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**From:** *Ken LINDSAY.*

**Date:** *11-8-97.*

**Number of Pages:** *1+1/4.*

**Message:**

*AS DISCUSSED BY PHONE WITH KEN LINDSAY.*

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31 July 1997

**APPROACH TO THE LAUNCH OF SUBSTANTIVE NEGOTIATIONS ON 15 SEPTEMBER**A paper by British officials for consideration in the Liaison Group

In the light of the Ministerial discussion on 29 July, the following suggestions are put forward as a basis for developing an agreed joint approach to the launch of substantive negotiations on 15 September.

1. Both Governments, but especially HMG, will seek to win wider support for their joint proposals on decommissioning and may consider together what further clarification could be offered in respect of those proposals to meet genuine Unionist concerns.
2. Commencing in the last week of August, the two Governments will orchestrate a series of practical steps towards the agreed objective of ensuring that the Independent Commission is fully operational on 15 September.
3. At the plenary on 9 September after Sinn Féin, if it has by then joined the process, has affirmed its total and absolute commitment to the Mitchell principles, the two Governments (having offered any further clarification which may be appropriate) might invite the Chairmen to put their proposals on decommissioning to the vote once again. [Changes to the timetable envisaged in the "possible conclusions" and in the clarifications offered on 16 July would need to be incorporated.]
4. If the proposals on decommissioning again fail to secure sufficient consensus support the two Governments might invite the Chairman to seek participants' support for a procedural motion enabling the three strands to commence discussion of substantive issues on 15 September while leaving the issue of decommissioning unresolved. A draft of such a motion is at Annex A.
5. If that motion too fails to secure sufficient consensus support the two Governments might seek a brief adjournment and then announce that in the light of



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the plenary's decisions they had concluded that the prospects for forward movement in the multi-party negotiations in present circumstances were poor; that they had therefore decided to suspend those negotiations; that they intended to carry forward the search for agreement on a comprehensive political settlement in a different way; and that they invited all the participants to meet them on 15 September for that purpose. A draft of such a statement is at Annex B.

6. On 15 September the two Governments might then launch substantive negotiations on a revised basis. A draft of what might be said is at Annex C.

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**CONFIDENTIAL****COMMITMENTS TO BE MADE BY PARTICIPANTS**

1. To work to achieve the earliest possible decommissioning of all paramilitary weapons.
2. To work constructively and in good faith with the Governments in their efforts to secure the implementation of all aspects of the report of the International Body, including the compromise approach to decommissioning envisaged in paragraph 34 and 35.
3. To work constructively and in good faith with the Independent Commission, once it is established, to enable it to carry out its role in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on the issues of concern to all participants.

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**POLITICAL NEGOTIATIONS: CARRYING THE CONSULTATIONS FORWARD**

1. The two Governments have announced that they will begin intensive consultations with the parties for the purpose of producing proposals to be put to the people by referendum. The basis on which the consultations will be conducted was explained in the two Governments' joint statement (earlier today).
2. The consultations will address all the elements of a comprehensive settlement encompassing the three strands. It will be open to any participant to raise any issue it considers relevant. A list of the main elements is attached. The two Governments will be willing to consider tabling discussion papers on these or other issues that the participants might regard as useful. Papers on Strand I issues will be for the British Government alone. The two Governments expect that the parties will also want to contribute papers of their own.
3. The two Governments also intend to consult a wide range of opinion in addition to the parties. The parties may also wish to consult outside organisations or individuals themselves. In order to assist this process the two Governments intend to publish any discussion papers which they produce. They will also be happy to consider with the parties any views which outside organisations or individuals may care to submit to them.
4. The two Governments envisage that in the period up to the end of the year the participants will examine the general principles that should underpin a comprehensive settlement embracing the three Strands; complete a preliminary consideration of all the main elements of a



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settlement; and make as much progress as possible on a detailed examination of individual elements. The period from January to Easter would then be used to carry forward detailed consideration of the remaining elements and to reach provisional understandings, contingent upon an overall picture emerging. The remainder of April and May would be used to finalise the proposals to be brought forward in referenda, North and South.

