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FROM: J A STEPHENS
IPL DIVISION
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cc: PS/Michael Ancram (L&B)

PS/Sir John Wheeler (L&B)

PS/PUS (L&B)

PS/Sir David Fell

Mr Steele

Mr Thomas

Mr Bell

Mr Ray

Mr Watkins

Mr Beeton

Mr Hill

Mr Lavery

Mr MacTabe

Mr Perry

Miss Bharucha

Ms Mapstone

Mr Budd, Cabinet Office

HMA Dublin

Mr Lamont, RID

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BREAKING OUT OF THE IMPASSE

I attach a paper setting out a menu of possible options for breaking out of the impasse in the negotiations. I am grateful for helpful comments from a number of colleagues.

2. Ministers may want to discuss these options at the strategy meeting arranged for Monday afternoon, with a view to considering whether any should be reflected in advice to Thursday's NI Committee meeting.

3. The options are not necessarily mutually exclusive - it would, for example, be possible to combine "parking" decommissioning, with changing, or defining more clearly, the conditions of entry for Sinn Féin. But the menu of options is intended to give Ministers an idea of the range of possibilities which could be considered.

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4. Realistically, we judge the choice is likely to come down to options (b), (c) or (d), or some combination of them. My parallel submission on the latest Hume/Adams text points out a close relationship between the two issues.

5. Whatever way forward Ministers prefer, we shall require the continued support of the Irish Government and at least the UUP and SDLP. That may suggest that, rather than fixing on a single option, we should float a number of possibilities with these key participants to see if a consensus can be established.

SIGNED

JONATHAN STEPHENS
International and Planning Division
OAB Ext 6587

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BREAKING OUT OF THE IMPASSE

We now face an impasse in the negotiations. Our efforts to construct a consensus on how to tackle decommissioning have foundered. Unless a way can be found of making progress, the talks will run into the sand.

2. The resulting vacuum will encourage violence on both sides making a resumption of loyalist violence almost inevitable; undermine moderate constitutional politicians (particularly the SDLP); produce pressure for some dramatic initiative, whether from HMG, the two Governments (as the Taoiseach wants), or an outside player (such as the US).
3. This paper looks at the available options to avoid this outcome or, in the worse case, manage it with the least long term damage.

Nature of the impasse

4. Some of the conflicting pressures which have brought about this impasse include:

- conditions of entry for Sinn Féin. Unionists are fearful of Sinn Féin's entry to negotiations. They are determined to avoid a situation in which they are expected to negotiate with Sinn Féin on political matters without any guarantee that arms will be decommissioned, whether in advance, alongside, or even at any stage during the negotiations. Nationalists remain hopeful of Sinn Féin's entry to negotiations. Consequently, while ready to proceed without Sinn Féin, they will not take responsibility for conditions which would inevitably exclude Sinn Féin;
- approach to decommissioning. Because of their well-founded doubts about the IRA's intentions, Unionists want a start to decommissioning, or at least a firm

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(v) timetable, to provide the confidence for them to engage in political negotiations which Sinn Féin may yet join. But nationalists think the only realistic prospect of securing decommissioning is if confidence is first created by progress in a political process to which Sinn Féin have ready access, so they regard the unionist approach as bound to fail;

5. Again, we have examined five main groups of options:

- electoral pressures. The UUP look over their shoulders to the DUP and UKUP. The SDLP fears Sinn Féin is close to overtaking it electorally, while the Irish Government (whatever Bruton's personal instincts) must keep its coalition together and is conscious of Fianna Fail's readiness to criticise its approach to Northern Ireland if it can.

5. This leads to some conclusions:

- (i) very broadly, the impasse is between unionists and nationalists. It is not between HMG and one party or another;
- (ii) so HMG cannot break the impasse by shifting its position: we have to find a way forward on which both nationalists and unionists can agree;
- (iii) while the talks remain stuck on decommissioning, both unionists and nationalists can comfortably defend their positions to their own communities: a breakdown is therefore likely;
- (iv) but HMG cannot be comfortable with a breakdown over decommissioning. We are currently lined up with the Irish Government, with the UUP and other unionists on the other side of the divide. Moreover, the more unlikely an IRA ceasefire, the more academic is decommissioning as an issue;

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- (v) the better issue for HMG is our determination for the talks to proceed without Sinn Féin if necessary.

Possible options

6. Against that background, we have examined five main groups of options:

- (a) bridge the gap over decommissioning;
- (b) 'park' decommissioning as an unresolved issue, only to be returned to if there is an IRA ceasefire;
- (c) change the conditions of entry for Sinn Féin;
- (d) a 'closing offer' to Sinn Féin: join the negotiations soon or we shall assume you remain outside for at least this round;
- (e) plan for a soft landing in the negotiations.

