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FROM: S J LEACH  
ASSOCIATE POLITICAL DIRECTOR (L)  
15 May 1996

DESK IMMEDIATE

PS/Secretary of State (L&B) - B      cc PS/Sir John Wheeler (L&B) - B  
PS/Michael Ancram (L&B) - B  
PS/PUS (L&B) - B  
PS/Sir David Fell - B  
Mr Legge - B  
Mr Thomas - B  
Mr Bell - B  
Mr Brooke - B  
Mr Steele - B  
Mr Watkins - B  
Mr Beeton - B  
Mr Hill - B  
Mr Lavery - B  
Mr Maccabe - B  
Mr Perry - B  
Mr Stephens - B  
Ms Checksfield - B  
Ms Harrison - B  
Mrs Mapstone - B  
Mr Whysall - B  
Mr Campbell Bannerman - B  
Mr Lamont, RID - B  
HMA, Dublin - B

*Mr McKelly*

MEETING OF NI: 16 MAY 1996

I attach briefing for this meeting, in the form of detailed speaking notes to introduce to colleagues the two papers which have now been circulated. (I understand that Michael Ancram may also separately be offering the Secretary of State some points to make on the Chairmanships issue.)

2. The Secretary of State will also have seen the paper on Chairmanships and the Opening Scenario which the Irish sent this afternoon (with the rather impertinent suggestion that it is relevant to the NI meeting). On a quick initial read, the paper has promising features and shows some convergence with our proposals. However, there are also clearly unacceptable elements - notably the equivocation on physical decommissioning. (Also, Holkeri is really not a runner as support to Mitchell.) I would propose that (in the light of decisions at NI) the Irish paper be discussed at Liaison Group on Friday, with further advice submitted to Ministers thereafter.

(Signed SJL)

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NI MEETING: 16 MAY 1996

DECOMMISSIONING: THE WAY AHEAD (NI(96)4)

TALKS 1996: CHAIRMANSHIPS (NI(96)5)

Introduction

- We are now firmly on track for elections on 30 May leading directly to the opening of negotiations on 10 June.
- We need to clarify two key issues before 10 June:
  - our policy on how decommissioning will be dealt with in negotiations and, specifically, the opening plenary session; and
  - the identity of the independent figures who will chair the opening plenary session, the Strand 2 negotiations, the Business Committee and (if agreed) the format for progressing decommissioning proposed in the first paper (NI(96)4).

Decommissioning

- Looking first at decommissioning, colleagues will recall that we and the Irish are committed to the following principles:
  - for Sinn Fein to participate in the negotiations, the IRA must unequivocally restore the ceasefire of August 1994;
  - at the start of negotiations, all participants would need to make clear their total and absolute commitment to the six Mitchell principles of democracy and non-violence;
  - all parties would also need to address, at that stage, Mitchell's proposals on decommissioning.

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- Sinn Fein will either meet or fail to meet the first two of these requirements. But the decommissioning issue is more complex - and has the potential to derail the process. We must therefore agree our policy on how the address to decommissioning should be implemented, and then work to maximise support for it among the other key participants.
- The political realities we have to take into account are set out in the paper. Chiefly, they are that
  - the UUP will not embark on substantive negotiations, or a fortiori reach any significant agreement within them, unless they are clear that the decommissioning issue is being tackled seriously and that (as a minimum) there is the prospect of actual decommissioning during the process;
  - beyond this, David Trimble has urged the case for a firm timetable involving a start to physical decommissioning in a matter of weeks after the start of talks. This may well be a negotiating position, to counter what he sees as the Irish inclination to push the issue into the future;
  - the Government will not stand for any brushing away of the decommissioning issue. Physical decommissioning must start during negotiations, and earlier rather than later. But equally, it is clear that the IRA and Loyalist paramilitaries will not commit themselves irrevocably to a date for parallel decommissioning at the very start of negotiations, without any progress on the wider agenda. To seek a timetable, as Trimble does, as a condition of moving out of the plenary into the substantive three strands of negotiations would be a recipe for failure;

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- there are strong reciprocal suspicions. Unionists doubt the IRA's willingness to move; while nationalists fear that Unionists are tempted to exploit decommissioning to block inclusive negotiations.

- Against that background, and based on the International Body's proposals, the paper proposes an approach reflecting the key principles that actual physical decommissioning

- cannot be left to the end of negotiations;
- but equally, cannot be achieved in isolation from progress on political issues.

Progress must therefore be sought in parallel with the ongoing negotiations in the three strands.

