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FROM: D J R HILL  
POLITICAL DEVELOPMENT TEAM  
15 JANUARY 1996

cc: Mr Stephens - B  
Mr Watkins - B  
Mr Leach - B  
Mr Brooker - B  
Mr Lavery - B  
Mr Maccabe - B  
Mr Whysall - B

Mr Thomas - B

#### RESOLVING DECOMMISSIONING BEFORE THE ELECTION

I attach an as yet incomplete paper introducing a first draft of a possible compromise package on decommissioning.

2. The attachment to the package will be based on the trilateral paper of 11 December with confidence-building measures probably being remitted to a separate sub-Committee of the plenary.

3. I have not finished setting out my thoughts on how we should handle the presentation and delivery of a package on these lines: some careful choreography will be needed and its relationship with the handling of the 27 January plenary could be significant.

4. Meanwhile I should be most grateful for any comments on the paper and the draft package. (I hope to be back in London by midday tomorrow). Subject to that, I will consider submitting it tomorrow evening or reflecting the conclusions in a gameplan for next week.

(signed)

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## RESOLVING DECOMMISSIONING BEFORE THE ELECTION: A TARGET OUTCOME

Analysis

1. There are a number of reasons for seeking to secure a resolution of the decommissioning issue before any adjournment for the UK General Election:
  - it would boost the general credibility of the talks process during what could otherwise become a dangerous political vacuum;
  - it would make it possible to set a firm date for the launch of the three strands after the elections, thus making it easier to achieve a "soft landing". That should give the UUP and SDLP a firmer electoral platform;
  - the issue will be no easier to resolve after the election, and may even be more difficult if parties have impaled themselves on particular hooks during the election or if the question of Sinn Fein's participation has by then become a live issue;
  - the period of adjournment can be used to put the necessary administrative arrangements for an Independent Commission into place;
  - evidence of constructive forward movement in the talks could help to stabilise the CLMC ceasefire;
  - a resolution of the decommissioning issue and the setting of a firm date for the launch of the three strands would put maximum pressure on the Republican Movement to restore the IRA ceasefire;

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1. ■ the surrounding circumstances (progress of Irish Decommissioning Bill, the Prime Minister's statement of 28 November, constitutional nationalist disenchantment with Sinn Fein, IRA attacks making Sinn Fein's entry to the negotiations increasingly remote, the Irish Government's readiness to contemplate the early establishment of the Independent Commission) should all operate to reduce the political pressures on the UUP to hold out for prior decommissioning, and the effect of these may wane over time.
2. More generally, the issue will have to be resolved at some stage: the Irish and SDLP (leaving aside HMG) would not - probably could not - support a talks process which was definitively exclusive of Sinn Fein; and for so long as the process could potentially include Sinn Fein the Unionists will require a prior agreement on how in principle decommissioning should be progressed in those circumstances. Irrespective of the General Election, it will not be possible to carry the process forward in its present form without resolving the decommissioning issue.

#### Decommissioning

3. The SDLP are genuinely at the end of their tether. They have worked very hard to secure an agreement with the UUP and are now politically exposed and with no more room for manoeuvre. Their mood is brittle and it would not take much for them to conclude that it would be better to bring the current talks process (and especially the Forum) to an end, preferably in circumstances which enabled them to blame the UUP, rather than keep it going. Seamus Mallon is already thinking about the shape of an alternative talks process. Meanwhile, there is widespread support in the party, albeit with some reservations, for John Hume's efforts to bring Sinn Fein in from the cold.

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4. The UUP seems to be keenly aware of the dangers of a political vacuum and we may be able to exploit that pressure on them. They obviously remain very nervous of appearing to get out of line with the DUP and UKUP on decommissioning, especially in a pre-election situation, but the surrounding circumstances (see above) are slightly more favourable than they have been. On the key issue of whether there should be a prior tranche of IRA weapons before Sinn Fein could join the three strands, Mr Trimble has several times (including, for example, in Washington) indicated a readiness to drop that requirement if satisfied that decommissioning would indeed happen during the negotiations, starting reasonably soon after the commencement of the three strands.

