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POLITICAL AFFAIR
DIVISION
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N.I.O. BELFAST

B/S.

FROM: D J R HILL
POLITICAL DEVELOPMENT TEAM
1 OCTOBER 1996

cc: PS/Sir John Wheeler (L&B) -B
PS/PUS (L&B) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Steele -B
Mr Leach -B
Mr Watkins -B
Mr Bell -B
Mr Wood (L&B) -B
Mr Stephens -B
Mr Maccabe -B
Mr Perry -B
Mr Lavery -B
Mr Priestley -B
Mr Whysall -B
Ms Mapstone -B
Ms Bharucha -B
Mr Campbell-Bannerman -B
Mr Lamont, RID -B
HMA Dublin -B
Mr Clarke -B
Mr Westmacott via RID -B
Ms Collins (Cab Office) -B

L11b

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

TALKS, 1 OCTOBER - AGENDA FOR THE REST OF THE OPENING PLENARY

The strategy which emerged yesterday in discussions with the UUP, the Irish and the Chairmen is that we should

- agree to move to the address to decommissioning as the next substantive item;
- but seek to defer the start of that debate until after next week's Conservative Party Conference;
- thus leaving time to explore whether there is indeed any negotiating room in the UUP position (which seems a rather faint hope).

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2. Meanwhile the two Governments have circulated their "suggested conclusions" to the address to decommissioning to all talks of the participants (usefully tying the Irish to the relatively forward position set out therein). This provides a sound basis for HMG's presentation during the address to decommissioning and an eminently defensible position on which to rest if the talks do indeed stall on this point.

3. The agenda for this morning's plenary covers 1 October, with the interval taken up with discussion and adoption of the comprehensive agenda.

- the minutes of all previous plenaries (on which HMG has no comments to offer);
- confidentiality (see separate brief, although I hope discussion will not take long);
- the agenda for the rest of the opening plenary.

4. As to the latter, we (and the Irish) will be expected to promote the draft we tabled on 30 July (attached) but we can do so in ways which

- stress the need to make substantive progress;
- indicate a readiness to drop the idea of having opening statements, and;
- emphasise the desirability of moving rapidly to address decommissioning.

5. The attached draft speaking note follows this approach and also contains material (possibly for deployment in a later intervention) encouraging delegations not to get into substance now and setting out the case for deferring the start of the address to decommissioning until the week beginning 14 October.

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DISCUSSION OF THE AGENDA FOR THE REST OF THE OPENING PLenary

6. The speaking note does not highlight the dropping of the reference (in the original 6 June draft agenda) to the role of the Independent Chairmen in establishing participants' commitment to implementing the Mitchell report: that could re-open old wounds, but we might take credit in passing for the more "enlightened" approach reflected in the 30 July draft agenda.

7. The ideal outcome from our point of view would be agreement that the address to decommissioning should start on 14 October, with the interval taken up with discussion and adoption of the comprehensive agenda; but if Unionists wanted consideration of the comprehensive agenda to come after the address to decommissioning that would not cause us a problem and the signs are that the Irish Government and SDLP will not hold too firmly to their original theological requirement that the agenda should at least be considered before decommissioning.

(signed)

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DISCUSSION OF THE AGENDA FOR THE REST OF THE OPENING PLENARY

Draft Speaking Note

1. I am grateful for the opportunity to say something about the ground which needs to be covered in the rest of the opening plenary and how we might decide to go about it.
2. I should like to begin by making an important preliminary point. It does seem to me that there is clear need for us to make rapid substantive progress in these Talks. The people of Northern Ireland need a clear lead, a positive demonstration that constitutional political activity can lead towards a resolution of the causes of political instability in Northern Ireland. In the absence of any such demonstration, disenchantment with conventional politics could deepen. Tolerance for, or even support for and involvement in, non-constitutional action and the use or threat of violence could grow. None of us round this table is unaware of the dangers which that could bring.
3. We also need to take account of the approach of the UK general election. I quite understand that it will be difficult for party delegations to negotiate boldly and effectively in the immediate run up to an election.
4. On both grounds, therefore, we have a narrow window of opportunity before us. It will be in all our interests to make demonstrable progress in the next few weeks and the British Government is determined to facilitate and encourage such progress to the best of its ability. I suggest, Mr Chairman, that as a minimum we should hold a collective review of the situation in mid December with a view to assessing what progress has been made and what the prospects are for making further progress in the following months.

