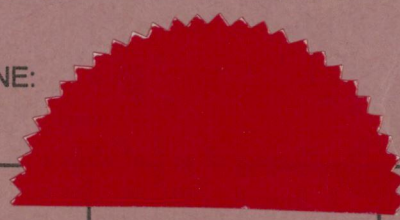


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930

10 DOWNING STREET

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FILE TITLE: <i>SITUATION</i>		SERIES <i>IRELAND</i>
PART BEGINS: <i>20 JUNE 1999</i>		PART: <i>49</i>
PART ENDS: <i>6 July 1999</i>		CAB ONE: 

LABOUR ADMINISTRATION

PART *49*

CLOSED *6/7/99*

~~PREM 49/930/~~

~~Part 1 of 2~~

SECRET

PART

CLOSED

DATE CLOSED	6 JULY 1995
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Series : IRELAND

File Title : Situation

Part : 49

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OF THE PUBLIC RECORDS ACT

Date	From	To	Subject	Class	Secret
21/06/1999	FA/PS	NIO	Northern Ireland: Talk with President Clinton	C	0
21/06/1999	NIO	MOD	Northern Ireland: Contingency Planning for the Marching Season	C	0
21/06/1999	NIO	NIO	Meeting with David Andrews 21 June	C	0
21/06/1999	NIO	NIO	Irish Discussions with Sinn Fein	C	0
21/06/1999	NIO	Ch.Staff	Drumcree Talks	C	0
21/06/1999	NIO	Ch.Staff	Drumcree Talks	C	
22/06/1999		Ch.Staff	Drumcree	C	
22/06/1999			The Times: David Trimble article: Don't Cave in to Terror, Mr Blair	U	0
22/06/1999		PA/PS	Parliamentary Oath/Sinn Fein	U	0
22/06/1999			Possible elements: de Chastelain's report	C	0
22/06/1999			Speech by Taoiseach on 2nd Reading of British-Irish Agreement (A	U	0
22/06/1999	NIO	FA/PS	Possible elements: de Chastelain's report - version with British Gove	C	0
23/06/1999		Ch.Staff	Paddy Ashdown message	U	0
23/06/1999	Ch.Staff	NIO	Northern Ireland	C	0
23/06/1999	Ireland/HME	NIO	Meeting with US Ambassador: 23 June	R	0
23/06/1999	SS/NIO	LP	Forthcoming political discussions in Belfast	U	0
23/06/1999	Cab Off	PM	Early indications that PIRA was responsible for the attempted murde	S	0
23/06/1999	NIO	Ch.Staff	Drumcree	C	0
23/06/1999			The Times: Gerry Adams article: Peace is not Guaranteed, Mr Blair	U	0
23/06/1999	NIO	Ch.Staff	Drumcree	C	
24/06/1999	NIO	Ch.Staff	Drumcree: Current Position	C	
24/06/1999	FCO	FA/PS	Inaugural Meetings of the British-Irish Council (BIC) and British Irish I	U	0
24/06/1999	SS/NIO	PM	The 30 June Deadline: Exit Strategies if we don't succeed in our mai	U	0
24/06/1999	NIO		Further Security Situation Statistics	U	0
24/06/1999	Ireland/HMA	NIO	Trimble's comments on SOSNI	R	0
24/06/1999	NIO	NIO	Drumcree: Current position	C	0
24/06/1999	NIO	PPS	Statistics on the security situation	U	0
24/06/1999	NIO	FA/PS	Tightening the exclusion provisions	U	0
24/06/1999	NIO	FA/PS	Northern Ireland: Tomorrow's discussions	U	0
24/06/1999	NIO	NIO	Focus groups - 21 June	C	0
24/06/1999			Article by the Prime Minister	U	0
24/06/1999	NIO	Ch.Staff	Parades Commission: Procedural Rules, Code of Conduct and Guid	R	0
24/06/1999	PS/SOC	FA/PS	Bloody Sunday: Infliction report	S	1640
25/06/1999	US /HMA	FA/PS	Northern Ireland - Conversation with Steinberg	C	0
25/06/1999	FA/PS	PS/SOC	Bloody Sunday: Infliction report	S	220
25/06/1999	Ch.Staff	NIO	Parades Commission: Procedural Rules, Code of Conduct and Guid	R	0
25/06/1999	NIO	NIO	Drumcree: Current developments	C	0
25/06/1999		PM	Letter from Group of seven - political impasse	C	0
25/06/1999	NIO	NIO	(M) - DUP Friday 25 June.	C	0
25/06/1999			The Times: PM article - Looking into the Face of Disaster	U	0
27/06/1999	NIO	NIO	NON paper - Portadown		0
27/06/1999	NIO	FA/PS	How to get the best out of tomorrow	C	0
27/06/1999	NIO	FA/PS	Lunch with decommissioning commission - brief	C	0
27/06/1999	NIO	FA/PS	The guarentee	C	0
27/06/1999	NIO	FA/PS	NIO Conversation with General de Chastelain and Tim Dalton	C	0
27/06/1999	Ch.Staff	PM	Draft agreement	C	0
27/06/1999	PM	FA/PS	Ireland paper	C	0
27/06/1999	FA/PS	PM	Decommissioning	C	0
28/06/1999			IRA Statement	C	0

