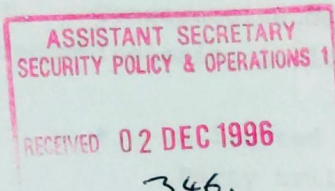


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51/010

FROM: D J R HILL
CPL DIVISION
29 NOVEMBER 1996



an (17)

cc: PS/Sir John Wheeler (L&B) - B
PS/PUS (L&B) - B
PS/Sir David Fell - B
Mr Thomas (L&B) - B
Mr Steele - B
Mr Watkins - B
Mr Leach - B
Mr Bell - B
Mr Stephens - B
Mr Wood (L&B) - B
Mr Lavery - B
Mr Perry - B
Mr Maccabe - B
Mr Beeton - B
Mr Priestly - B
Mr Cornick - B
Mr Whysall (L&B) - B
Ms Mapstone - B
Ms Bharucha - B
Mr Lamont, RID - B
HMA Dublin - B
Mr Clarke, Dublin - B
Mr Westmacott, W'ton via RID - B
Mr Oakden, No 10
Ms Collins, Cab Off (via IPL) - B

PS/Secretary of State (L&B) - B
PS/Michael Ancram (L&B) - B

TALKS: GAMEPLAN FOR WEEK BEGINNING 2 DECEMBER

Objectives

These might be to:

- assess reactions to yesterday's publication of the 23 November Hume/Adams text;
- explore the prospects for resolving the decommissioning debate before any Christmas break.

The Decommissioning Debate

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2. It will be Monday before we can really begin to assess the impact of yesterday's statement. So far as the talks are concerned the immediate question is whether yesterday's statement has cleared the air sufficiently to enable the parties to engage on the handling of decommissioning.

3. Constructive developments this week on the handling of decommissioning included:

- a limited amount of progress in the UUP/SDLP/Alliance Party trilateral, with some prospect that they will be able to take the discussion on "mechanisms and procedures" a little further, within carefully defined and relatively narrow limits;
- the indications given by all participants to Senator Mitchell that they would welcome him taking a role in promoting agreement. It was notable that Peter Robinson adverted to this possibility during the plenary discussion on Monday;
- the signal from Senator Mitchell to the two Governments on Monday that he has been giving thought to the possibilities. He mentioned that General de Chastelain had developed some proposals (which Prime Minister Holkeri had mentioned the previous week but which now clearly have the Senator's endorsement) although he said it would be premature to play them in at that stage. He also referred to the July precedent of using the forthcoming (Christmas) break to help create the sense of a deadline for decision;
- the UUP reassurance to the Loyalist parties about their position on "mutual" decommissioning (Mr Taylor's letter in the Newsletter of 28 November), which should counter the sense of near despair in the PUP in particular.

Analysis

4. The publication of the Hume/Adams text of 23 November may well fail to clear the air but it may bring home to the UUP that the Government is not going to shut the door on Sinn Fein and that the decommissioning debate therefore has to be resolved, to the satisfaction of the talks participants, on its own terms. Now that the text has been published we can reasonably press the UUP to engage on the decommissioning issue; and that will provide further evidence for them that HMG is not obsessed with bringing Sinn Fein in to the Talks.

5. We should use all the means at our disposal to secure agreement on decommissioning before Christmas. It will at least be easier to discuss it before there is any question of Sinn Fein joining the process (and they may be more attracted to a talks process in which decommissioning is not the main item on the agenda); and if the talks cannot surmount the hurdle of decommissioning before Christmas, leaving the way open for substantive three stranded negotiations to start in the New Year, it is difficult to see how the process could carry much credibility. If an agreement on decommissioning eludes us before Christmas it is likely to be even harder to achieve in the New Year.

Handling

6. The immediate issue (see separate submission - not to all) will be to respond to the Independent Chairmen's request for views on the procedural points raised by Mr McCartney and Mr Robinson in Monday's debate. The Chairman will then need to make a ruling, ideally one which does not leave scope for Mr McCartney to press his motion to a vote now or give a commitment that it will be voted on at a particular time.

7. Meanwhile the Chairmen may also want advice on how best to continue the debate. We might suggest a break for further bilaterals/trilaterals perhaps until Wednesday, partly so as to give the UUP/SDLP/Alliance Party process time to mature but also to give

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ourselves time to review the overall situation and hold bilaterals of our own, in particular with the Irish Government and UUP.

8. Equally we could support any proposal which the Chairmen might have for

- focussing, timetabling and/or reporting back on bilaterals and trilaterals, to help instil a greater sense of urgency and planned progression;
- developing an understanding that the remaining days before any Christmas break (a maximum of 9) should be used to full effect with a view to securing a resolution on this issue within that timescale.

9. We might also float with the Chairmen the possibility of

- establishing a working party under Rule 30 (b) in an effort to identify and narrow areas of disagreement in a smaller and perhaps more flexible format.

