

cc: Eo
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Dear John

NORTHERN IRELAND NEGOTIATIONS: NEXT STEPS

You asked for a brief note on the next steps in the negotiations process.

Next week

Under the scheme implemented on Tuesday night, the Chairmen, the two Governments and the parties spend the next few days conferring on points of concern raised on the proposed procedural guidelines and on the proposed agenda for the opening plenary session.

To this end, the Chairmen have:

- asked all participants for their proposals on these issues in writing today;
- convened a meeting with all participants on Monday to consider these.



We don't know what, if any, role the DUP and McCartney's UKUP will play in these consultations. Peter Robinson has seemed to suggest the DUP would be prepared to meet Mitchell on these issues, despite their reservations about the appointments.

The Chairmen are due to report back to plenary on the outcome of the consultations by lunch time on Wednesday. They may well be able to report agreement - or at least sufficient consensus - to enable the procedural guidelines and the agenda to be adopted. Perhaps more likely, they will produce an interim report detailing points of agreement and outstanding issues and seeking a remit to resolve these outstanding issues in further consultations.

HMG's approach

In its proposals to the Chairmen, the Government has simply referred back to the proposed procedural guidelines and agenda sent to the parties on 6 June. Those documents are our starting point. In practice, however, the UUP will need to be able to demonstrate that they have secured some changes to those documents in order to justify accepting the appointment of the Chairmen last week. At the same time the Irish Government and the SDLP are likely to resist significant changes, particularly any which circumscribe the role of the chairmen.

We need to keep both of these sides on board if the negotiations are to proceed - so, as Mitchell is well aware, do the Chairmen if they are to retain credibility. Although our starting point is the documents of 6 June, we shall therefore be ready to be flexible on procedural issues where there is a prospect of agreement among the other participants.



It is likely, like last week, that these consultations will develop into a negotiation between, on the one hand, the UUP (with the DUP and others at their back) and, on the other hand, the Irish and the SDLP. We shall be seeking to position ourselves so as to provide maximum assistance to the Chairmen in trying to bring about consensus.

Difficult Issues

The difficult issues are likely to be:

- the extent of discretion for the Chairmen. The UUP will want to constrain this, while nationalists will want to keep the discretion for Mitchell established in the current drafts. Some compromise language should be possible, not least now that Mitchell himself is in position and already proving adept at bringing the parties along with him without formal powers;
- the order of items for the rest of the opening plenary. The UUP will want decommissioning addressed and resolved before the agenda for the negotiations as a whole is adopted. Nationalists will resist this, fearing that even after there has been an address to decommissioning, unionists will still have a procedural issue with which to block the progress into the substantive strands. The proposed agenda of 6 June already interweaves both items, and some further juggling of this sort is likely to be necessary;



- what counts as a satisfactory "address" to the decommissioning issue. This is not formally on the agenda for the consultations, but the UUP may try to raise it. Unlike the other issues, it is not a procedural issue but a substantive question. The two Governments set out their position on 6 June, but any participant is free to take a different position. We shall therefore be holding to the position set out on 6 June, but pointing out that, when it comes to the discussion of decommissioning, every participant is free to say what will satisfy them and to act accordingly.

We shall be strongly discouraging any attempt to call into question the "Ground Rules". These set out the basic three-stranded nature of the negotiation and were drawn up after a previous period of consultation. They were referred to in the Act as defining the negotiations and therefore have a significantly different status to the proposed procedural guidelines. Any attempt to call the Ground Rules into question - particularly to re-open, as Mr Trimble still hankers after, the three-stranded nature of the negotiations - is most likely to be a breakpoint for the Irish Government and the SDLP.

Beyond next week

Once the procedural guidelines and the rest of the agenda for the opening session are resolved, the next issues are:

- opening statements; followed by (in whatever order is finally agreed)



- agenda for the negotiations as a whole; and
- the Mitchell proposals on decommissioning.

Even if we resolve all the procedural issues this week (and that is perhaps more unlikely than not), opening statements from all 11 delegations will take up most of the available time in the week beginning Monday 24 June. We shall only start on the agenda for the negotiations and on the Mitchell proposals for decommissioning in the week beginning Monday 1 July. The longer it takes to sort out the procedural questions, the more this timetable will be put back.

On any analysis, it looks unlikely that we will move into the three strands before the middle of July.

A copy goes to the Foreign Secretary and Sir Robin Butler.

Yours ever
David G. H.
MARTIN HOWARD

PP