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General Political Note

The Ulster Unionist Council Meeting

While Trimble managed to secure victory at the UUC meeting by a margin of 54.3% to 45.7%, he did so by moving his position substantially in the direction of the No camp. Trimble and his supporters made several attempts in the lead up to the meeting to find a common position with Donaldson but these efforts were unsuccessful. This was probably tactically unwise since it cut down on Trimble's room to manoeuvre.

The motion, proposed by David Trimble, stated that in view of the IRA's failure to re-engage with the de Chastelain Commission, the First Minister would not nominate any Sinn Féin Minister to attend the North-South Ministerial Council. The sanction would be lifted "when there is substantial re-engagement" with de Chastelain.

The motion also demanded that the de Chastelain Commission become "pro-active" in fulfilling its mandate, including making regular (at least one a month) reports, setting deadlines and proscribing timetables. It further warned that if either Government or any party placed obstacles in the way of the UUC motion, then "selected categories of the North-South Ministerial Council, the British-Irish Council etc. meetings will be progressively terminated".

The motion called on the Government to convene a formal review in the event of failure to achieve progress and for a moratorium on policing changes "until peace is assured".

In January next the UUP will review progress on the implementation of the motion. In the meantime, the Unionist Review Group will be reporting regularly to the Officers and the Executive.

Reaction to the UUC Statement

There was a predictably hostile reaction by the Nationalist parties in the North to the UUC motion. Martin McGuinness described it as a "blueprint for the destruction of the Agreement". For Republicans, the action against Sinn Féin Ministers brought back memories of former "exclusion policies". Séamus Mallon described the UUC motion as

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unacceptable. The Irish Government's public reaction to date has been muted while expressing concern about the implications of the motion and re-iterating our determination to see the Agreement implemented in full.

The Secretary of State welcomed Trimble's victory, stating that he understood the concerns which prompted the meeting adding that a victory for Jeffrey Donaldson would have "directly threatened the Agreement". He appealed to Nationalists not to "over react or jump to conclusions". It was time for calm, mature reflection and working together. He warned that viewing the events of Saturday as heralding the collapse could be self fulfilling.

Re-Engagement of the IRA with de Chastelain

In issuing a public ultimatum demanding that the IRA re-engage with the de Chastelain Commission, coupled with the attempt to exclude Sinn Féin Ministers for the North-South Ministerial Council, the Ulster Unionists have made it very difficult for the IRA.

There is considerable anger within the Republican Movement and the weekend gathering at Castlebellingham witnessed strong and trenchant criticism of the UUP action, as well as condemnation of the British Government over its perceived pro-Unionist policies. The Sinn Féin leadership is under strong internal pressure to adopt an aggressive approach to the UUC motion. This was forcibly expressed by many, including Pat McNamee MLA from South Armagh.

The Republican leadership is also conscious of the growth of the Real IRA and the adverse reaction among its own membership to the killing of dissident, Joe O'Connor. The Real IRA show of strength in Ballymurphy at the O'Connor funeral surprised many in Sinn Féin. We have also heard reports of Real IRA recruitment in North and West Belfast.

The attack on Castlewellan police station was clearly an escalation in the dissident campaign. If this heralds the start of a campaign against members of the security forces, it has the potential to further de-stabilise the situation. It is highly likely that in such circumstances Loyalist paramilitary organisations would retaliate. If Loyalists starting killing Catholics there would be irrestistable pressure on the mainstream Republican organisation to become involved.

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Against the this background, it would require a significant initiative by the British Government to enable Adams and McGuinness to successfully secure IRA re-engagement with de Chastelain. It would require substantial range of concessions in areas such as OTRs, demilitarisation, and possibly Policing . There is a serious question mark as to whether the British Government would be prepared to agree to such a package and it would most likely have a strongly adverse impact on Unionist opinion with obvious implications for the operation of the institutions.