- This approach envisages that we define the "address" to decommissioning as including
  - a serious discussion of the issues at the opening session, based on the proposal for parallel decommissioning and showing an indication of good intent to start decommissioning during the negotiations;

[IF PRESSED: The best indication would be a firm date to start decommissioning, but this is almost certainly unachievable at the opening session before there has been any progress on the rest of the agenda. But other indications are conceivable, as paragraph 24 of the paper indicates - eg a commitment to agree detailed modalities, including verification and phasing, directed towards physical decommissioning during talks.]



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- the initiation of a process as a result of that discussion designed to lead clearly towards agreement on physical decommissioning during talks. The tangible outcome from the discussion will be agreement not on decommissioning itself, but on a dedicated format for a continuing purposive address to the issue.
- As the paper sets out, this proposed format would not be a "fourth Strand" - as Spring unhelpfully proposed - but (probably) a sub-committee of the plenary, explicitly not subject to the "nothing is agreed until everything is agreed" formula applying to discussion in the strands. The detailed format would make clear that this is not a mechanism to park decommissioning until the end of negotiations, but is designed to achieve real progress on decommissioning - and on the other confidence issues (punishment beatings, targeting, etc) - and to give the parties a clear view of the progress being made. It is a way of holding Sinn Fein's feet to the fire without giving them the excuse to break from the negotiations and blame HMG.
- David Trimble has been made fully aware of our intentions. Believe he will come to accept that this is not an Anglo-Irish plot, but rather a rational, dynamic and productive way of taking matters forward, meeting his own request for clarity on the procedures to be followed at the Plenary.
- The Irish are working to get the ceasefire restored and to coopt Sinn Fein at the opening plenary to give their total and absolute commitment to the Mitchell principles and give proof of their good intent to enter a process directed to decommissioning during talks. There are some hopeful signs. Sinn Fein are in no doubt that if they fail these tests, they cannot continue in substantive negotiations.

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- The paper also mentions the likely requirement for legislation to provide for a decommissioning scheme. We need to act in concert with the Irish here, since the Unionists see the bringing forward of the necessary legislation as a test of the two Governments' commitment. But equally, to optimise any decommissioning scheme, the statute should ideally take account of progress in the dedicated format. This may point towards an announcement around the time of the opening plenary, with the actual legislative process somewhat later, once progress has been made. I am very aware that the Parliamentary handling of such legislation will require very careful consideration, and will be discussing the issues in detail with the business managers.

On these criteria Mitchell is very clearly the leading candidate for Chairmanship. His Chairmanship of the International Body makes him uniquely placed to put maximum pressure on Sinn Féin.

## Chairmanships

- Turning to NI(96)5, the position is that I will chair Strand 1, both Governments will negotiate Strand 3, and we are therefore looking how to handle:
  - the opening plenary session;
  - Strand 2 (relationships within the island of Ireland);
  - the Business Committee (which would not deal with the substance of negotiations, but would address unresolved procedural issues. It could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands); and
  - the dedicated format for decommissioning, and also any verification commission which would follow on from that.



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- The paper sets out the considerations. We are looking for one or more native English-speakers who have
  - significant stature and experience;
  - independence and impartiality;
  - recent knowledge and understanding of Northern Ireland issues
    - particularly (for the Plenary and sub-committee) decommissioning; and
  - availability for the substantial time-commitment involved.
- On these criteria **Mitchell** is very clearly the leading candidate for the **plenary**. His Chairmanship of the International Body makes him uniquely placed to put maximum pressure on Sinn Fein and the loyalists over decommissioning. And his appointment would gratify the Americans (conversely, if he were **not** involved the Washington Embassy considers there would be a distinct downside for US/UK relations). The **Irish** want him for the plenary and **Trimble** has privately indicated that he sees the strength of Mitchell's candidacy.
- Presentationally, it would be best for the two Governments formally to open the plenary and then **delegate** to Mitchell. He would need support: **de Chastelain** would be a very credible candidate for this role **and** to take on the decommissioning sub-committee under Mitchell's supervision.
- Believe **Mitchell** is also the strongest candidate for **Strand 2**. **Trimble** has expressed reservations, but has written to Clinton seeking reassurance on Mitchell's independence. There will be a positive US reply - and I therefore believe good prospects exist to bring the UUP to acquiesce in Mitchell also for Strand 2.

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. No evident alternative to Mitchell in terms of stature, current knowledge and availability. De Chastelain lacks the necessary political experience - but again would make a competent deputy, and chairman of the Business Committee if the other participants agreed. [NB. Groundrules says that the Business Committee will be chaired by the Strand 2 Chairman "or otherwise by any person agreed by the participants".]

Conclusion

. I should accordingly be grateful for colleagues' agreement to the strategy outlined in these papers.

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