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FROM: S J LEACH
APD (L)
17 JULY 1996

cc: PS/Secretary of State (B&L) -B
PS/Sir John Wheeler (B&L) -B
PS/PUS (B&L) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Legge -B
Mr Bell -B
Mr Steele -B
Mr Watkins -B
Mr Hill *Mrs McN* -B
Mr Perry -B
Mr Lavery -B
Mr Maccabe -B
Mr Stephens -B
Mr Beeton -B
Ms Checksfield -B
Ms Harrison -B
Mr Whysall -B

PS/Michael Ancram (B&L) - B

SPEAKING NOTE: AGENDA FOR OPENING PLENARY SESSION

In your note of 8 July you recorded the Minister's comments on the revised speaking note for the discussion on the agenda for the Opening Plenary Session which I submitted on 5 July.

2. I now attach a further revision of these speaking notes (which replaces an earlier version which Ministers saw this morning). These are influenced particularly by the fact that, as the Minister said yesterday, we do not now have the luxury of taking the issues slowly. The SDLP are pressing for an early resolution of the Rules and Agenda together, and our aim is therefore to broker the latter in bilaterals with (particularly) the UUP before it is exposed in the resumed round-table conference.

3. The attached points to make accordingly dispense with the stage of making an initial case for the 6 June agenda, and move instead to explaining and presenting the later draft which we have

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contingently agreed with the Irish. Attached to the speaking notes are the proposed new agenda (Annex A), the 6 June draft for comparison (Annex B) and the terms of reference for the sub-committee on decommissioning which we will propose, in the same terms as in the 6 June "Opening Scenario" paper (Annex C).

4. Some of the speaking notes refer to points of specific concern to Unionists. These are placed in square brackets for use only if the issues are raised. The two final sets of points are specific to the UUP and DUP respectively, as indicated to the text.

5. [Later]. It should be recorded that the Secretary of State had a constructive meeting on the agenda with David Trimble this morning. While this did not get into detail, the UUP leader showed signs of wishing to settle the Agenda rapidly, and took away a copy of the new version (Annex A) to consider with his colleagues.

(signed)

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AGENDA FOR THE OPENING PLENARY SESSION

POINTS TO MAKE

- 6 June Agenda clearly now needs revision:
 - First four items (commitment to six principles, etc) completed last month;
 - Initial items for resumed plenary should now be the two areas on which we have been conferring (adoption of Agenda and Procedural Rules).
- Believe we should then deal with the two further items listed in Chairmen's 3 July note as the level of progress we should aim to make by end-July:
 - appointment of Business Committee; and
 - opening statements by participants.

[IF RAISED: Know that UUP think opening statements could come later, but it must surely be valuable for participants to set out early on the aspirations and objectives they bring to the process].
- Two remaining issues to be accommodated are the need to address the International Body's proposals on decommissioning, and the discussion and adoption of a comprehensive agenda for the negotiations.
- HMG's approach to these issues is based on acceptance of the compromise approach to decommissioning in paragraphs 34 and 35 of the International Body's Report, under which "some decommissioning would take place during the process of all-party negotiations, rather than before or after". The Report argues that this approach

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- "offers the parties an opportunity to build confidence one step at a time As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence".
- This points to **parallel progress** on political negotiations and decommissioning as the best way of achieving a start to decommissioning **during the negotiations**. The **procedural expression** of this for the opening plenary is surely to **interleave** a full opportunity for participants to address the decommissioning proposals and similarly to discuss and agree a comprehensive agenda.
 - Important to be clear about the **substance** of the address to decommissioning. Believe the 6 June proposals can still be of use here. International Body found that a **start to physical decommissioning** would only take place in **parallel** with the political negotiations - so **unrealistic** to hope to achieve that start, or even commitment to a firm date for starting, in the opening plenary before the three strands of the negotiations have been launched. But it is evidently legitimate and necessary to look in the opening plenary for **clear indications of good intent** to work constructively and in good faith to secure the implementation of the Report, including the compromise approach to decommissioning.
 - [IF RAISED: It would be a serious **mistake** in our view to provide that negotiations in the strands could not **begin** until there was a concrete timetable for decommissioning. This would jettison the moral authority and practical realism which underpins the International Body's compromise approach, and would in reality **imperil** rather than **facilitate** the goal we all share of completely removing illegal weapons from the scene].