Unionist Intentions

The political options open to David Trimble have narrowed considerably since the summer. The erosion of support for the Agreement in the Unionist electorate has continued, culminating in the DUP election victory in South Antrim. Trimble was given a reprieve by the UUC by shifting his position to a more hardline stance. However, it is worrying that even with his new policy of excluding Sinn Féin from the NSMC, Trimble only managed to secure the support of 54% of the delegates.

Even if IRA re-engagement with de Chastelain was secured, Trimble would face a further battle at the UUC meeting in January. He will also have to lead the party into local elections within 6 months (May 2000) and possibly Westminster elections at around the same time. It is extremely doubtful whether he would relish the prospect of facing the electorate as part of a partnership arrangement with Sinn Féin.

In the circumstances, Trimble may already be thinking in terms of a formal review of the implementation of the Agreement following suspension of the institutions. Suspension would preserve his position since he would need not need to be re-elected when suspension was lifted.

In a letter to the delegates on the day before the UUC meeting, Trimble spelt out his policy -

tomorrow I will outline a carefully considered response should republicanism continue to ignore its commitments on the issue of disarmament.

The response is intended to increase pressure progressively on

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republicans and nationalists. This might result in a crises for the Assembly and Executive. But if that arises we must do all we can to place responsibility on republicans. Only in this way can suspension be achieved. Suspension is preferable to collapse for it is the only way to make progress afterwards

It may well be the case that Trimble is involved in an exit strategy from the Executive with the aim of avoiding further disunity within his own party and the prospect of major electoral damage next year.

Policy Options

The clear preference of the Government should be to keep the Institutions functioning however difficult that may prove to be.

Persuading the IRA to re-engage with the de Chastelain Commission would require significant movement on the part of the British Government. While re-engagement would lift the immediate threat to the North-South Council, it is likely that there would be further difficulties further down the road meetings of the UUC scheduled for January and March (AGM).

However, if David Trimble wants to achieve suspension, it will be very difficult to thwart him. Under Hillsborough, there has to be a review before suspension but the institutions are based on cross-community partnership and cannot function for any length of time without support in both communities.

There is a danger that the British will be tempted to shore up Trimble in the short term with more concessions which would further undermine the Agreement. The Irish Government's policy remains to preserve the integrity of the Agreement and secure its full implementation.

Ray Bassett
Anglo-Irish Division
1 November 2000

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International Commission on Decommissioning

1. The proposal endorsed by the Ulster Unionist Council meeting last Saturday at point 2 said:

"The IICD [is] to become pro-active in fulfilling their mandate, making regular (at least monthly) reports, setting deadlines and prescribing timetables. These [are] to provide for progress on re-engagement; agreement on decommissioning procedures; commencement of actual decommissioning; and completion of decommissioning."

The proposal went on to say that if either Government or any other party put obstacles "in the way of the above" (which also included the proposal not to nominate SF ministers) then selected categories of NSMC, British-Irish Council meetings, would be "progressively terminated".

2. Secretary of State Mandelson has been quoted as saying that he wishes to confer with the Irish Government to consider the issue of the Commission becoming more proactive in the execution of its mandate.

3. Last Tuesday the Commission met separately with officials from the NIO and the Department of Justice, Equality and Law Reform.. At both meetings they handed over a "non-paper" (hereunder) which sets out their views on the UUC proposal as it might affect them. It is clear from the paper that the Commission would be unhappy taking on board the bulk of the UUC proposal, not least because they would be perceived as taking on board the views of only one party. The Commission explain why they have taken the approach they have in the past and outline the difficulties inherent in the UUC proposal. (The Commission are having a meeting today - Wednesday, 1 November - with David Trimble at which they will outline their thinking on the matter).

4. The Minister might wish to make the following points:

- Leaving aside its merits or otherwise, the UUC proposal would count for nothing if the IRA do not re-engage with the Commission. They will not do so until they can show progress on what they regard as outstanding commitments on the part of the British Government viz. Patten, demilitarisation and OTRs. Their re-engagement has been made more difficult because they will not be seen to respond to coercion from the Unionist side. The priority for both Governments must be to secure re-engagement by the IRA with the Commission.

