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FROM: PETER N BELL
BRITISH SECRETARY
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cc: See Distribution List

Mr Stephens

FAILSAFE MECHANISM - VIEWS FROM THE IRISH: PREPARATIONS FOR TODAY'S MEETING

Summary

Ground prepared for this afternoon's meeting. Further comments, mainly by way of amplification, received from the Irish who remain nervous about our exchanges with Trimble. Our revised draft (now handed over) may reassure them The Irish also reminded of the desirability of not restricting the SDLP's room for manoeuvre, should they decide to exclude Sinn Féin, and to be as helpful to Unionism as possible in their own constitutional changes.

Further Irish comments

2. John Fisher has circulated separately the Irish note of late last night ("Outline of Bill to Provide Failsafe Mechanism: Initial Comments" - spare copies are available from the Secretariat or Alan Whysall). You will note that this amplifies rather than add much that is new to the comments I reported in my minute to you of yesterday. They have also drawn further attention to paragraph 2 b) which talks about failure to meet commitments "in respect of devolution". This I had earlier glossed as referring, for example, to the failure of DUP members of an Executive to fulfil their oath of office. Enthusiasts in Dublin have now impressed upon me the duty of all members of the Executive to fulfil all their obligations You will also notice, in their wish to delete the bracketed sections of paragraph 4 - continuing Irish anxieties about "exclusion" of a defaulting party.

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3. The only other significant points of which you ought to be aware from my perspective, in preparation for this afternoon's meeting at 1500 hours in Castle Buildings are:

- my emphasis following Seamus Mallon's generally helpful remarks on 'Good Morning Ulster', today that the Irish should not, in public or private, explain unhelpfully that what Mr Mallon *really* meant by his remarks that Sinn Féin would not remain in office if they did not decommission was that *no-one* in those circumstances would remain in office. My argument was that **the possibility that the SDLP might side with other Assembly Members in excluding Sinn Féin was important to keep alive if Unionists were to sign up to "The Way Forward";**
- the critical task now, to which *both* Sides should bend all their efforts, was pulling the understandably sceptical Unionists on board. This required, I suggested, **presenting, for instance, changes in the Irish Constitution in as Unionist sympathetic light as possible** on the lines suggested in my earlier papers on "Sweeteners for Unionists";
- the extreme political **difficulty of keeping Strand 2 institutions in being** (notably Implementation Bodies) **if Strand 1 is effectively on ice.** (The Irish, unsurprisingly, feel very strongly that such bodies should continue, and are excited that we should have even mooted the possibility of the contrary to Trimble);
- if automatic exclusion is out, then there is a persuasive **case for the suspension of the institutions following immediately and automatically on decommissioning failure;**
- particularly in view of what I understand was a relaxed conversation between the Secretary of State and Mr Adams, and pace David Donoghue's earlier

reports about difficulties within the party, not over-estimating Sinn Féin's difficulty with "The Way Forward".

Comment

4. Consonant with all my recent conversations with Donoghue on this subject, there is a marked reluctance, even perhaps inability, to understand why Unionism collectively should have grave difficulties with "The Way Forward"; (well encapsulated by Chris McGimpsey on 'Good Morning Ulster' today); and that, in the absence of any firmer statement of Republican intention, we did not even inadvertently undercut our marketing efforts.

5. Those efforts, I re-emphasised, were shared ones and I handed over an (edited) copy of the latest draft of "The Way Forward: Outline of a Bill to Provide a Failsafe Mechanism" (attached to Alan Whysall's note to Bill Jeffrey of 5 July, which helpfully reflected earlier Irish comments). This, I explained, in response to intense cross questioning by Donoghue, had served as the basis for a discussion last night between David Trimble and British Ministers. But I did not confirm that a paper had been handed over, although I reminded Donoghue that I could offer no guarantee either past, present or future. Donoghue concluded that it had been

6. In general, so far as the Secretariat is concerned, the ground is as well prepared as it can be for this afternoon's meeting at 1500 hours in Room 432, Block B, Castle Buildings where, **technicalities and the International Agreement apart** (on which I warned the Irish we shall be pressing them - their own lawyers are coming), one of our chief objectives, I believe, will be to continue the 'political education' of Irish colleagues. (The Irish, I gather, may not all be there till 1530* which gives us time for a pre-brief.)

Signed: P N Bell

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*ps: The Irish will not now arrive till 1700 hours. The Secretariat is ringng round