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FROM: D J R HILL
POLITICAL DEVELOPMENT TEAM
24 September 1996

PS/Michael Ancram (B&L)

PS/Secretary of State (B&L)

cc

PS/Sir John Wheeler (B&L)

PS/PUS (B&L)

PS/Sir David Fell o/r

Mr Thomas o/r

Mr Leach (B)

Mr Steele

Mr Bell

Mr Watkins

Mr Wood (B&L)

Mr Stephens

Mr Maccabe

Mr Lavery

Mr Priestly

Mr Perry

Mr Whysall (B&L)

Ms Mapstone

Ms Bharucha

Mr Campbell Bannerman

Mr Lamont, RID

HMA, Dublin

Mr Clarke, Dublin

Mr Oakden, No. 10*

Ms Collins, Cabinet Office*

* via IPL

TALKS: CUTTING A DEAL WITH THE UNIONISTS AND HANDLING 24 SEPTEMBER

1. Following yesterday afternoon's bilateral with the Irish and the subsequent trilateral between the two Governments and the UUP, Mr Leach, Mr Perry and I met Irish officials (David Cooney and Paul Hickey) to see whether agreement could be reached on the text of a proposition to be put the UUP on the future handling of the decommissioning issue. The result is attached. The main points are:

- (a) in the fourth tirit we agreed (as previously authorised by Michael Ancram) to delete the specific reference to the International Body's proposed compromise approach on decommissioning (the first tirit already makes the point that "all aspects" of the International Body's report includes its proposed compromise approach);

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(b) in the next tiret the Irish side's wording is designed to leave open the possibility of making available to the Committee expert personnel who could include independent experts with the stature to become members or even the Chairman of the Independent Commission, but Irish officials had no discretion to make the reference any more explicit. We stressed that in the judgement of the British side it would be necessary to make a significant response to the UUP bid for "continuity" from the proposed Committee to the Independent Commission. Preserving Ministers' ability to argue for an explicit reference to the appointment of a Chairman-designate, we pressed for the incorporation of the language in square brackets as the minimum likely in our judgement to be acceptable to the UUP. This will need to be brokered with the Irish at senior Ministerial level;

(c) the final tiret incorporates the proposed timetable for launching substantive negotiations and replaces what had previously been cast as a footnote.

Next steps

2. The two Governments had agreed to give the UUP the text of a proposition today as the basis for a further trilateral, but

(a) neither the Tanaiste nor Mrs Owen will be available for a trilateral until next Monday, so the Irish now propose that the text of the proposition should be given to the UUP tomorrow;

(b) although Mr Coveney will be in Belfast today he will be in no position to negotiate about any reference to the proto-Commission. The Irish side will therefore need time to clear their lines, including with the Tanaiste [abroad on EU business].

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Handling the Irish and the UUP

3. I assume Ministers will wish to press the Irish, at an early Ministerial meeting with Mr Coveney, to build up the reference to the proto-Commission. In the light of that the Secretary of State may wish to set out his concerns in a letter (? to Mr Spring). The key arguments appear to be

- a visible demonstration of "continuity" from any Committee to the Independent Commission is the minimum necessary to persuade the UUP to agree to the proposed Committee;
- if the proposition is to be a genuine final offer there is no point incorporating a somewhat ambiguous reference which just invites further questioning and negotiation on this key point;
- the offer should be one which the two Governments can subsequently rest on as representing a fair and comprehensive response to stated UUP concerns. Deliberate ambiguity could allow the UUP to claim that their "valid" point about the need for continuity has been ignored.

4. So far as UUP are concerned it would be sensible to let Mr Trimble know as soon as possible that the Governments will not be letting him have written proposals before Wednesday; make a provisional arrangement to hold a third trilateral next Monday; and discuss what Plenary might do in the meantime. (The Secretary of State might also want to take the opportunity to brief Mr Trimble on the Hume/Adams initiative.)

Other Plenary business

5. The Plenary is adjourned at the call of the chair but parties are expecting it to be convened this morning to hear any comments on the Governments' determination of the Alliance Party representations and to discuss proposals from the chair on confidentiality. This might not take very long.

