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*About  
cc FA/APS  
Press*

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FROM: D J R HILL  
CPL DIVISION  
24 JANUARY 1997

*File  
in  
2/11*

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 Brooker - B  
Mr Priestly - 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  
Mr Sanderson, Cab Off (via IPL) - B

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

#### THE FUTURE OF THE TALKS: REFINING THE PACKAGE

This submission analyses the current prospects for resolving decommissioning before the election, taking account of Michael Ancram's meeting with Mr Trimble yesterday afternoon; introduces some possible revisions to the "package" which might be put forward to resolve the decommissioning impasse and secure the launch of the three strands; and suggests how matters might now be taken forward.

#### The meeting with Mr Trimble

2. This key meeting was clearly very successful. Mr Trimble (? possibly influenced by the conversation he planned to have with Seamus Mallon) did not demur from Michael Ancram's analysis or

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prescription and did not attempt to assert the proposals in the UUP's paper of 21 January in opposition to the case which Michael Ancram made for seeking to resolve decommissioning, secure the launch of the three strands and play the UUP's ideas in as a source of constructive displacement activity during any adjournment of the negotiations. He demonstrated an apparently genuine concern to keep the process in being and the SDLP on board, and acknowledged that the process could not be kept going for very much longer without something decisive happening - whether for good or ill.

3. There was also a relatively detailed and constructive discussion of possible ways of resolving the decommissioning issue, which strongly implied that Mr Trimble was serious about moving away (in the right circumstances) from the requirement for a prior tranche of IRA weaponry before Sinn Fein could join the three strands.

4. None of this is bankable: John D Taylor was not present to exert a baleful influence and the UUP remain nervous, divided, disorganised and frightened of being exposed to attack from the DUP and UKUP on the issue of decommissioning. However, the meeting does allow us to conclude that the original gameplan could still have a successful outcome. It may be too much to hope that we could find a package which the UUP would positively welcome, but we may yet be able to come up with something which, if deployed in the right circumstances, the UUP would find it difficult to reject. The chances may be drifting back towards 50:50.

Revisions to the package

5. As I understand it, Mr Trimble did not reject any of the elements of the proposed package when they were put to him, but found them insufficient. His outstanding concerns seemed to centre on:

- (a) the procedure to be followed as and when Sinn Fein join the process; and

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- (b) the need for the UUP to be able to "pull the communication cord" and bring the negotiations to a halt (ie a cessation not necessarily a permanent end) if not satisfied with progress on decommissioning.
6. To tackle these perceived shortcomings, we could
- (a) specify rather more clearly what procedural steps would need to be taken if and when Sinn Fein join the talks. This is perhaps a lacuna in the present package, which could be filled out in ways which would help the UUP;
- (b) acknowledge that any party has a right to "opt out" if not satisfied with the pace of progress in any area of the negotiations. This may be a reality but Mr Trimble was not keen: walking out is the "nuclear option" and whoever walks first will get the blame - hence his call for a communication cord (which had to be in the hands of the UUP: he could not rely on the Chairmen or the Governments) to bring the process to a rest;
- (c) introduce a communication cord (version one): there might be an arrangement in which any party or parties representing, say, 25% of the electorate could call progress to a halt pending a review of developments. No single party (nor the DUP and UKUP together) could hold up progress, but it would be seen as giving the UUP an effective veto over progress, and probably resisted as such by the Irish and the SDLP;
- (d) provide for regular review plenaries. The Irish have traditionally supported this idea, but it has rather dropped from sight. It could be developed to give Mr Trimble his communication cord (version two) on a less obvious and presentationally more attractive basis. We could make it a requirement that each review plenary (to

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be held every six/eight weeks) should consider whether the basis for further progress in the negotiations still existed and only authorise the continuation of substantive negotiations if that had "sufficient consensus" support. That would give the UUP (and each Government and the SDLP) the ability to hold up developments if unhappy with the pace of decommissioning - or, indeed, of the political negotiations - and a forum in which the issues could be thrashed out and the necessary basis for progress recreated; but the mechanism would be one which the Irish and others would find hard to resist. The UUP would not be able to call a halt at any stage, but they would have a regular veto on further progress. That might put them under DUP/UKUP pressure on a regular basis, but if the "communication cord" was available all the time they would be under daily pressure. It is, of course, possible that once in the three strands the DUP at least will be less inclined to pull the plug, and the DUP/UKUP leverage on the UUP may be less in the election free zone after May. A refinement of this approach would be to set up regular plenaries but allow the period between meetings to be extended by agreement.

