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cc: JU

FROM: D J R HILL
CPL DIVISION
5 SEPTEMBER 1996

File

John 13/9.

- cc: PS/Michael Ancram (L&B) -B
- PS/PUS (B&L) -B
- PS/Sir David Fell -B
- Mr Thomas -B
- Mr Leach -B
- Mr Bell -B
- Mr Steele -B
- Mr Watkins -B
- Mr Wood (B&L) -B
- Mr Stephens -B
- Mr Maccabe -B
- Mr Lavery -B
- Mr Currie -B
- Mr Whysall -B
- Miss Mapstone -B
- Ms Bharucha -B
- Mr Campbell-Bannerman
- Mr Holmes, No 10
- Mr Budd, Cabinet Office -B
- HMA Dublin -B
- Mr Clarke, HME Dublin -B
- Mr Lamont, RID -B

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

TALKS: A POSSIBLE WAY FORWARD

Yesterday's meeting with the UUP and today's meeting with the Irish Government suggest that an impasse is likely to develop as soon as the plenary meets on Monday and needs to decide, in the absence of an agreed agenda, how to proceed. (There seems little hope, as Mr Spring acknowledged this morning, that the UUP and SDLP meeting this afternoon will be able to identify an agreed way forward.)

2. Building on some of the ideas floated at the Adare and subsequently developed by Sir David Fell, officials in the Political Directorate believe there may be a way forward capable of winning general support. This is reflected in the attached draft "Proposal". This

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- builds on the Unionist notion that the remaining business of the opening plenary can best be taken forward in sub-committees;
- proceeds with the plenary as planned at 10 am on Monday;
- picks up and develops Sean O'hUiginn's idea of having the necessary discussions in four formats, rather than two. (Inter alia this resolves a potential problem over discussing the strand one agenda in a format involving the Irish Government);
- draws a distinction between the pre-strand discussions and the work on the address to decommissioning in order to meet likely Unionist reservations about treating decommissioning as a "fourth strand";
- pre-cooks the outcome of address to decommissioning (as the Irish want) by specifying that it should lead on to a sub-committee;
- (to help the Unionists) puts a little more meat on the bones of that notion by playing in the idea of a workplan;
- preserves the position that the sub-committee and the strands have to be established/launched in parallel after formal endorsement by the plenary;
- incorporates the UUP suggestion, welcomed by the Irish, of a timetable for the rest of the opening plenary;
- mentions the case for "introductory" statements but in a way which makes clear they would not constitute the start of substantive negotiations.

Handling

3. It does, however, seem to us that a proposal on these lines will only be recognised as a possible way forward once delegations

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have come to realise in a round table exchange that there is an impasse. Accordingly we propose that the two Governments should advise the Chairman to;

- proceed with the plenary as planned at 10 am on Monday;
- deal with the predicted DUP/UKUP calls to exclude the Loyalists by activating the procedure in Rule 29;
- invite delegations to give their views on what remaining business needs to be dealt with in the opening plenary and how, procedurally, they believe that business should be dealt with;
- let the debate run for a while to bring out the nature of the impasse.

4. That should create the circumstances in which a procedural proposal on the lines of the attached could be played in (perhaps on the Tuesday afternoon) with some hope of being recognised by all sides as a reasonable way forward. It could be in the form of a proposal from the two Governments (the Irish would be most unlikely to agree to a paper being tabled by HMG alone) or we might persuade Senator Mitchell to put it forward. Either way, it would need to be agreed between the two Governments before it could be deployed.

5. It would be contrary to this analysis to reveal our detailed thinking to Mr Trimble or even to tell him that we had identified a possible way forward but the Secretary of State might prepare the ground (at Saturday's meeting) by floating some of the elements of this package. I will let you have a possible speaking note tomorrow.

(signed)

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SCHEDULING BUSINESS FOR THE REST OF THE OPENING PLENARY

A Proposal from [HMG/the British and Irish Governments/the Independent Chairmen]

1. It is clear from the 28 February communique that this opening plenary session needs to address the International Body's proposals on decommissioning. As set out in Rule 17 of the Rules of Procedure it also needs to adopt a comprehensive agenda for the negotiations as a whole. It has been argued that delegations should have an opportunity to make formal statements setting out their position at the outset of the negotiations. The task of identifying appropriate ways in which to discharge these tasks should not be beyond us.
2. [In the light of the points made in discussion about the agenda for the rest of the opening plenary session] the British Government/two Governments/Independent Chairmen suggest[s] that plenary should resolve to complete its work in time to enable the three strands to be launched on 30 September. To that end plenary should also be invited to agree that:
 - (a) the Chairmen of each of the three strands should each convene a series of meetings of the potential participants in those strands to discuss and make firm recommendations about the draft agenda and workplan for each strand;
 - (b) the Independent Chairman of the plenary should convene a representative working group of the plenary, to consist of not more than [3] people from each delegation, to take forward the plenary's remit to address the International Body's proposals on decommissioning. The terms of reference of the working group should be to
 - consider the International Body's proposals on decommissioning

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- identify what practical steps need to be taken to enable further progress to be made on decommissioning alongside negotiations in the 3 strands
- draw up a workplan for a sub-committee which should be established at the conclusion of the opening plenary to enable delegations to contribute to that progress as necessary, [against an indicative timetable]
- consider what arrangements should be put in place to enable plenary as a whole to review progress from time to time [in relation to developments in the negotiations as a whole]

(c) the outcome of the work referred to in (a) and (b) above should be reported to plenary for formal approval by 25 September, in order to enable to the 3 strands and the sub-committee referred to in (b) above to commence on 30 September.

3. There could be advantage in giving all delegations the opportunity to make a formal introductory statement to set the scene for this work by identifying the key issues of concern to them and their overall approach to the negotiations as a whole. We propose that those delegations which wish to do so should circulate such statements, and that a day or so should be set aside to take questions on them before 25 September.

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