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[7 APRIL 1997]

**RESOLVING THE ADDRESS TO DECOMMISSIONING**PAPER BY BRITISH OFFICIALS FOR THE LIAISON GROUP

1. A certain amount of progress has been made in the multi-party negotiations on the issue of decommissioning over the past 6 months. When the talks resume on 3 June participants will need to complete their consideration of the issue of decommissioning and that will require there to be sufficient consensus support for an appropriate set of propositions. An analysis of the issue is set out below, leading to some proposals which the two Governments might consider putting forward as a basis for breaking the logjam while remaining fully consistent with the report of the International Body.

Progress so far

2. This includes:
- the passage of decommissioning legislation in both jurisdictions, an earnest of the two Government's good faith which has been acknowledged as such by the UUP
  - the provisional and incomplete agreement between the UUP, SDLP and Alliance Party on the "mechanisms" for making further progress on decommissioning alongside negotiations in the three strands. This met some Unionist concerns that the two Government's original proposals were intended to ensure that decommissioning was never seriously addressed, by proposing
    - the early establishment of an Independent Commission
    - the establishment of a Liaison Sub-Committee on Decommissioning with defined terms of reference.

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3. We assume that both Governments would be prepared to support an approach to the "mechanisms" of decommissioning on the lines of this "tripartite" agreement (on the understanding that the Independent Commission and the proposed Liaison Sub-Committee would be established at the same time as the launch of the three strands of substantive political negotiations).
4. There is an outstanding point about how "confidence building measures" should be formally dealt with in the context of the negotiations as a whole. Having discussed the issues with each of the other participants we believe that a proposal to establish a second sub-committee of the plenary, on confidence building measures, would be most likely to win sufficient consensus support. Possible terms of reference are attached.

#### The Central Issue: An Analysis

5. Both Governments want to see the earliest possible decommissioning of all terrorist weapons and materiel. Both Governments accept that the issue of decommissioning must be addressed and resolved by agreement before the launch of substantive political negotiations in the three strands. Both Governments share the analysis that the only practicable way forward lies through implementing all aspects of the Report of the International Body, including the compromise approach to decommissioning set out in paragraphs 34 and 35 of the Report under which some decommissioning would take place during the negotiations. While partial decommissioning would have little practical effect on the terrorists' ability to resume their murderous campaigns it would have immense political, psychological and symbolic significance - both for the paramilitaries and for the readiness of other participants to deal with the associated political parties. The completion of the address to decommissioning will require the development of a set of propositions which meet reasonable concerns on both sides of the argument:

- (a) Unionists will be looking for reassurance that Sinn Fein will not be allowed to join the talks on a basis which enables the Republican Movement to duck the issue of decommissioning, preserving its ability to use the threat of resorting to violence to

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radicalise the negotiating position of the Irish Government and SDLP and maximise the incentive on HMG to enforce Unionist acquiescence in whatever emerges from the negotiations;

(b) nationalists will be looking for reassurance that the issue of decommissioning is not simply being deployed as a device to exclude Sinn Fein from the negotiations on any terms or to defer the point at which Unionists have to face up to the real political issues.

Any resolution of the issue must adequately address both sets of concerns.

#### The Way Forward

6. It is a political reality that decommissioning is only likely to take place on the basis of the compromise approach outlined in paragraphs 34 and 35 of the Report of the International Body in which some decommissioning would take place during the negotiations. The whole intellectual thrust of the Report is based on the concept of developing a benign dynamic in which mutual confidence is generated and developed by parallel progress in a range of areas but particularly in substantive political negotiations and actual decommissioning.

7. The talks participants therefore need to find a way of entering the substantive political negotiations on that basis - a basis which makes clear that if the relevant political parties are engaged in the negotiations then there must be some actual decommissioning by the paramilitary organisations during such negotiations (assuming those are genuinely substantive and being pursued in good faith).

#### Specific Suggestions

8. We have a range of suggestions for achieving an outcome on these lines:

(a) there might be a formal commitment from every participant [under item 2(b) of the agenda for the remainder of the opening plenary] to work constructively and

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in good faith to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning envisaged in paragraphs 34 and 35 of that Report;

- (b) there might also be a formal commitment from every participant to work constructively and in good faith with the Independent Commission, when it is established, to enable it to carry out its role, in the context of an inclusive and dynamic process in which trust and confidence is built as progress is made on all the issues of concern to all participants. We might hope to secure a general acknowledgement from all participants of the reality that progress in the negotiations will only be possible on that basis;
- (c) the two Governments might make clear that for their part they would expect to see these commitments reflected in due progress on decommissioning alongside progress in the substantive political negotiations, and would work to achieve that;
- (d) the participants might invite the members of the Independent Commission, following their appointment, to draw attention to any case in which a participant demonstrably dishonours a commitment of the kind referred to in (b) above;
- (e) the participants might invite the Independent Chairmen as a group to keep overall progress in the multi-party negotiations as a whole under review and to offer their judgement from time to time on when particular confidence-building measures should be implemented. In particular they might be invited, whenever they feel the appropriate point has been reached, to offer a judgement, on the basis of implementing the International Body's compromise of approach to decommissioning and taking account of the conditions necessary for mutual decommissioning, on the point at which they believe decommissioning should commence;

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- (f) to facilitate the provision of regular reports from the proposed Liaison Sub-Committee on decommissioning [and any Liaison Sub-Committee on confidence building measures] and to enable regular reviews of progress across the multi-party negotiations as a whole, there might be an understanding that plenary meetings should be held at intervals of not more than [8] weeks, or such longer period as may be agreed. At such meetings participants would have an opportunity to consider whether the necessary basis still existed, or could be recreated, to enable further progress to be made. There might be an understanding that a motion to this effect would need to be agreed by sufficient consensus at each such plenary meeting before further progress in the substantive political negotiations could be attempted;
- (g) there might in any event be a "loop" mechanism whereby, whatever stage the negotiations had reached, if any party were invited to join (or rejoin) the negotiations the Chairman of the plenary would convene a plenary meeting at the earliest practicable moment to give participants the opportunity to consider together the implications, if any, of the arrival of a new participant for their work as a whole. Such a meeting would provide an opportunity for the new arrival to make the commitments entered into by all the other participants as a basis for progress in the substantive political negotiations, namely:
- to affirm its total and absolute commitment to the principles of democracy and non-violence as specifically set out in paragraph 20 of the Report of the International Body, and
  - to affirm its commitment to whatever propositions on the lines set out in (a) and (b) above may have been adopted by all the other participants.

Such a party would, in common with all the other participants, be subject to all the other agreed provisions and rules of procedure adopted by the existing participants.

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- (h) against the background of all or most of the foregoing suggestions it should be possible to set a firm date for the launch of the three strands of substantive political negotiations.

#### Conclusion

9. We believe a package on these lines would be consistent with the letter and spirit of the International Body's Report and (depending on the political circumstances) could stand a reasonable chance of securing sufficient consensus support if presented to the plenary once the talks resume.
10. We would be happy to develop these suggestions further and explain the thinking behind them and to consider the scope for the two Governments to inject new impetus into the negotiations, on resumption, by tabling joint proposals on these lines very promptly after 3 June for consideration by the other participants.

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