7. I attach at a possible revision of the package, incorporating adjustments reflecting (a) and (d) above. These feature as paragraphs 9 and 10. The latter is consistent with the 28 November statement and makes clear that parties making the commitments concerned are entitled to participate in the three strands. As a logical corollary, paragraphs 1 and 5 have been adjusted to make clear that the commitments in question must be made by each participant. They cannot be optional, or capable of being agreed by sufficient consensus, if they are to bite on Sinn Fein. This may give trouble with the DUP and UKUP, but may make it easier to sell the package to the UUP as helping to pin Sinn Fein down if and when they are invited to join the talks. It would be helpful to know

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whether Michael Ancram agrees that these revisions respond sufficiently to Mr Trimble's concerns; and whether the Secretary of State and Michael Ancram are content that this represents our best judgement of a balanced package which could (if presented in the right context) obtain sufficient consensus support.

The next steps

8. If the Secretary of State and Michael Ancram share officials' view that there is still a realistic prospect of securing agreement on decommissioning before the election; and that the attached package represents our best shot at a compromise package, the next steps might be:

- check Mr Trimble's reactions. I suggest that Michael Ancram follow up yesterday's meeting by telephoning Mr Trimble over the weekend with a view to confirming the general position established yesterday and exploring the two areas in which the package has been adapted. I believe it would still be premature to send Mr Trimble the text at Annex A but the Minister may want to reflect on the possibility as the conversation develops. The Irish would of course be very upset if we floated a text with the UUP before consulting them on it;
- brief the Irish. They will not have been encouraged by the debrief they were given on the Prime Minister's meeting with Mr Trimble and officials will therefore make clear through the Secretariat that we are continuing to work on a possible basis for resolving decommissioning before the talks are adjourned. A positive hint like that may temper their briefing and may help to hold the line if the UUP paper of 21 January should leak over the weekend. We can decide on Monday, in the light of Michael Ancram's conversation with Mr Trimble, whether to pass the text to them, initially for discussion at official level (Mr Coveney will be their Ministerial

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representative). It remains the case that the Irish are likely to have significant difficulties with the proposed package and it may take considerable time and effort to shift them. It is possible that the SDLP negotiators may be rather more receptive, and we may be able to exploit that avenue of influence on the Irish;

- brief NI. A separate submission from IPL will offer a short paper to NI setting out the current position in the talks, to provide the necessary background to any oral report which the Secretary of State may want to make on Tuesday;
- brief the Chairmen. The two Governments have agreed to meet the Chairmen (now including Senator Mitchell) at 11.15 am on Monday. They will need guidance on how to approach the imminent plenary (see below) but it will also be necessary to brief them on the general prospects for resolving decommissioning and securing the launch of the three strands. That may not be easy to do as the two Governments will not have had an opportunity to reach a settled joint position. At Mr Thomas' suggestion I will therefore brief the Chairmen's staff in general terms today, to confirm that we continue to work on what we hope will prove to be a package capable of securing sufficient consensus and to reiterate that they may have a role to play in reaching a final judgement and presenting the final package. I understand that General de Chastelain and Prime Minister Holkeri will both be contactable at the Europa from about 8.30 pm on Sunday if Michael Ancram would like to give them a flavour of our thinking;
- get through Monday's plenary/deal with the position of the Loyalists. The Chairmen currently propose to invite participants to share their "reflections" on the

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situation. Mr Whysall's separate submission on the position of the Loyalists shows how we might use that process to provide the basis for a semi-formal "determination" in favour of keeping the Loyalist parties in the talks;

