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File
John
17/12

This is largely
unrelated
20 November 1996
21.11

Dear John

I attach briefing for tomorrow's meeting, which it has not been possible to clear with my Secretary of State. It is, therefore, subject to his approval overnight, and I should stress that it may also need to be amended in the light of this evening's IGC.

The briefing floats our process of entry for Sinn Fein, and urges Trimble to consider positively our ideas on decommissioning, emphasising the importance of move into substance in the talks by reaching agreement on the handling of decommissioning. It has been cleared by Michael Ancram, due to the Secretary of State's unavailability while in transit to Northern Ireland.

My Secretary of State and Michael Ancram will be available to support the Prime Minister.

Yours ever
David Kyle
DAVID KYLE

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MEETING WITH MR TRIMBLE, 21 NOVEMBER

Objectives

These might be to

- reassure Mr Trimble about HMG's response to the contacts between Mr Hume and the Irish Government and Sinn Fein, explain the rationale for our approach and begin to lift the veil on our process of entry;
- emphasise the importance of moving the talks process rapidly on to substantive issues by reaching an agreed position on the handling of decommissioning. Urge him to consider positively the ideas put by Sir Patrick Mayhew and Michael Ancram.

Background

2. The key obstacle to progress in the talks is the lack of any agreement on how decommissioning should be handled. (The background is set out in the Private Secretary's letter of 14 November to No 10.) The Unionist parties all want to impose requirements, of varying stringency, for at least some prior decommissioning by the IRA before Sinn Fein could join the substantive negotiations. That is inconsistent with the conclusion of the International Body's report (which HMG has accepted) and unacceptable to the Irish Government and SDLP.

3. Mr Trimble sees the issue as closely bound up with the question of the terms on which Sinn Fein might be invited to participate in the negotiations after any restoration of the IRA ceasefire.

Obviously, if the conditions of entry are so steep that Sinn Fein can never qualify for an invitation, the handling of decommissioning in the talks would be much less highly charged. For so long as there is a prospect of Sinn Fein joining the negotiations the

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Unionists will want to hold out for some prior decommissioning as evidence that there really has been a fundamental psychological shift in Republican thinking. This position is likely to be self-defeating in that it will deter the Republican Movement from declaring a ceasefire and engaging in negotiations during which decommissioning could be expected to occur; but in any event the Irish Government and SDLP will not agree to talks proceeding on that basis.

4. Sir Patrick Mayhew has made clear to Mr Trimble that requirements on these lines will be undeliverable. Mr Trimble remains keen that the Government should nevertheless proceed to set out clear "terms of entry" for Sinn Fein, identifying

- the need for a period of assessment after any ceasefire;
- the negative factors (paramilitary surveillance, targeting, engineering work etc) it would take into account, and;
- (as Mr Trimble has discussed with the Prime Minister) the "positive" elements it would be looking for, such as commitments to permanence, acceptance of the principle of consent, acceptance of the concept of parallel decommissioning.

5. On the mechanisms for handling decommissioning in the talks, the UUP remain in desultory contact with the SDLP and Alliance Party but have made very little progress. Meanwhile, NIO Ministers have put to the UUP a set of proposals for handling the issue of decommissioning, on the lines canvassed with the Irish on 14 November [summary at Annex A]. This would give the UUP some political cover against the charge that progress on decommissioning would be subject to an Irish Government or SDLP veto in a Decommissioning Committee, by giving the proposed Independent Commission on decommissioning the duty to "offer a judgement", on the basis of implementing the International Body's compromise

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approach to decommissioning, on when decommissioning should start. The UUP has not rejected the model of having an inchoate Commission and a Liaison Committee operating in parallel but have yet to express a clear view on the proposal and on the crucial issue of whether such an approach would be sufficient to enable them to drop their undeliverable requirements.

Handling the meeting

6. My Secretary of State takes the view that it would be useful for the Prime Minister to float the positive steps we could consider taking to test the credibility of a ceasefire during the period between any declaration and entry by Sinn Fein into negotiations (if the Secretary of State is satisfied that the terms of the legislation have been met); and to hear the UUP's reaction to these proposals.

