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FROM: S J LEACH
APD(L)
27 JUNE 1996

3154 JR
ON
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N.I.O. BELFAST

cc PS/Secretary of State(L+B) -B
PS/Michael Ancram(L+B) -B
PS/Sir John Wheeler(L+B) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Legge -B
Mr Bell -B
Mr Ray -B
Mr Steele -B
Mr Watkins -B
Mr Currie -B
Mr Perry -B
Mr Maccabe -B
Mr Lavery -B
Mr Hill(L+B) -B
Mr Stephens -B
Mr Shannon -B

1 Mr McKerrall
2 Doughty
L27/6

Mr Thomas(L+B) -B

OPENING PLENARY AGENDA

I should record that the Secretary of State discussed with me yesterday the handling of the discussion on the opening plenary agenda. We reviewed the strategy outlined in my submission of 21 June, including the speaking note arguing for the original 6 June draft, and the "fall back" 20 June draft which we have tentatively agreed with the Irish.

2. The discussion focussed on the need to find a position which the UUP could support, if we were to achieve an effective exit for the opening plenary. The UUP are anxious to "nail down" decommissioning before moving on to any substantive political discussion, and have therefore proposed that a sub-committee on decommissioning should be established by the opening plenary to report **before it closes** with firm agreement to a timetable, etc. Until a rigid timetable for physical decommissioning is in place they would therefore refuse to start substantive negotiations in the strands. This is inconsistent with the "Mitchell compromise"

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(paragraph 35), which envisages decommissioning during negotiations in the context of "a progressive pattern of mounting trust and confidence" created by mutual progress on decommissioning and political issues.

3. The Irish would clearly reject the UUP position as setting a threshold which Sinn Fein could never meet; and the loyalists would also be likely to oppose it. The UUP of course recognise the need not to force the loyalists out, and are willing to use the "mutuality" principle - paragraph 50 of the report - to enable them to remain. Thus, their proposed sub-committee would establish a firm timetable for mutual decommissioning starting from Sinn Fein's entry - until that point, the loyalists would not be expected to move to physical decommissioning. But nonetheless, the loyalists are likely to feel that a scheme which sets the threshold too high for Sinn Fein entry will be a losing strategy for them, since they judge that it would lead ultimately to a full IRA resumption, retaliation by the loyalist paramilitaries, and the consequent exclusion of the PUP and UDP from the talks.

4. To preserve the "Mitchell compromise", and keep the Irish and loyalists on board, an essential feature of our fall back, 20 June agenda (attached for information) is that the penultimate item "anchors" the launch in parallel of the decommissioning machinery and the strands at the end of the opening plenary. This would need to be sold to the Unionists. There are several positive aspects of our fall back proposal which should help to do this. Eg

- i) the subjective role of the Chairman in "satisfying himself that there are clear indications of good intent ... etc" is removed, and the "participants' commitment" has to be established publicly in the plenary (perhaps through being captured in a public statement, on the lines of the commitment to the Principles);

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- ii) the **discussion** of decommissioning moves **up the agenda**, so that - with the key exception of the launch of the "agreed machinery" - it is also completed **before** the comprehensive agenda is discussed and adopted;
- iii) the agenda is **more neutrally phased** - eg no reference to the sub-committee envisaged in the "Scenario" paper (though this is still the "agreed machinery" we will be looking for);
- iv) there will be **continuing leverage** for the Unionists over the decommissioning issue **via** the "review plenary" envisaged for the end of September. And we could beef this up if necessary by offering a **firm timetable of further periodic reviews** - eg monthly after September. (The Irish would need to agree, but might be attracted by the prospect of a further guaranteed role for the plenary and Mitchell.)

5. I hope this is helpful.

(Dictated by SJL and
signed in his absence.)

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DRAFT: 20 June 1996

PROPOSED AGENDA FOR RESUMED OPENING PLENARY

1. Adoption of Agenda for Opening Plenary.
2. Adoption of Rules of Procedures.
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

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