7. Of these, we must bear in mind the need for (e) in all circumstances. All of them are examined in more detail below.

(a) Bridge the gap over decommissioning.

8. We could continue to work to bring the Irish Government and SDLP closer together with the UUP. Both most probably have some room for manoeuvre left in their existing positions but, because of the political pressures on them, not much.

9. This is what Mr Trimble is inviting us to do, by claiming that the UUP remains open to negotiation. He has suggested three sorts of concessions which might help:

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- (i) unrelated measures outside the negotiations, such as the Grand Committee or changes to education reform;
- (ii) minor changes to the two Governments' approach, such as extending the decommissioning Bill UK wide or producing a final decommissioning scheme at the same time as the Bill;
- (iii) greater clarity (or toughness) on the conditions of entry for Sinn Féin.

10. The Irish Government have also signalled some flexibility, noting that the proposed Committee is not an end in itself.

11. But neither side, having staked their positions out in public, is about to abandon them wholesale. The UUP (before Lisburn) have declared they would not sit down with Sinn Féin before decommissioning had started. They would be crucified if they now abandoned that position after Lisburn.

12. But the Irish Government will not sign up to a precondition which they are convinced is undeliverable and is not supported by nationalists. And having, in their view, given a series of concessions to Mr Trimble in expectation of a positive response they will be extremely wary of treading further down that road.

13. Our judgement is that any prospect of straightforwardly bridging the gap on decommissioning is now remote. Whether the effort were made by the two Governments, by the SDLP and UUP in bilaterals, or by some intervention by the independent chairmen (as suggested by Mr Campbell Bannerman), the gap is too wide and too public to be bridged.

(b) Park decommissioning

14. We face a paradox. Everyone in the current talks wants to move on to the three strands. Everyone knows there is no prospect of

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decommissioning without an IRA ceasefire, which seems remote. Yet the negotiations are set to founder on decommissioning when it is - for now - an entirely academic subject.

14. But there are disadvantages too:

15. We could acknowledge this by 'parking' decommissioning:

- an IRA ceasefire takes everyone back to the impasse
- decommissioning would be left unresolved; (made in the meantime, it may be easier to resolve);
- the current participants would move straight into the three strands; (which this would allow Sinn Féin to veto progress without them);
- if Sinn Féin were admitted in the future, then at that point all the participants would return to agree how decommissioning would be tackled before continuing in the three strands.

16. Irish officials have said decommissioning would have to be

16. Such an approach could be implemented: (is, with the two

Governments' proposed approach remaining the preferred solution.

(i) either by sufficient consensus among the participants;

17. Both the UUP and the Irish Government have said some

attr. (ii) or by the two Governments declaring they would
viable approach convene the three strands on a set date on this basis
(with the extra risks that carries);

(c) Change the conditions of entry

(iii) in tandem with both Governments putting the necessary
legislation and other practical measures in place.

21. The shadow entry is what This would provide unionists in particular with
not sit down reassurance. (without some tangible decommissioning or

a firm timetable for some. Even if - as may now be likely - Sinn

17. The advantages are: (on these negotiations, the UUP will

still fear the possibility of their entry, however remote. But,

how - neither side gets what they want. Unionists do not get
join in a the 'decommissioning cage'. But nationalists get no
want. guarantee that the negotiations will not immediately
logjam again if Sinn Féin ever join them;

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- decommissioning is removed as a barrier to progress in a non-inclusive process.

18. But there are disadvantages too:

- an IRA ceasefire takes everyone back to the impasse (although, if political progress has been made in the meantime, it may be easier to resolve);
- unionists may think this would allow Sinn Féin to veto progress without them; and
- nationalists may see it as leaving the key to Sinn Féin's entry in Mr Trimble's pocket.

19. Irish officials have said decommissioning would have to be parked on an explicitly neutral basis - that is, with the two Governments' proposed approach remaining the preferred solution.

20. Both the UUP and the Irish Government have seen some attractions in 'parking' decommissioning in some way: it looks a viable approach, but not the only one.

(c) Change the conditions of entry

21. The shadow of Sinn Féin hangs over the negotiations. Their entry is what the UUP fear, calculating that politically they could not sit down with Sinn Féin without some tangible decommissioning or a firm timetable for some. Even if - as may now be likely - Sinn Féin have turned their back on these negotiations, the UUP will still fear the possibility of their entry, however remote. But, however remote an IRA ceasefire now looks, nationalists will not join in slamming the door for good on Sinn Féin, as unionists might want.

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