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cc Press

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FROM: D J R HILL
CPL DIVISION
10 JANUARY 1997

1. AA ti.
2. JEH/r

[I spoke to Ken Lindsay &
stress sensitivities over
pushing BUP too slowly
over "well into February"
Alex
10/1

cc: PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas (L&B) - B
Mr Steele - B
Mr Watkins - B
Mr Leach - B
Mr Bell - B
Mr Stephens - B
Mr Wood (L&B) - B
Mr Lavery - B
Mr Perry - B
Mr Maccabe - B
Mr Beeton - B
Mr Brooker - B
Mr Priestly - B
Mr Whysall (L&B) - B
Ms Mapstone - B
Ms Bharucha - B
Mr Lamont, RID - B
HMA Dublin - B
Mr Clarke, Dublin - B
Mr Westmacott, W'ton via RID - B
Mr Oakden, No 10 - B
Ms Collins, Cab Off (via IPL) - B

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

TALKS: GAMEPLAN FOR THE WEEK BEGINNING 13 JANUARY 1997

Objectives

These might be to

- assess the positions of the other participants;
- explore, in support of the Independent Chairmen, the prospects for reaching some level of agreement on decommissioning or finding some other way to edge into the consideration of substantive political issues before the talks need to adjourn for the election;

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- // express the Government's preference for keeping the talks going well into February while exploring other participants' views on the best timing and scope for achieving a "soft landing".

Background

2. The assessments and options summarised in my submission of 20 December ("The Prospects for 1997") appear to remain valid. The salient factors and the Secretary of State's proposed approach are set out in the Private Secretary letter of 6 January to No 10; and the Prime Minister's reactions in John Holmes' letter of 7 January.

3. The UUP seems to have calculated that it has no room for manoeuvre on decommissioning before the elections and Mr Trimble has told the Prime Minister that the UUP would like the talks to be suspended from the end of January, but recent public statements suggest that the UUP do not wish to be seen as the instigators. The SDLP's public posture is to favour the continuation of the talks for as long as possible, but John Hume at least seems to be realistic about the prospects for any forward movement. The Loyalist parties claim that the continuation of the talks will shore up the Loyalist ceasefire but they might change their tune if there was a chance of their being excluded. The Irish have low expectations and will be unwilling to make any further "concessions" to the UUP before the election. Careful judgement will be needed in pursuing the possibility of keeping the talks going beyond the end of January without pushing matters to the point where the whole process loses credibility or breaks down in acrimony.

4. This points to a series of exploratory bilaterals during the week, with a view to identifying the scope for further movement in the talks and/or the scope for securing a "soft landing", so that we can determine how best to approach the talks in the following week in preparation for the plenary on 27 January.

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A possible way forward

5. Sir David Fell (his minute of 8 January to Mr Thomas on "The Future of the Talks Process") has suggested that we might be able to exert some leverage on the UUP to secure at least a measure of agreement on decommissioning as the price for facilitating an early (and amicable) adjournment of the talks, such as they sought from the Prime Minister on 19 January. At first blush this looks a highly attractive proposition: any agreement on decommissioning (however limited), coupled with a non-acrimonious adjournment, would help in putting a positive spin on any period of adjournment and reduce the risk that a dangerous political vacuum could develop.

6. However, on further consideration and following discussion with other colleagues in the Political Directorate, I am not sure that the package is realistically achievable or that it would represent an unalloyed advance so far as HMG is concerned. It is very doubtful that the UUP as a party is committed to the trilateral paper "agreed" with the SDLP and Alliance Party, even leaving aside the two sections in square brackets (see Mr Trimble's disparaging remarks to the Prime Minister). Even if they were, it is most unlikely in the present circumstances that the UUP would feel able to compromise on the outstanding issue in the paper (confidence-building measures); and they would find it even more difficult to move on the other related issues, notably their requirement for a prior tranche of IRA weapons before Sinn Fein could join the three strands. Conversely, the SDLP's commitment to the paper has always been contingent on it securing the launch of the three strands of substantive political negotiations: it seems unlikely that they would be willing to agree the paper (even if the UUP moved towards them on confidence-building measures) if the other more significant decommissioning issues remained unresolved. They (and the Irish) would see themselves as yet again making concessions to the UUP (in the form of a commitment to the early establishment of the Independent Commission) with no concrete return.