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5. We will be inviting the Business Committee to factor this proposal into its consideration of how the Talks timetable should be structured in the coming weeks.
6. As to the agenda for the rest of the opening plenary, it may be helpful to summarise the issues which the opening plenary must still deal with and identify those which, while desirable and appropriate, are nonetheless optional.
7. It is a requirement of the 28 February communique, following the Summit meeting between the Prime Minister and the Taoiseach, that after securing participants' commitment to the International Body's principles of democracy and non-violence the opening plenary session of these Talks should address the International Body's proposals on decommissioning. The communique also made clear that at the same stage the participants should have reassurance that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their respective communities, and the need for new political arrangements with which all can identify. That latter requirement has already been demonstrated in part by the adoption of fair, balanced and comprehensive rules of procedure for these negotiations; it would be further demonstrated by agreement on a comprehensive agenda, as provided for in Rule 17 of our rules of procedure.
8. Those are the two substantive issues which this opening plenary has to deal with.
9. There had previously been a measure of agreement that any opening statements might sensibly be made as the first business after the summer recess and the draft agenda proposed by the two Governments on 30 July maintains that position. I do not feel at all strongly on this point. It could be helpful to provide a context and background for the substantive items on our agenda by giving delegations the

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opportunity to make introductory remarks setting out their positions on the key issues and their overall approach to the negotiations. I continue to see some advantage in that but it could be dispensed with if that were the general view. There will be plenty of further opportunities during the negotiations for each delegation to set out its position on all the issues which arise.

10. Other possible items on the agenda, such as the initiation of the three strands and the establishment of any mechanism which may be necessary to facilitate delegations' ongoing interest and involvement in achieving progress on decommissioning are purely procedural. I believe we are all agreed that the Independent Chairman should have an opportunity to make some concluding remarks before the plenary ends.
11. That is the background to the draft agenda tabled by the British and Irish Governments on 30 July.
12. Of the two substantive issues, there did seem to be a measure of agreement before the summer that the drawing up of the comprehensive agenda should not give rise to difficulty if it were confined to broad headings under which all participants could raise points of concern to them. I know there have already been productive bilateral exchanges on this issue, and I hope they could provide a foundation for early agreement around the table.
13. That leaves the address to the International Body's proposals on decommissioning. This is a significant and weighty issue on which views are likely to be both strongly held and some way apart. I hope we can agree to move rapidly to commence discussion of this issue so that we can develop greater mutual understanding on this key subject and work towards some agreed conclusions.

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14. Against that general background I commend the draft agenda of 30 July, tabled by the two Governments, and look forward to hearing other delegations' comments and suggestions.

(Possibly reserve for later interventions).

15. If there is a general sense that we should move pretty rapidly to commence our "address" to decommissioning, there is a further consideration I should raise which may affect the timing of that debate.
16. I hesitate to raise the point because I do not wish to be accused of seeking to prevaricate or delay the address to decommissioning. However, the fact is that neither Michael Ancram nor I will be available to attend the talks next week because of our commitments at the Conservative Party Conference and, in my case, at the beginning of the week, at the Pittsburgh Investment Conference.
17. In normal circumstances I would have been happy to leave the British Government's position to be represented by officials; but given the political salience of the decommissioning issue it would I think be undesirable for it to be debated in the absence of British Ministers.
18. I also feel that it would be better not to have a long interval during the debate, when one side of the case might have been put without others having had an opportunity to express their views, so I am therefore driven to propose that the start of the address to decommissioning should be deferred until the week beginning 14 October. The interval could sensibly be used in considering the comprehensive agenda or in preparing for the debate on decommissioning and perhaps continuing to sound out each others' positions in bilaterals. [Delegations might also wish to consider

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circulating written statements of their position on decommissioning, to facilitate constructive engagement when the debate starts.]

(If the debate shows signs of moving on to substance).

19. It is obviously helpful for colleagues to have set out their views on the substantive issues but there is some risk that we will not do full justice to these important matters if we address them during what is essentially a procedural debate. I certainly wish to make a detailed and a substantial presentation on the British Government's position on decommissioning when the time comes. I suggest, Mr Chairman, that we concentrate on agreeing an agenda for the rest of the opening plenary session [and determine our timetable for the next week or so], rather than getting sucked in to an ill-prepared debate on the substantive issue.

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(30 July)

PROPOSED AGENDA FOR THE REMAINDER OF THE OPENING PLENARY

The two Governments propose the following agenda for the remainder of the opening plenary:

1. Opening Statements.
2. Discussion of comprehensive agenda for negotiations.
3. Consideration of International Body's proposals on decommissioning and mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in the three strands.
4. Adoption of comprehensive agenda.
5.
 - a. launch of three-stranded negotiations
 - b. establishment of whatever mechanisms to enable further progress to be made on decommissioning are agreed pursuant to the consideration at item 3.
6. Concluding remarks by the Independent Chairman.