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FROM: D J R HILL
CPL DIVISION
27 SEPTEMBER 1996

DESK IMMEDIATE

cc: PS/Sir John Wheeler (L&B) -B
PS/PUS (L&B) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Steele -B
Mr Leach -B
Mr Bell -B
Mr Watkins -B
Mr Wood (L&B) -B
Mr Stephens -B
Mr Maccabe -B
Mr Perry -B
Mr Lavery -B
Mr Priestly -B
Mr Whysall (L&B) -B
Ms Mapstone -B
Miss Bharucha -B
Mr Campbell-Bannerman -B
Mr Lamont, RID -B
HMA Dublin -B
Mr Clarke, Dublin -B
Mr Westmacott (via RID) -B
Ms Collins, Cab Off (via IPL) -B
Mr Oakden, No 10

PS/Michael Ancram (L&B)

PS/Secretary of State (L&B)

TALKS: APPROACHING THE CRUNCH ON DECOMMISSIONING?

We face an awkward combination of circumstances:

- Mr Trimble has the two Governments' proposition but has gone to ground, leaving us no clear opportunity to exercise our persuasive skills on him or other members of the UUP leadership before the UUC Executive Committee meets tomorrow to determine the UUP's position on the decommissioning issue. He also professes (to Ted Barrington) not to be committed to a trilateral on Monday afternoon

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- all of the above is making the Irish understandably jumpy and further eroding their confidence in the possibility of cutting a deal with the UUP
- Senator Mitchell, despite criticism from the DUP and UKUP, has managed to defer calling a plenary to discuss the agenda for the rest of the Opening Plenary until Tuesday 1 October; but he expects - no doubt correctly - that the DUP and UKUP will use that opportunity to have a proxy debate on decommissioning and sustain their public pressure on the UUP to step back from reaching an understanding with the two Governments. He himself will be absent, leaving Mr Holkeri in the chair
- initial UUP reactions (at yesterday's dinner for Ken Maginnis, Jeffrey Donaldson and others, hosted by Sir John Wheeler) were negative but raised no new difficulties. We ought to be able to deal with their specific concerns (no Chairman-designate, use of the word "compromise") and at least debate their underlying worries (no mechanism for making progress on actual decommissioning, what happens when Sinn Fein come in?)

Immediate Action

2. Our first priority should be to maximise the chances of a 'successful' UUP Executive Committee meeting (ie one which does not paint Mr Trimble into a corner and at least leaves open the possibility of the UUP agreeing the two Governments' proposition). Options include:

- continuing to seek a meeting (or extended telephone call) with Mr Trimble to discuss the proposition (drawing out the various 'selling points' for the UUP contained in the attached 'bull points'). The Lord President's intervention may also be valuable. We might consider asking the Prime

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Minister to intervene with Mr Trimble to underline the Government's total commitment to the Talks and to the approach reflected in the "suggested conclusions"

- a wider exercise of lobbying senior Ulster Unionists (? Ken Maginnis, Reg Empey, Jeffrey Donaldson) now we know they have seen the proposition. Ideally a meeting with Mr Trimble and his Talks team might be set up for this evening
- playing in the proposed developments in the role of the Northern Ireland Grand Committee

Sunday/Monday

3. It would be highly desirable to establish a common position between the two Governments and the UUP before Tuesday's planned debate. That would point to:

- establishing the UUP reaction to the proposition and their overall position on decommissioning following the Executive Committee meeting. This should be done as rapidly as possible, through PAB sources and at an early meeting on Monday
- preparing the Irish in the light of that
- (probably) confirming arrangements for a trilateral on Monday afternoon

A spectrum of possibilities/options

4. If the UUP can accept the proposition the two Governments and the UUP can probably agree to approach Tuesday's debate by proposing an immediate address to decommissioning (which is what the DUP and

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UKUP will be seeking). We should also be able to settle the choreography of the debate - when and how the 'suggested conclusions' should be played in etc

5. More likely the UUP will seek further clarifications, details or concessions, or adopt a position which is clearly incompatible with that of either Government. At the 'soft' end of that spectrum, HMG might feel willing and able to help, but the Irish are likely to be very resistant. At the other end of that spectrum it is the UUP which would need to be persuaded to adjust its position, although the two Governments may be able to develop their position in minor ways which could help the UUP leadership

6. As of now it appears that Mr Trimble does not regard himself as committed to a trilateral on Monday (the date was mentioned at the last trilateral but details were left to be settled through the "usual channels"). We will need to decide whether to press for one and how to handle it and any prior bilateral with the Irish: we will be in a better position to judge in the light of the UUP position.

