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Agenda

FROM: S J LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
18 September 1996

DESK IMMEDIATE

PS/Secretary of State (B&L)

cc

PS/Michael Ancram (B&L)

PS/PUS (B&L)

PS/Sir David Fell

Mr Legge

Mr Thomas o/r

Mr Steele

Mr Watkins

Mr Bell

Mr Wood (B&L)

Mr Hill (B&L)

Mr Stephens

Mr Maccabe

Mr Lavery

Mr Perry

Mr Priestly

~~Mr Whysall~~ (B&L)

Ms Mapstone

Ms Bharucha

Mr Campbell Bannerman

Mr Lamont, RID

HMA, Dublin

Mr Clarke, Dublin

Ms Collins, Cabinet Office

TRILATERAL

Further to the exchanges so far today, I attach speaking notes and a possible draft agenda for this afternoon's trilateral.

(Signed SJL)

S J LEACH

APD(L)

CB 22286 OAB 6469

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Lines to take

- [Opening] Very happy that this meeting is taking place. Believe trilateral format (or quadrilateral, if SDLP wished to participate) could prove to be very effective way of instilling momentum into the process and informally resolving any difficulties which may arise.
- Regard this meeting as **exploratory**. The UUP have seen the draft legislation and may want to explore some aspects further. Similarly, the Governments want to explore how we can now best move this process forward to achieve a satisfactory conclusion to the opening Plenary and inaugurate the Strands and an agreed strategy to handle decommissioning.
- Do not regard this meeting as one-off, make or break affair. Depending on how we get on, might well be valuable to have another trilateral on, say, Monday.
- Equally, however, we do not have a great deal of time, and we should aim to have a firm basis of understanding when the Plenary covers the address these issues, probably in the course of next week.
- [UUP fears that Committee is valueless and desire for early establishment of Commission]
- The Governments are committed to the compromise approach to decommissioning set out in the report of the International Body. This clearly envisages **parallel progress** in the strands and on the decommissioning issue - cf paragraph 35 of the Report, which states

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"[the compromise approach] 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 the further steps in a progressive pattern of mounting trust and confidence".

- We would therefore be as unhappy as you with a situation in which parties were expected to start resolving the political issues while any movement on decommissioning was impossible by reason of a procedural blockage. That would not meet the spirit of the Mitchell Report and would clearly not be a recipe for success in the Talks.
- Therefore anxious to explore the concerns UUP have expressed. These seem to me to centre on the point that nothing can really happen on decommissioning until the Bill has been enacted, the Commission has been established, and it has negotiated a scheme for decommissioning. Meanwhile, you would be expected to participate fully in the political discussions with no visible progress on decommissioning.
- But we do not envisage that the Commission would negotiate the scheme. Indeed, since the parameters of the scheme will significantly condition the privileges and powers to be conferred on the Commission, the more logical arrangement is that a good idea of the nature of the scheme has to be available before the Commission is fully established.
- See no need for the development of the decommissioning scheme to be sub-contracted to the Commission, when it is set up. Rather, the Committee itself could provide a very effective forum for this purpose (assuming, of course, that Sinn Fein entered the process). Both the Governments and the parties associated with paramilitaries will be present, and the expertise of Ken Maginnis and others would also I hope be available.

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- Thus, from day one the decommissioning committee could have a substantial and valuable programme of tasks to work through, under the Chairmanship of Senator Mitchell himself, and with provision to report back to the Plenary. I think that at our meeting yesterday you did in fact accept that preparation of a scheme need not await the establishment of a Commission - Ken Maginnis suggested that it would be useful if, as the Bill was going through, the parties could be working up a possible decommissioning scheme with the Governments. That is very much the function which is envisaged for the Committee.

- I would also like to pick up the suggestion that it might be open to the parties with paramilitary links to stall endlessly on the decommissioning issue, so that agreement and progress were never achieved. Of course, since decommissioning is a voluntary activity, there is no way of guaranteeing that that would not happen. But if it did, it would focus increasing pressure on the paramilitary parties themselves. That is because the decommissioning Committee would be established on the understanding that all participants committed themselves to work constructively to secure the implementation of all aspects of the Report of the International Body, including the proposal for some decommissioning during the course of negotiations. There could be provision for the Independent Chairman to report back regularly to the Plenary on the progress that was being made. If Sinn Fein and the Loyalists were dragging their feet, they would come under increasing pressure to justify their position - and, of course, it would doubtless have its effect on the rate at which Unionists were prepared to move in the three stranded negotiations developed.

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- ["Core Commission" - if agreed with Irish at 3pm meeting]
- Accept there could be an unwelcome hiatus between agreement on a **scheme** and establishment of a Commission to put it into effect. To minimise this the two Governments could consider whether there might be scope for an advance element of the Commission - perhaps the Chairman designate - to be associated with the work of the Committee.

Agenda

1. Opening comments.
2. Draft Decommissioning Bills - any outstanding technical queries.
3. Proposed Decommissioning Committee.
4. Agenda and timescale for remainder of opening Plenary.
5. Timescale for subsequent steps - commencement of strands, timescale for enactment of legislation, establishment of independent commission, etc.
6. Date of next meeting.

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BILATERAL: 18 SEPTEMBER

IRISH DRAFT 17 SEPTEMBER 1996

Suggested further amendments in manuscript
 JOINT PROPOSAL BY GOVERNMENTS ON HANDLING OF DECOMMISSIONING
 (to be put to debate on decommissioning in Opening Plenary)

(Additions to the British draft of 13 September are underlined, deletions are shown with
 Agenda. Annex 1 is under review.)

Agenda

1. The British and Irish Governments put forward for consideration at the opening plenary the following proposals for taking forward the handling of decommissioning.
2. The two 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 paragraph 5, which states:
1. Opening comments.
2. Draft Decommissioning Bills - any outstanding technical queries.
3. Proposed Decommissioning Committee.
4. Agenda and timescale for remainder of opening Plenary.
5. Timescale for subsequent steps - commencement of strands, timescale for enactment of legislation, establishment of independent commission, etc.
6. Date of next meeting.

The parties should consider an approach under which the parties not urge. Such an approach represents a compromise. If the peace process succeeds. 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 implement all aspects of the Report. The political parties, for their part, commit themselves to cooperating fully with the Governments in this task, in respect of all areas relevant to them. As an important step towards implementation, each Government (was published today/will publish or amend/will publish at the conclusion of the opening Plenary draft legislation which will provide the basis for giving effect to the International Body's recommendations on modalities, for the participants to consider and comment on in the committee referred to in paragraph 5 below, with a view to introducing legislation in their respective Parliaments early in the forthcoming session and seeking its enactment by Christmas 1996 in parallel with progress in the substantive negotiations).

4. The Governments propose that the plenary should agree to work constructively to secure the implementation of all aspects of the Report, including the requirement for mutual commitment and participation, in the context of an inclusive and dynamic process which builds trust and confidence as progress is made.

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so that as progress is made on political issues, the legislative framework to enable mutual confidence building steps in decommissioning is enacted by Christmas 1996.