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6. An adjournment at that point could feed the disillusionment of the SDLP and smaller parties and the suspicions of the DUP and UKUP. It may be more sensible to find some constructive work for the Plenary to do. We could propose:

- (a) renewed consideration of the agenda for the rest of the opening Plenary. The two Governments' proposal of 30 July would provide a reasonable basis for discussion. The developing relationship between the UUP and SDLP, their agreement on a comprehensive agenda and the prospect of agreement on the handling of decommissioning may facilitate agreement on it. In introducing it the British team might note that it would be happy for "opening statements" to be postponed, or even dropped altogether;
- (b) (if necessary) discussion of the comprehensive agenda. There would be some value in getting the UUP/SDLP draft out in the open, giving other parties the chance to comment and, if possible, settling the comprehensive agenda at this stage.

7. Discussion of these issues should provide useful displacement activity which should see us comfortably through at least the rest of this week. However, it would be desirable to ensure that Mr Trimble was content to proceed on this basis before making any proposal to the Chairman.

Other commitments

8. Officials will seek to implement during the course of today the undertaking to brief the DUP on the draft Decommissioning Bill. We will of course stress the confidential nature of the briefing and deal with the point about forensic testing.

(Signed)

D J R HILL
Political Development Team
CB 22317

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PDT/1236

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DRAFT: 23 SEPTEMBER 1996
(Agreed between Officials ad referendum: 21.00)

SUGGESTED CONCLUSIONS TO THE PLENARY ADDRESS TO DECOMMISSIONING
[to be tabled by the two Governments]

The participants in the multi-party negotiations, meeting in plenary session:

- note the commitment of the two Governments 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".

- note the commitment of the two Governments to work with all other participants to implement all aspects of the Report.
- note that as an important step towards implementation, each Government will publish at the conclusion of the opening Plenary session draft enabling legislation which will provide the basis for giving effect to the International Body's recommendations on the modalities of decommissioning. Having considered any comments which the committee referred to below may have they intend to introduce legislation in their respective Parliaments in the forthcoming session so that as progress is made on political issues the legislative framework is enacted by Christmas 1996.

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- agree to work constructively and in good faith to secure the implementation of all aspects of the Report of the International Body, in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on all the issues of concern to all participants. A reality for all present and future participants is that progress in the negotiations will only be possible on this basis.
- agree to establish a committee charged with working to secure implementation of all aspects of the International Body's Report on this basis. The Committee will comprise representatives of all the participants and be chaired by the Independent Chairman of the Plenary. With a view to ensuring continuity between the work of the Committee and the operation of the Independent Commission proposed in the report of the International Body and provided for in the draft legislation, the two Governments will make available to the Committee a range of expert personnel [UK: , including independent experts of international standing capable of directing the work of the Commission when it is established]. The Committee will follow the attached working agenda. It will first meet on [7/14 October].
- agree that a plenary session should be convened in December to take stock of progress in the negotiations as a whole, including the work of the Committee. At that meeting, all participants would review the position, and the progress which has been made across the entire spectrum of the negotiations. It would also be possible, under the provisions of paragraph 12 of the rules of procedure, for the plenary to be convened specifically to enable the Independent Chairman to brief participants on the progress made by the Committee.
- agree that the adoption of the above proposals will conclude the address to decommissioning by the opening Plenary.
- agree, on this basis, to complete the remaining business of the opening plenary session in time for the appropriate Chairmen to convene meetings of the negotiations within the three strands and the proposed Committee on Decommissioning, opening on [7/14 October] and proceeding in parallel.

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COMMITTEE ON DECOMMISSIONING
WORKING AGENDA

- Governments' legislative proposals: consideration of draft Bills and ongoing review of progress towards enactment.
- Conditions necessary for decommissioning: consideration of the circumstances in which mutual decommissioning would be expected to occur.
- Modalities: development of detailed scheme or schemes for decommissioning and determination of the precise functions of the Independent Commission in respect of each scheme, including its role in relation to verification of the decommissioning process.
- Role of other confidence-building measures: consideration of those other aspects of the International Body's report which participants may wish to raise in this format.
- Determination of detailed arrangements for decommissioning: agreement on detailed decommissioning arrangements, including commenting on the necessary subordinate legislation.
- Review of implementation: ongoing review of implementation of all aspects of the Report.

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