suggested that this might, desirably, take place in Downing Street on Monday after the Prime Minister's meeting.

Before moving onto the detail they confirmed that they were in touch with the IICD and would be seeking to engage Tim Dalton as their main interlocutor on that subject when he returned from Australia at the weekend. They are intending to propose witnesses to accompany the IICD, but they didn't give the names of those they had in mind.

NIO

In addition to the requests to see our proposed response to the IRA statement on Monday, they raised the following issues, most of which they will raise with you on Monday:

- **Normalisation** – they said that they wanted an updated paper which develops the position as it was left in December. I have now sent you separately a revised text which does no more than update the detail to reflect what has happened in the intervening months. If you agree, I would aim to get that to the Sinn Fein team on Monday morning before any meeting with the Prime Minster.

- **Restoration** – they find unacceptable the position in our most recent paper that suspension cannot be lifted until there is political agreement. We need to set a date, whether there is agreement with unionists or not and this could perhaps be a feature of a Prime Ministerial speech in Northern Ireland in September or October which I think you have mentioned to them. The Secretary of State was firm on the point that suspension could not be lifted until there was political agreement, although we acknowledged the obvious technical point that we have the powers in the existing legislation to do that.

- **Strands 1-3** – they want a firm time commitment from us about when the legislation implementing the Strands 1-3 elements of the December Comprehensive Proposals will be introduced. We had no further discussion of this since Adams had another meeting to get to, but the Secretary of State's assumption is that we cannot commit to a date in advance of political agreement.

- **OTRs** – they asked for a date by which we would have introduced the legislation and dealt with the particular case. The Secretary of State said that he thought is reasonable to commit to second reading for the legislation no later than the end of November and that the particular case would be dealt with at that time. They will press further on the latter point which we continue to think would be impossible to handle.

- **Plastic baton rounds** – they made the usual case for immediate abolition and the Secretary of State rested firmly on the position that there was no movement beyond our earlier commitment that research on a further alternative (to the Attenuating Energy Projectile) continues with a target date of 2006.

- **Northern Ireland Human Rights Commission** – they seemed to accept the point that we will consult on the decision to present the powers of the Commission in September, but they may raise a particular question about whether the Commission itself should have the power to initiate cases as opposed to the power to support applications from "victims". We hold to the view, not least in the context of the position in the UK more generally, that the broader power would be inappropriate and is not required by the Paris Principles. We said that they could pursue this issue in response to our consultative exercise.

NIO

- **the Electoral Register** – we reiterated that legislation dealing with this would be introduced this session and that the Northern Ireland parties would be consulted soon. I undertook to see whether we could provide by Monday a short summary of what is likely to be in that consultation.

- **Civil Service Nationality Requirements** – we confirmed that a Private Member's Bill had been introduced at the end of June. I was able to hand to them a text of that Bill which I think will deal with that matter for the time being.

- **Financial penalties against Sinn Fein** – Adams said they needed a date by which these would be removed. You will recall that in the document we gave them we said that they would be removed in the light of an appropriate report from the IMC. They are looking for an absolute commitment that this will follow the October IMC report. The Secretary of State declined to give this on the basis that we simply could not know now that the IMC report in October, given an end July (or later) IRA statement, would give sufficient cover. Adams said that the alternative of waiting a further three months until January was totally unacceptable.

- Adams said that they would also press for the repeal of the Secretary of State's powers to impose sanctions on political parties. The Secretary of State gave no ground on this.

- **Peace dividend** – Adams said that although this was not a conditional point they were seeking advice on how to go about achieving this. They thought it would be amongst other things a good area for encouraging co-operation with the DUP. Could we suggest, perhaps, a meeting at which the DUP and Sinn Fein would both be represented to put forward a pitch?

They asked for as many as possible of these things to be cleared before Monday's meeting with the Prime Minister. I undertook that we would get whatever further material was to be provided to them on Monday morning, but gave no specific commitments. I should be grateful to discuss with you what further we might try to provide in that timescale over and above the revised paper on normalisation which I have sent separately to you.

Yours ever,
Jonathan

JONATHAN PHILLIPS