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FROM: P N BELL
ASSOCIATE POLITICAL DIRECTOR (B)
15 APRIL 1997

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cc: PS/Sir David Fell
Mr Thomas - M
Mr Steele
Mr Leach
Mr Stephens - M
Mr Watkins
Mr Wood (B&L) - M
Mr Beeton - M
Mr Brooker - M
Mrs Collins
Mr Hill - M
Mr Lavery
Mr Maccabe
Mr Perry
Mr Priestly
Mr T Smith
Mr Lamont, RID - M
HMA, Dublin - B

Handwritten notes:
Mrs M... 24/3
Mr De... cc by Brown 17/4
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A lot of useful
printers here.
[Signature]
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PS/PUS (B&L) - B

CONVERSATION WITH MR NIGEL WARNER - 14 APRIL 1997

You will recall that I followed up Dr Mowlam's recent lunch at the Secretariat with an undertaking to have a further chat with Mr Nigel Warner this side of the General Election. That Election has, of course, made Mr Warner an elusive animal, but I finally got to see him as I was passing through London on Monday morning. My intention was to address the more bureaucratic aspects of the Anglo-Irish relationship, but, no doubt with the prospect of office concentrating Dr Mowlam's mind, Mr Warner was more interested in the real world problems likely to face her on Day One. It is clear that Dr Mowlam has been thinking rather hard about the problems of parades in particular, and is more open minded than some recent internal NIO minuting would suggest. It was no less clear that more (well advised) thinking needs to be done

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Parades

2. not least on the implementation of North. Perhaps inevitably, we kept coming back to the first few weeks, or days of a new Secretary of State's tenure. How the Marching Season was handled could, I emphasised, make or break Dr Mowlam's tenure, almost before it had begun, and with it any prospect of making progress in the Talks. So I took Mr Warner through a range of possible scenarios, including an IRA ceasefire (with SDLP, Irish, possibly US and Labour backbench opinion pushing us to give Sinn Fein a rapid benefit of the doubt) into talks but with a collapsing public order situation on the Unionist side, not merely at Drumcree but at all the Dunloys of Northern Ireland likewise. My pitch was that any new Secretary of State should take great care, before they restricted their room for manoeuvre or said anything during the campaign they might come to regret, not least in regard to the implementation of the North Report.

3. What Mr Warner had to say was, in part, encouraging (Dr Mowlam is a pragmatist); but also rather confused. So much so that I thought it best to check with him again yesterday as to what it was he thought he had been saying to me (and, so far as I can gather, with PUS and John Steele in their last exchanges). It was this:

- a new Labour Government was, and would remain committed to legislation enacting, as opposed necessarily to implementing North in full as soon as possible. (Mr Warner was more emphatic about this today than yesterday); but
- if only because the constraints of time (especially, but not only if a Bill was used), he was very doubtful as to whether the Commission should have, at least for this year, a determining role; and
- what Dr Mowlam would expect from officials would,

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therefore, be a suitable legislative vehicle on her desk, as soon as she took Office; and

- for this year, she was inclined to think that the Secretary of State ought to take the critical decisions. What had happened last year had been "a shameful abdication of political responsibility".

4. My response to this, reflecting recent discussions within the NIO, was to express our hope, indeed expectation that a new Secretary of State would, on arrival, find a suitable legislative instrument on their desk, together with a commentary and a discussion of the options, including possibly shorter term legislative expedients. But I did not attempt to discourage Mr Warner's line of thinking that, while a Bill/Order giving full determining powers to the Parades Commission might be rushed on the Statute Book, the "determining" part at least might well not be implemented until after the Government had had a chance to review this year's Marching Season. That is the current (and limited) degree of pragmatism from which I took comfort.

5. On the other hand, I asked Mr Warner whether he had thought fully through the implications of a Secretary of State's taking "personal responsibility" to see that the law was obeyed, "at whatever cost", and what this might imply, even in the short term, for the relationship - possibly in legal as well as political terms, between a Secretary of State and the Chief Constable. (To say nothing of the effects on the wider Unionist community, and even the governability of Northern Ireland). It was not for nothing that Fisk's book on the UWC Strike, which happened under a Labour Government, had been entitled "The Strike that broke the British in Ulster" (and, in effect, ended any hope of political progress under the last Labour administration).

6. The thought of body bags curbed momentarily Mr Warner's enthusiasm. But he pointed out, first, with who knows what justice that, if the current Secretary of State had taken a more high profile role last year, Drumcree might have been avoided. (I

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wonder: the moral authority of a Secretary of State or of the law itself - and indeed, as Mr Stephens has observed elsewhere the legitimacy of the RUC - is a wasting asset, even where it exists at all, in both communities). But he added that, to avoid this, it would be necessary - as the Irish and many Nationalists had suggested to them - to ensure better tactical handling of the situation. (For example would it be possible to isolate Drumcree, prevent bus loads of Orangemen arriving etc etc. This brought us back to a possible changed nature of the relationship between the Secretary of State and the Security Forces ...).

7. Looking meaningfully at me, Mr Warner asked whether the RUC could be relied upon to uphold the law? My response was that in terms of loyalty and discipline, the answer was an unqualified "yes". Whether they would be able to do so, if their resources were stretched whether at Drumcree or at similar disturbances throughout Northern Ireland, raised another problem - including a greater reliance on the Army. I concluded this section of our discussion (although we kept coming back to it) by reminding Mr Warner, as I did again this morning, that whatever you might think of the current Secretary of State's role during Drumcree last year, one of the merits of an arrangement whereby parades and marches were legally defined as public order issue was that it distanced the Secretary of State from a bog in which he - or she - might easily perish. Given the way Mr Warner was talking to me today about Dr Mowlam's concern not to be "sucked in" to the morass of issues like, for instance, OP VERONA, I hope the point had not been lost.