5. This all suggests that any attempt to resolve the issue of decommissioning will have to constitute a package which clearly delivers the launch of the three strands. The SDLP will not support anything else and if we are to pull the UUP back from their current insistence on a prior tranche of IRA weapons we will need to assemble a comprehensive range of things they could point to as justifying (or camouflaging) any such movement on their part. The need to secure a "soft landing" also means that any package will need to address the timing of resumption following any adjournment.

#### The way ahead

6. The UUP and SDLP have, without showing any encouragement, agreed that the Government(s) should explore the scope for achieving agreement on decommissioning. The SDLP has at a more general level invited the two Governments and the Chairmen to seize the talks process by the scruff of the neck and present a proposition intended either to secure the launch of the three strands or illustrate whose intransigence is to blame for any failure to secure "sufficient consensus" on it. The Irish have given us a free hand to explore the possibilities, within the

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ambit of the Mitchell Report and so long as an agreement achieves the launch of the three strands. The Chairmen are simultaneously exploring the possibilities, albeit in a rather desultory manner, and have said they are ready to put forward a proposal intended to break any deadlock: we may be able to utilise their independence and moral authority to clinch a deal.

7. Against that background, the first step must be to identify a possible package and then decide how best to play it in - with the parties, the Irish and the Chairmen.

A possible target outcome

8. I attach a set of draft conclusions which might be presented to plenary. They aim to
- secure a firm date for the launch of the three strands after the election, as the best basis for a soft landing;
  - achieve agreement on a basis for resuming the talks after the election, taking account of the Northern Ireland District Council elections and the range of possible election dates;
  - capture all the existing elements of agreement between the UUP and SDLP (eg on the "mechanisms" for achieving further progress on decommissioning) and all the positive elements of the current situation for the UUP, such as progress on the two Decommissioning Bills;
  - incorporate a series of points in support of the concept of parallel decommissioning, which may be sufficient to persuade the UUP to drop their requirement for a prior tranche of IRA decommissioning. These include

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- a statement of commitment to the implementation of the Mitchell report, including its compromise approach to decommissioning, which would be a condition of participation in the talks;
- a mechanism for excluding parties which demonstrably dishonour that commitment;
- (possibly) a statement reflecting the expectation of the Government, the UUP (? and others) that the commitment would result in early progress on decommissioning alongside progress in the three strands;
- an independent mechanism (the Independent Chairmen) for determining, consistently with the International Body's compromise approach, when decommissioning should commence.

9. Possible refinements include:

- (a) provision for some ongoing political activity, possibly utilising the talks facilities, during any adjournment. The UUP's promised suggestions might feature here; or we could build on some of our existing ideas for "preparatory dialogue". It may be, however, that it would not be quite so necessary to demonstrate ongoing political activity if decommissioning had been resolved and we had achieved a soft landing on the basis of setting a firm date for the launch of the three strands after the election period;
- (b) an "opt out" formula which acknowledged the right of any participant to review its continued participation if any other party were invited to join the talks on terms or in circumstances which any existing participant found

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unacceptable. I tried several formulae for this but they all seemed too defeatist without really offering any significant extra cover for the UUP; but if anyone can think of something effective I would be pleased to hear about it.

#### Possible Gameplan

10. The Irish have made clear that they would expect any compromise package to be cleared with them before it was floated with anyone else. I may have worried them by reserving our ability to float aspects of a possible package with other parties in the context of exploring options; but I did say we would discuss any text of a comprehensive package with them before tabling it.
11. The Chairmen seem increasingly ready to table compromise proposals as part of a last ditch effort to save the talks process. Obviously they would welcome it if the the two Governments were able to present them with an agreed assessment of what proposals would stand the best chance of securing sufficient consensus, but General de Chastelain seemed receptive when (to Mr Donoghue's dismay) I said it was possible that the two Governments would not be able to reach a common view on every detail of such an assessment and that we might need to ask the Chairmen to exercise a genuinely independent final judgement.
12. Another advantage of routing at any compromise package through the Chairmen is that it would minimise any appearance of conflict between the Government and the UUP. If the UUP did not like the package they would not be challenging the Government, but the Chairmen.
13. Of the parties, it is the UUP which will need to shift furthest if any proposition is to secure "sufficient consensus" support, and whose reaction is the most difficult to assess. It would be sensible to test out some elements of the package with them; prepare them for the possibility of the Chairmen tabling

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compromise proposals; and stand ready to deploy all possible influence on them to agree whatever package is tabled. That may imply that we should plan for an interval between the tabling of any package and the time at which the parties would be expected to signal their reactions.

