

FROM: DAVID CAMPBELL BANNERMAN
SPECIAL ADVISER
3 OCTOBER 1996

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UNDER/
SEC 63225
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CENT SEC

*In Lays Mr - 2/10.
I find this really rather
helpful (tho' Mitchell wd.
have to be involved if it
was to be authoritative).
It hits many of the
right buttons.*

*HJ
11.*

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Malcolm Moss (DHSS, DOE & L) - B
PS/Baroness Denton (DED, DANI & L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Steele - B
Mr Bell - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Priestly - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - B
Mr Whysall (B&L) - B
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, TAU - B
Mr Lamont, RID FCO - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mrs McNally (B&L) - B
Mr Holmes, No 10
Mr N Blackwell, Policy Unit, No 10

"THE BRAVEST ACTIONS ARE THE SAFEST": COULD THE INDEPENDENT CHAIRMAN
BE OUR RESCUERS OVER DECOMMISSIONING?

At present the two Governments, Unionist parties, Loyalist parties
and Sinn Fein are all on the same 'hook' as regards decommissioning.

A sequence of actions and decisions has, for perfectly good reasons,
boxed us into a very tight corner. The UUP's paper of 1 October,
following their Executive Committee meeting, gives even less room
for manoeuvre. It is near politically impossible for us, as the
British Government, to initiate any apparent softening of the line
on decommissioning (should we wish to) - especially given the UUP's
and many Tory MPs' stances on the issue.

At the same time, it remains true that decommissioning was only meant to be a confidence building measure - but has now become effectively a non-negotiable condition of both Unionist participation, and of a notable section of Tory Party support. Also, that decommissioning's value in military terms is still questionable (as military and security services have consistently pointed out).

For some time it has been said that "decommissioning is still the likeliest issue to bring about the collapse of any negotiations" and that there will be a shown down - a crunch point - over decommissioning. We are fast nearing that point.

If we wish to free ourselves from such an uncomfortable impalement, but are unable to do so ourselves, is there anyone we might turn to free us?

We do have one very strong card whose importance should not be underestimated; and might act as a rescuer - our 7th cavalry riding unexpectedly over the horizon to relieve the besieged convoy.

We have co-chairing the negotiations through a blend of design and circumstances the exact same team who wrote the Report of the International Body in the first place - the very same people whose views and joint interpretation are enshrined in the Report upon which so much of the negotiating approach is based.

Any acceptable clarification or addition to the Report of the International Body could only naturally come from the authors of the original Report. Rather as St Paul would have to be consulted on the interpreting the Epistles.

The Chairmen are therefore in a unique position to comment on the findings and conclusions of that Report in the light of new circumstances; and to do so to our advantage.

What could the Independent Chairmen do, in theory, to help rescue the situation?

They might help in a number of ways, should they wish to do so.

They could:

- (1) As authors and/or Independent Chairmen clarify or reinterpret the Report of the International Body. But this would be unhelpful in reopening a Report that has been widely accepted.
- (2) As authors, add to the Report of the International Body 'An Appendix' or 'Update' which doesn't alter the original Report.
- (3) As authors or Chairmen, give further recommendations in the light of events in the negotiations and of developments since the Report's publication in January. It is notable that the Report does not give recommendations on decommissioning per se and avoided doing so on other confidence building measures, but adopted a looser form of words.

Why would this be valuable?

- (1) It could give a strong, independent lead which participants could respond to positively but is a lead they may be unable to initiate themselves either through internal or external party political pressures (true for the UUP; and for the Tory Party).
- (2) This lead could be given great domestic and international support to focus participants on progress. It could surprise and wrongfoot opponents of progress by capturing the moral high ground and by calling their bluff - publicly illustrating their destructive approach and daring them to bear the responsibility for bringing the Talks down. That responsibility is a fear sufficiently strong as to have kept several delegates in the Talks to date; despite their deep-rooted opposition to the process and destructive objectives.

- (3) It could act to reassure the loyalist groups and paramilitaries at a very delicate time in their ceasefire.

What is in it for the Chairmen; and in what circumstances would they act in this way?