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- In the non-paper which the Commission made available to officials from both Governments last Tuesday it is clear that the Commission - for what seem to us to be very good reasons - have grave reservations about taking the approach outlined in the UUC proposal, not least because they would be seen to be taking on the agenda of only one party. They outline practical considerations too, for example in relation to what they call "engineering" deadlines.

- It would be folly for the Governments to be seen to take any action which might be perceived as diluting the independence of the Commission. Were they to do so the chances of re-engaement by the IRA would virtually disappear.

- The Commission make it clear that the question of how often it reports is a matter for the Governments. We do not need to take a decision on that now because it is irrelevant unless we bring about re-engagement by the IRA. What we need to do is have our officials as a matter of urgency to get together to try and work out a way forward. Taking a definitive view on the question of how often the Commission should report would be premature in advance of this.

5. If the Secretary of State makes the point that the Unionists are threatening to take further action if the Governments block their proposal in relation to the Decommissioning body, the Minister could make the point that at the appropriate time both Governments could highlight the fact that the Commission is independent and - in consultation with the Commission - outline the difficulties which the Commission perceive with the proposals.

6. In relation to what might be said publicly on behalf of both Governments, the following line might be taken:

The Governments discussed the proposals made by the UUC in relation to the operation of the IICD. The Commission is, of course, independent and the Governments would rely heavily on its advice in relation to such matters. In any event, both Governments regard the immediate priority as finding the path towards constructive re-engagement between the IRA and the Commission. The Governments hope that this, in turn, will lead to constructive engagement with the Commission by all paramilitary organisations which are maintaining a cease-fire.

Department of Justice, Equality and Law Reform

1 November, 2000

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Role of the de Chastelain Commission

The Independent International Commission on Decommissioning (IICD), under General de Chastelain, was established by international agreement between the two Governments in 1997. This followed the recommendation of the International Body, chaired by Senator Mitchell, that the decommissioning process should "take place to the satisfaction of an independent commission". General de Chastelain was a member of the International Body.

The IICD's role is essentially "to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms". It is also required to report periodically to both Governments.

The two Governments passed legislation to provide for the Commission and its activities. Both Governments also published regulations for decommissioning schemes. These provided for

- destruction of weapons by paramilitary groups themselves

- transfer of arms to the Commission for destruction

Where the paramilitary groups are to destroy the arms themselves, destruction is defined as including making "permanently inaccessible or unusable".

While the Commission has not to date managed to oversee the destruction of arms from the main paramilitary organisations, the Loyalist Volunteer Force did surrender some weapons in 1998.

During several efforts to resolve the devolution/decommissioning impasse, discussions took place about a possible role for the Commission. The line the Commission has taken is that decommissioning will only take place as a voluntary exercise. However, in response to requests from the Governments and the parties, they have stated that they were prepared to play a role in setting a date for the commencement of actual decommissioning (Report of 10 December 1999 - in the context of the Mitchell Review).

A similar proposal was part of the Way Forward Joint Statement (July 1999) in which both Governments agreed that "the Commission will specify that actual decommissioning is to start within a specified time". However, the Ulster Unionists rejected the Way Forward proposals .

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The Hillsborough Declaration did not contain any such measure. Under Hillsborough, the IICD was asked to consider urgently, in consultation with paramilitary organisations, whether there were any further proposals for decommissioning schemes which

> *offer the Commission greater scope to proceed in more effective and satisfactory ways with the discharge of its basic mandate.*

In the wake of Hillsborough, the IRA indicated the context in which they would "completely and verifiably put IRA arms beyond use". They undertook resume contact with the IICD and to enter into further discussions with it. As a confidence building measure, they agreed to the inspection of a number of their arms dumps by agreed third parties. They also agreed that these could be re-inspected regularly.

Letter from the IICD

Following Saturday's UUC decision, the IICD has sent a briefing note to both Governments. In essence, it is "reluctant to change its policy on dealing with the paramilitary groups" and is seeking the Governments' views on how to respond to the UUC motion. It does not believe that it will receive a more positive response to its attempts to re-engage with the IRA and the UVF as a result of the UUC decision.