10. Our own contribution to the promotion of an agreement on this issue might include:

- securing UUP reactions to the paper setting out our possible alternative exit strategy which we gave them on 25 November (copy at Annex A). We know they have reservations about the implications of the fourth tiret of the Commission's proposed terms of reference, which could probably be met (eg by allocating that function to the proposed Committee). Ken Maginnis also told me the other day that they did not want the establishment of the Independent Commission left until the end of the plenary: although earlier establishment would of course be undeliverable;
- standing ready to offer "technical" advice and briefing on

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the Decommissioning Bill and on any practical or legislative implications of the UUP/SDLP/Alliance Party discussions;

- briefing the Chairmen, in confidence, on our current proposals for the handling of decommissioning, and the reactions of the Irish Government and UUP, so that they can build that knowledge into their own thinking.

Briefing meeting

11. I will be available to see Michael Ancram at 8.30 am on Monday morning at Stormont Castle to clear the Government's response to the Chairmen's questions. I understand that Ministers will thereafter be available for a briefing meeting at Castle Buildings shortly after 10.30 am.

(signed)

D J R HILL
CPL DIVISION
OAB 210 6591

ANNEX

A

ADDRESS TO DECOMMISSIONING - POINTS FOR DISCUSSION

The participants in the multi-party negotiations, meeting in plenary session:

- note the commitment of the two Governments to all aspects of the report of the International Body including their support for the compromise approach to decommissioning set out in paragraphs 34 and 35, which state:

"The parties should consider an approach under which some decommissioning would take place during the process

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of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence";

- note the commitment of the two Governments to work with all other participants to implement all aspects of the Report;
- note that as an important step towards implementation, each Government [will publish at the conclusion of the opening Plenary session/have published] draft enabling legislation which will provide the basis for giving effect to the International Body's recommendations on the modalities of decommissioning. They [intend to introduce/have introduced] legislation in their respective Parliaments in the forthcoming session with a view to securing enactment [by Christmas 1996];
- note that, to secure the remaining steps necessary for implementation of all aspects of the International Body's report, the two Governments will establish at the conclusion of the Opening Plenary an Independent Commission [chaired by] with the attached terms of reference. This Independent Commission will, among other matters, offer a judgement (on the basis of implementing the International Body's compromise approach to decommissioning and taking

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account of the conditions necessary for mutual decommissioning) on when decommissioning should start;

- agree to work constructively and in good faith with the Independent Commission to enable it to develop detailed recommendations regarding the practical implementation of all aspects of the report of the International Body and subsequently to put agreed recommendations into operation, in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on all the issues of concern to all participants. A reality for all present and future participants is that progress in the negotiations will only be possible on this basis;
- agree to establish a Liaison Committee charged with co-operating fully with the Independent Commission for this purpose. The Committee will comprise representatives of all the participants and be chaired by the Independent Chairman of the Plenary. The Liaison Committee will be available for consultation by the Independent Commission, including in respect of modalities and on the conditions necessary for decommissioning, that is the circumstances in which mutual decommissioning would be expected to occur. It may also assist the Commission as appropriate and shall regularly be informed by the Commission of progress in its task. But the Independent Commission shall be independent of the Committee and solely responsible for its own decisions and judgments. The Liaison Committee will be able to draw on the range of relevant expertise which both Governments will make available to the Commission;
- agree that a plenary session should be convened in [.....] to take stock of progress in the negotiations as a whole and in the work of the Independent Commission. At that meeting, all participants would review the position, and the progress which has been made across the entire spectrum of issues relevant to the negotiations. It would also be possible,

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under the provisions of paragraph 12 of the rules of procedure, for the plenary to be convened specifically to enable the Independent Chairman to brief participants, on the basis of reports made to the Liaison Committee, on the progress made by the Independent Commission;

- agree that, on this basis, the address to decommissioning by the opening Plenary is concluded; and
- agree to complete the remaining business of the opening plenary session in time for the appropriate Chairmen to convene meetings of the negotiations within the three strands opening on [.....].

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TERMS OF REFERENCE

The task of the Independent Commission shall be to work to secure implementation of all aspects of the International Body's report. In particular:

- to prepare for consideration detailed draft schemes for decommissioning in co-operation with the two Governments, consistent with the draft legislation both Governments have put forward;
- to determine the precise role of the Commission as regards implementation and verification in respect of each draft scheme;
- to make recommendations, following consultation on these draft schemes and having regard to the need for both Governments to be satisfied that the arrangements are workable, regarding the detailed arrangements for decommissioning and verification in accordance with the recommendations of the International Body;
- to consider, and make recommendations as appropriate, on other aspects of the International Body's report which may be relevant;
- to offer a judgement, on the basis of implementing the International Body's compromise approach to decommissioning and taking account of the conditions necessary for mutual decommissioning, on when decommissioning should start;
- to implement the detailed arrangements for decommissioning and verification in co-operation with the two Governments;
- to draw to the attention of the Independent Chairmen, for circulation to all participants and appropriate action by the two Governments, any participant who demonstrably fails to co-operate constructively and in good faith with the Commission;

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- to report progress in these tasks to participants in the negotiations on a regular basis and, in the first instance, no later than 3 months after the Commission is established.

The Independent Commission shall consult with participants in the negotiations through the Liaison Committee established for this purpose, but may also consult participants individually or otherwise and may consult any other persons who may be of assistance. The two Governments will make a range of relevant expertise available to the Commission.