7. The options/cards in our hand include:

- the Prime Minister who might, as appropriate, be asked to speak to either Mr Trimble or the Taoiseach
- agree to an immediate plenary address to decommissioning. If the UUP's additional requests are fairly modest, such a debate could help the Irish to understand the political pressures under which the UUP is operating and the need to provide additional cover. Conversely, if the UUP adopt a hardline position, the debate would enable the two Governments and the SDLP to set out their perspectives in detail and to describe (for public consumption) the very fair proposition which is on the table. In this latter case, however, there would be no obvious exit strategy from the debate and some risk of a breakdown in relationships between HMG and the UUP and in the Talks as a whole. As we

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have long recognised, both the Irish Government/SDLP and the Unionists would be comfortable in breaking on this issue

- persuade the Irish to offer some further reassurance to the UUP, possibly privately or in the trilateral, on the central constitutional question and Articles 2 and 3. We should never underestimate the influence of such considerations in Unionist thinking and the Irish would not need to go beyond the logic of their current position or what the Taoiseach has already said
- seek to postpone the crunch, eg by fixing a date a little way ahead for the start of the plenary address to decommissioning. The fixing of a date for the substantive address is likely to be the minimum we could get away with. The DUP and UKUP would protest vigorously but the UUP might feel able to vote for it. Ministers might refer to the Conservative Party Conference (? and Senator Mitchell's absence) and suggest that the week beginning 14 (or even 21) October would be a better time to hold the debate. Part of the interval might be taken up with discussions on the comprehensive agenda. Meanwhile we could work on both sides to close the remaining gap, or try to find the basis for a "soft landing"
- deploy the 'ceasefire' argument with Mr Trimble. A courageous move by the UUP would really put the Republican Movement under enormous pressure to declare a ceasefire, following which we could begin the process of sucking them in and delivering a permanent peace

signed David Hill

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MEETING WITH THE UUP, [25 SEPTEMBER]

Key Points to Make

- as the two Governments agreed on Monday, we have been working with the Irish to put together a paper which summarises our proposals on how the decommissioning issue should be handled.
- it goes as far as we believe is possible to meet your stated concerns while remaining consistent with the two Governments' policy positions.
- we have worked very hard with the Irish to achieve agreement on this. They have had to consider throughout what the SDLP could accept. I want to ask you to weigh this paper very carefully before rushing to any conclusion.
- the two Governments look forward to further trilateral with the UUP on Monday to hear whether our proposals are acceptable to you.

'Selling Points'

- The paper emphasises the two Governments' commitment to legislate, to introduce the Bills early in the coming session, and to secure enactment by Christmas.
- Obviously, the draft legislation makes provision for an Independent Commission, but I believe you accept that final definition of the Independent Commission's role and privileges can only be achieved once there is agreement on a decommissioning scheme.
- Agreement on such a scheme can in our view only be reached, as the International Body suggested, in a forum which embraces all the talks participants, including those close

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to the paramilitary organisations. Hence our proposal for a committee to take this forward. It seems to us that that is the only forum in which you could be given confidence in the Republican Movement's good faith on decommissioning.

- We have responded to the concern which you and Ken Maginnis and your colleagues have expressed that there should be continuity between now and the point at which the Commission can be established.
 - the two Governments have agreed to make a range of technical expertise available to the proposed Committee, which would also be available to the Commission.
 - the paper also reflects a commitment to make available independent experts of international standing to support the work of the Committee and who we envisage would play an appropriate role in relation to the Commission when it is established.
- We have also noted your concern that a Committee could lead to prevarication and delay:
 - we are proposing an active and substantial working agenda for the Committee.
 - we propose regular reviews by the plenary of progress across the negotiations as a whole, initially in December
- If and when Sinn Fein come in they will be bound by whatever conclusions are endorsed by sufficient consensus in the plenary address to decommissioning.

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- the Governments also propose that all participants should specifically acknowledge, as the Governments do, that progress in the negotiations will only be possible in the context of the implementation of all aspects of the Mitchell report.
- if the negotiations fail to reach a conclusion because there has been no progress on decommissioning it will be entirely clear where the political responsibility rests.
- It is essential that we are clear on one point: "timetabling". There have been misunderstandings about the use of this term, including Monday's trilateral. Obviously, the work of the Committee can, by agreement, be scheduled, and with the support of both Governments and the UUP it should be able to do a considerable amount of ground clearing work before the decommissioning legislation is through. But there is clearly no possibility of specifying in advance a timetable for actual decommissioning: any such timetable can only be established with the assent of the paramilitary organisations and the parties which represent them.

Packaging

- I appreciate that this will be a difficult paper for you, requiring careful consideration. I am ready to do my best to present the case to plenary for moving forward on this basis in the most positive and sympathetic manner. [Take him through the speaking note - Annex B to Mr Leach's submission of earlier today.]

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