In their note the Commission:

- expresses fear that "a Commission-imposed deadline would prompt the IRA to refuse further dialogue with us", wondering whether to follow the demands of only one party "would not be seen to compromise its independence".

- states that, if asked, it is happy to report to the Governments in writing on a monthly basis, but that its mandate is to "facilitate the decommissioning of voluntarily provided paramilitary arms" and it has no "political authority" to set deadlines as to when decommissioning should start or end.

- notes that it was the Mitchell Review, not pressure from the Commission, that caused the IRA and UVF to appoint representatives last December, and states that it doesn't believe that "dictating when re-engagement should begin" would be successful.

- states that it has an obligation to inform the Governments when it believes

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that "a point has been reached beyond which the physical requirements of decommissioning will be impossible to complete". In earlier reports it stated that it was prepared to specify a minimal start date to achieve a May 2000 deadline. Given that, "to some" Hillsborough set the new goal of June 2001for decommissioning, it would be "the intention of the Commission to stipulate, once again and if necessary, the date by which we believe decommissioning would have to start to be complete by 31 May 2000". (By implication, this would be the start of March).

The Commission states that it has, to date, "had support from both the nationalist and unionist communities". However, should failure to follow the UUC motion result in a removal of UUC support for the Commission, its position should become "very difficult" and it will review its position. It believes that such a situation should cause the Governments to do so also. It does not comment, however, on the obvious impact complying with unionist demands would have on nationalist and republican confidence in the Commission.

Unionist Views on the Commission

From the outset, unionists have strongly supported the idea of an independent verification mechanism to oversee decommissioning. Ken Maginnis has claimed credit for the idea of a Commission which was included in the Mitchell Report of January 1996. Unionists pressed the Governments to enact the necessary legislation and to come forward with schemes to establish the Commission. They also supported the appointment of General de Chastelain as its Chair.

Unionists have regarded the Commission as being responsible for the technical, rather than political, aspects of decommissioning. They have been nervous of any perceived political interference in its work and have, in the past, approached the question of the Commission setting deadlines for the commencement of decommissioning cautiously, believing that it might be induced to support a late, rather than early, start.

In recent times, anti-Agreement unionists have been sceptical about the chances of the Commission being able to fulfill its mandate. This scepticism is evident in the UUC motion.

Helen Blake/Ray Bassett
Anglo-Irish Division
30 October 2000

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BRIEFING NOTES FOR SEPARATE MEETINGS WITH THE TWO GOVERNMENTS

GENERAL

1. On Saturday 28 October the Ulster Unionist Council passed a motion which in part called on the Commission: "to become proactive in fulfilling their mandate, making regular (at least monthly) reports setting deadlines and prescribing timetables. This to provide for progress on:

- Re-engagement
- Agreement on decommissioning procedures
- Commencement of actual decommissioning
- Completion of decommissioning"

2. The Secretary of State has announced that he wishes to confer with the Irish Government to consider the issue of the Commission becoming more proactive in the execution of its mandate.

3. We fear that a Commission-imposed deadline would prompt the IRA to refuse further dialogue with us. Accordingly, the Commission wishes to inform the Governments, before they meet, of its position on the issue of becoming more proactive and on the way it has attempted to execute its mandate up until now.

CONSIDERATIONS ON HOW THE COMMISSION SHOULD ACT

4. The UUC has stated what they wish the Commission to do to be more proactive in the execution of its mandate. Whether this position reflects the view of the Ulster Unionist Party as a whole, it is a position that must be considered seriously.

5. But the UUC proposal reflects the views of only one party. Other parties might equally demand how the Commission should act, and these demands might contradict the UUC's or each other's. To which should the Commission give priority? The Commission is by definition Independent. Would following the demands of one party against the demands of others not be seen to compromise that independence?

6. We should note that for the past three years we have declined suggestions that we engineer deadlines, either by demanding that the Executive be set up by a certain date or by specifying a date by which decommissioning must start.

