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FROM: S J LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
5 June 1996

DESK IMMEDIATE

PS/Secretary of State (L&B) - B cc PS/Michael Ancram (L&B) - B
PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Legge - B
Mr Steele - B
Mr Ray - B
Mr Bell - B
Mr Watkins - B
Mr Stephens - B
Mr Hill - B
Mr Perry - B
Mr Maccabe - B
Mr Beeton - B
Mr Lavery - B
Miss Harrison - B
Ms Checksfield - B
Mrs Mapstone - B
Mr Whysall - B
Mr Budd, Cab Office (via IPL)
Mr Lamont, RID - B
HMA, Dublin - B
Mr Campbell Bannerman - B

"SCENARIO FOR THE OPENING PLENARY SESSION"

Further to my note of yesterday evening covering the text of the "Scenario" paper as at 17.30 hours, I now attach the text on which the Secretary of State and the Tanaiste settled (apart from paragraph 4) at midnight. This is all agreed apart from paragraph 4, which the Secretary of State accepted ad referendum to the Prime Minister this morning.

2. In the event, the Prime Minister did not approve paragraph 4. No 10 are seeking to arrange contact with the Taoiseach to resolve the difficulties in time for a possible announcement this afternoon.

(Signed SJL)

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Draft: 11.00 hours 5 June 1996

SUBSTANTIVE ALL-PARTY NEGOTIATIONS

SCENARIO FOR THE OPENING PLENARY SESSION

PAPER BY THE UK AND IRISH GOVERNMENTS

[Agreed apart from paragraph 4]

Introduction

1. The communiqué issued by both Governments on 28 February agreed that an elective process "would lead immediately and without further preconditions to the convening of all-party negotiations with a comprehensive agenda". The two Governments agreed that, following consultations, substantive all-party talks would be convened on Monday 10 June.

2. The Ground Rules paper published in April set out the two Governments' intention that the all-party negotiations should start with an opening plenary session. The Governments are agreed that at this session the requirements of paragraph 12 of the 28 February Communiqué must be fulfilled - that is:

- all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body;
- they would also need to address, at that stage, its proposals on decommissioning;
- confidence building would also require that the parties have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

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3. In accordance with these undertakings, this paper sets out in more detail the scenario the two Governments propose for the opening plenary session.

Chairman and Procedures

4. [Ad referendum text: The two Governments have decided to invite a group consisting of Senator George Mitchell, Gen John de Chastelain and Mr Harri Holkeri to play a role in chairing various aspects of the negotiations. They have agreed to invite the chairman of the group, Senator George Mitchell, to chair the centrally important plenary sessions, to which the various Strands and any sub-committees which the plenary may establish will report. Senator Mitchell, with the help of his colleagues, will also assist the two Governments in giving effect to their joint commitment under paragraph 15 of the Ground Rules. The two Governments have also agreed to invite Gen de Chastelain to chair Strand 2. He would also chair the Business Committee, unless the Talks participants, in accordance with the Ground Rules, were to decide otherwise. They have agreed to invite Mr Holkeri to act as alternate chairman in any of the chairmanship roles. They agree that it will be open to the group to propose alternative options in the light of the requirements of the negotiations or as circumstances warrant.]

5. The opening plenary session will be conducted by the Independent Chairman in accordance with rules of procedure drawn up by the two Governments for adoption in plenary. The rules drawn up by the Governments will operate unless and until amended by the participants, on the recommendation of the Business Committee.

Business of the Opening Plenary

6. The proposed agenda for the opening plenary session is attached at Annex A. At the start of the session, the leader of each of the negotiating teams will be asked to make a formal declaration making clear their party's total and absolute commitment to the principles

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of democracy and non-violence set out in the report of the International Body. The commitments will then be confirmed in a public statement on behalf of all the participants. In the event of any participant failing to make this clear commitment, the Independent Chairman will report this to the two Governments for their consideration and, after consultation with the other participants, any appropriate action.