8. From this section of our discussion, therefore, you will see why I rapidly concluded that, while there was nothing in Dr Mowlam's approach that was intrinsically alarming, nevertheless the incoming Secretary of State needs to be taken, in a structured way, and before the General Election if possible, as to possible ways across the Grimpen Mire.

Confidence issues

9. Dr Mowlam is determined to "front load" her political agenda

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with confidence measures (policing reform, incorporation of the ECHR, etc etc) of a primarily pro-nationalist kind. I hope I did not go too far in expressing the hope that she could expect a nice little police bill (essentially last year's sensible but modest reforms plus Hayes - though I did not mention the possibility of a Consultation Paper) soon after her arrival in Office. But I did labour the point that in a situation where, as we both agreed, the balance of change was likely to be in a Nationalist direction - assuming that we were aiming in the "Frameworks" direction - then no amount of would-be countervailing sops to Unionists (however commendable - like "opening up" Maryfield) would be worth anything if the Unionists still thought they were on that proverbial slippery slope and again, if a new Secretary of State got it wrong over the Marching Season, they most certainly would - with possibly appalling consequences, and certainly kissing goodbye to the Talks Process in its current form. (You can see how our conversation kept coming back, therefore, to the Marching Season, and also about how one could not separate out political, security and socio/economic matters. You will also understand why Mr Warner agreed that, in the early days of a new government, Northern Ireland might emerge as a key, political pre-occupation of a Prime Minister, far more so in Mr Warner's view, than Scottish Devolution for all the time this was likely to take up in Westminster. He was, however, a little surprised when I told him of the intensity, consistence and detailed commitment of the present Prime Minister to Northern Ireland. Which makes me feel that a new No 10 may have a sharp learning curve as well. Mr Holmes' name was mentioned as someone who was likely to continue as a key player at least in the short-term).

Running the system

10. Without, I hope, over emphasising the way in which the NIO had succeeded in reassuming leadership on NI policy from the FCO and Cabinet Office (despite what I consistantly portrayed as the benign emergence and oversight of No 10), I gave Mr Warner a brief oversight of the current role of those other Departments (including the Embassy in Dublin). And, in addition, without again I hope portraying the Secretary of State as a circus equestrian, the

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constant need for Ministers to manage the NI system as a coherent whole. And in particular to ensure that the three main horses, as it seems to me, galloped in harmony together: the NI Departments; and the Political and Security Directorates of the NIO. I pointed Mr Warner firmly in PUS' direction as the person who, above all, was dedicated to ensuring that his Secretary of State enjoyed what would certainly be interesting times - not least the first few very interesting weeks. Mr Warner was also interested in the curious role of Sir David Fell which I hope I did not misrepresent as, on the one hand, a kind of ring master of the Northern Ireland Departments but also a key member of the Secretary of State's political inner circle. None of my comments were, I hope, defamatory.

11. Mr Warner asked about his own position in the NIO. Explaining that the Office had not had a significant Political Advisor for almost as long as I could remember, my advice was to get himself on copy lists (emphasising the collegiate way the NIO has of doing things), go to meetings (especially those chaired by the Secretary of State) and, generally, since we were a Department that did not fear political advisors, to make himself as part of the home team as possible. I was interested to learn of his own "good relations" with the Irish and warned him gently that his wealth of contacts and understanding were some of the assets he would, possibly, bring to a new job. On the other hand, it would be intolerable if the Irish (or anyone else) tried to play him (and through him the Secretary of State) off against the Government machine in the broadest sense. One of the jobs of Permanent Secretaries, I hinted, was to prevent such embarrassments arising. (Very definitely, I think we should follow President Johnson's advice and seek to bring Mr Warner into the tent: he may become a handy paper and speech writer if nothing else).

12. A final point. Dr Mowlam is concerned, in the best New Labour tradition, with the public projection of policy, and does not believe we have got it right at present. She believes, for example, that, at the micro level, much more care needs to be taken in softening up primarily Nationalist opinion as and when new security

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measures are introduced. Having had my own embarrassments in this area, I could not dissent. At the macro level, she is keenly aware of the need to build or rebuild bridges with both communities. As I explained to Mr Warner, I believe that Dr Mowlam's "straight" approach, and the absence of any patrician baggage, together with the enormous efforts she had personally made - even to the extent of attending UUP conferences! - gave her an enormous opportunity to take the key political trick in Northern Ireland, winning and keeping Unionist confidence. It was all the more vital, therefore, that this asset was not squandered early on in her Secretariatship. Which is, almost, where we came in.

13. These were, I added, genuinely (as well as metaphorically) interesting times: above all the old certainties of the official "model" (about which I explained a new team would be briefed comprehensively) were not (quite) as certain as they were: the behaviour of the Republican movement had disappointed deeply even those who hoped for better from them; the point was also firmly lodged, though not as firmly as it should be in some places, that Unionist concerns really had to be addressed - even with a large Parliamentary majority - not "bullied" away.

14. I hope some at least of this sunk in: in policy terms, Dr Mowlam should not frighten us; she has enormous assets as a person; her heart is in the right place; she is no fool. But having just passed her driving test, she may be asked to drive in a Grand Prix. Everything may depend on her team getting her safely round the first (and the second, and the third) bends

Signed:

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