

From: THE PRIVATE SECRETARY



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Dear John,

NORTHERN IRELAND: CONSENT AND DECOMMISSIONING

Thank you for your letter of earlier today seeking comments on the draft text you intend to put to the Taoiseach's office. This seems to us to be very much on the right lines but you may like to consider the following additional suggestions.

Consent

There is obviously a choice to be made between expressing the two Governments' "belief" that the principles of the Downing Street Declaration, including consent, will underpin the negotiations and asserting that those principles will continue to determine their own approach to the negotiations. The latter might come across more forcibly and reassure Unionists more effectively.

It would be desirable to build on Ray Burke's readiness to say explicitly (News of the World) that under the principle of consent "there can be no change in the status of Northern Ireland other than with the consent of a majority of the people", and a phrase to that effect might be incorporated in the final sentence of the relevant paragraph.



Decommissioning

In addition to his concern for reassurance that the two Governments are seeking "actual decommissioning", a major focus of Mr Trimble's current views on decommissioning seems to be that the two Governments should demonstrate how they intend to "catch up" with the timetable announced in July, which envisaged the Independent Commission being in a position to discuss "options for draft schemes for decommissioning" with the parties from 15 September, thus demonstrating that actual decommissioning would at least be theoretically possible from the moment substantive negotiations begin. We should aim to hold the Irish to the position agreed between the Prime Minister and the Taoiseach last July. This could be achieved by inserting a new second sentence in the relevant paragraph, on the following lines:

"Security experts in both jurisdictions have made preparations to brief the Commission so that options for draft schemes for decommissioning, in conformity with the Mitchell report and the Independent Commission's terms of reference, may be available for discussion with all the participants from 15 September. The two Governments"

Chairmanship

The distribution of Chairmanships is set out in the rules of procedure and cannot be altered by the two Governments unilaterally. The final sentence of the text ought therefore to be recast to read, "The two Governments, following consultation with the Independent Chairmen, therefore intend to propose that to avoid problems of overload, Senator Mitchell or



Prime Minister Holkeri should be available to deputise for General de Chastelain in strand two whenever necessary or appropriate".

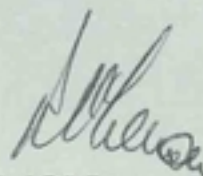
Handling

It would be desirable to show any agreed text to Mr Trimble before the UUP Executive Committee meeting, currently planned for 6 September, and to deploy it at or before the plenary on 9 September (which would also be the point at which the proposed amendment to the rules of procedure on the Chairmanships would need to be agreed).

Approach to 15 September

More generally, we are puzzled by Mr Ahern's reference to the need for the two Governments to consider what should happen on 9 or 15 September if Mr Trimble does not agree to move ahead with substantive political negotiations. We have been discussing exactly this point with the Irish over the summer and have an agreed strategy which envisages, as an ultimate fallback, moving over - at least temporarily - to a pattern of substantive consultations between the two Governments and the other parties on the terms of a settlement which might be put to the people by referendum in due course. The Irish obviously share our firm desire to achieve substantive negotiations within the present talks structure if at all possible; but the technicalities of how we might otherwise move forward have already been jointly explored.

I am sending a copy of this letter to Jan Polley (Cabinet Office).

Yours sincerely, 

R P LEMON
Private Secretary to Paul Murphy MP