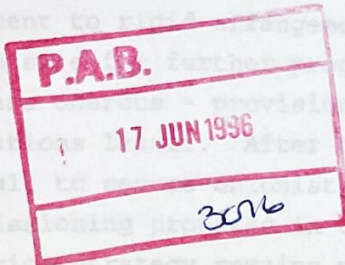


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FROM: S J LEACH
AUS
17 JUNE 1996



cc PS/Secretary of State(L) -B
PS/Michael Ancram(L+B) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Thomas(L+B) -B
Mr Legge -B
Mr Bell -B
Mr Watkins -B
Mr Hill -B
Mr Stephens -B
Miss Harrison
Mr Whysall

PS/Secretary of State(B) -B

SUB-GROUP ON PROCEDURES AND AGENDA: STRATEGY

Procedures

1. In broad terms the submissions on procedural issues by the parties do not raise serious difficulties. Several accept the 6 June Guidelines effectively unalloyed (SDLP, Alliance, PUP), while others do so subject to proposals or queries which, while requiring careful handling (eg the amendability of Ground Rules), do not constitute real obstacles (NIWC, Labour). Even the parties (UUP, DUP, UDP) which have submitted alternative sets of rules have by no means put forward wrecking proposals. Both the UUP and DUP, for example, accept the three strand format, and the UUP also accepts the June 6 definition of sufficient consensus. The DUP dispenses with this, but instead proposed a test of "75% of the valid poll" which gives the SDLP a blocking minority - as indeed does the proposed UDP test of 66%).

2. In constructive negotiations it should therefore be possible to preserve most of the substance of the 6 June Guidelines at the price of accepting amendments to the language. It will, however, be important for the Irish not to stick to the letter of the 6 June Guidelines.

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Agenda

3. The draft agenda for the opening plenary session is trickier. Both the UUP and DUP drafts seek to prescribe a commitment to rigid arrangements for decommissioning as an effective prerequisite for further progress. They suggest special - and doubtless onerous - provision for a party seeking to join the negotiations latter. After the Manchester bomb it will be even more difficult to secure unionist acquiescence in the handling of decommissioning proposed in the "Scenario" paper. Assuming that the "Scenario" strategy remains politically viable (and a relevant consideration here is the statutory duty on the Secretary of State under S 2(2) and (3) of the Act to invite Sinn Fein once he is satisfied that the ceasefire has been unequivocally restored), the way forward may well be to take the procedural issues first and offer flexibility on language there in a way that helps the UUP to claim that its stance has been vindicated, with the trade-off that the UUP would go along with an approach to decommissioning which the two Governments could accept.

4. An important step in securing Irish agreement to accept changes to the 6 June Guidelines text would be to persuade Senator Mitchell that this is the only viable exit strategy. This could be a main objective for the 09.30 meeting.

The Bottom Line

5. Our opening position on both the procedural Guidelines and the agenda will be the 6 June paper. The attached annex sets out a "bottom line" from which we should probably not be moved in negotiation.

(Signed)

S J LEACH
17 JUNE 1996

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I PROCEDURAL GUIDELINES

- a) Basic Procedural Issues (paras 3-9, 13-15, 28-30 of 6 June Guidelines). These are the "bread and butter" provisions which will be needed by the Chairman - who of course include HMG - if the negotiations are to function effectively. We must have the substance (or something very like it) but subject to that the language of these paragraphs could be considerably amended.
- b) Decision-taking (the chapeau and paras 16-21). As a matter of principle we cannot go below sufficient consensus here - no settlement will offer peace and stability if it is not supported by a majority on each side of the community. Moreover, there is no great controversy on this point - the UUP accept sufficient consensus in terms, while the DUP alternative - "75% of the valid poll" - gives both them and the SDLP a blocking minority (since the Sinn Fein vote - 15% - is absent, a party with more than 10% of the poll would have a veto). But the wording could of course be altered.
- c) Procedural specifics to Strands (paras 1, 11, 23-27) or Forum (para 22). If we are to keep to strands on the Ground Rules model then the procedural arrangements set here look necessary. However the UUP propose that the strands should be taken consecutively rather than in parallel. The Irish and SDLP are unlikely to wear this - and it would probably not be conducive to the most effective negotiations. But we could propose an altogether less structured arrangement in which the issues in the various strands were taken in whatever order seemed best in, effectively, Plenary - with the Irish absenting themselves for "Strand One" issues. (There would be implications for Chairmanship - para 2).

but it's "participatory
delegation" (here)

a major
change

II AGENDA

The big issue here is the handling of decommissioning. The bottom line for us is to

- preserve the "compromise approach"
- ensure that once the "address" to decommissioning is complete, the opening plenary comes rapidly to an end (to prevent the unionists spinning it out, and refusing to engage with the political agenda, until they see physical decommissioning).

Probably the most we can offer is to promote the "Report of the Chairman" from item 10 to item 8, to give a more rounded consideration of decommissioning before the comprehensive agenda has to be adopted.

A further fall back might be to offer much more neutral language for 10 - instead of the current "Report ..." and the Governments' proposal for a sub-Committee, something simply on the lines "Consideration of next steps on decommissioning". When item 10 was reached the substance of the proceedings would be the same. This would be worth doing if the UUP could thereby be brought to support the substance.