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

DESK IMMEDIATE



cc PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas o/r - B
Mr Legge - B
Mr Bell - B
Mr Steele - B
Mr Watkins - B
Mr Wood (L&B) - B
Mr Beeton - B
Mr Hill - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Mr Priestly - B
Mr Whysall - B
Ms Mapstone - B
Ms Bharucha - B
Mr Campbell Bannerman - B
Mr Nissan, HOLAB
Mr Lamont, RID - B
HMA, Dublin - B
Ms Collins, Cabinet Office*

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*via IPL

PS/Michael Ancram (L&B) - B

PS/Secretary of State (L&B) - B

GETTING ON THE FAST TRACK: NEXT STEPS

The progress made in the Talks this week seems to be holding steady, despite Lord Alderdice's campaign to reopen the wounds of Drumcree. There is now a clear need to consolidate and move forward.

2. The key to further UUP movement is the draft decommissioning legislation, which we must aim to show them on a confidential basis in the course of **next week** in order to maintain momentum. Deploying the Bill will demonstrate **our** commitment to make a reality of decommissioning; but it will also be the acid test of the **UUP's** commitment to take some reciprocal risks to move the process forward. Specifically, the deployment of the Bills (coupled with

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The necessary assurances about publication, timescale etc) is part of a **package**, which also includes a realistic and deliverable **exit strategy** from the opening Plenary which the UUP must commit themselves to support. This includes

- a **joint proposal** by the two Governments to establish a mechanism on decommissioning to operate alongside the three strands, for approval by the opening Plenary; and
- a time-limited **agenda** for the remainder of the Plenary to bring about an early start to the substantive negotiations.

3. Mr Hill is separately submitting a suggested "Gameplan" for next week, setting out the stages which would lead to a trilateral meeting between the two Governments and the UUP on Wednesday afternoon (or possibly Thursday morning) at which they would be given the draft Bills and the other elements of the package. A key element in meeting this Gameplan is **agreement with the Irish** on the constituent parts of the package. We know that the Irish broadly accept the proposed strategy, but we need to tie down the details with them early next week in order to achieve a trilateral on Wednesday or Thursday.

4. Mr Perry has separately circulated our draft decommissioning Bill, which is in virtually final form and has been sent to the Irish. I now attach the other elements of the package for Ministerial approval and transmission to the Irish **tomorrow** so that they will have them before the weekend.

5. There are four elements. **First**, I attach at **Annex A** a slightly revised version of the draft joint statement by the two Governments attached to my 10 September submission. This would reflect the outcome of the trilateral and be put to Plenary for approval at the end of the debate on decommissioning. It may be worth mentioning two detailed drafting points here, which both arise in paragraph 3.

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- (i) Michael Ancram has suggested that the first sentence of this paragraph should have the following addition (in bold):

"The Governments also confirm their commitment to work with all the participants to implement all **respectively appropriate** aspects of the Report."

This amendment meets Unionist concern that most of the participants cannot be expected to implement "all aspects" of the Report, since some (eg the confidence-building measures) bear exclusively on the Government and the paramilitaries. I am, however, nervous of disturbing the hallowed formula of "all aspects", not least because, if participants are only to be asked to commit themselves to implement **appropriate** aspects of the Report, Sinn Fein could argue that, since they have no illegal weapons, decommissioning is not a matter which is appropriate for them. If Ministers agree, I would therefore prefer to withhold this additional phrase from the text.

- (ii) Paragraph 3 also contains alternative formulae about **when** the Governments would be willing to **publish** the draft Bills. The Irish will of course have their own views on this. The UUP may press for the Bills to be published to coincide with the opening Plenary debate on decommissioning - to reduce the awkwardness of their position in that debate, given that the DUP might accuse them either of collusion with the Governments (if it became evident that they had in fact seen the draft Bills) or of buying a pig in a poke (if they supported the Governments' proposal on the nominal basis that they were willing to take the draft legislation on trust).

6. The **second** document is **draft terms of reference** for the decommissioning Committee (Appendix 1 to Annex A). These are a developed version of those originally put forward on 6 June. **Third**, to give more substance to this committee, it would also be possible

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to table the **workplan** (Appendix 1 to Annex A) which we have already informally given to the Irish.

7. **Fourth, Annex B** suggests an agenda for the remainder of the opening Plenary, with time-limits. There are a number of options here, but I propose a revision of the 30 July draft tabled by both Governments to **promote decommissioning** above the comprehensive agenda (it was a source of some Unionist complaint that the 30 July order reversed that in earlier versions); and to **re-position the (opening) Statements** by participants to come as the last substantive item, reflecting what appears to be the UUP preference (which the SDLP seem to have no difficulty with). The proposed time-limits assume that the three strands would begin on **21 October** - which could be a conservative estimate if it proves possible to reach early agreement in the trilaterals.

Conclusion

8. I should be grateful for the Secretary of State's agreement that the attached papers - subject to any drafting changes - should be passed to the Irish **tomorrow** (Friday) via the Secretariat. (Mr Bell would make the necessary contextual points in transmitting them).

(Signed SJL)

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