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Date	From	To	Subject	Class	Secret
28/06/1999			Failsafe	C	0
28/06/1999			Sinn Fein statement	C	0
28/06/1999	PM		Statement on the parades commission decision on Drumcree	C	0
29/06/1999	MOD	NIO	Contingency planning for the marching season	S	1670
29/06/1999	NIO		(M) The PM's and Taoiseach's meeting with the SDLP 25/6	C	0
29/06/1999	NIO		(M) The PM's and Taoiseach's meeting with the UUP 25/6	C	0
30/06/1999	NIO	NIO	Paul Murphy's meetings with MarK Durkan and Lord Alderdice	C	0
30/06/1999	NIO	FA/PS	The provisionals and decommissioning	C	0
30/06/1999	NIO	NIO	Sale of Belfast Harbour	U	0
30/06/1999			Timetable (for Decommissioning)	U	0
30/06/1999	NIO		Essential Elements of an Understanding (Working Draft)	U	0
01/07/1999			de Chastelain statement	U	0
01/07/1999			Proposal by the Two Governments to all Parties	U	0
01/07/1999			Essential Elements of an Understanding: Essential Elements of an	S	0
01/07/1999			Draft Final Communique	U	0
01/07/1999	NIO	FA/PS	PSF Strategy	C	0
01/07/1999			Draft Statement by the British and Irish Governments	U	0
01/07/1999	NIO	Ch.Staff	Possible meeting with the Orange Order	C	0
02/07/1999	NIO	FA/PS	Threat of resumption of PIRA violence	S	0
02/07/1999	LPO	PA/PS	Parliamentary Oath	C	0
02/07/1999	South Africa/Pres		Statement of the South African Government on the Northern Ireland	U	0
02/07/1999			Statement by two Governments on the way forward	C	0
02/07/1999		SS/NIO	Report of the Independent International Commission on decommissi	C	0
02/07/1999	PM		Letter of thanks to Ambassador DonaLD Johnson for report on deco	C	0
03/07/1999	FA/PS	NIO	Drumcree	C	0
03/07/1999	FA/PS		Letter to Jim Steinberg: The Unionists	C	0
03/07/1999	FA/PS	NIO	The Way Forward: Selling it to the Unionists	C	0
03/07/1999			Belfast Telegraph editorial: Holding the Line for Democracy	U	0
05/07/1999	FA/PS	NIO	Talk with the Taoiseach	C	0
05/07/1999	FCO	NIO	The Way Forward: Irish Reactions	R	0
05/07/1999	FA/PS	US /HMA	Northern Ireland Negotiations: Contacts with President Clinton	C	0
05/07/1999			Way Forward: Party Reactions	U	0
05/07/1999	NIO	SS/NIO	Drumcree Sitrep 3: 0700 hrs - 1300 hrs Monday 5 July	R	0
05/07/1999	PM		Statement by the Prime Minister: Northern Ireland Talks	U	0
05/07/1999	Ch.Staff		Note to Brendon MacCionnaith of Garvachy Road Residents Coalitio	U	0
05/07/1999			From Parades Commission - Lurgan district	U	0
05/07/1999	NIO	NIO	Drumcree: Letter to Harold Gracey	U	0
05/07/1999	NIO	NIO	Drumcree: Lines to take 5 July	U	0
05/07/1999	Ch.Staff	PM	Northern Ireland	U	0
05/07/1999	Ch.Staff	NIO	Drumcree: Conversation with Harold Gracey	R	0
05/07/1999		Ch.Staff	The Way Forward: Reaction from Seamus Mallon, SDLP	U	0
05/07/1999	SS/NIO	PM	Flying the Union Flag on Government Buildings in Northern Ireland	R	0
05/07/1999	NIO	NIO	Flying of Union Flag on Public Buildings	U	0
06/07/1999	NIO	FA/PS	Normalisation	C	0
06/07/1999	PM		Letter to Nigel Dawson of Portadown Orange District: Drumcree	U	0
06/07/1999	NIO	Ch.Staff	Drumcree: Draft reply to Nigel Dawson	R	0
06/07/1999	NIO		Drumcree: Latest and Lines to take	R	0
06/07/1999	SS/NIO	PM	Message to the Irish Congress of Trade Unions	R	0
06/07/1999	CDLO	FCO	Inaugural meetings of the British-Irish Council (BIC) and British-Irish	R	0
06/07/1999	NIO	PM	Parades Commission determination - Lurgan	U	0
06/07/1999	NIO	FA/PS	Failsafe mechanism - views from the Irish preparations for meeting	C	0

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Date	From	To	Subject	Class	Secret
06/07/1999	Ch.Staff	PM	Northern Ireland	C	0
06/07/1999	NIO		To Parades Commission - Lurgan - 12/13 July	U	0

COS Nigel Dawson
nem



10 DOWNING STREET
LONDON SW1A 2AA

cc NIO
JPO
JS
AC

THE PRIME MINISTER

6 July 1999

PLEASE FAX TO
NIO ASAP (Joanne)
- PM MEG M Dawson
on Thursday etc.

Thank you for your letter of 5 July.

I have been closely following events over the last few days, and commend the dignified stance which the Institution has taken. I strongly support the calls which the District Master and other District Officers have made for the behaviour of those at Drumcree to be lawful and dignified, and for violence to be completely avoided. It is important that the dignity and restraint shown so far by members of the Order should continue.

When I met the District Officers and others on 2 July, I made clear my regret that it had not been possible to reach an accommodation in respect of the Drumcree Church Parade; and also undertook that I would do all I could to promote a satisfactory resolution. I subsequently had discussions with the Garvaghy Road Residents' Coalition and with others who could have a role to play.

In my view, we will need to give sufficient time for the Parades Commission to be satisfied on the matters raised in its determination. As Alistair Graham has said, the Commission is looking to the Portadown District to offer dialogue with the Residents, to call off protest marches and associated events and

to engage constructively on the issues. The Commission has said that it would be strongly influenced by these factors in dealing with applications for future parades.

I am clear that we need an early accommodation on this issue, but it is not in my gift to deliver that. However, I am determined to do what I can to help, provided that others are willing to build on the present situation in order to move forward.

I look forward to seeing you and the Delegation on Thursday.

Nigel Dawson Esq



S J Leach
Associate Director Policing and Security

RESTRICTED

Northern Ireland Office
Stormont House
Belfast BT4 3ST
Telephone Belfast (01232) 527012
Fax Belfast (01232) 527897

Jonathan Powell Esq
Chief of Staff to the Prime Minister
10 Downing Street
LONDON SW1A 2AA - **By Secure Fax**

cc: JS
PB
MT
AC
GS
6 July 1999

Dear Jonathan,

DRUMCREE

Nigel Dawson, the Secretary of the Portadown Orange District, wrote to the Prime Minister yesterday indicating that the demonstration at Drumcree had so far been peaceful and dignified and asking the Prime Minister how he wished "to move the process forward". In your letter of 5 July you asked for a draft reply which would set the context for the Prime Minister's meeting with the Orangemen (set for Thursday).

I accordingly attach a draft reply. This is designed to lower expectations, with the fifth paragraph (in square brackets) indicating in terms that a march in the next couple of weeks does not look feasible. If the Prime Minister wished to soften the tone of the letter, this paragraph could be deleted.

David Watkins, Tony McCusker and I met David Campbell this afternoon. Together with Trimble, Campbell is seeing the Orange Order this evening and they will be seeking to damp down hopes of an early resolution. Campbell's view was that the Orange are indeed hoping for an early march, but that the Prime Minister could probably persuade them to take a longer view, provided there is a process

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potentially leading to a successful outcome which they could buy into. The letter points towards such a process, and we will flesh this out in more specific briefing for the meeting.