- register HMG's determination to pursue the prospects for further progress in the talks. The Political Development Team will let Michael Ancram have a relatively bullish speaking note setting out HMG's "reflections": that may steady the smaller parties, mark the cards of the UUP and Irish Government and perhaps give the DUP and UKUP (who may otherwise be preparing to walk out over the Loyalists) some food for thought. It could also (especially if reflected in press briefing) create a positive alternative focus for media reporting, which will otherwise focus on the position of the Loyalists. We will certainly need time during the rest of the week to negotiate with the Irish and the UUP and develop an agreed approach with the Chairmen, so it would be desirable for the plenary to authorise further "bilaterals", and that will be easier to achieve if all the participants are given the sense that serious efforts are being made to bring the issue of decommissioning to a determination in the relatively near future;
- have some contact with the Loyalist parties. This may be necessary to settle them down after any debate on their continued presence, but looking to the longer term it may help them with their more militant colleagues to know that we are working to secure significant progress in the talks; and in due course their support for any package could be crucial even though they may not find some of the commitments easy to make.

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Briefing meeting

9. I understand it would be convenient if the briefing meeting with Michael Ancram were to start at 9.30 am.

(signed)

D J R HILL  
POLITICAL DEVELOPMENT TEAM  
OAB 210 6591

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(Draft 24.1.97 pm)

POSSIBLE DRAFT PACKAGE FOR RESOLVING DECOMMISSIONING BEFORE THE  
ELECTION

## OPENING PLENARY AGENDA: COMPLETION OF ITEM 2

1. Each of the participants in the multi-party negotiations hereby commit themselves to work constructively and in good faith to secure the implementation of all aspects of the report of the International Body, including the compromise approach to decommissioning envisaged in paragraphs 34 and 35.
2. The participants welcome, as an important step towards the implementation of the report of the International Body, the progress made by the two Governments towards the enactment of appropriate enabling legislation in their respective Parliaments which will provide the statutory basis for giving effect to the International Body's recommendations on the modalities of decommissioning.
3. The participants agree that
  - the mechanisms for achieving further progress on decommissioning alongside progress in the three strands should comprise an Independent Commission and a Liaison sub-Committee of plenary. There should also be a sub-Committee of plenary to consider developments in relation to confidence building measures. The respective roles and responsibilities of the Commission and the two sub-Committees should be as set out in the attached Annex;

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- those mechanisms should be formally established [following consultation between the Governments and the parties on the identity of potential members of the International Commission] in time for their first meetings to coincide with the launch of the three strands of substantive political negotiation;
  - if the business of the opening plenary session is not completed before the UK General Election it should resume within [2] weeks of the election (unless that would mean meeting after [30] April, in which case the opening plenary session should resume on [2] June). In either case the Chairman is invited to ensure that the business of the opening plenary session is completed by [4] June;
  - the three strands of substantive political negotiations should commence on [9] June.
4. Pending and without prejudice to further progress in the multi-party negotiations the participating political parties see some scope to continue to work together - at local, national and European level - on economic and social issues of mutual concern, especially in the search for inward investment and in wider preparatory exchanges. Accordingly:
- they welcome the intention of the British Government to offer background briefings and presentations on aspects of the administration of Northern Ireland, in preparation for subsequent strand one negotiations and to enhance the ability of local politicians to make a considered contribution to the discussion of social and economic policies.
  - they also welcome the intention of both Governments to offer background briefings and presentations on issues where enhanced contact and cooperation between elected

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representatives and political authorities in the two jurisdictions might be of mutual benefit, in preparation for subsequent strand two negotiations and to help address the void of misunderstanding that presently exists between some politicians in Northern Ireland and those in the Republic.