7. One fact the Commission must face in responding to demands that we change our present course of action, is that that course of action has not been successful to date, if success is measured only in terms of actual decommissioning having started. The case could be made that in spite of the Commission's lack of success, its existence, and its work on implementing its mandate, have allowed the political aspects of the Agreement to go ahead and be seen to be workable. While that may be true, the Commission's mandate is decommissioning and not confidence building.

THE UUC's PROPOSALS

8. Reporting

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a. The UUC calls on us to report regularly, and at least monthly. The Commission has been reporting to the two Governments on a more frequent basis than that, and it has been open to the Governments to make the reports public. In the case of written reports, they have done so. To date the Commission has only reported in writing when asked to do so by the Governments or when events have so justified.

b. If the Governments ask us to produce monthly written reports, we will, of course, do so.

9. Setting Deadlines

a. The Commission has a purely technical mandate. Our role is to facilitate the decommissioning of voluntarily provided paramilitary arms. We have no political authority and it is not up to us to say when decommissioning should start or end. All the parties to the Agreement undertook "to use any influence they may have to achieve the decommissioning of all paramilitary arms." Neither the Governments nor the parties agreed on when decommissioning should start, although both agreed, initially, that it should be completed within two years of the referendums on the Agreement, or 22 May 2000.

b. Even if we had the authority to set deadlines, what would we do if these were not met? We could report to the Governments the failure of the paramilitary groups to co-operate with us, but we have done that from the outset. When the deadline of 22 May was not met the Governments suggested a new target date. Would the same course of action be open to us?

10. Setting a Deadline for Reengagement

a. Until December of last year the IRA and the UFF had not agreed to appoint a representative to meet with us. In this area, the only means of pressure open to us was to name the paramilitary groups who refused to appoint representatives. We did this regularly in our verbal and written reports to the Governments. But it was the Mitchell Review and not pressure from us that led the IRA and UFF to name representatives.

b. During the past two months we attempted to persuade the paramilitary groups to re-engage with us by noting we would be reporting to the Governments at the end of October. In the case of the IRA and UVF this had no effect. We don't believe that dictating when re-engagement should begin would be any more successful.

11. Specifying Timetables

a. The Commission has an obligation to inform the Governments when we believe a point has been reached beyond which the physical requirements of decommissioning will be impossible to complete, unless it starts by a certain date and follows a certain schedule. We have done this. In our reports of 10 December 1999 and 31 January

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2000, we stated we would specify the minimal start date for decommissioning and the schedule needed to ensure its completion by 22 May 2000. We believed then that decommissioning would have had to begin around the last week in February, to give us the minimum three months we considered necessary. Before that date was reached the institutions had been suspended and the IRA had broken off contact with us.

b. On May 5th 2000 the two Governments stated : "The governments now believe that the remaining steps necessary to secure full implementation of the Agreement can be achieved by June 2001, and commit themselves to that goal." To some, that set the new goal for decommissioning as the beginning of June 2001. It would be the intention of the Commission to stipulate, once again and if necessary, the date by which we believe decommissioning would have to start, and the schedule that would have to be followed, to complete decommissioning by 31 May 2001.

USE OF THE MEDIA

12. To date we have been frugal in our dealings with the media. We have done so on the basis that we believed doing otherwise would not be helpful to the achievement of our mandate. Some may believe that if we made more frequent reports to the media, we would put more pressure on the paramilitary groups to co-operate. We do not believe this to be so.

13. But the point may have been reached, as a result of the Saturday UUC proposal, when we may be obliged to make a statement to the media on what we have been doing and why. Already the media have sought comments from us on the UUC proposal, and we understand one organization may be planning to produce a program dealing with how we have been working to date. In any event, if we decide to make a public statement, we will consult with the Governments first.

SUPPORT FOR THE COMMISSION'S FUNCTION

14. In the period since the Agreement came into force some political parties have expressed their belief that the Commission would never achieve its mandate. As time has passed without decommissioning, that doubt has turned, in some cases, into lack of support for the way we are attempting to do our job. But while some anti-Agreement parties have told us they have no faith in what we are doing, and one other has suggested we should return home until it was clear that decommissioning was to start, we have up until now had support from both the nationalist and unionist communities.