- (1) The Chairmen could be portrayed as 'saving' the Talks to international acclaim (valuable to Senator Mitchell and the Clinton campaign perhaps) and giving them strong direction and leadership. They would enhance their personal credibility and profile rather than having them damaged through the failure of Talks in which they have a key role.
- (2) The circumstances required may well be very serious to compensate for any perceived loss of neutrality and to brave any criticism. It may need a choice between this option and complete breakdown - ie they have little to lose. But the reality is that we appear close to that situation now.
- (3) It might be that General de Chastelain, as the man closest to the practicalities of decommissioning (and as a military man maybe most used to coming under fire!) could be the best of the 3 Chairmen to handle such a move. So the absence of Senator Mitchell may ironically be a help rather than a hindrance.

The Proposal

The proposal is that the 3 Independent Chairmen/authors are encouraged to draw on their unique status to undertake one or more short, sharp, decisive action(s) to bridge the decommissioning impasse. This may be done in the form of a statement, a report update, a set of recommendations, or series of discussions with participants. A sample statement and 'set of recommendations' is attached at Appendix 1, purely for illustration.

(i) The first point they can legitimately make is that decommissioning was intended to take place in line with political progress (ie the progress now to be made in 3 Strands) and not before it. In other words, they may clarify there must be a move forward into the 3 Strands of negotiations before decommissioning begins. They may draw on the text of the original Report to defend this new guidance:

(iv) They may use their authority to criticise Sinn Féin and/or
- Paragraph 32 states "as progress is made on political issues even modest mutual steps on decommissioning" (are welcome).

Handling the Reaction

- Paragraph 50 refers to the use of "the process of decommissioning to build confidence one step at a time during negotiations".

(ii) They may input their thoughts on the timing or time-tabling of decommissioning. This would mean the pace of the decommissioning committee/commission's work would be varied according to progress made on all aspects, including those - such as prisoners, policing, the use of baton rounds - attractive to Sinn Féin, and others - stopping targeting and punishment beatings, etc - attractive to Unionists.

As many of the measures covered are in the two Governments' realm, it may be argued that they control most of the 'levers' on timing - the faster they fulfil their obligations the sooner onus is put on paramilitaries to decommission.

(iii) They may make recommendations (as Chairmen rather than authors who originally did not have the remit to comment) on other measures to build confidence and to give greater guidance to their respective weighting. As stated in Paragraph 51 of the Report, "In the course of our

discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms". They may care to elaborate.

- (iv) They may use their authority to criticise Sinn Fein and/or the IRA for their actions since they wrote the initial Report; and urge them to declare a ceasefire.

Handling the Reaction

Whilst the initial reaction of the Unionists to such a proposal is likely to be one of outrage and uproar, there are some important mitigating circumstances:

- (a) David Trimble and the UUP initially avoided demanding decommissioning, but have now become impaled on the same hook. Pressure from the DUP/UKUP and from UUP party members is driving him further down onto that hook.

If these independent, external Chairmen initiated such a move, Trimble could react by declaring the UUP must go along with their decision in the interest of progress on negotiations, the alternative being they are blamed for bringing down the Talks (a powerful enough incentive for them to initiate a deal over Mitchell's Chairmanship on 11 June). Importantly, it would not be a case of Trimble giving in to the British or Irish Governments (if they suggested such a move on decommissioning), or of being out-manoeuvred by the DUP/UKUP.

(b) The DUP and UKUP could be expected to automatically walk out at such a move. But if Sinn Fein came into the Talks and there was a speedy move into serious negotiations in the 3 Strands, the DUP and UKUP would come under increasing pressure to return in order to negotiate; (especially if the UUP negotiates well) they would rightly be fearful of constitutional progress being made in their absence (and could they resist the opportunity to obstruct such progress?).

When Dr Paisley walked out over Senator Mitchell in the early hours of Wednesday, 12th June, he was back in his Castle Buildings office by 9.00 am the same day; how much is bluster and public posturing and how much serious opposition?

(c) The three Independent Chairmen, particularly Senator Mitchell, have now had an opportunity to build good working relationships with all the parties: they have earned a reputation for evenhandedness, impartiality and professionalism. This is a bank of goodwill 'capital' they may have to draw on heavily; and will only do so if it risks becoming worthless.