- they also invite the two Governments to consider organising a major academic-led seminar for talks participants on human rights, group rights and other justice issues, to help identify the range of possible mechanisms for addressing these issues in the relevant strands and more generally.
5. The participants each commit themselves to work constructively and in good faith with the Independent Commission, once it is established, to enable it to carry out its role, 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;
  6. The participants invite the Independent Chairmen as a group to review progress in the substantive political negotiations on a regular basis; consult with the Liaison sub-Committee on the conditions necessary for mutual decommissioning to occur; and, in the light of that and on the basis of implementing the International Body's compromise approach to decommissioning, offer an opinion, as soon as they judge during the course of the negotiations that the time is right, that the circumstances are such that mutual decommissioning should be expected to commence.
  7. The participants also invite the members of the Independent Commission, following their appointment, to draw attention to any case in which a participant demonstrably dishonours the commitment referred to in paragraph 5 above.

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8. For their part, the British Government and the Irish Government, [the UUP and others] would expect to see the commitments referred to in paragraphs 1 and 5 above reflected in due progress on decommissioning alongside progress in the substantive political negotiations; and will work to achieve that.
9. The participants agree that in order to facilitate the provision of regular reports from the Committee on Decommissioning and to enable regular reviews of progress across the multi-party negotiations as a whole, plenary meetings should be held at intervals of eight weeks or such longer period as may be agreed. At those meetings they would consider whether the necessary basis still exists, or could be recreated, to enable further progress to be made; and they accept that a motion to this effect would need to be agreed at each such plenary before further progress in the substantive negotiations could be attempted.
10. The participants agree that if any party is invited to join (or rejoin) the negotiations the Chairman of the plenary should convene a plenary meeting at the earliest practicable moment at which the party concerned would need to make the same commitments entered into by all the other participants as the basis for progress in the three strands, namely
  - affirm its total and absolute commitment to the principles of democracy and non-violence as specifically set out in paragraph 20 of the Report of the International Body;
  - affirm its commitment to the propositions in paragraphs 1 and 5 above;

Such a party would, in common with all the other participants, be subject to all the agreed provisions and rules of procedure adopted by the existing participants.

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## ANNEX

## 1. Liaison Sub-committee of Plenary on Decommissioning

A Liaison Sub-committee of Plenary on Decommissioning (the Committee on Decommissioning) shall be established comprised of representatives of all participants in the negotiations. It shall be chaired by the Chairperson of the Plenary and will report regularly to the Plenary.

### Responsibilities

The Committee will be charged with assisting the implementation of all aspects of decommissioning as set out in the Report of the International Body. In particular it will be required:

to consider any legislative proposals by either government, and any proposed regulations;

to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of same;

to consider proposals for such schemes drawn up by the Independent Commission, and to submit any agreed opinion on these proposals for consideration by the Commission.

## 2. Independent Commission

An Independent Commission shall operate in both jurisdictions with appropriate immunity as determined by the special legislation and regulations on decommissioning enacted by the British and Irish Parliaments. It shall be furnished with independent legal and technical advisors and, where appropriate, shall be given access to the technical expertise of the British and Irish Security forces.

**CONFIDENTIAL****Responsibilities**

to consult with the Committee on Decommissioning, both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role of the Independent Commission in respect of each scheme;

to present to both Governments proposals for schemes having due regard to the views expressed by the Committee on Decommissioning;

to facilitate, observe, monitor and verify decommissioning and to receive and audit armaments, according to the schemes laid down;

to report periodically to the Committee on Decommissioning and to both Governments.

**3. Sub-Committee of Plenary on Confidence-Building Measures**

A sub-Committee of the Plenary on Confidence-building Measures shall be established comprised of representatives of all participants in the negotiations. It shall be chaired by the Chairperson of the Plenary and will report regularly to the plenary.

**Responsibilities**

The Committee will be charged with monitoring developments in relation to any of the confidence-building measures mentioned in the report of the International Body which participants may raise, and any others which may be referred to it, by agreement, by the plenary. In particular it will be expected

to review developments in relation to such measures

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to consider any reports on such measures as may be submitted by those with responsibility for the issue in question

to draw to the attention of the Chairman of the relevant strand any institutional or systemic implications which may arise from its consideration of particular confidence-building measures.

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