15. If the UUC statement of 28 October, or our failure to follow the course of action detailed in it, leads to a removal of support for us by the UUP as a whole, then we will only have the support of one side of the Community, and our position will become very difficult. If such a circumstance occurs, it should cause the Governments to review our position and it will force us to do so.

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CONCLUSION

16. The Commission is reluctant to change its policy on dealing with the paramilitary groups if doing so would jeopardize what progress we have made so far in this regard.

17. The Commission seeks the Governments' views on how it should respond to the UUC statement of 28 October, and whether it foresees any change in the way we have been reporting to them and their use of our reports. We would also like to know if the Governments propose any change to our mandate in light of the recent proposals.

18. We do not believe we will receive a more positive response to our attempts at re-engagement with the IRA and UVF as a result of the UUC 28 October statement. But if we are to minimise its negative effects on possible re-engagement, or on the perception of our ability to complete our mandate, we feel that a timely response by both Governments and/or by us will be necessary.

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To: D. Gallagher, N. Haw
& S. Caldwell,
Ms O'Leary

PM

Call from General de Chastelain on 1 November

1. General de Chastelain phoned to say that he had met Messrs. Trimble, McGimpsey and Campbell this morning at their request.

2. Trimble basically wanted to explain why, on Saturday last, he had called for more regular Reports from de Chastelain and why the UUP were looking for a more "pro-active" approach from the Commission. Trimble said he didn't have much choice in the matter and, when de Chastelain explained (as he explained to us yesterday) why the setting of deadlines, drawing up of schedules etc. was unlikely to be fruitful, Trimble said that he fully understood this. As regards being more "pro-active" McGimpsey explained that Unionists generally appeared to be losing faith in the Commission and would like to see them take a more visible profile in pressing forward the decommissioning agenda.

3. De Chastelain explained that the Commission had been reporting orally to the Governments on a regular basis and it would be a matter for the Governments to decide whether they now wanted those reports in writing. He also said that if it were considered desirable the Commission could make a public statement. As part of this they would explain why "we are not in the business of setting deadlines". They could also say in that statement that if the Governments wanted deadlines set in the context of the date already signalled (politically) for full implementation of the Agreement (i.e. 1st June 2001), then the Commission could do this - as they had in the past. Again, however, it would be a matter for the Governments to decide whether they wanted public statements of the kind referred to.

4. Finally, de Chastelain said that the Commission could make an end-of-year written Report, (around mid-December), summarising progress to date. He explained to Trimble that, so long as this was not seen to be connected with any demand made by the UUP, it might not become the source of any serious objection from other parties. Trimble said it would be helpful if such a Report could be made. I said to de Chastelain that the Governments were discussing the matter generally and that no decisions had been taken as to what written Reports, if any, should be sought from the Commission.

yD 1/11

(Tim Dalton)

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Trimble's proposals endorsed by the UUC

1. In view of the failure of the IRA to re-engage with the Independent International Commission on Decommissioning (IICD), as from today Sinn Féin Ministers will not be nominated to attend any North-South Ministerial Council (NSMC) meeting. This sanction [is] to be lifted when there is substantial engagement by the IRA with the IICD and to be reimposed in the event of such engagement not making reasonable progress on decommissioning.

2. The IICD [is] to become pro-active in fulfilling their mandate, making regular (at least monthly) reports, setting deadlines and prescribing timetables. These [are] to provide for progress on re-engagement; agreement on decommissioning procedures; commencement of actual decommissioning; and completion of decommissioning.

3. If either government or any other party puts obstacles in the way of the above, then selected categories of NSMC, British Irish Council etc meetings will be progressively terminated.

4. The government to convene a formal review in the event of any failure to achieve progress.

5. Moratorium on policing changes until peace assured.

6. The Ulster Unionist Party [is] to consider progress on above at the beginning of January with the Ulster Unionist Review Group reporting regularly to the officers and Executive.

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