While this reputation would be put under pressure, their actions would not be said to be invalid or outside the scope of their authority - especially if they are contributing as the co-authors of the original Mitchell Report. If their contribution was handled firmly and with integrity, they are very likely to come away with considerable credit and enhanced, not reduced, authority.

(d) Six out of the ten parties present (7 including Sinn Fein) are likely to back such recommendations.

I suggest the timing for such a move might be shortly before the plenary fully debates decommissioning or at point where no progress at all is being made on the issue and the talks face collapse.

In conclusion, action by the Independent Chairmen over decommissioning could be critical to allow everyone to begin to escape the decommissioning hook, if done determinedly yet sensitively.

It may be time to adopt the motto of the Chinditts in the Second World War: "the bravest actions are the safest".

(SIGNED)

DAVID CAMPBELL BANNERMAN
SPECIAL ADVISER
Ext 6502

Our Recommendations

- (1) In the light of consultations with all parties, including those representing groups that shall be required to decommission weapons, we state - indeed we restate - our view that decommissioning of weapons should take place in parallel with progress in political negotiations. They are drawn on the text of the original report to define this new guidance:

APPENDIX I

SAMPLE - FOR ILLUSTRATION ONLY

APPENDIX TO THE REPORT OF THE INTERNATIONAL BODY: RECOMMENDATIONS ON DECOMMISSIONING

A STATEMENT

We, who are both the authors of the Report of the International Body and the Independent Chairmen of the political negotiations have concluded that it would be in the interests of all the participants at the negotiations if we were to add to the Report of the International Body of January 1996 an appendix concerned solely with decommissioning, and the issue of how this should be addressed. This is to counter some misunderstandings and misinterpretations concerning the original Report.

At that point, we did not conclude it would be helpful to issue recommendations on the issue of decommissioning and the role of other confidence building measures. In the light of development and intensive discussions of the specific issue of decommissioning and bearing in mind its capacity to stall the negotiations indefinitely, we now in our capacity as joint authors of that Report, have decided to put forward a set of recommendations and to issue clear guidance on decommissioning.

Our Recommendations

- (1) In the light of consultations with all parties, including those representing groups that shall be required to decommission weapons, we state - indeed we restate - our view that decommissioning of weapons should take place in parallel with progress in political negotiations. They may draw on the text of the original report to define this new guidance:

APPENDIX I

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- Paragraph 32 states "as progress is made on political issues even modest mutual steps on decommissioning" (are welcome)
- Paragraph 50 refers to the use of "the process of decommissioning to build confidence one step at a time during negotiations".

Only when there are clear indications of such political progress is it realistic to expect paramilitaries to begin decommissioning; and not before.

We recommend, therefore, that negotiations begin in the agreed three stranded process before any actual decommissioning is required from those groups with paramilitary links who have met the required criteria to participate in the negotiations. This is the only clear and pragmatic way forward, and does not in our view represent any departure from or watering down of the original report.

- (2) In our collective and unanimous view, any participants that insisted on decommissioning in advance of any progress on political issues being made, would not be meeting the requirement for "the commitment of all participants to work constructively during the negotiations to implement all aspects of the International Body's Report". Such an approach would not be constructive; and would breach both the letter and spirit of this requirement. Should the talks fail on this issue they would bear a great deal of responsibility.

APPENDIX I

SAMPLE - FOR ILLUSTRATION ONLY

- (3) When it comes to the relationship between confidence building measures and decommissioning, our recommendation is that there should be an informal link between the two; ie an association, but without hard and fast 'exchange rates'. What is critical is that a sense of balanced progress is achieved beginning with small measures and working through to the most significant.
- (4) Our recommendation on establishing the 'progressive pattern of mounting trust and confidence' is that the timetable used should not be hard and fast - incorporating strict deadlines - but should be far more flexible, with agreement to a 'beginning', 'middle' and 'end' of the process. It is not realistic to expect the decommissioning process to be conducted in a series of absolute targets. All parties do wish to see actual decommissioning. This requires a pragmatic approach.
- (5) We, therefore, recommend that negotiations begin with immediate effect; that the 2 Governments initiate the necessary legislation for decommissioning immediately; and a decommissioning commission be established straight away. We will be putting these recommendations in the form of a proposal directly to the negotiations.