

6

SECRET AND PERSONAL

FROM: J A DANIELL
SIL/TPU
20 DECEMBER 1993

cc Mr Rickard [4]
File [5]

- B

MR THOMAS [1] - B

MR BELL [2] - B

MR BEETON [3]

Last week PUS (in passing) asked me to put together some initial thoughts on "What if peace ...?" I have tried my hand at the attached and would welcome suggestions, particularly if there are omissions, by mid-day tomorrow if possible. PUS was talking about a possible meeting before Christmas, so I would like to get something to him by close tomorrow.

(SIGNED)

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SC/SIL/22514

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DECEMBER 1993

cc Mr Thomas [3] - B
Mr Bell [4] - B
Mr Deverell [5] - B

PS/PUS (L&B) [1&2] - B

CONTINGENCY PLANNING FOR THE OUTCOME OF THE CHALLENGE TO THE PROVISIONALS

Last week PUS asked me to give some thought to the consequences for the Office of "peace"; and alternatively of a rejection of the Joint Declaration by the Provisionals. He had it in mind to hold an early meeting to consider contingency planning.

2. I have put together the attached which could be used as an annotated agenda. It is written "off the top of my head" without reference to previous papers of which I know that there are some (in Liaison Staff). The paper does not purport to advocate particular courses of action; it merely seeks to identify issues to be considered.

3. I have not focussed heavily on the long term, when we might be looking at dismantling emergency legislation (and even the NIO!), as for the moment it is 1994 that is what is of immediate concern.

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SC/SIL/22514

SECRET AND PERSONAL

IN THE EVENT OF A PERMANENT END TO VIOLENCE ... precipitate breakdown.

A. TIME SCALES

There are four critical time blocks against which some contingency planning can take place, although there will be a need to remain flexible in the light of prevailing circumstances:-

(i) The first few weeks during which PIRA/Sinn Fein will have to demonstrate that they mean what they say before entering "preliminary exploratory dialogue ... within three months." Even during this period some channel of communication is likely to be used, if only to make arrangements for the preliminary dialogue. We can expect pressure to move out of this phase well within the three month period, especially if the Irish make early progress with their Forum for Peace and Reconciliation.

(ii) The exploratory talks phase (to discuss the consequences of peace) - dealing with the means by which Sinn Fein are brought into the talks process and perhaps addressing some of the issues in Section B below. Sinn Fein will have its own agenda in relation to prisoners etc, on which it may well seek to negotiate or secure understandings before any peace declaration. We shall need our agenda to put to them and will want to secure a commitment that they will not revert to support for violence if they fail to achieve their objectives in negotiation.

(iii) Sinn Fein's participation in the three stranded talks process:- if they are genuinely to participate, they will want to address all aspects of each strand, thus re-opening issues on which agreement was achieved in last

SECRET AND PERSONAL

SC/SIL/22514

SECRET AND PERSONAL

year's process. This will slow the process down and may precipitate breakdown.

(iv) The long term:- not for detailed consideration in this note, but, on an optimistic scenario, there will come a point when consideration has to be given to dismantling the security apparatus of emergency legislation, military involvement in security etc.

B. POSSIBLE ACTION TO BE CONSIDERED IN DURING PHASES (i) TO (iii) AND/OR WHICH IS LIKELY TO BE PRESSED ON US BY SINN FEIN

(i) Relaxation of broadcasting restrictions, possibly to be implemented during the first phase (but tactically it might be helpful to hold this in our locker for as long as possible).

(ii) Access to government, putting Sinn Fein on the same basis as the constitutional parties in relation to meetings with Ministers, treatment of correspondence etc.

(iii) Security force profile - lower profile, particularly of the Army, with the possibility at some stage of a return to barracks. Sinn Fein can be told that the level and nature of security force activity reflects the level of the threat. But if renegade PIRA units or other Republican terrorist groups fight on (or intelligence reports suggest PIRA is being less than honest in its long term commitment to peace), then we cannot expect the RUC and Army to take unreasonable risks in relation to their own safety or stand back and let PIRA re-arm. In this context force level reductions would come onto the agenda at some stage.

SECRET AND PERSONAL

SC/SIL/22514

SECRET AND PERSONAL

(iv) Emergency legislation - suspend or reduce the use of exclusion orders; powers of arrest and detention under the PTA etc. Similar considerations apply as for (iii) above.

(v) Release of prisoners - likely to be a very important issue for PIRA/Sinn Fein, but fraught with difficulties, given that we have no political prisoners and that the criminal law must take its course. There may be some scope for imaginative use of home leave - but we could hardly justify special action in relation to PIRA prisoners that did not apply to all (including Loyalist prisoners at a time when the UDA and/or UVF might not have declared a ceasefire).