5. The Governments stand ready to begin immediately the process of consulting the parties. These consultations will take place in whichever format the parties may prefer. In order to begin the process the Governments will themselves meet (tomorrow/next week) to start preliminary consideration of the paper "A comprehensive agreement: matters of mutual interest between the London and Dublin Governments", copies of which are being circulated to the parties and which will be published. The Governments look forward to receiving views on the issues covered by the paper and to meeting the parties to discuss them.
6. The two Governments will be ready to invite Senator Mitchell to bring together representatives of the parties, to co-ordinate activity within and across the three Strands and to assist the two Governments to maintain progress.



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**CONFIDENTIAL****ANNEX A****DRAFT PROCEDURAL MOTION IN THE EVENT OF FAILURE TO SECURE SUFFICIENT  
CONSENSUS SUPPORT FOR THE TWO GOVERNMENTS' PROPOSALS ON  
DECOMMISSIONING ON 9 SEPTEMBER**

In the absence of sufficient consensus support for any proposals tabled under item 2 of the agenda for the remainder of the opening plenary session, plenary

- (a) notes that the two Governments stand by their proposals on decommissioning, set out in the joint paper tabled on 25 June as amplified by the clarifications given to plenary by Mr Murphy on behalf of both Governments on 16 July [and any further clarification];
- (b) notes the readiness of the two Governments formally to establish an Independent Commission as the three strands of substantive political negotiations are launched and their commitment that the Independent Commission would in any event be fully operational by 15 September;
- (c) agrees to establish a Committee of the Plenary and two sub-Committees with the terms of reference set out in the Annex to the two Governments' "possible conclusions" of 25 June;
- (d) agrees, without prejudice to individual participants' views on the two Governments' proposals as a whole, that each participant should be required to affirm its acceptance of the commitments set out in paragraphs 1, 2 and 4 of the "possible conclusions" proposed by the two Governments on 25 June. (For convenience these are set out in the attachment to this motion);
- (e) agrees that the Chairman should then, using the powers conferred on him under rule 35, move on to the next item on the agenda, leaving item 2 unresolved;



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- (f) invites the Chairman to ensure that items 3, 4 and 5 of the agenda for the opening plenary session are completed by the end of business on 10 September;
- (g) agrees that substantive political negotiations in the three strands should commence on 15 September and that the Business Committee should be convened immediately following today's meeting of the plenary to finalise the necessary procedural arrangements;
- (h) invites the Chairman of the plenary to convene further plenary meetings at intervals of 2 months or such other period as may be agreed, in order to review and consider developments across the negotiations as a whole, and to propose that participants renew their consideration of item 2 of the agenda for the remainder of the opening plenary session whenever he judges it appropriate to do so.



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**CONFIDENTIAL****ANNEX B****DRAFT STATEMENT FOR USE ON 9 SEPTEMBER IN THE EVENT OF FAILURE TO RESOLVE DECOMMISSIONING OR SECURE THE LAUNCH OF THE THREE STRANDS**

There has been extensive discussion in the talks since last Autumn on the issue of decommissioning, and the two Governments have taken the fullest possible account of the views expressed. Participants have, nevertheless, been unable to reach a sufficient measure of agreement on the issue. Nor has it proved possible to agree that substantive political negotiations in the three strands should commence while this issue remains unresolved. It is clear, therefore, that the present talks process is for the time being incapable of moving forward.

We therefore believe that the talks as formally constituted last June must stand suspended. We should be ready to resume them if in the future it appeared they were capable of reaching a successful conclusion. Since the talks are suspended, the forum cannot, as a matter of law, continue, and the Secretary of State will make the necessary order to that effect, subject to parliamentary approval.

We nevertheless believe it is essential for discussions to take place about building a new settlement here that is capable of commanding support in both parts of the community, permitting elected representatives in Northern Ireland a greater involvement in its affairs, and putting broader relationships on a more satisfactory footing. We believe the great majority of people in Northern Ireland want such dialogue to begin, and to advance as quickly as possible.

We therefore invite all parties entitled to participate in the current talks to meet us in Castle Buildings at 10 am next Monday, 15 September, to consider together how best to take such discussions forward.

We believe there is a substantial measure of agreement across the two communities in Northern Ireland about better arrangements for the future. It is a tragedy that the formal

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talks process has not been able to address those issues. Neither part of the community has anything to lose, and both have much to gain, from a process of dialogue. If talking were shown to offer no way forward, however, the outlook for Northern Ireland would be bleak. We therefore invite all participants to enter wholeheartedly with us next Monday in the search for a better future.

