

(handed to Irish on 14 November)

THE DECOMMISSIONING DEBATE: A POSSIBLE FALLBACK EXIT STRATEGY

Speaking Note

1. For so long as there is a prospect of Sinn Fein joining the Talks (as both Governments hope they will) this issue is not academic.
2. The reality is that if Sinn Fein join the talks the DUP and UKUP will almost certainly leave. The only prospect of keeping the talks process going in those circumstances (and laying the foundations for a permanent peace) will lie in ensuring that the UUP have something to point to which would justify their remaining at the table in the face of virulent criticism and extreme political pressure from the DUP and UKUP.
3. They have said they would find it politically unsustainable to be engaged in substantive political negotiations with Sinn Fein while Gerry Adams was able to say, without contradiction, that no undertakings of any sort had been given or expectations set in respect of the decommissioning of IRA weapons.
4. Hence the requirement identified in their paper of 30 September for an effective guarantee that the Mitchell compromise approach (of some decommissioning during the negotiations) would in fact happen - reflected in a bid for some IRA weapons to be handed in after Sinn Fein join the negotiations but before they join the three strands, and for prior commitment to a schedule of decommissioning. We have made clear that such requirements are not deliverable.
5. Equally they have made clear that the two Governments' suggested approach under which the decommissioning issue would be remitted to a Committee running in parallel with the three strands is not acceptable to them. An arrangement in which progress on decommissioning could in principle be vetoed by the Irish

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Government or SDLP would not give them the political cover they would require. They realise that they can hold the launch of the three strands hostage to a satisfactory (to them) outcome to the decommissioning debate and are prepared to do so.

6. However, they would prefer to operate on a more constructive basis and are keen for their own reasons to resolve the decommissioning debate quickly and get the three strands under way.
7. Against that background we have reviewed the points made in the parties' initial presentations, during last week's discussion and in bilaterals earlier this week. It does seem to us that there are a number of areas of emerging common ground on which it might be possible to build a revised set of "conclusions" to the decommissioning debate and which might be capable of winning general support.
8. The elements include:
 - the early establishment of a "shadow" Commission. This would respond the Ken Maginnis' continued emphasis on the need to establish the Commission as soon as possible, a thought that was specifically supported by the Alliance Party and Labour. The SDLP do not appear to see any problem with this and there seems to be no real objection from the two Governments' perspective. It would at least deliver "continuity" and provide something concrete on the decommissioning track to which the UUP could point as evidence that the issue was not being sidelined;
 - the establishment of a Committee on broadly the lines proposed by the two Governments but with perhaps more emphasis on the role of working and liaising with the Commission. Apart from the Alliance Party, everyone seems to see a continuing requirement for the talks participants to maintain close involvement with the decommissioning

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issue. The SDLP in particular see it as a key means of ensuring that progress is made in a balanced way on political issues and on decommissioning in a pattern of reciprocal confidence building as envisaged in the International Body's report;

- some development in the role of the Commission. It does seem to us that there are some important new elements in the Alliance Party's proposals, and these seem to have struck a chord with the UUP. Lord Alderdice spoke of "decoupling" the "decommissioning" and "political" tracks but providing for each to be taken forward purposively and in parallel, with a loose liaison structure in place. This would avoid the trap of appearing to trade arms for political concessions or vice versa, but would be true to the spirit of the Mitchell report in that progress in both tracks would be intended to build confidence on both sides on a reciprocal basis. If the Commission were given a high degree of authority and autonomy it might at least tackle the Unionist concern that the "Committee" approach would leave the Irish Government and SDLP with a veto over progress; but (as noted above) there seems little support for this.

9. However, we and the Alliance Party have drawn some encouragement from the UUP's initial informal reactions to the Alliance Party's ideas. While anxious to maintain a decisive role for the talks participants they seem ready to explore the possibility of establishing an embryo Commission and launching the three strands on the back of a general prior understanding that the intention was to secure the implementation of all aspects of the International Body's report, including its compromise approach to decommissioning which envisages some decommissioning taking place during the negotiation process. Much would turn on the terms of that prior understanding and on the terms of reference of the Commission, but the UUP indicated to us that if satisfied on those counts they might be prepared

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to drop their requirement for a prior commitment to a firm schedule of decommissioning. They felt that if (on the assumption that reasonable progress was being made in the three strands) the Commission were to opine that decommissioning should commence it would add to the political and moral pressure on the IRA and give them greater political cover.

10. All this seems to us to point to the possibility that a relatively small adjustment to our original "suggested conclusions" could offer a way forward. A revised draft is attached as a basis for discussion. In essence it proposes that we should:
- secure delegations' commitment in principle to implement all aspects of the Report of the International Body;
 - proceed to establish an embryo Commission charged with developing detailed recommendations regarding the practical implementation of all aspects of the report of the International Body, including its compromise approach to decommissioning. Its views on when it would be appropriate for decommissioning to commence would have significant moral authority;
 - establish a Committee with an ongoing liaison role;
 - launch the three strands.

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