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7. HMG's interest in the wider management of the talks process might also not be well served by a partial agreement on decommissioning before any adjournment. The kind of agreement which the UUP and SDLP seemed close to on the mechanisms for taking forward further consideration of decommissioning is only one of the elements of a deal on the issue as a whole. It may be better to hold that back so that it can exert its full weight in any package of understandings, rather than risk devaluing it by settling that aspect now and leaving the whole focus after the election period on the question of whether or not the IRA should be required to surrender a prior tranche of weaponry or commit itself to a schedule of decommissioning before Sinn Fein could join the substantive negotiations.

8. We should certainly use the argument with the UUP that an early (and amicable) adjournment will be easier to achieve if decommissioning is resolved; but we should have no illusion about the prospects for reaching such an agreement and we should certainly not suggest to the UUP that agreement on the issues covered by the "trilateral" paper alone would be possible, or sufficient to provide the basis for an early adjournment.

Points likely to arise in bilaterals

(a) "Informal" plenary on 13 January

9. Senator Mitchell told Dr Paisley that the Chairmen would confer with the participants on 13 January with a view to establishing whether this would be appropriate. I suggest we argue against any such meeting: the Chairmen should be able to find "sufficient consensus" for proceeding without such a meeting.

(b) Expulsion of the Loyalist parties

10. Pressure is likely to come from the DUP and UKUP, who may instigate a Rule 29 procedure although I would hope any plenary

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discussion could be deferred until 27 January. (There will be no requirement for the other participants to sit down with the UDP or PUP before that).

(c) The IRA's increasingly belligerent posture

11. The Unionist parties might try to press for Sinn Fein to be definitively excluded from the talks following recent IRA activity, particularly the 20 December attack on Nigel Dodds' bodyguards and the rocket attack on the Law Courts. Ministers may need to resist pressure to move away from or to develop the 28 November statement on terms of entry for Sinn Fein.

(d) Decommissioning

12. For the reasons set out in my submission of 20 December it is unrealistic to expect any resolution of this issue before the election, even on the basis of a compromise put forward with the authority of the Chair; nor is it realistic to think the issue could be "parked" at this stage. Recent IRA activity will have firmed up Unionist positions while the continuing possibility of Sinn Fein's entry to the talks will make it impossible for the UUP to leave the issue unresolved. The Irish will be unwilling to make any further concessions to the Unionists in current circumstances and may also (as in the past) be unwilling to "park" the issue because of the disincentive effect for Sinn Fein. However, we should explore others' positions and stand ready to advise the Chairmen on the place of confidence-building measures in the talks, the terms of a possible commitment under agenda item 2b, the timing of developments on decommissioning relative to the conclusion of the opening plenary session and the possible need to give the proposed Independent Commission (or the Independent Chairmen) a role in determining when decommissioning should start. If the Chairmen were to identify a basis for resolving the decommissioning issue, we would probably also need to promote a new understanding about the distribution of Chairmanship functions.

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- (e) Options for continuing the talks without resolving decommissioning or formally launching the substantive political negotiations

13. This would imply a phase of "pre-negotiation", perhaps a period of "preparatory dialogue" built around briefings on "machinery of government" or current issues, or seminars on issues likely to arise in the talks. At official level the Irish have canvassed the idea that the two Governments could engage in a round of "pre-strand 3" meetings, involving whichever other participants were willing to participate. An alternative which we floated back to them would be to review some of the agreed papers from 1992, but that would require the agreement of the 1992 talks participants and the Irish would be reluctant to see the talks focus on "strand one" issues especially as there is a formal SDLP reserve on the main strand one sub-Committee reports. The Framework Documents might in principle provide a useful focus for a general discussion of the issues but any attempt to do so would probably drive the Unionists into united opposition, which would be unhelpful. All these approaches have the benefit that they would allow the participants to edge into a discussion of substantive political issues, lifting their eyes from the decommissioning conundrum. But most could give rise to procedural wrangles about who should participate in what aspects of any such discussions; and all would be vulnerable to procedural criticism from the DUP and UKUP and to other "spoiling" tactics such as representations under Rule 29.

- (f) The prospects for securing a soft landing, as far into February as possible

14. Apart from the UKUP, the other parties are likely to want to keep the talks process as a whole in being and capable of being reactivated after the election period. While the UUP leadership wants the talks to be put on hold as soon as possible, their colleagues may have different views and it is in any event clear that they do not want to carry the can for an adjournment. The

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so they'll bring Govt down instead!

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public position of the Alliance Party and the SDLP is that they want the talks to continue and they may take some convincing that their natural desire to embarrass the UUP could be counterproductive.