The Secretary of State (who has approved the attached draft) has emphasised the need to help the Orange develop a strategy which will enable them to retain control of their followers and get through the Twelfth weekend without significant disturbance.

Finally, on this afternoon's bomb alert outside Oldpark RUC Station, the Army have carried out two controlled explosions on the suspect vehicle, which has now been cleared with nothing found. Attention is currently focusing on a derelict building nearby and it is possible that a further controlled explosion will be carried out there. The incident may therefore simply be a hoax; although if an actual device is found it could be some time before any attribution is possible.

Yours etc.

Stephen

S J LEACH

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NB

LETTER FOR PRIME MINISTER TO SEND TO:

Nigel Dawson Esq
District Secretary
Portadown District LOL No 1

July 1999

Thank you for your letter of 5 July.

I have been closely following events over the last few days, and commend the dignified stance which the Institution has taken. I strongly support the calls which the District Master and other District Officers have made for the behaviour of those at Drumcree to be lawful and dignified, and for violence to be completely avoided. It is important that the dignity and restraint shown so far by members of the Order should continue.

When I met the District Officers and others on 2 July, I made clear my regret that it had not been possible to reach an accommodation in respect of the Drumcree Church Parade; and also undertook that I would do all I could to promote a satisfactory resolution. I subsequently had discussions with the Garvaghy Road Residents' Coalition and with others who could have a role to play.

In my view, we will need to give sufficient time for the Parades Commission to be satisfied on the matters raised in its determination. As Alistair Graham has said, the Commission is looking to the Portadown District to offer dialogue with the Residents, to call off protest marches and associated events and to engage

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constructively on the issues. The Commission has said that it would be strongly influenced by these factors in dealing with applications for future parades, and it would also take into account the position adopted by the Residents' Coalition. (The determination of course made clear that the parading tradition is not subject to a veto by those who oppose parades.)

~~[While a resolution in the next week or two does not therefore look feasible, I believe that, if there is real progress in the areas noted by the Commission, the prospects for the future are promising.]~~

I am clear that we need an early accommodation on this issue, but it is not in my gift to deliver that. However, I am determined to do what I can to help, provided that others are willing to build on the present situation in order to move forward. ~~To that end, I have invited the District Master to meet me again this week, and I have also invited Councillor Mae Cionnaith to see me next week.~~

What is needed is real engagement with the issues, by both sides, to enable progress to be made as soon as possible. I hope that with the help of the facilitators it will be possible rapidly to establish a process which will lead to a successful resolution. Meanwhile, I commend you again on the restraint and discipline which has been shown so far by the Order, and stress the importance of this continuing in all circumstances.

I look forward to seeing you at the Delegation on Tuesday.

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Tel: (01232) 521926
Fax: (01232) 521068



the new
**Northern Ireland
Assembly**

Denis J Watson JP MLIA(dip) MIMgt
Upper Bann Constituency

Parliament Buildings
Belfast BT4 3XX

6 July 1999

Rt Hon T Blair MP
Prime Minister
10 Downing Street
London
SW1 1AA

Dear *Prime Minister*

PARADES COMMISSION DETERMINATION - LURGAN

I attach for your information, a copy of a letter which I have sent to Mr Alistair Graham, Chairman, Parades Commission.

I also enclose a copy of the determination for your perusal and you will be interested to note that the rerouting involves going past the right hand side of a traffic island instead of the left hand side in Lurgan, a supposedly contentious area of approximately 15/20 feet.

The rerouting will require additional RUC manpower and is totally ridiculous for 12 July morning at 8.30am when so few people are around because it is a public holiday.

I regret having to draw this to your attention but I feel that the Parades Commission seem to have embarked on a strategy of creating further conflict and division in other areas of Northern Ireland where none previously existed.

I would urge you to give serious consideration to the future role of the Parades Commission because I believe that if it continues in its present format it will continue to contribute towards increasing community strife in the Province.

Yours sincerely

Denis Watson

Tel: (01232) 521926
Fax: (01232) 521068



the new
**Northern Ireland
Assembly**

Denis J Watson JP MLIA(dip) MIMgt
Upper Bann Constituency

Parliament Buildings
Belfast BT4 3XX

6 July 1999

Mr Alistair Graham
Chairman - Parades Commission
12th Floor Windsor House
6 - 12 Bedford Street
Belfast
BT2 7EL

Dear Mr Graham

LURGAN - 12/13 JULY 1999

I have been approached by some constituents regarding the above determinations.

You claim that you have "heard the concerns of local business people about potential disruption to their businesses, which would come about as a result of the proliferation of parades notified to take place in the town." You further claim to have "considered carefully the potential disruption to the life of the community, and the adverse impact on community relationships which it considers would come as a result of the parade."

Your information is clearly inaccurate because at 8.30am on 12 July in Lurgan you would find there are only several newspaper shops open, the remainder of the town being closed because it is a public holiday. Also at that time in the morning very few people are about the town centre.

I shall be grateful if you will therefore advise me how there will be disruption to the community because of a parade lasting no more than 10/15 minutes duration. Secondly, please also advise why you will not allow the parade to proceed along the customary route to the corner of Edward Street bearing in mind that the RUC personnel will still have to police this corner with the same manpower.

I must stress that the policing operation in Lurgan on 12 and 13 July morning has always been very low key but your determination will certainly reverse this situation and increase community tension as you have succeeded in doing in Portadown.

Sadly, I have come to the conclusion that the Commission is totally anti-Protestant and only intent on identifying further areas for conflict and division in the Province.

I await your immediate response.

Yours sincerely

c.c Rt Hon T Blair MP

Constituency Office & Home Address:
Ailden Lodge 107 Moyallon Road Portadown Craigavon Co Armagh BT63 5JY
Tel & Fax: (01762) 831565 Mobile: 07771 618375
E Mail: denis.j.watson@btinternet.com



Northern Ireland Office
Block B, Castle Buildings
Belfast BT4 3SG

File
Already
Faxed?

The Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

6 July 1999

Dear Tony,

MESSAGE TO THE IRISH CONGRESS OF TRADE UNIONS

The Irish Congress are meeting this week in conference in Dublin. They will elect Northern Ireland's UNISON general secretary Inez McCormack as the new All Ireland President. This is the first time a woman from Northern Ireland has ever held the post. Inez is working hard to encourage all the trade unions to come out publicly this week and support last Friday's proposals. She is good news.

Bertie Ahern will be at the ICTU Conference on Friday. I wonder if you could send a few words of support and encouragement to them at this crucial time. I attach a draft for you to consider. Please let me know as I think this will help Inez in her push to keep the Irish Congress fully on side.

