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FROM: S J LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
26 September 1996

PS/Secretary of State (L&B) - B cc PS/Michael Ancram (L&B) - B
PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Steele - B
Mr Thomas o/r - B
Mr Bell - B
Mr Watkins - B
Mr Ray - B
Mr Beeton - B
Mr Hill - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - B ✓ JG 27a.
Mr Whysall - B
Ms Mapstone - B
Mr Lamont, RID - B
HMA, Dublin - B
Ms Collins, Cabinet Office
(via IPL)

Amba (vhe)

CONVERSATION WITH MR TRIMBLE: SUPPLEMENTARY BRIEF

We are still waiting for the UUP leader's reactions to the "Conclusions" paper. In the interim, I have been considering whether there are any further points we could offer the Secretary of State to help assuage any anxieties Mr Trimble may have about this approach.

2. The Secretary of State's covering letter does of course set the case out very fully; while in addition the Secretary of State has the Bull Points prepared yesterday for the meeting with Trimble which did not in the event materialise. These notes bring out in particular the continuum we have now established between the work of the Committee and the operation of the Commission. But it strikes me that one point on which further briefing might be useful relates to the concern which Trimble has raised on a couple of occasions about "what happens when Sinn Fein come in".

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3. This may go to the heart of the issue for the UUP. We are saying to them that the mechanism we propose is the surest route towards actual decommissioning during negotiations, so long as constructive political engagement takes place alongside the work of the Decommissioning Committee. But the UUP know that Sinn Fein may at least try to turn the equation round, and argue that decommissioning cannot proceed because the unionists have refused to make real political progress. A particular concern I have on this score is that Sinn Fein could seek to exploit paragraph 36 of the Rules of Procedure -

"The negotiations will proceed on the principle that nothing will be finally agreed in any format until everything is agreed in the negotiations as a whole"

to support their position that decommissioning can only take place at the end, not during. (The UUP may not have spotted this possibility, and we should certainly not mention it to them.)

4. I believe that the answer to the UUP concerns is that, in reality, without progress on both the political and decommissioning track then the talks will fail. But the structure we are proposing maximises the chances that Sinn Fein will be led inexorably towards constructive engagement on decommissioning; and that if, notwithstanding, they do prevaricate, they will be exposed as the obstacle to progress and attract the resulting opprobrium. I attach some speaking notes setting out this line of thought, for the Secretary of State's use with Mr Trimble as appropriate.

(Signed SJL)

S J LEACH
APD(L)
OAB 6469

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CONVERSATION WITH TRIMBLE

Sinn Fein Entry - supplementary Points to make

[What if Sinn Fein come into the Talks, make a commitment to work constructively to implement the Report, but in fact prevaricate?]

- Clearly we would all prefer to have certainty about Sinn Fein's good faith and the date of actual decommissioning.
- But we all recognise that certainty is not available, because decommissioning (as opposed to the continuing use of the law to seize such arms and prosecute those who possess them) has to be based on co-operation and assent to the details.
- That co-operation will require a degree of reciprocity in the political negotiations, to achieve the International Body's virtuous circle of "mounting trust and confidence" leading to decommissioning during negotiations and, ultimately, a lasting political settlement.
- I understand your concern that Sinn Fein might not act in good faith, and seek to turn the tables by arguing that significant political progress was necessary before decommissioning could be taken forward.
- The reality is that there will have to be good faith engagement on both tracks if the negotiations are to succeed. We cannot guarantee Sinn Fein's good faith. But we can establish a clear structure of purposive action for handling decommissioning (alongside political negotiations) which will
 - maximise the pressure on them to substantiate their good faith; and, if they do not do so,

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- ensure that their only alternative to moving forward inexorably towards actual decommissioning during negotiations is to be clearly exposed as the party which is holding up progress, with all the obloquy for the resulting deadlock focusing on them.

That is what our proposals will deliver, if you support them.

- In practice, I do not believe Sinn Fein would be able to use the need for parallel political engagement as an excuse for prevarication, if they were so minded. The fact is that the three strands will have a good deal of ground-clearing to do before getting into the meat of their work - and as some parties have to field the same negotiating teams in all three strands there will be a major constraint on the pace at which meetings can be held.
- The Decommissioning Committee, on the other hand, will have an urgent work programme of concrete issues to address from the start, with the ongoing passage of the legislation underlining the need for progress. There will be expert advice, the presence of the other participants and the chairmanship of Mitchell, who will not allow the wool to be pulled over his eyes and who will, of course, be reporting on progress at the December stocktaking plenary.
- The political reality is that if Sinn Fein come in but do not behave in good faith over decommissioning, then the negotiations will fail. But the structure we are proposing will maximise the pressure on them (if they enter) to move forward constructively; and will leave no doubt about where the blame lies if they do stall and prevaricate.

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ONLY IF RAISED

[What if Sinn Fein try to exploit Rule 36 - "nothing finally agreed in any format until everything agreed in the negotiations as a whole" - to argue that actual decommissioning can only come at the end of the process?]

- Quite sure that when the UUP voted for rule 36 you did not see it as ruling out decommissioning in the course of negotiations. Neither do we.
- Entirely clear that the International Body saw their compromise approach of decommissioning **during** negotiations as an essential element in building the **framework of confidence** necessary for a successful outcome.
- If the joint "Conclusions" paper is adopted, that will become the **formal position of the Plenary** also. The requirement on all participants to commit themselves "to work constructively and in good faith to secure the implementation of all aspects of the Report" - which of course includes the decommissioning compromise - will be the **operative requirement** for this exercise.
- The participants could not allow the Rules of Procedure, which are meant to **facilitate** agreement, to **obstruct** an essential element of the context needed to permit that agreement to develop.