7. The plenary session will then move to the appointment of a Business Committee. As envisaged in the Ground Rules paper, the Business Committee would be composed of representatives of the two Governments and of the political parties, chaired by the independent Chairperson of Strand Two or, otherwise, by any person agreed by the participants. Its purpose would be to coordinate the progress and procedures of the negotiations. The Business Committee would not deal with the substance of the negotiations but would address unresolved procedural issues. It would therefore be available to meet during the opening session to provide advice on any such unresolved issues to the plenary. It could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands. (It will be open to the parties to agree that certain over-arching issues - for example, human rights - could usefully be addressed in plenary format.)

8. There will then be a round of statements which, as the Ground Rules envisage, will give each delegation the opportunity to set out its approach to the negotiations and its position on key issues.

9. As set out in the agenda for the opening plenary, it will subsequently, if necessary after consideration by the Business Committee, adopt, and commit the parties to negotiate, a comprehensive agenda for the negotiations. A separate consultation paper is being issued to take the views of parties on the elements of this agenda. The Independent Chairman shall satisfy himself that the agenda provides all the participants with reassurance that a

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meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

10. The opening plenary will also address the International Body's proposals on decommissioning. In this context, both Governments confirm their commitment to all aspects of the report of the International Body including their support for the compromise approach to decommissioning set out in paragraphs 34 and 35 which state:

"The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence."

Both Governments agree with the International Body that this approach provides the opportunity to move forward, and that it is on the basis of working constructively to implement this and all other aspects of the Report that the negotiations should be advanced. They will therefore work with all the participants to implement all aspects of the Report.

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11. The two Governments have accordingly agreed to invite the Independent Chairman, after open discussion in the plenary, to satisfy himself that there are clear indications of good intent on the part of all the participants to work constructively and in good faith to secure the implementation of all aspects of the Report in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues.

12. Once the Independent Chairman has reported that he is so satisfied, the two Governments will propose that a sub-committee of the plenary, representing all the participants and chaired by the Independent Chairman of the plenary, be established with the attached terms of reference.

13. Once the decommissioning issue has been addressed in this way, the Independent Chairman will make a concluding statement and the opening plenary session will come to an end. The negotiations on the issues in the three strands and the sub-committee will then proceed alongside each other. The Independent Chairman may periodically brief the plenary on the progress made in the sub-committee.

14. The two Governments will also propose that a meeting of the plenary should be held at a suitable date, about the end of September, to take stock of progress in the negotiations as a whole, including the work of the sub-committee. At this meeting, all participants will review the position, and the progress which has been made across the entire spectrum of the negotiations.

Attachments

Annex A. Agenda for opening plenary.

Annex B. Terms of reference for proposed sub-committee on decommissioning.

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Opening Plenary Session

Agenda

1. Formal opening by two Governments and hand-over to Independent Chairman. Body, including:
2. Introductory remarks by Chairman.
3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.
4. Public statement on behalf of all participants recording total and absolute commitment to principles.
5. Appointment of Business Committee.
6. Opening statements by the participants.
7. Discussion of comprehensive agenda for negotiations.
8. Discussion of International Body's proposals on decommissioning.
9. Adoption of comprehensive agenda for negotiations and procedural rules.
10. Report of the Chairman for the purpose set out in paragraph 12 of "Scenario for the Opening Plenary Session"; Governments' proposal to establish a sub-committee on decommissioning.
11. Concluding statement by the Independent Chairman.

10 DOWNING STREET
LONDON SW1A 1AA

Terms of Reference for proposed Sub-committee on Decommissioning

5 June 1996

To secure implementation of all aspects of the report of the International Body, including:

(a) agreement on the modalities of decommissioning on the basis of the guidelines contained in paragraphs 36 to 50 of the Report of the International Body;

(b) advice to both Governments, in the light of those discussions, on the legislative and practical implications of the course which is recommended; and

(c) agreement on any other arrangements necessary for implementation of the Report.

I attach a revised version with which the Prime Minister could live. You will see that there are two passages in square brackets. These are fallback positions for use in negotiation with the Irish. The Prime Minister suggests that your Secretary of State starts with the text without square brackets.

The Prime Minister would obviously like to see the text again before final agreement.

Yours sincerely
John

JOHN HOLMES

Marina Howard Esq
Northern Ireland Office

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