MARJORIE MOWLAM

DRAFT LETTER FOR SIGNATURE BY PRIME MINISTER

Inez McCormack
President
Irish Congress of Trade Unions
[Address]

July 1999

Dear Inez

Congratulations, Inez, on your election to the Presidency of the Irish Congress of Trade Unions. I know how hard you have worked on behalf of UNISON and on behalf of peace and reconciliation for all in Northern Ireland. Your election as President is an honour you richly deserve.

May I take this opportunity to thank all members of the Irish Congress for the work that they have done over many years to promote peace, justice and economic prosperity across the island of Ireland. Your work, often unnoticed and unpublicised has nevertheless been a vital part of keeping the fabric of society together over these troubled years. In particular the trade unions contribution in combating sectarianism and working in partnership with others across the whole community is invaluable.

I wish your conference every success.



Minister for the Cabinet Office
Chancellor of the Duchy of Lancaster

CABINET OFFICE
70 Whitehall, London, SW1A 2AS
Telephone: 0171-270 0400

Top: ss
cc: 5/6
PB
MP

2

Tim Barrow Esq
Private Secretary
Secretary of State's Office
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

6 July 1999

Dear Tim -

**INAUGURAL MEETINGS OF THE BRITISH-IRISH COUNCIL (BIC) AND
BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE (BIIGC)**

I have seen a copy of your letter to John Sawers of 24 June on the arrangements for the inaugural meetings of the BIC and BIIGC. It would be helpful given my Minister's responsibility for the BIC if further correspondence on these issues could be copied to me here.

As you say, we will need to move quickly to hold these inaugural meetings if Northern Ireland devolution goes ahead. Although Dr Cunningham has no difficulty in principle with holding the BIC and BIIGC meetings back to back, a limit of two hours on the BIC will mean that there is unlikely to be time for any substantive items of business other than a general set of opening statements and agreement of the BIC's procedure and future work programme. I enclose an illustrative first draft of what a communiqué for issue to the media might look like on this basis.

You are right to say that we will need to take care to avoid any of these events being overshadowed by the others and to that extent it may not be ideal that you are planning to hold all three in one week; there must surely be some risk of media overload and confusion. Nevertheless, I appreciate that from the point of view of diaries the format you propose is convenient.

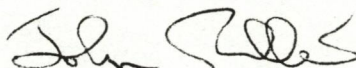
Dr Cunningham wonders whether colleagues are particularly wedded to the idea of the BIIGC taking place in the morning followed by the BIC in the afternoon. The presentational aspects might be helped by a reversal of the order, lessening the chance of the BIC being seen as an add-on to a bilateral summit. I imagine that Nick Perry

will be best able to set out what sensitivities need to be taken into account in this area. However, we can be sure that the Scots and Welsh will not wish the BIC to be overshadowed.

Whether the BIC takes place in the morning or afternoon, I take it that the UK Government will wish to offer lunch to the participants (a wider cast list than for the BIIGC). The details of that will have to follow decisions about the venue for the meeting. In that regard, we here are grateful for your offer of the use of the Locarno Suite for the BIC meeting and I know that others are in touch about the details of that. At this stage other possibilities include the QEII Conference Centre or the Cabinet Room; others may have views on these options.

I am copying this letter to John Sawers at No 10, Nick Perry in the NIO, Sebastian Wood here, and to the Private Secretaries of the First Minister in Scotland and the First Secretary in Wales.

Yours ever



JOHN FULLER
Principal Private Secretary

INAUGURAL SUMMIT MEETING OF THE BRITISH-IRISH COUNCIL

COMMUNIQUÉ

The Members of the British-Irish Council (listed below) met today for the first time.

The Members discussed the draft Procedural Guidance which had been prepared for their consideration by the Secretariat. The Procedural Guidance was agreed unanimously by the Members and will in future provide the basis for the proceedings and operations of the British-Irish Council. [A copy of the agreed text is attached.]

The Members discussed a future programme of work for the Council. This lists subject areas which the Members of the Council regard as the most likely to prove fruitful for future discussion, consultation and co-operation. A programme of future work was agreed unanimously by the Council. The Council noted that Members could suggest additions to or deletions from the programme at any time and that the programme could be amended accordingly after proper discussion between the Members.

[In particular, as regards future work, the Council agreed that representatives of Members' administrations should meet in [place] on/before [time] to discuss the issue of [strategic transport links/drugs] on the basis of a paper prepared by the [Member] administration and that a report back to the main Council should be made at a future summit-level meeting.

From: Jonathan Powell
Date: 6 July 1999

PRIME MINISTER

cc: John Sawers
Alastair Campbell

NORTHERN IRELAND

The UUP are beginning to move in our direction although they are not ^{there} ~~sure~~ yet. The Assembly group is reportedly 19 against and 10 in favour and John Taylor reportedly wanted to do the deal. Reg Empey is reserved on grounds of moral principle. Ken Maginnis is hostile on emotional grounds. Kate Hoey, Paul Bew and others are working them on our behalf. ~~Mo~~ ^{Yes} is seeing David Trimble tomorrow after PMQs and Reg Empey.

The main UUP concern is legislation and what it says. I attach Bill Jeffrey's description of his discussion with David Trimble and minutes explaining the difficulties we will have in legislating on this point to make it automatic unless we have Irish agreement. The other demands the Unionists are making are:

- that there should be measures that catch the Loyalists without allowing them to bring the whole process down if they do not decommission;
- that the SDLP should do more than they have done so far. They want you to speak to John Hume and if he will not be more helpful to make it public that he is not doing so;
- they want a more detailed description of what will actually happen in September if there is no decommissioning. They want the legislation to be clear that the review process will focus on reintroducing the Good Friday

Agreement institutions on the basis of exclusion of those parties that fail to meet their commitments. They want some acknowledgement that democratic parties should be privileged relative to non-democratic parties e.g. that the offices of First and Deputy First Minister will be kept open. They want legislation to be automatic on the issue of a certificate by de Chastelain;

- they want an IRA statement;
- they want something unspecified on prisoner releases;
- they want the Irish to announce that articles 2 and 3 will be amended immediately devolution takes place and they want the Irish Ambassador to London to visit the First Minister in Northern Ireland within a few days of devolution taking place (of great symbolic importance for them) and they want Irish Government support in excluding Sinn Fein if Sinn Fein do not decommission;
- they also read a lot into the stories in the newspapers about Mo being reshuffled and expect the reshuffle to take place before devolution.