- 2 -

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- The 6 June "Scenario" paper proposed that the Independent Chairman should be invited to report to the Plenary on these "clear indications". This proposal has been criticised, but I believe on a mistaken basis. Never suggested that the Chairman should make a private judgement which would be binding on the negotiations - he would report his view "after open discussion in the plenary", and it would then be for the Plenary itself to consider the next steps. But since this has proved controversial, and is not a key feature, we would certainly contemplate alternative arrangements. One option might be for all participants to commit themselves in the Plenary to work constructively to implement all aspects of the Report - on the lines of the public statement recording commitment to the Principles.
- Once satisfaction on the commitment of all participants is achieved - and in the light of the discussions in the Plenary - the Government would then propose the establishment of a sub-committee to take forward the work on decommissioning, including agreement on the modalities on the lines set out in paragraphs 36/50 of the Report. (These guidelines include the principle that decommissioning should be mutual). Others of course are free to make their own proposals.
- On the comprehensive agenda, we would aim to put forward the draft circulated on 6 June, with some updating to reflect the discussions since then. Again, other participants can of course put forward their own ideas.
- To sum up, we believe that the Opening Plenary should
 - give full consideration to the International Body's decommissioning proposals, including establishing participants' commitment to work constructively and in good faith to achieve the compromise approach and considering machinery to take the work forward;

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- [UUP ONLY: Note that the UUP draft agenda suggests that the Plenary should discuss and adopt a comprehensive Agenda for the negotiations; negotiations at a later stage. Important to register that the Act lays a statutory duty on the Secretary of State to launch the agreed decommissioning machinery and the three-stranded negotiations together at the end of the Plenary, so that negotiations would proceed in the strands at the same time as work is going on to implement a start to decommissioning during the negotiations.
- The revised draft Agenda we have prepared [A] reflects this approach.
 - [UUP ONLY: This new agenda moves a long way towards the UUP position compared with the 6 June draft. Eg
 - the subjective role of the Chairman is removed;
 - the discussion of decommissioning moves up the agenda, so that it is completed (apart from the launch of the "agreed machinery") before the comprehensive agenda is discussed and adopted;
 - the agenda is neutrally phased, with no prejudgement of the outcome and with all participants free to put forward their own proposals;
 - we would still support the "review Plenary" envisaged for the end of September to take stock of progress across the whole process. And this could be developed into a firm timetable of further periodic reviews - eg monthly after September. There would thus be continuing leverage over the decommissioning issue].

- 4 -

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- [DUP ONLY: Note that the DUP draft agenda suggests that the Plenary should consider the terms upon which other parties might be admitted to the negotiations at a later stage. Important to register that the Act lays a **statutory duty** on the Secretary of State in respect of inviting or refraining from inviting parties to the negotiations (sections 2(2) and (3)). So while Plenary could certainly discuss this issue, that discussion would not in practice add to or subtract from the statutory duty created by the Act].

3. Establishment of Business Committee.

4. Opening Statements.

5. Consideration of International Body's proposals on decommissioning.

(a) Discussion of proposals;

(b) Participants' commitment to work constructively to implement all aspects of Report of International Body;

(c) Consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three strands.

6. Discussion of comprehensive Agenda for negotiations.

7. Adoption of comprehensive Agenda.

8. Establishment of agreed machinery to carry forward work on decommissioning; launch of three-stranded negotiations.

9. Concluding remarks by Independent Chairman.

PROPOSED AGENDA FOR RESUMED OPENING PLENARY

1. Adoption of Agenda for Opening Plenary.
2. Adoption of Rules of Procedure.
3. Establishment of Business Committee.
4. Opening Statements.
5. Consideration of International Body's proposals on decommissioning:
 - (a) Discussion of proposals;
 - (b) Participants' commitment to work constructively to implement all aspects of Report of International Body;
 - (c) Consideration of mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three strands.
6. Discussion of comprehensive Agenda for negotiations.
7. Adoption of comprehensive Agenda.
8. Establishment of agreed machinery to carry forward work on decommissioning; launch of three-stranded negotiations.
9. Concluding remarks by Independent Chairman.

POLDEVT/612

[6 June proposed agenda]

Opening Plenary Session

Proposed Sub-committee on Decommissioning Terms of Reference Agenda

1. Formal opening by two Governments and hand-over to Independent Chairman.
2. Introductory remarks by Chairman.
3. Participants to make formal declaration making clear their total and absolute commitment to International Body's principles of democracy and non-violence.
4. Public statement on behalf of all participants recording total and absolute commitment to principles.
5. Appointment of Business Committee.
6. Opening statement by the participants.
7. Discussion of comprehensive agenda for negotiations.
8. Discussion of International Body's proposals on decommissioning.
9. Adoption of comprehensive agenda for negotiations and procedural rules.
10. Report of the Chairman for the purpose set out in paragraph 12 of "Scenario for the Opening Plenary Session"; Governments' proposal to establish a sub-committee on decommissioning.
11. Concluding statement by the Independent Chairman.

Proposed Sub-committee on Decommissioning
Terms of Reference

To secure implementation of all aspects of the report of the
International Body, including:

- (a) agreement on the modalities of decommissioning on the basis of
the guidelines contained in paragraphs 36 to 50 of the Report of
the International Body;
- (b) advice to both Governments, in the light of those discussions,
on the legislative and practical implications of the course
which is recommended; and
- (c) agreement on any other arrangements necessary for implementation
of the Report.

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