

David Trimble MP

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HOUSE OF COMMONS
LONDON SW1A 0AACOPY
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ACRt Hon Tony Blair MP
10 Downing Street
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30 June 1997

Dear Prime Minister

As you acknowledged in the House last week there are aspects of your statement and the Government's proposals on decommissioning on which I must seek further progress and clarification.

1. The statement gives Sinn Fein a last chance to join the "settlement train" by ending violence, failing which the "train" will move on without them. This necessarily implies that there is a finite time within which Sinn Fein must declare that the violence is over. What period of time do you have in mind? Do you intend to state publicly a specific date by which they must act?

There are some clues in the statement and the accompanying documents but there are not entirely consistent. You referred to substantive talks beginning in "early September at the latest" whereas the "possible conclusions" paper states a precise date namely 15 September. Again the statement and the Aide Memoire refer to "some 6 weeks" as the

(37)



period for assessing any cease-fire, whereas the subsequent text of the Aide Memoire suggests a fixed precise six week period.

One interpretation of these would be that Sinn Fein/IRA will be given until 4 August. This we would consider to be completely inappropriate as it would put Sinn Fein in a privileged position vis a vis the democratic parties presently in the talks, as Sinn Fein would be able to wait until the democrats had committed themselves, possibly to their detriment before deciding.

In any event there is in our view no need to give Sinn Fein any further appreciable time. The murders and attempted murders since they received the Aide Memoire are answer enough.

2. There are concerns about the definition of a genuine cease-fire. The Government has used different language from time to time. Can we be assured that the Government will insist on a genuinely complete and permanent ending of violence? It will know our reservations about mentioning a time period. Will the Government consult with us, and others, about the interpretation of any cease-fire and about any invitation to Sinn Fein to enter the talks?

3. Is there really a 6 week period before involvement in the talks as experience has shown that the bulk of the negotiations takes place away from the Plenary? The Aide Memoire makes it clear that immediately after a cease-fire Sinn Fein would have access to Ministers, the Independent Chairmen and to the talks building and could hold bilateral meetings with other parties. Is this in any event consistent with the idea of assessing whether the cease-fire is



genuine? How can there be participation in the talks before an invitation by the Secretary of State under the Act? Or is there two periods one to assess the cease-fire followed by a six week period?

4. Will the Government make it clear that the procedures in "possible conclusions" cannot be used to block actual decommissioning of weapons as distinct from merely talking or negotiating about decommissioning.

I note your statement in reply to me that

"In respect of decommissioning, as I made clear, it must be during the negotiations." (col 853)

and in reply to Andrew Hunter MP,

"... decommissioning should happen during the negotiations." (col 857),

and in reply to Ken Maginnis MP,

"As I made clear, decommissioning has to be something that happens during the negotiations." (col 859).

The above comments are consistent with the view that parallel decommissioning must actually be parallel, ie that decommissioning begins with the talks continues during it and is complete at the end. However there is a problem with regard to the way in which you suggest this is to be achieved. In reply to me you said,

"Obviously the committee will discuss the precise way in which that is to be done." (col 853),

and in reply to William Hague MP you said,

"The timetable for the substantive negotiations on decommissioning will be discussed by the committee that will be established." (col 851)



I assume that the suggestion that we have to first discuss a *timetable for negotiations* on decommissioning is a slip of the tongue, and that in both replies you were suggesting that the committee will discuss the way in which decommissioning alongside talks will be done including a possible timetable.

This, however, raises the question as to whether the committee has any function with regard to decommissioning. It would be a very serious problem if it did. Under the Talks procedures there cannot be a sufficient consensus unless there is agreement by, *inter alia*, a majority of nationalists and the Irish government. Consequently either the Irish government or the SDLP could veto any agreement in the committee. As we believe that neither wishes to see Sinn Fein embarrassed by a request to hand in any weapon then either could use these procedures to block permanently any actual decommissioning. It was for this reason that we have steadfastly opposed giving the committee any function other than being a mere conduit for information.

The terms of reference of the committee as set out in the "possible conclusions" paper are ambiguous. While "consider" can imply that no particular function has to be discharged, "charged with assisting the implementation" implies that there are things the committee must do. It is essential that the committee is deprived of any ability to block progress on decommissioning.