Kate's view is that the Unionist public is fairly well disposed to this agreement. It is focussed around the exclusion clause. The opposition to it doesn't have the venom that the opposition to the GFA demonstrated. The Unionists are looking for a way to accept it. They do not want to be blamed for it failing to go ahead. I am worried about the practical difficulties to shepherding the Unionists into an agreement. David meets his party executive on Friday. Monday 12 July and

Tuesday 13 July are public holidays in Northern Ireland and we will not be able to do any negotiating then. That leaves one day for you to visit Northern Ireland on 14 July before the running of de Hondt (you should visit the RUC when you go). We need to get Trimble to agree a strategy with us before reaching an agreement.

The Irish have not made a huge song and dance about what we have done so far although Bertie has today publicly distanced himself from what we have said about prisoners, exclusion and timing.

Sinn Fein are in a strange mood. You are speaking to Gerry Adams tomorrow and may get a better feel. Ronnie's view is that it will be a great mistake to make any move before 12 July on any of the demilitarisation issues. It would make his task in containing violence much harder. Mo's view is that if you are pressed by Sinn Fein we should offer then the full normalisation paper on 14 July, just before devolution (see the attached paper). You might also have to sort out the Rita O'Hare extradition and say something about ~~the~~ Finucane.



JONATHAN POWELL

6 Jul 1999 14:29

No. 4616 P. 2/5

CONFIDENTIAL

FROM: PETER N BELL
BRITISH SECRETARY
6 JULY 1999

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cc: See Distribution List

Mr Stephens

FAILSAFE MECHANISM - VIEWS FROM THE IRISH: PREPARATIONS FOR TODAY'S MEETING

Summary

Ground prepared for this afternoon's meeting. Further comments, mainly by way of amplification, received from the Irish who remain nervous about our exchanges with Trimble. Our revised draft (now handed over) may reassure them The Irish also reminded of the desirability of not restricting the SDLP's room for manoeuvre, should they decide to exclude Sinn Féin, and to be as helpful to Unionism as possible in their own constitutional changes.

Further Irish comments

2. John Fisher has circulated separately the Irish note of late last night ("Outline of Bill to Provide Failsafe Mechanism: Initial Comments" - spare copies are available from the Secretariat or Alan Whysall). You will note that this amplifies rather than add much that is new to the comments I reported in my minute to you of yesterday. They have also drawn further attention to paragraph 2 b) which talks about failure to meet commitments "in respect of devolution". This I had earlier glossed as referring, for example, to the failure of DUP members of an Executive to fulfil their oath of office. Enthusiasts in Dublin have now impressed upon me the duty of all members of the Executive to fulfil all their obligations You will also notice, in their wish to delete the bracketed sections of paragraph 4 - continuing Irish anxieties about "exclusion" of a defaulting party.

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6. Jul. 1999 14:29

CONFIDENTIALRolling the Pitch

3. The only other significant points of which you ought to be aware from my perspective, in preparation for this afternoon's meeting at 1500 hours in Castle Buildings are:
- my emphasis following Seamus Mallon's generally helpful remarks on 'Good Morning Ulster', today that the Irish should not, in public or private, explain unhelpfully that what Mr Mallon *really* meant by his remarks that Sinn Féin would not remain in office if they did not decommission was that *no-one* in those circumstances would remain in office. My argument was that **the possibility that the SDLP might side with other Assembly Members in excluding Sinn Féin was important to keep alive if Unionists were to sign up to "The Way Forward"**;
 - the critical task now, to which *both* Sides should bend all their efforts, was pulling the understandably sceptical Unionists on board. This required, I suggested, **presenting, for instance, changes in the Irish Constitution in as Unionist sympathetic light as possible on the lines suggested in my earlier papers on "Sweeteners for Unionists"**;
 - the extreme political **difficulty of keeping Strand 2 institutions in being** (notably Implementation Bodies) **if Strand 1 is effectively on ice**. (The Irish, unsurprisingly, feel very strongly that such bodies should continue, and are excited that we should have even mooted the possibility of the contrary to Trimble);
 - if automatic exclusion is out, then there is a persuasive **case for the suspension of the institutions following immediately and automatically on decommissioning failure**;
 - particularly in view of what I understand was a relaxed conversation between the Secretary of State and Mr Adams, and pace David Donoghue's earlier

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No. 4616 P. 4/5

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reports about difficulties within the party, not over-estimating Sinn Féin's difficulty with "The Way Forward".

Comment

4. Consonant with all my recent conversations with Donoghue on this subject, there is a marked reluctance, even perhaps inability, to understand why Unionism collectively should have grave difficulties with "The Way Forward"; (well encapsulated by Chris McGimpsey on 'Good Morning Ulster' today); and that, in the absence of any firmer statement of Republican intention, we did not even inadvertently undercut our marketing efforts.
5. Those efforts, I re-emphasised, were shared ones and I handed over an (edited) copy of the latest draft of "The Way Forward: Outline of a Bill to Provide a Failsafe Mechanism" (attached to Alan Whysall's note to Bill Jeffrey of 5 July, which helpfully reflected earlier Irish comments). This, I explained, in response to intense cross questioning by Donoghue, had served as the basis for a discussion last night between David Trimble and British Ministers. But I did not confirm that a paper had been handed over, although I reminded Donoghue that I could offer no guarantee either past, present or future. Donoghue concluded that it had been
6. In general, so far as the Secretariat is concerned, the ground is as well prepared as it can be for this afternoon's meeting at 1500 hours in Room 432, Block B, Castle Buildings where, **technicalities and the International Agreement apart** (on which I warned the Irish we shall be pressing them - their own lawyers are coming), one of our chief objectives, I believe, will be to continue the 'political education' of Irish colleagues. (The Irish, I gather, may not all be there till 1530* which gives us time for a pre-brief.)

Signed: P N Bell

P N BELL
WH EXT 83910/11

*ps: The Irish will not now arrive till 1700 hours. The Secretariat is ringng round

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6. Jul. 1999 14:30

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JPS
C: JS
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SUMMARY

Minor disturbances overnight by a small faction of supporters at Drumcree. Elsewhere: minor protests; nothing significant to report. All parades passed off peacefully. All roads currently clear.

DRUMCREE

Numbers at Drumcree peaked at roughly 350 at around 1030 pm. There were disturbances involving a small faction of the crowd in the area of St John's Roman Catholic Church. Missiles were thrown at security forces. Police have reported the throwing of a fume filled "bomb" (make-up undetermined) which resulted in up to four police officers seeking medical advice.