15. The key elements for a "soft landing" are an agreement to resume the negotiations after the period of adjournment at whatever stage they have reached and on the same basis as at present (eg same rules of procedure). On the back of any such agreement, Ministers (and no doubt others) could point to the longer term potential of the talks process and express confidence that real progress could be made in the new circumstances which would pertain after the election. That would avoid the dangers of a complete political vacuum. We could promote a certain amount of political activity (speeches, bilateral meetings with the parties, an Anglo-Irish Intergovernmental Conference etc) to maintain a sense of momentum in any pre-election period. It might even be possible to secure the formal suspension of the talks on the understanding that there would be a round of informal "preparatory dialogue" of the kind discussed in paragraph 13, utilising the talks facilities.

(g) The timing of any resumption of the talks, and implications for the Forum

16. Once the talks are "suspended" the Secretary of State has a duty to introduce an Order (subject to affirmative resolution in both Houses) terminating the operation of the Forum. The Forum will lapse at the beginning of May in any event. In either case a further Order would be required to reactivate it, and it could not be reactivated unless the talks were in being. The UUP, probably calculating that the Forum would be exploited by the DUP and UKUP for electioneering purposes, seem content that it should lapse later this month. It would certainly be desirable to bring it to an end very soon after the talks break, whenever that is.

17. If the talks are suspended at the end of January, we would ideally wish to aim for resumption within, say, four weeks of the General Election. (Any understanding might need, as in 1992, to

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involve the Opposition.) However, the "election period" in Northern Ireland will actually last until after the District Council elections on 21 May: we could not reasonably expect any significant movement in the talks before then and it would be pointless and probably dangerous to attempt to hold talks in the run up to the District Council elections. Given all the uncertainties, it would probably be wrong simply to adjourn the talks until mid-June, certainly not if the adjournment were to take place at the end of this month. The answer might be to adjourn the talks until 4 weeks after the General Election unless that point falls within 4 weeks of the District Council elections, in which case they would resume in mid-June. In either case the Secretary of State might say that the Government's first objective on resumption would be to assess whether the prospects for the talks were sufficiently good to justify reactivating the Forum. In practice it seems most unlikely that the Forum would meet again until after the District Council elections and probable that there would be no "resumption" of the talks before then.

Handling

18. Many of the parties, and the Chairmen, have already made arrangements for bilateral meetings on 13 January.

19. We should certainly aim to see all the parties before, say, midday on Wednesday, so that Ministers are in a reasonable position to discuss the prospects for the following week with the Irish and the Chairmen on Wednesday afternoon.

20. An early task might be to clear our lines with the Irish (probably represented by Mr Donoghue and Mr Cooney) and give the Chairmen a realistic assessment of the position. (Senator Mitchell will not be in Belfast for the next two weeks but has asked me to give him a call on Sunday afternoon.) General de Chastelain and Mr Holkeri may need to see us early on Monday to secure our views on

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the DUP's call for an "informal" plenary, but a meeting at the end of the day - after they and we have begun to explore the parties' positions - may be more valuable.

21. Apart from that, Ministers' first priority might be to arrange a meeting with the SDLP in order to assess their real attitude to early suspension, and establish what realistically they would hope to gain from continuing beyond the end of January. (In doing so we could test their reaction to the possibility of recording a measure of agreement on the issues covered by the trilateral paper.) Thereafter it would be desirable to have a meeting with the UUP, to assess whether there is any scope for reaching an agreement on decommissioning and to convey the message that the Government wishes to keep open the possibility that the talks will continue well beyond the end of January.

Presentation

22. I understand that the Secretary of State will be on an outside visit on Monday during which there will be a "doorstep". As this will coincide with the resumption of the talks it would appropriate for him to make some reference to them and I attach at Annex A some suggested lines to take, reflecting purposeful commitment but avoiding unrealistic optimism and contrasting the use of terrorism and intimidation with the positive potential of the talks process. Michael Ancram might convey similar messages at the Castle Buildings Press Village.

23. CPL will also submit early next week a suggested outline media handling plan for the adjournment of the talks. CMT's preliminary view is that Ministers should, within the next week, begin to prepare the ground for an adjournment by emphasising that the infrastructure of the talks process is sound and very widely supported and that, whatever may happen over the next few months, it will continue to provide an effective framework for the kind of comprehensive political accommodation which is Northern Ireland's best hope for the future. This might be the general theme of any

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press conference on the day the talks are adjourned and that might be followed up within a week by a substantial speech setting out the general rationale for the talks process and a review of its achievements and continuing potential.

Briefing

24. The Political Development Team will arrange for indexed folders of relevant papers to be available at Castle Buildings on 13 January. I suggest we aim for a briefing meeting with Michael Ancram at around 11 am.

(signed)

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