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

DESK IMMEDIATE

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/PUS (B&L) - B
PS/Sir D Fell - B
Mr Thomas o/r - B
Mr Bell - B
Mr Steele - B
Mr Watkins - B
Mr Hill - B
Mr Maccabe - B
Mr Lavery - B
Mr Perry - B
Mr Stephens - B
Mr Priestly - B
Mr Whysall - B
Ms Mapstone - B
Mr Campbell-Bannerman - B
Mr Lamont, RID - B

PS/Michael Ancram (B&L) - B

PREPARATIONS FOR TRILATERAL

The Minister has convened a meeting for 4.00pm today to review our preparations for the next meetings with the UUP. (I have spoken to Peter Weir to confirm that the official-level trilateral will take place in Castle Buildings at 4.00pm tomorrow, to pave the way for the next meeting at Ministerial level on Monday afternoon (the UUP will be in touch on Monday morning to firm up a precise time for this; the venue will again be Castle Building).)

2. In preparation for Friday's meeting,

- the Irish are preparing a first draft of our joint response to the UUP questions, which they are meant to pass to us this afternoon;

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0077 - Mr Hill has circulated a revised "joint proposal" (which we in turn will need to agree with the Irish);

Points to make

- I now attach a speaking note which, subject to Ministerial views and, of course, discussion with the Irish, I would propose to deploy at Friday's meeting. It might also be serviceable at the Monday trilateral and (with some redrafting and expansion) as a basis for the Governments speech at the Plenary address to decommissioning at which the "Joint Proposal" will be put forward.

2. As we understand it, the UNP stress the role of the Commission, as distinct from a Committee structure within The Talks. For the (Signed SJL) reasons:

(i) the Commission would be best placed to finalise a decommissioning scheme, because it would be better for its para-military links to deal directly with it than with the Governments or the other participants;

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(ii) it would be a unitary "mission-oriented" organisation, and therefore more likely to deliver results than a Committee composed of widely differing strands of political opinion; and,

(iii) it could have direct access to the necessary technical expertise necessary to draw up effective decommissioning schemes.

4. The practical difficulty about prioritising the Commission as the way ahead is that this body cannot be effectively set up and resourced until the legislation has been enacted - which even with an accelerated timetable is unlikely to happen before Christmas. If the Commission were to be the centre piece, this would mean that any action would have to wait until after Christmas. It is therefore essential to start addressing the political issues before any real visible progress could be made on decommissioning.

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OFFICIAL TRILATERAL: 20 SEPTEMBER 1996

Points to make

1. We have been considering the UUP questions handed over on Wednesday, and will be happy to go through these. But would like to start by setting out a wider picture of how we see the way forward in the light of the exchanges this week.
2. As we understand it, the UUP stress the role of the Commission, as distinct from a Committee structure within the Talks, for the following reasons:
 - (i) the Commission would be best placed to finalise a decommissioning scheme, because it would be easier for those with paramilitary links to deal directly with it than with the Governments or the other participants;
 - (ii) it would be a unitary "mission-oriented" organisation, and therefore more likely to deliver results than a Committee composed of widely differing strands of political opinion; and,
 - (iii) it could have direct access to the necessary technical expertise necessary to draw up effective decommissioning schemes.
3. The practical difficulty about prioritising the Commission as the way ahead is that this body cannot be effectively set up and resourced until the legislation has been enacted - which even with an accelerated timetable is unlikely to happen before Christmas. If the Commission were to be the centre piece, this would mean that parties were expected to start addressing the political issues before any real visible progress could be made on decommissioning.

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4. That would be as unwelcome to the Governments as to the UUP, and clearly contrary to 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."

5. The fact that the Governments see progress in settling a scheme as preceding the full establishment of a Commission, rather than the other way round, is not accidental. It stems from the recognition in the Mitchell Report that progress on political issues and on decommissioning are interdependent: the confidence gained in one track will make it easier for developments on another, and vice versa. The **right forum** to achieve progress on decommissioning is in the negotiations, not through a sub-contracting arrangement with an essentially technical agency.

6. But equally the Governments **entirely appreciate** that any approach which appeared to sideline decommissioning, with no prospect of practical progress, would be wholly unacceptable. While we do believe that the way to achieve the Mitchell compromise of decommissioning **during** negotiations lies in keeping the issue within that political context, there can be no question of remitting it to a mere talking-shop with no prospect of moving ahead.

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

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- (i) commitment by the Governments to introduce and enact as rapidly as possible their decommissioning legislation;
- (ii) a commitment which would be binding on all present and future participants in the Talks to work constructively to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning;
- (iii) as the vehicle to secure that implementation, the establishment of a Committee, comprising all the participants in the Talks and chaired by the Independent Chairmen of the Plenary;
- (iv) to minimise any hiatus between the Committee and the Commission, when the latter is established after the passage of the legislation, the Chairman-designate of the Commission would also be a member of the Committee;
- (v) the Committee would have at its disposal a group of technical (and legal) experts whom it would commission to
 - (a) work up into a series of alternative options the different schemes of decommissioning outlined in the Report of the International Body;
 - (b) to include in this work a definition of the precise role, powers and privileges of the independent Commission, as required by each of the possible schemes.
- (vi) the Committee would review this work and would then make recommendations to the Governments on the schemes most likely to secure decommissioning and on the consequent arrangements for an independent Commission.

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8. The reality is that a definitive scheme leading to actual decommissioning during the course of negotiations can only be settled once Sinn Fein are within the Talks process and mutual action becomes possible.

9. But the range of possible schemes is finite, and very valuable preparatory work can and should be taken forward to establish the practicalities of realistic options and to put the Commission in a position to move forward rapidly once it is formally established. This central function would provide a real and urgent mission for the decommissioning committee, and the Governments would ensure that it had the expert technical advice necessary to enable it to take this task forward expeditiously.

10. Nor is there any question that the wider negotiations would lose their oversight and influence on the key decommissioning issue as a result of the creation of this committee. The Governments would 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. And it would also be possible for the Plenary to be convened specifically to enable the Chairmen to brief participants on the progress made.

11. I should also like to address the concern that the Committee could be stalled indefinitely if Sinn Fein and the Loyalist parties refused to co-operate. The fact is that the Committee would have a clear work programme and the resources to carry it through. It would commission work from its technical experts on the basis of sufficient consensus - which Sinn Fein and the Loyalists on their own would not be able to block. And the whole arrangement would be established by means of a resolution adopted in the opening Plenary committing all present and future participants in the Talks to working constructively to secure the implementation of the report of the International Body, including the proposal for decommissioning during negotiations. If Sinn Fein and the Loyalists dragged their feet, they - not the Unionists - would face the obloquy of deadlocking the process by failing to live up to their commitments on decommissioning.

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