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**CONFIDENTIAL****ANNEX C****DRAFT STATEMENT BY THE TWO GOVERNMENTS TO BE DELIVERED TO THE  
NORTHERN IRELAND PARTIES ON 15 SEPTEMBER**

1. We regret that the multi-party negotiations which began on 10 June 1996 were not able to reach a sufficient level of agreement to embark on a discussion of the substantive political issues which need to be resolved if there is to be a comprehensive political settlement which could underpin lasting peace.
2. However both Governments are committed to continuing to pursue rapid progress to an overall agreed settlement acceptable to both Unionists and Nationalists, founded on the principle of consent, and to be submitted for democratic ratification through referendums, North and South.
3. To this end, we intend now to begin work on proposals to be put to the people by referendum. We invite the political parties in Northern Ireland to join in intensive consultations on such proposals. The ambit of these proposals will be comprehensive, namely relationships and arrangements within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament, which will be for the British Government alone; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.
4. [We are grateful to Senator Mitchell and Prime Minister Holkeri who have agreed to be available to facilitate these consultations. General de Chastelain will of course be acting as Chairman of the Independent International Commission on Decommissioning which the two Governments have established and which becomes fully operational today.]
5. The Governments' proposals, and the consultations on them, will be conducted on the basis of acceptance of the principle of consent in all its aspects.

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6. We intend that the consultations should be as inclusive as possible of different shades of political opinion. They will be open to all the parties which participated in the Talks process and established a commitment to exclusively peaceful methods. The Governments intend also to consult a wide range of other opinion.
7. The two Governments will be ready to consult the parties in any configuration which suits the wishes and convenience of those involved. There may be bilateral, trilateral or other meetings. It is however our shared hope that, as progress is made, the parties will find it valuable to be brought once more together around the same table. It remains the view of the Government that all-party roundtable negotiations are the best means of securing the support of the parties and, in turn, the people to any outcome.
8. Our two Governments are determined that these consultations should be carried forward purposively to achieve early substantive progress. We therefore retain the date of end of May 1988 as the target for producing proposals for submission for democratic ratification through referendums. If it would assist the progress of the consultations the two Governments also stand ready to publish consultation or other documents as circumstances require.
9. Both Governments, as signatories of the Anglo-Irish Agreement, reaffirm that they would be prepared to consider a new and more broadly based agreement, if that can be achieved through the process now being initiated. Their own approach to the process will be informed by the principles in the Joint Declaration and, for their part, they recall that they have described a shared understanding of the parameters of a possible outcome in A New Framework for Agreement.
10. We believe that recent events in Northern Ireland underline the need to maintain the urgent pursuit of a political accommodation and to bring that search to a resolution. We hope all parties will be ready to play an active and constructive part in the consultation process we now launch.

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**CONFIDENTIAL****A COMPREHENSIVE POLITICAL SETTLEMENT: MAIN ELEMENTS FOR  
CONSIDERATION****Strand 1**

1. Principles and Requirements
2. Constitutional Issues
3. Nature, form and extend of new arrangements

**Elected institutions:**

- constitution
- method of election
- role and responsibilities
- relationship with the executive
- internal structures - roles, responsibilities, constitution
- accountability
- checks and balances
- finance
- relationships with:
  - Westminster: British Government: Republic of Ireland: new  
intergovernmental arrangements: EU

4. Relationships with other arrangements
5. Justice Issues
6. Rights and Safeguards

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**CONFIDENTIAL**Strand 2

1. Principles and Requirements
2. Constitutional Issues
3. Nature, form and extent of new arrangements
  - (a) Practical co-operation between official agencies, North and South
  - (b) Possible new institutional arrangements:
    - role and composition
    - method of establishment
    - source of authority
    - accountability
    - responsibilities
    - method of operation
    - finance
    - relationships with:
      - Northern Ireland: Irish Government and Parliament: British Government and Westminster: EU: new intergovernmental arrangements

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**CONFIDENTIAL****Strand 3**

1. Principles and Requirements
2. Constitutional Issues
3. Nature, form and extent of new arrangements
  - new structures
  - a new Agreement
4. Relationships with other arrangements
5. Rights and Safeguards

**Cross-Strands Issues**

1. Principles and requirements for new arrangements to address the totality of relationships
2. Rights and Safeguards
3. Arrangements for validation of overall agreement

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