7. Against that background, the Prime Minister could ask Mr Trimble to reflect very carefully on the proposals on the handling of decommissioning which have been put to him by Sir Patrick Mayhew. NIO Ministers will then pick that exchange up, with a view to promoting a resolution of the issue as soon as possible.

Lines to take: Hume/Adams/entry conditions

- the Secretary of State must be satisfied that the terms of the legislation are met;
- there must be an unequivocal restoration of the ceasefire of August 1994;
- words, actions and circumstances would need to be consistent with any purported restoration of the ceasefire. It would be necessary to have regard to whether any paramilitary activity (including surveillance, targeting and weapons preparation) was continuing;

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- sufficient time would be needed to ensure that the requirements of paragraphs 8 and 9 of Command Paper 3232 were met before Sinn Fein could be invited to participate in the negotiations. Developments which were incompatible with an unequivocal restoration of the ceasefire or which would constitute a breach of the Mitchell principles would be taken into account;
- on entering the negotiations Sinn Fein would be required to affirm its total and absolute commitment to the Mitchell principles; ✓
- are not convinced that a ceasefire is likely at present; ✓
- in many ways, the indications are to the contrary - eg find of command wire in Londonderry; ✓
- however, if a ceasefire were to be declared, would be advantageous for us to have considered how we would respond; ✓
- as a contingency, therefore, we have been giving some preliminary thought as to how to manage the time between a ceasefire declaration and Sinn Fein's entry to the negotiations; ✓
- at an early stage in our thinking on this, but the intention would be to set out a process which would test Sinn Fein's intentions and demonstrate to our satisfaction the credibility of any ceasefire; ✓

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- there would, therefore, be a significant period of testing; ✓
- interested to hear your initial thoughts? ✓
- [if by tomorrow agreement has been reached on the Hume/Adams text, then the meeting would provide an excellent opportunity to take Trimble through this.] ✓

Lines to take: Decommissioning

- on the mechanisms for taking forward the issue of decommissioning during the talks, welcome your ongoing contacts with SDLP and Alliance Party; ✓
- encourage you to look seriously at the proposals floated by the Secretary of State and Michael Ancram and discuss further with them as a matter of urgency; ✓
- [the proposals avoid the difficulties you saw in the two Governments' original proposals and meet your main objectives. We believe we may be able to persuade the Irish Government and SDLP to go along with them. They offer a means of getting quickly into substantive negotiations with a mechanism in place to promote the implementation of the International Body's compromise approach to decommissioning. If reasonable progress is being made in the political negotiations but nothing happens in respect of decommissioning the Commission would blow the whistle.]

HANDLING DECOMMISSIONING DURING THE TALKS

Aide Memoire of Proposals Floated with UUP

- establishment by International Agreement of an Independent Commission to work to secure all aspects of the report of the International Body, including its compromise approach to decommissioning;
- establishment of a Liaison Committee to co-operate fully with the Independent Commission;
- Commission to be charged to
 - prepare draft Decommissioning schemes; ✓
 - determine the precise role of the Commission in respect of each draft scheme; ✓
 - make recommendations regarding the detailed arrangements for decommissioning; ✓
 - consider and make recommendations on other relevant aspects of the International Body's report; ✓
 - 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; ✓
 - implement the detailed arrangements for decommissioning and verification in co-operation with the two Governments, and ✓

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- draw to the attention of the Independent Chairmen, for circulation and for appropriate action by the two Governments, any participant who demonstrably fails to co-operate constructively and in good faith with the Commission ✓

- Liaison Committee to be available for consultation by the Independent Commission, including in respect of modalities and on the conditions necessary for decommissioning, ie the circumstances in which mutual decommissioning would be expected to occur; to assist the Commission as required; and receive regular briefings; ✓

- regular plenary reviews of progress in the negotiations as a whole; ✓

- opening plenary to complete remaining business on this basis in time to allow the three strands and the Liaison Committee to be established [by mid-December]. Independent Commission to be established on the same timescale. ✓