5. There is a need to avoid unnecessary delay. You will recall that last Tuesday I referred to the delay implicit in "possible conclusions". That paper suggests that, while formally established on the launch of the three stranded negotiations, the Verification Commission would not actually



commence work until those negotiations began. The Commission's responsibilities as set out in the Annex implies that several months would then elapse before the Commission would be in a position to actually receive any weapons or supervise their destruction.

This would be completely unacceptable. Last Tuesday the Secretary of State said that the Commission could be set up and running "very quickly". This is essential. The Commission must be operational immediately. Substantive talks cannot occur until the Commission is in a position to receive arms. Consequently "possible conclusions" will have to be clarified in such a way as to reflect the Secretary of State's assurance to you and to ensure that there is no possibility of obstruction.

6. Setting up the Commission will take time. We have repeatedly asked if the Government has yet identified any possible members of the Commission. Certainly it has not yet consulted with us as to the possible members or structure of the Commission. Such consultation is indispensable.

7. The Parliamentary timetable may also be a problem. The Commission can only be established by a statutory instrument after consultation with the Irish Government. Has that consultation taken place? When will the statutory instrument be made?

The Decommissioning Schemes also require legislative procedures. When will the necessary Order or Orders be made as respects the United Kingdom? In the Irish Republic the scheme must be made by Regulation. Has there been an assurance as to the making of such Regulations? Has the government taken account of the excessive delay in introduc-



ing and enacting the Irish primary legislation? Can we be assured that there will not be similarly delays with regard to the Regulations?

How in the light of the above can the timetable in the Aide memoire be kept?

8 There is also a need for a clear timetable for disarmament. It is wholly inconsistent for there to be a timetable for the negotiations without an equivalent timetable for disarmament. Otherwise your pledge that there will be no exchange of concessions for guns cannot be guaranteed. Such a timetable cannot be left until after Sinn Fein has joined the process for then disarmament will not be parallel.

9 The review mechanism envisaged by "possible conclusions" requires clarification. The essence of the idea was that on such a review there would have to be a consensus or sufficient consensus for progress beyond the review, so that if there had been no, or insufficient, progress on actual decommissioning the talks would automatically halt and remain halted until the necessary confidence had been restored. The wording of para. 6 of "possible conclusions" would need to reflect this more clearly.

In addition while two months may be an appropriate period to review a process once started, it is too late for a first review. The object of the exercise is to create and maintain confidence. Such confidence cannot be created until there is actual delivery or comes too late. We need to create an effective mechanism on or about the point of entry to ensure that confidence is created.



10 Will the government ensure that Sinn Fein is not allowed to deny its connection with the IRA. Sinn Fein is only admissible on the basis of a clear commitment to disarmament by IRA. In this respect the commitment in para. 2 of "possible conclusions" need to be clarified. A bald reference to "the compromise approach ... in paras. 34 and 35" is insufficient. It should be clear that the commitment is to parallel disarmament and that Sinn Fein must commit itself to secure such disarmament from the IRA.

Moreover, it must be made clear that Sinn Fein will give a commitment to the absence of violence and the threat of violence from the Republican movement. The genuine difficulties encountered by Loyalists from defections and splinter groups must not be allowed to generate a flag of convenience for the IRA. It is necessary that government assure the parties of their approach and that your assurance last Tuesday that Sinn Fein would have to be excluded from the talks in the event of IRA violence will be carried out.

11 Can you assure us that there will be no further meetings, contacts, communications or any other form of negotiation with Sinn Fein. I was heartened by the clear statement from Lord Richards in the House of Lords last week, but Northern Ireland Office briefings to the press have been ambiguous, and despite, the assurances given by the Secretary of State in the House tonight, there is reason to believe that some contact, in addition to that mentioned by the Secretary of State, continued after the murder on 16 June.

Finally, can I refer to the commitments in position paper of the two governments, namely

"1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations."



"4 ...this should involve:

(e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect.

The assurances we need merely build upon those commitments. It is essential that confidence is created in your Government's determination to fulfil these commitments, and, just as crucially, that the new Irish Government is, unlike its predecessor, equally committed. At present that confidence does not exist. There is little prospect of progress until it is created.

Sincerely

David Trimble

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