

525/96.

CONFIDENTIAL

ASST SEC 20 SEP 1996 1257

FROM: S J LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
20 SEPTEMBER 1996

DESK IMMEDIATE

- cc PS/Secretary of State (B&L) -B
- PS/Michael Ancram (B&L) -B
- PS/PUS (B&L) -B
- PS/Sir D Fell -B
- Mr Thomas o/r -B
- Mr Bell -B
- Mr Steele o/r -B
- Mr Watkins -B
- Mr Maccabe -B
- Mr Lavery *17. 20/9.* -B
- Mr Pefry -B
- Mr Stephens -B
- Mr Priestly -B
- Mr Whysall (B&L) -B
- Ms Mapstone -B
- Mr Campbell Bannerman -B
- Mr Lamont, RID -B

MR HILL (B&L) - B

SHERPA TRILATERAL - REVISED SPEAKING NOTE

1. I spoke to Michael Ancram this morning about the draft speaking note I submitted yesterday and the draft Irish response to the UUP questions received this morning.
2. We agreed that, although much of the Irish draft was unobjectionable, it was much too long and fell into the trap of responding sequentially to the UUP questions, thus laying us open to follow-up requests to see the answers in writing, the submission of lists of further questions, and a general process of interrogation which would permit the UUP to highlight particular facets of our position rather than viewing it in the round.
3. The Minister accordingly believed that we should aim to address not so much the specific questions as the broad areas of concern which they disclosed, by giving a picture in the round of how the Governments propose to proceed, sweeping up the specific points in a fully rounded exposition. This might take the form of an early

CONFIDENTIAL

CONFIDENTIAL

draft of what HMG (of course in agreement with the Irish) might say in the Plenary debate on decommissioning; and the Minister suggested that it would be ideal if we could secure Irish agreement not only to speak to, such a document at this afternoon's meeting but also to give it to them for consideration over the weekend. (The Irish may well not agree to this, of course.)

4. I have accordingly tried, rather hurriedly, to tailor and shorten my own draft of yesterday (with which the Minister was broadly content), taking in wherever possible language from the Irish draft, in order to produce a "core statement" of our joint position. This is attached.

5. We should seek to agree this with Irish officials when they arrive this afternoon. But before that I should be very grateful for any comments which you or other colleagues had on the draft, by 1430 hours if possible please.

(Signed)

S J LEACH
Ext 22286

CONFIDENTIAL

PDT/1175

DRAFT

DECOMMISSIONING: THE WAY AHEAD

1. Both Governments continue to do everything in their power to recover illegally held arms and prosecute those who possess them. The security forces in both jurisdictions have extensive powers in this area. But clearly, those efforts alone have not been completely successful. The process of decommissioning will be a different and distinct procedure, which can only be based on co-operation designed to secure the removal of all those illegally held arms which have eluded the efforts of the security forces.

2. Because of this need for co-operation, both Governments accept the **compromise approach** to decommissioning set out in the report of the International Body, which envisages **parallel progress** on the political and decommissioning tracks -

 "[The compromise approach] offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. 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."

3. Flowing from this interdependence, both Governments have prepared legislation of an **enabling** character, consistent with the approach recommended by the International Body and in order to permit the maximum flexibility for taking forward the decommissioning process. The modalities for decommissioning cannot be cut and dried now, but require essential preparatory work in a process capable of building mutual trust and confidence.

4. What the Governments therefore propose is that a **clear structure of purposive action** should be established to take forward decommissioning alongside political negotiations within the Talks process. This would involve the following:

CONFIDENTIAL

CONFIDENTIAL

- (i) Commitment by both Governments to introduce their enabling legislation early in the coming session with the aim of getting it enacted as quickly as possible and, in any event, before Christmas. That timetable of course assumes a supportive Parliamentary climate which in turn would be affected by the degree of constructive engagement in the negotiations as a whole.
- (ii) A commitment which would be binding on all present and future participants to work constructively to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning. To be specific, were that commitment to be part of the "acquis" when Sinn Fein entered the Talks process, then the same requirement would apply to them as well.
- (iii) As the vehicle to secure that implementation, the Governments propose the establishment of a Committee, comprising all the participants in the Talks and chaired by the Independent Chairman of the Plenary. This Committee, far from being a device to sideline decommissioning, would the Governments believe provide exactly the right forum to move forward on the lines indicated by the International Body, enabling the participants to commence detailed discussion on decommissioning and maintain ownership of the issue.
- (iv) The Governments fully understand the concern that there might be little in the way of practical progress between the establishment of this Committee and the full introduction of the Independent Commission, in line with the recommendations of the International Body. This concern focuses on the absence of technical and legal expertise to enable a particular method or methods of decommissioning to be "operationalised". The Governments

CONFIDENTIAL

CONFIDENTIAL

will therefore be willing to **bridge the gap** by making a body of appropriate expertise available to the Committee to get on with the necessary and essential preparatory work. Such expertise would be provided from within the Governments' security resources - although we would also be prepared to explore the possibility of securing the services of outside expertise if the decommissioning committee saw value in that course. In due course the fruits of this expertise - and if appropriate the experts themselves - would be available to the Commission.

(v) With these technical resources, the Committee could undertake **from day one** an active programme of essential preparatory work. This would include

(a) working up into a **series of alternative schemes** the different options for decommissioning outlined in the Report of the International Body;

(b) carrying out a rigorous practical analysis of the precise role, powers and privileges of the **Independent Commission**, as required by **each of the possible schemes**, as an essential preliminary to the formal establishment of the Commission on the basis of with the appropriate personnel, resources, powers and so on.

(vi) The Committee would review this work and then make **recommendations to the Governments**, who would then finalise and promulgate a scheme for decommissioning, and precise arrangements for the Commission, as soon as they were satisfied that a workable scheme of decommissioning had been identified which would be capable of finding broad acceptance among the parties and among those expected to decommission.

CONFIDENTIAL

5. Thus the timing of the establishment of the Commission will enable essential preparatory work to be done - and the Governments propose the Committee, with appropriate resources, as the vehicle for that work. The Committee could also take forward work on the **context** in which a decommissioning scheme could be developed (including progressive confidence building measures) and on the impact of the requirement for decommissioning to be **mutual** as between Republicans and Loyalists.

6. The Governments would **also** propose that a Plenary session should be convened in [December] to take stock of progress in the negotiations as a whole, including the work of the Committee.

7. The Committee would have a **clear work programme and the resources to carry it through**. Its work could not be stalled by the absence of any party. Moreover, the commitment which the Governments would be seeking from all parties to the negotiations would be to work constructively to secure implementation of the report of the International Body, including the compromise approach to decommissioning. When that commitment is made everyone will expect it to be honoured in good faith, in the context of a process which builds mutual trust and confidence. The Governments invite all parties to start to create that mutual trust and confidence through the process of negotiation now.