Police say they made three arrests; two for provocative conduct.

ELSEWHERE

Minor temporary road blockages. Nothing else significant. All parades passed off peacefully.

LINES TO TAKE

Updated lines to take are attached.

[Signed]

SARAH TODD

SHA Ext 27018

RESTRICTED

RESTRICTED**ANNEX****DRUMCREE- TUESDAY 6 JULY****LINES TO TAKE FOR MINISTERS AND PRIME MINISTER**

- Strongly commend dignity and restraint shown so far, and support calls of Orange Order for behaviour to remain lawful and dignified.
- Every effort was made to reach a satisfactory resolution on the 4 July parade. Regret that there was insufficient time to reach local accommodation.
- Parades Commission therefore made a determination, in accordance with the law, by which everyone should abide. The security forces will continue to uphold it That determination set out in full the reasons for the Commission's decision. But as has been recognised, the determination is not a long term solution.
- The Chairman, Alistair Graham, also made clear (letter to The Times, 1 July) that if the Orange Order were to offer direct talks with the Garvaghy Road Residents, call off protests and engage constructively on the issues, then the Commission would be strongly influenced by that in dealing with applications for future marches. The Commission would also take into account the position adopted by the Residents' Coalition.
- No private guarantee to Orange Order about early parade at Drumcree. But we still need an accommodation on this issue. Too early to talk about dates, but an accommodation will require real engagement without delay and the Government is working to promote this as soon as possible.
- Applaud restraint shown so far by both sides.
- Pay tribute to the professionalism and calm restraint of the security forces on the ground in maintaining peace and upholding law and order in the Portadown area and

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more widely , so that everyone can go about their lawful business in as normal a manner as possible.

- Theirs is a most difficult role and they deserve everyone's full support.

[Ormeau Road]

- The Parades Commission has made a determination and everyone should abide by it. But (as the Commission has said) efforts towards a local accommodation should also continue. There is no veto over the parading tradition by those who oppose parades.

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FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
BLOCK B, CASTLE BUILDINGS
BELFAST BT4 3SG

Tel Belfast (01232) 520700

John Sawers Esq
Private Secretary to
the Prime Minister
10 Downing Street
LONDON
SW1A 2AA

fc: JPo
MT
AC

(Handwritten initials in a circle) n

6 July 1999

Dear John,

NORMALISATION

I attach a list of steps which might be announced, in ascending order of difficulty. They are annotated: several have downsides in terms of their impact on Unionists. It is also the case that deployment of these points now would leave in the locker little more than the really difficult steps described in paras 3 and 4 below, so we would have little to put on the table in any future negotiations.

Because of the likely impact on Unionists and the current tension over marching (Drumcree and the 12th), the Chief Constable would be concerned that an announcement before Tuesday 13 July (and depending on conditions) could make management of public order till then a good deal more difficult. He would be happy to brief you personally on the situation on the ground if you or the Prime Minister would find this helpful.

Two most sensitive items are not on the list:

- South Armagh towers: the security forces assess that these remain essential, not least in countering the threat from dissident republican groups. Their use is likely to remain essential for some time yet;

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- Army numbers/R Irish/special forces: the Defence Secretary agreed that the security strategy paper could refer to these only as a deal-clincher. We should not deploy yet, not least as they may prove essential to a deal later.

With respect to the closure of the holding centres in the policing section of the attachment, I should emphasise that the RUC would be opposed to announcing closure unless there was a clear end to paramilitary violence and unless this was a deal-clincher.

The Secretary of State has not had the opportunity fully to consider the attached, but is content with this approach. She will see the text at around 5.00 pm.

Yours ever
Jul McKerrill

J McKERVILL

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NORMALISATION Ideally on the basis that nothing is agreed until everything is agreed, the following concessions could be offered in order of ascending impact (most radical at end of list).

Emergency legislation

Could offer **new UK-wide counter-terrorist legislation**, fully consistent with human rights obligations (allowing UK to lift its derogation under European Convention on Human Rights). If security situation permits, **no Northern Ireland-specific temporary measures.**

Timing: by **August 2000** or earlier, depending on Parliamentary timetable.

Impact: already pre-figured in December 1998 consultation document; broadly acceptable to Chief Constable; Unionists did not comment.

Symbols and emblems

Could **deschedule five flag-flying days when Union flag flown in Northern Ireland but not Great Britain.**

Timing: **12 July** could be first descheduled day.

Impact: this timing could sharpen adverse Unionist reaction.

Firearms

- Restrictions on legally-held weapons, including personal protection weapons (PPWs)

Could offer a **hastened programme of individual PPW case reviews by the Chief Constable**, subject to continuing improvements in the security situation.

Timing: by **May 2000.**

Impact: unlikely to be sensitive with Unionists.

Could consider applying **post-Dunblane hand-gun legislation on pistols.**

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Timing: dependent upon Parliamentary timetable.

Impact: Unionists would object.

Policing

- Closure of holding centres

Possible concession (either Castlereagh or all three centres) linked to emergency legislation above, which is the basis for the centres.

Timing: would depend on how soon alternative provision could be created and on availability of finance.

Impact: Chief Constable could accept to clinch a deal, but would be opposed to announcement otherwise.

- End deployment of plastic baton rounds (PBRs)

Very difficult. PBRs available to all UK police forces. Often most satisfactory way of dealing with disorder. Could offer a **review of use**.

Timing: by **May 2000**.

Impact: Chief Constable could accept a review, not a ban.

Military installations

-

Return land requisitioned from the Crossmaglen GAA club as soon as the necessary building work completed.

Timing: scheduled for **9 July** anyway.

Impact: will happen by Friday anyway, but we might as well take the credit, although GAA and Army do not want publicity.

Could offer **demolition of six vacated**

Fermanagh patrol bases

Timing: work could start after height of marching season, say **September 1999**.

Impact: Ken Maginnis would object and presentationally difficult whilst dissident Republicans remain active.

Inquests

- Review of the law on inquests. Timing: say by **May 2000**.

Impact: Lord Chancellor could accept **review of the law on inquests** to clinch a deal, provided it were conducted by the Northern Ireland Office.



Northern Ireland Office
Block B, Castle Buildings
Belfast BT4 3SG

Dear Tony,
Prime Minister

FLYING OF UNION FLAG ON GOVERNMENT BUILDINGS IN NORTHERN IRELAND

I wrote to you on 20 April (copy of minute attached for ease of reference) about my plans to 'deschedule' the five flag-flying days unique to Northern Ireland - New Year's Day, St Patrick's Day, Easter Sunday, 12 July and Christmas Day.