(vi) Relaxation in prison regimes - 24 hour association etc. Difficult to do for PIRA prisoners only and has implications for security, order, staff morale etc.

(vii) Means of communication - partly in order to bolster their standing, Sinn Fein may seek special fast track channels of communication with the Government and/or security forces "to avoid misunderstandings". The 1975 model is to be avoided, especially as this is to be a permanent cessation of violence, not a ceasefire.

Points for HMG to get across:-

(viii) Procedure for entering the talks

(ix) Acceptance that permanent end to violence means permanent, even if Sinn Fein does not get all its own way.

(x) No question of suspending the operation of the criminal law and the right of the RUC actively to investigate criminal offences, including those committed before the Declaration.

SECRET AND PERSONAL

SC/SIL/22514

SECRET AND PERSONAL

(xi) Arms - inconsistent for PIRA to continue to hold stocks of arms and explosives after having renounced violence. On the basis of recent Ministerial statements this might be an issue for the exploratory talks. Difficult, especially if Loyalist violence continues. Procedure for giving up arms would have to be agreed with the RUC.

C. POINTS TO WATCH

(i) Co-ordination with the Irish.

(ii) Sinn Fein is likely to want to negotiate and receive assurances before the Provisional movement finally renounces violence.

(iii) We cannot assume that Loyalist violence will cease when or if the Provisionals stop.

(iv) Sinn Fein's involvement might precipitate a breakdown in the talks process.

(v) Readacross from the Irish Peace Forum. It will be difficult for the Unionists to "accept advice" from such a body; it could be a complicating factor if it gets ahead of the talks process.

D. IMPLICATIONS FOR NIO ORGANISATION

1. The issues outlined above will touch upon many parts of the NIO, Northern Ireland Departments and the RUC and Army. In terms of handling we shall have to address a number of pressures, some of which might pull in different directions:-

SECRET AND PERSONAL

SC/SIL/22514

SECRET AND PERSONAL

- (i) sensible distribution of workload;
- (ii) avoidance of leaks;
- (iii) speedy decisions and advice to Ministers when required;
- (iv) each specific issue should ideally be addressed by the responsible policy division (albeit on a need to know basis within that division), both from the point of view of "getting it right" and office morale - the fewer Chinese walls the better;
- (v) the need for overall co-ordination of any "peace process".

2. In the light of the above, it would seem sensible to have a Steering Group, chaired by PUS, with a membership of Mr Fell, DUS(L), DUS(B), Mr Bell, Mr Watkins, Mr Deverell and (?Mr Williams and Mr Wood); SIL would provide the Secretariat and take on the co-ordinating role. Advice to Ministers would ideally be channelled through this group. As for remits for advice on specific issues, they would be pushed down through the management chain by the respective DUS or Mr Fell; normally they would be dealt with on a personal basis by the Grade 5 and responsible Grade 7.

IN THE EVENT OF REJECTION BY THE PROVISIONALS ...

Much will depend on the terms of the rejection and on whether it is accompanied by terrorist outrages. It may be that the circumstances will point towards the avoidance of precipitate action or words and to an attempt to keep the door open. If, however, the answer is a clear and unequivocal "No", then a number of consequences might follow:-

SECRET AND PERSONAL

SC/SIL/22514

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SECRET AND PERSONAL

- (i) a clear statement, co-ordinated with the Irish, that the talks process will be pursued with vigour;
- (ii) make clear, with the Irish, our regret at the loss of an opportunity and that we will jointly press ahead with the fight against terrorism from wherever in the community it emanates;
- (iii) take the opportunity to press the Irish on any outstanding items of security co-operation and to suck them into wholehearted consideration of security matters;
- (iv) Consider whether this would shift the balance of arguments in relation to some of the issues before the Working Group on Terrorism and the Law.

PR will be crucial. Politically the Prime Minister would retain the high ground in this situation, but urgent thought would have to be given to a reassurance exercise in Northern Ireland and to garnering international support for a firm thrust against the terrorists. Given the overwhelming support from almost all quarters overseas for the Prime Minister's initiative, we can reasonably ask for equally strong support for our counter-terrorism policy if the terrorists reject the initiative.

It might be necessary to consider options hitherto ruled out, but not as part of a knee jerk reaction. Again, a top of the office group, along the lines mentioned in the "Peace Paper", would have a key role.

SECRET AND PERSONAL

SC/SIL/22514