14. Procedurally, it might be difficult for the Independent Chairmen to put any package on a take it or leave it basis. There might need to be a process of tabling, debating and voting on amendments. That might give the UUP the political cover of being able to vote with their Unionist colleagues on some issues, which would presumably not gain sufficient consensus support; and to present and argue for their own variants on some issues. We could reasonably hope, however, that any package would survive reasonably unscathed and that it would - at the end of the day - gain sufficient consensus support.

[15. More to follow]

(signed)

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(15 January 1997)

## OPENING PLENARY AGENDA: COMPLETION OF ITEM 2

1. The participants in the multi-party negotiations hereby commit themselves to work constructively and in good faith to secure the implementation of all aspects of the report of the International Body [including the compromise approach to decommissioning set out in paragraphs 34 and 35] [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].
2. The participants agree that it should be a requirement of participation in the negotiations that each participant should make and honour the foregoing commitment; and that if, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured this commitment, that should be circulated by the Chairmen to all participants and be subject to appropriate action by the Governments, having due regard to the views of the participants.
3. The participants welcome, as an important step towards the implementation of the report of the International Body, the progress made by the two Governments towards the enactment of appropriate enabling legislation in their respective Parliaments which will provide the statutory basis for giving effect to the International Body's recommendations on the modalities of decommissioning.

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## 4. The participants also agree that

- the mechanisms for achieving further progress on decommissioning alongside progress in the three strands should comprise an Independent Commission and a Liaison sub-Committee of plenary with the roles and responsibilities, as set out in [the attached paper based on that proposed by the UUP, SDLP and Alliance Party];
- those mechanisms should be formally established [following consultation between the Governments and the parties on the identity of potential members of the International Commission] in time for their first meetings to coincide with the launch of the three strands of substantive political negotiation;
- if the business of the opening plenary session is not completed before the UK General Election it should resume within [2] weeks of the election (unless that would mean meeting after [30] April, in which case the opening plenary session should resume on [2] June). In either case the Chairman is invited to ensure that the business of the opening plenary session is completed by [4] June;
- the three strands of substantive political negotiations should commence on [9] June.

[5. For their part, the British Government, the UUP [and others] would expect to see the commitment referred to in paragraphs 1 and 2 above reflected in early progress on decommissioning alongside progress in the substantive political negotiations; and will work to achieve that.]

## 6. The participants invite the Independent Chairmen as a group to review progress in the substantive political negotiations on a regular basis; consult with the Liaison sub-Committee on the conditions necessary for mutual decommissioning to occur; and,

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in the light of that and on the basis of implementing the International Body's compromise approach to decommissioning, offer an opinion, when they judge the time is right, that the circumstances are such that mutual decommissioning should be expected to commence.

Mr Stephens  
Mr Bell  
Mr Watkins  
Mr Leach  
Mr Brooker  
Mr Macosha  
Mr Lavery  
Mr Whysall (L&S)  
Mr Mapstone  
Mr Harroche  
Mr Laront, RLD  
RGA Dublin  
Mr Clarke, Dublin

Mr Thomas - 5

TALKS: POSSIBLE ARGUMENTS TO DEPLOY WITH THE DUP AND IRISH/SRLP

I attach a pair of checklists setting out the arguments which might be deployed with, respectively, the DUP and the Irish Government/SDLP in support of an attempt to resolve the decommissioning issue before the talks are adjourned for the election.

2. Subject to any comments which you or copy recipients may have I could put something on these lines to Ministers for possible use during the course of next week.

(signed)

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