You will note that the next Northern Ireland specific flag-flying day is 12 July. Recently I have received representations from Sinn Fein on the policy and they will be looking closely at what action the Government takes this week. While there is an argument, given the current sensitive political situation and particularly the need to keep Unionists on board as respects 'The Way Forward', for saying that things should be left as they are at present, equally, it may be that closer to 12 July republican politicians' position may need to be bolstered. I should be grateful for your agreement in principle for me to go ahead with despecifying 12 July as a Northern Ireland specific flag-flying day if I judge the political situation so warrants.

make agreement

GFA - amta

MARJORIE MOWLAM

5 July 1999

TS/17/6

FROM: TERRY SMYTH
CENTRAL SECRETARIAT

5 JULY 1999

see copy distribution below



PS/SECRETARY OF STATE (B&L) - O

FLYING OF UNION FLAG ON PUBLIC BUILDINGS

Summary

Issue: Decision to de-schedule five days on which the Union Flag is flown on public buildings in Northern Ireland but not elsewhere in the UK.

Recommendation: Secretary of State to note that the next Northern Ireland - specific flag day will be 12 July; and to indicate her wishes as to what action should be taken on this issue.

Timing: For early consideration.

Detail

1. The Secretary of State has decided to de-schedule the five days in which the Union Flag is flown on public buildings in Northern Ireland but not in other parts of the UK. However, she cannot announce this decision until the Prime Minister responds to her letter of 20 April seeking his views on the issue.
2. The Secretary of State will wish to note that in recent weeks both Conor Murphy of Sinn Fein and the Solicitors Madden and Finucane, on behalf of Sinn Fein, have written about this issue. Both have indicated that they are aware that consideration is being given to policy on the flying of the Union Flag and have inquired about the

S+S
 To see. Do you wish to
 pass No 10 for a decision
 agreement to despatch
 12 July as a flag flying
 day on in the current
 political climate to leave it.
 The next NI specific flying
 after 12 July is Christmas
 Day.

J
5/7.

outcome of this consideration. In the circumstances, holding replies have been sent. It is clear that both Sinn Fein and Madden and Finucane are aware that there are five days on which the flag is flown in Northern Ireland but not elsewhere in the UK.

3. The next Northern Ireland-specific flag day is 12 July and the next after that Christmas Day. I would be glad to know if the Secretary of State wishes to press No 10 for a response to her letter, with a view to making an announcement about the de-scheduling of the five Northern Ireland flag days before the end of this week. Alternatively, given the current sensitive political situation, particularly the need to keep the Unionists on board, she may prefer to leave things as they are for the present.

4. As indicated in earlier submissions, post-devolution it will be a matter for the Assembly to decide when the flag should be flown on those buildings in which the Assembly and the Northern Ireland Departments carry out their functions. If no decision is taken before devolution to de-schedule the five days, it is unlikely that any proposal to do this post-devolution would receive the necessary degree of cross-community support within the Assembly/Executive Committee.

TERRY SMYTH

T SMYTH
☎ 28153

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Mr McCusker - O
Mr Maccabe - O
Mr Canavan
Mr Fitzsimons - O

**FROM: SUSAN SCHOLEFIELD
SECURITY POLICY AND OPERATIONS DIVISION
5 JULY 1999**

DESK IMMEDIATE

cc: PS/Secretary of State (B&L) - e
PS/PUS (B&L) - e
Mr Watkins - e
Mr Jeffrey - e
Mr Leach - e
Mr Kelly (B&L) - e
Mr Stephens - e
Mr McCusker - e
Mr Webb - e
Mr Warner - e
Mr Powell, Number 10 (by fax)

PS/Mr Ingram (B&L) - e

DRUMCREE: LETTER TO HAROLD GRACEY

1. We understand from the Parades Commission that their determination on the Lower Ormeau Road 12 July parade is to be issued today at around lunchtime. We expect it to be negative.
2. In the light of this, our advice would be that the Prime Minister should not write to Harold Gracey today (Mr Leach's submission of yesterday refers - Annex A) but tomorrow at the earliest.
3. This would avoid the Orange Order receiving two pieces of bad news on the same day. Rather, today would open with the Secretary of State drawing on the lines to take circulated earlier this morning, on which other Ministers - including the Prime Minister - could draw as necessary. The key message would be:
 - we still need an accommodation on Drumcree. It's too early to talk about dates, but an accommodation will require real engagement

HL/31698

without delay and the Government is working to promote this as soon as possible.

4. The Prime Minister would then write as at Annex A to Mr Gracey, with the letter issuing either tomorrow (Tuesday) or even later in the week, depending on how the situation develops. We will keep Ministers in close touch and advise further on the precise timing of the letter.

5. Please could you let me know swiftly whether Mr Ingram is content to proceed in this way.

[Signed: Susan Scholefield]

SUSAN SCHOLEFIELD

SHA ☎ 27028

ANNEX A

**FROM: S J LEACH
ASSOCIATE DIRECTOR POLICING & SECURITY
4 JULY 1999**

IMMEDIATE

cc PS/Secretary of State (B&L)
PS/Mr Ingram (B&L)
PS/PUS (B&L)
Mr Watkins
Mr Jeffrey
Mr Kelly
Mr Stephens
Mr McCusker
Ms Scholefield
Mr Webb
Mr Warner

Mr Ingram, Hillsborough (by fax)

DRUMCREE: LETTER TO HAROLD GRACEY

I was in contact with Jonathan Powell in the course of yesterday to brief him on the developing situation and the request by the Orange Order for a statement of the Government's position by 1800 hours (this was issued after clearance by Mr Ingram and No 10). Jonathan Powell said that he would be grateful to have tomorrow morning a draft letter for the Prime Minister to consider sending to Harold Gracey to:

- commend the Orange Order on the restraint shown so far;
- make clear that agreement on a parade on 11 July does not look realistic; and
- refocus the Portadown District on the need for real engagement to prepare the ground for a possible march later in the year.

2. Mr Watkins has discussed the background in more detail with the Minister. I now attach a draft letter as requested by Mr Powell, and should be grateful for the Minister's agreement that we can send this to No 10 tomorrow morning.

Stephen Leach

S J LEACH
Ext 27012

LETTER FOR PRIME MINISTER TO SEND TO:

Harold Gracey Esq
District Master
Portadown District LOL No 1

July 1999

I have been closely following events at Drumcree over the last couple of days. I very strongly support the calls which you and your colleagues have made for the behaviour of those at Drumcree to be lawful and dignified, and for violence to be completely avoided. [And I recognise and commend the dignity and restraint which has been shown by members of the Order so far.]

