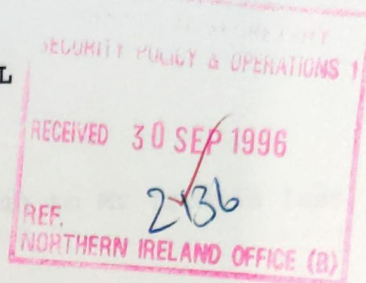


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51/10

FROM: D J R HILL
POLITICAL DEVELOPMENT TEAM
30 SEPTEMBER 1996

cc: Mr Steele -B
Mr Watkins -B
Mr Leach -B
Mr Stephens -B
Mr Perry -B
Mr Lavery -B
Mr Maccabe -B
Mr Whysall -B

Mr Thomas - B

1 cc ✓ 11/30/96
2 cc ✓
Excluded summary,
if deferred.
N 20
1

WHILE THE CAT'S AWAY

Summary

Formal business went from bad (successive representations to exclude various parties under rule 29) to worse (turgid debates on confidentiality). But the UUP returned from the summer break apparently determined to redeem themselves, held a successful series of bilaterals with the SDLP on the comprehensive agenda and signalled a readiness to change their position on decommissioning.

2. This led to a series of bilateral meetings between the UUP and each Government and then trilaterals at both official and Ministerial level. The UUP were briefed on both draft Decommissioning Bills; they dropped their original idea of a "subgroup" to conduct the "address" to decommissioning and appeared to accept the idea of establishing a Committee alongside the three strands; they said they would like the Independent Commission established much earlier and were eventually offered a measure of "continuity" from the Committee to the Commission (access to relevant expertise and the appointment of Independent experts of international standing who [the two Governments] envisage would play an appropriate role in relation to the Independent Commission when it is established). All this was reflected in a proposition - a set of "suggested conclusions" to the

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plenary address to decommissioning - given to Mr Trimble last Thursday.

3. It was never clear that any of this was necessarily going to meet the UUP's underlying concerns and Mr Trimble's card has been pretty firmly marked by party colleagues (John Hunter and John D Taylor in particular) and by the DUP and UKUP who have maintained a high profile public campaign to keep him under pressure.

4. Whether or not his heart was originally in the right place, he has now turned down the two Governments' proposed exit strategy from the plenary address to decommissioning. This will confirm the Irish Government's and SDLP's worst fears and must give us cause to doubt that we can get the UUP on board for a reasonable approach to decommissioning. Saturday's UUP Executive Committee meeting is likely to have set the UUP position in stone: we expected to receive a paper (developed from a Maginnis draft) which it was to have endorsed.

Rule 29 debates (weeks beginning 9 and 16 September)

5. Although the DUP "Notice of Indictment" against the Loyalist parties was not very well draft, Peter Robinson and Robert McCartney used the opportunity to argue that by analogy with IRA/Sinn Fein, the sins of the CLMC (in issuing a death threat against Billy Wright) should be visited on the PUP and UDP; and that if they were not it would show that the two Governments were determined to create circumstances in which Sinn Fein could enter the talks without risk of being thrown out in the event of an IRA atrocity. Their worst fears were duly realised.

6. The subsequent Alliance Party representation against the UUP and DUP was even less well constructed and Lord Alderdice's political credibility was shredded in three brilliant questions from Peter Robinson. There was no further raking over of Drumcree and the UUP and SDLP did not get at loggerheads. The two Governments then had the task of finding no breach of the Mitchell principles and a rather

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unsatisfactory "not proven" kind of determination was eventually announced. All this provided useful cover for the bilaterals and trilaterals then in full swing with the UUP.

Senator Mitchell

7. Senator Mitchell, aware and supportive, convened a couple of plenaries last week to discuss "confidentiality", as a way of creating displacement activity. (General de Chastelain is now preparing a revised draft "code" on the subject). Last Wednesday he held a series of meetings, mainly to reassure the smaller parties that progress was being made in the various bilaterals. Under pressure from the DUP and UKUP to convene a plenary to discuss the agenda for the rest of the opening plenary (which he - no doubt correctly - expects them to use for a proxy debate on decommissioning to put further pressure on the UUP) he has managed to postpone this until Tuesday. He himself, having already missed a few days following his wife's miscarriage, is now away for "a few weeks" primarily to help President Clinton prepare for the televised debates with Dole.

Decommissioning

8. Although we thought we had made some progress in the various bilaterals with the UUP on our draft Decommissioning Bill, in at least explaining the rationale for our position, it seems that overall they have not accepted the logic of the Mitchell report, or rather they want a definite prior commitment that there will be decommissioning during negotiations without really knowing how any such commitment could be made without Sinn Fein present.

9. There is almost certainly no scope for re-building the trilateral relationship. The Irish were never confident, claim to have no more to give and will probably, if anything, wish to row back from the proposition. In any event, we have pretty well run out of time: plenary has no more credible business to conduct and Seamus Mallon

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has made clear that if there is no progress before the end of October the SDLP will walk.

10. Going into the plenary address to decommissioning without a prior understanding with the UUP could lead to an impasse, but it is difficult to identify any other way through and we still have some cards to play

- publication of our paper on decommissioning;
- publication of the draft legislation;
- deployment of the concessions given to the UUP during the development of the trilateral relationship. (Publishing the proposition would give the two Governments a highly defensible position, and make it more difficult for the Irish to row back);
- nomination of a chairman designate for the Independent Commission. [The UUP want General de Chastelain but the Irish blocked that because of his role in relation to strand two, while making clear that they would accept him like a shot if "someone else" were nominated to chair strand two. Senator Mitchell may be less anathema to Unionists than previously (and the Secretary of State seemed relaxed although Michael Ancram has residual worries) but we may well all need to look for a new candidate anyway];
- we could play in our proposals for developing the role for the Northern Ireland Grand Committee, though it would be a pity to waste the card if it was not going to tip the balance.

11. In any event it may be sensible to play for time as Ministers will not be available during the week beginning 7 October (Party Conference) [and Senator Mitchell's absence also provides a case for delaying any substantial debate].

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12. See also Mr Leach's minute of 28 September.

Sinn Fein and Hume/Adams

13. Signals remain extremely mixed but add up to a rather negative picture (and last week's discovery in Hammersmith makes it all the more difficult to take professions of peace seriously). A good text has gone back to/via Hume and will be published (to illustrate that it is not negotiable) mid week.

14. I hope this brief introductory survey is helpful.

(signed)

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