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ANNEX B

US PROPOSAL WITH COMMENTARY

PROPOSED SCENARIO

An IRA ceasefire and Sinn Fein entry into the Stormont Talks are possible if all sides keep demands upon one another to the essential minimum.

A precise choreography of statements and events should be agreed in advance, by all parties.

A scenario that could win the private and advance agreement of all parties would look like the following:

1. Agreed actions, prior to British Statement/IRA ceasefire

1.1 The US Government encourages principal actors - Trimble, Adams, Loyalists - to exercise restraint and caution.

1.2 No further attacks by the IRA.

1.3 The UK resumes contact with Sinn Fein at the official level.

Comment: Current policy is that any request for a meeting between Sinn Fein and officials would be considered in the light of all the circumstances including, crucially, events on the ground. After a request was received on 20 November, Sinn Fein were told (through the Irish Government) that the Secretary of State's decision as to whether or not to accede to it would be determined by Sinn Fein's initial reaction to the text sent to Hume on 23 November (and subsequently published). Under the US plan, a meeting would follow agreement (but unannounced) that there would be no further attacks by the IRA.

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- 1.4 Senator Mitchell calls for a holiday break in plenary sessions and begins bilateral and trilateral consultations. Announces that plenary talks will resume by late January.

Comment: Under Rule of Procedure 20, Senator Mitchell has "responsibility for convening, rescheduling and adjourning meetings, having due regard to the views of the Business Committee or, as appropriate, of the relevant participants." Whether this extends to the power to declare a long Christmas recess is unclear. In practice, if the two Governments and the Chairman were all agreed on the need for a long Christmas recess, the other participants could not prevent this although they could grumble and claim we were deliberately stalling progress.

- 1.5 The British and Irish Governments, if possible, pass decommissioning legislation.

Comment: HMG has introduced its legislation in Parliament with Second Reading before Christmas, but passage of the Bill will only be completed in the New Year. The Irish Government have yet to introduce their legislation to the Dail, so if, as part of this US scenario, the Irish Government were required to introduce their decommissioning legislation that would represent an advance which would have some attraction for Unionists.

2. The British Government, perhaps at a Summit with the Irish, states publicly that:

- 2.1 The British and Irish Governments state that when plenary talks resume by late January, Sinn Fein will be invited to attend, assuming there is an immediate, unequivocal ceasefire.

Comment: The crucial paragraph. To be consistent with HMG's requirements, it would have to be clear that paragraphs 8 and 9 of the Ground Rules (an unequivocal restoration of the IRA ceasefire and Sinn Fein establishing a commitment to exclusively peaceful methods and showing that they abided by the democratic process) had been met. If the Secretary of State considered that these had been met, on the basis of the criteria published by HMG, then the Secretary of State is required by law to issue an invitation.

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2.2 No outcome is ruled out in the talks.

Comment: Already part of the agreed Rules of Procedure.

2.3 Substantial progress would be expected within a reasonable timeframe.

Comment: In the text published last week, HMG said: "We will encourage the adoption by the participants of an agreed indicative timeframe for the conduct of the negotiations and, if it would be helpful, will bring forward proposals for this." There is no problem with HMG saying it looks for substantial progress - but it cannot, of course, guarantee it.

2.4 The talks will be reviewed by the British and Irish Governments at a summit in six months.

Comment: In the statement published last week the Prime Minister said: "I will be meeting the Taoiseach on 9 December progress will be reviewed again by the end of May 1997, a date set in the legislation."

2.5 The talks are inclusive, have a comprehensive agenda, and no party can veto a subject being raised.

Comment: All these reassurances were included in last week's published statement and could be repeated without difficulty.

2.6 The British and Irish Governments accept the Mitchell approach on parallel decommissioning.

Comment: This has been a position of both Governments since the report was published: a reassurance repeated in last week's published statement.

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2.7 The British Government repeats "No victory over the IRA."

Comment: Possibly a reference to the Secretary of State's Manchester speech, in which he said we were not seeking victory over the IRA but an agreed solution based on democratic consent.

3. The IRA responds (within 24-48 hours)

3.1 The IRA announces an unequivocal ceasefire, and commits to democratic and exclusively peaceful means of resolving political issues. Text of ceasefire announcement is known to both Governments in advance.

Comment: A commitment to democratic and exclusively peaceful means of resolving political issues by the IRA (as opposed to Sinn Fein) would be highly significant if the US could obtain it. It would come close to the "incontrovertible development" which HMG has always recognised could allow for Sinn Fein's almost immediate entry into negotiations. It is more likely that any such commitment would be made by Sinn Fein - this would still be valuable but not such incontrovertible evidence of the IRA's intentions.

3.2 On a private and confidential basis: The IRA agrees to end IRA-authorized targeting, weapons preparation and surveillance. The IRA and British reach an understanding on immediate communication and consultation in the event of splinter group or unauthorised activities.

Comment: An undertaking to end these activities would also be significant and consistent with HMG's published statement of last week which said that whether these activities continued would be relevant to the assessment of the ceasefire. A declared end would itself be a confidence-building gesture - one that goes beyond what HMG sought in its published statement last week. The second sentence reflects IRA concerns, however, that HMG could claim that it had intelligence evidence that such

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activities continued and this evidence would not be open to challenge. Some form of monitoring and consultation, or even independent assessment of these activities, could be considered to remove fears of bad faith.

4. Agreed actions, after British Statement/IRA ceasefire:

- 4.1 Resumption of meetings: as early as possible after the ceasefire announcement, Sinn Fein has a bilateral meeting (or meetings) with Mitchell, and the two Governments. This provides "equality of treatment" for Sinn Fein at once, but does not see the party in plenaries since the plenaries are on a break.

Comment: HMG's statement of last week envisaged meetings between Sinn Fein and the Government at various levels following on quickly from a ceasefire declaration. It also envisaged an early meeting with both Governments. No mention was made of a meeting with Mitchell: HMG's policy, stated in public recently, is that it is up to Senator Mitchell who he meets. The problem with an early meeting is that it could look as if Sinn Fein is being treated already as one of the participants (indeed, that is the explicit purpose in the US plan).

- 4.2 At this first meeting, Sinn Fein accepts publicly a) the six Mitchell principles on democracy and non-violence and b) the Mitchell approach on parallel decommissioning.

Comment: This requires more of Sinn Fein than HMG's public statement of last week. That only required Sinn Fein to make an early commitment to the Mitchell principles, not to the Mitchell approach on parallel decommissioning as well although the statement made it clear that some such commitment would be required once Sinn Fein entered the negotiations.

- 4.3 HMG reinstates Ministerial contact with Sinn Fein.

Comment: Already part of HMG's public statement.

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4.4 Adams is invited to White House.

4.5 Trimble, already due at the White House on December 2-4, has been received at appropriate level.

4.6 Entry into talks: when plenary talks resume by late January/mid February, Sinn Fein is also present, on an equal basis with other parties.

Comment: See paragraph 2.1. Providing Sinn Fein has met the requirements set in legislation so that the Secretary of State can issue an invitation, this is no more than existing policy.

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