When I met you and others from the District on 2 July, I made clear my regret that it had not been possible to reach an accommodation in respect of the Drumcree Church Parade; and also undertook that I would do all I could to promote a satisfactory resolution. I pursued this issue in a meeting with the Garvaghy Road Residents' Coalition and with others who could have a role to play.

As a result of those meetings, I believe that it is clear that it will not be possible to resolve the points at issue in the immediate future. We need to give sufficient time for the Parades Commission to be satisfied on the issues raised in its determination. As Alistair Graham has said, the Commission is looking to the Portadown District to offer direct engagement with the Residents, to call off protest marches and associated events and to engage constructively on the issues. The Commission has said that it would be strongly influenced by these factors in dealing with applications for future parades; and it would also take into account the position

HL/31698

adopted by the Residents' Coalition. This suggests that agreement on a parade on 11 July does not look feasible.

I am clear that we need an early accommodation on this issue, and I remain determined to do what I can to promote that. What is needed is real engagement by both sides which would enable progress to be made as soon as possible. I therefore hope that the facilitators will be able to discuss the position with both sides this week, and that very shortly after the Twelfth it will be possible to establish a process which will lead to a successful resolution. Meanwhile, I commend you again on the restraint and discipline which has been shown so far by the Order, and stress the importance of this continuing.

✓
The sop for
SF should be
quite significant

From: Jonathan Powell
Date: 5 July 1999

PRIME MINISTER

cc: John Sawers
Alastair Campbell

NORTHERN IRELAND

I had a tough phone call with Martin McGuinness this evening. He said he was disgusted. We were making his and Gerry Adams's task in selling the Way Forward to Republicans impossible. In fact they were not even going to try to sell it in the current circumstances. We were making a serious misjudgement. If we seriously intended to exclude Sinn Fein, we would have a major problem on our hands. We spent about ten minutes going through the exclusion clauses, "days and weeks" and what Alastair said about prisoners. I think there is a case for you speaking to Gerry Adams tomorrow.

David Trimble saw Bill Jeffery this evening to discuss our draft Bill (draft attached). David Trimble predictably dismissed the text as rubbish. He wanted a legislative exclusion of Sinn Fein if they were in breach. Bill will go back to him with a further text. The one point we can agree is making the suspension automatic on receipt of certification by de Chastelain.

Seamus Mallon has sent us the attached draft article for the Irish News. It goes some way to meeting the UUP concern but not nearly far enough for Trimble. He is likely to react aggressively to this and say that it offers him no guarantee that the SDLP would support exclusion of Sinn Fein.

I have asked the NIO to think up a good security or other CBM for the Republicans/Nationalists, including revisiting the South Armagh towns. They will give us a proposal tomorrow.



JONATHAN POWELL

RECEIVED
5 JUL 1999
POL DIRECTOR(L)

From: **A J Whysall**
Northern Ireland Act Implementation Unit

Tel: (0171 210) 6483
Fax: (0171 210) 0229

Date: 5 July, 1999

Copy list at end

PS/SECRETARY OF STATE (B&L)

FAILSAFE BILL

Summary

1. *Decisions required:* on the note attached (A) setting out key elements of the Bill to give effect to the 'failsafe' clause, which would be used as a basis for consultation with the parties

also on the attached note of 'clarifications' (B) for Mr Trimble sought by No 10.
2. *Timescale: immediate.*
3. *Recommendation:* agree main note in first instance as a basis for discussion with the Irish, then to No 10 later this afternoon;

agree clarification note (subject to implications of any Irish comments on main note), to go to No 10.

Outline of the Bill

4. The note attached (A) sets out the way we envisage that a Bill would give effect to the 'failsafe' clause in the Prime Ministers' announcement of Friday. Parliamentary counsel, whom we met on Sunday, is drafting on the basis of it.
5. Subject to Ministers' views, and discussion with the Irish, the note could be used as a basis of discussion with the parties.
6. For reference, the clause reads:

5. A "failsafe" clause: the Governments undertake that, in accordance with the review provisions of the Agreement, if commitments under the Agreement are not met, either in relation to decommissioning or to devolution, they will automatically, and with immediate effect, suspend the operation of the institutions set up by the Agreement.

In relation to decommissioning, this action will be taken on receipt of a report at any time that the commitments now being entered into or steps which are subsequently laid down by the Commission, are not

fulfilled, in accordance with the Good Friday Agreement. The British Government will legislate to this effect.

7. The key features of the scheme we propose:

A. the Secretary of State would be **bound** to act:

- i) if she received a report from the **Decommissioning Commission** that a **party or organisation** had **failed to honour commitments** in respect of decommissioning, or **steps laid down by the Commission** in respect of it; **or**
- ii) if she had **any other reason** to believe an **Assembly party** had **not honoured commitments** in respect of **decommissioning or devolution**.

Issues. This formulation covers failure to observe decommissioning steps by **any party or organisation**, whether or not in, or associated with a party in, the Assembly. But (see below) the Assembly can resolve not to suspend, if for example a group outside the political process is in default.

We have not mentioned consulting the **Irish**, which might rile the UUP, but of course we would do so before reaching any decision.

B. The Secretary of State would first **notify the Assembly of her intention to make a suspension order**. It would then have x days in which it might resolve by cross-community support that **suspension was not appropriate** – which might follow action to **exclude** a relevant party from holding ministerial office [we are considering x – five days might be appropriate].

Issues. This should be **welcome to unionists**: the Assembly will have a chance to act so as to remove the justification for suspension. This is not in the proposals, which say that suspension should be ‘automatic’ and ‘with immediate effect’. But we could justify it as being faithful to the Agreement, which envisages exclusion as the remedy in cases like this.

In the case of **loyalists**, exclusion would have no *practical* effect (unless the PUP got a junior minister post). But the Northern Ireland Act allows parties to be excluded from *holding office in the future*, so there would be a theoretical sanction. The only way of going further would be to exclude defaulters from the **Assembly**, but that has never featured in the Agreement or Northern Ireland Act.

C. Failing action, she would **make the suspension Order** (subject to negative resolution: Parliament may not be sitting, and suspension is supposed to be ‘automatic’, so affirmative resolution seems excessive).

- D. Under the order, the aim is the **status quo ante**: Ministers will **cease to hold office**, and the Secretary of State will control the executive; the **Assembly will not meet**, and there will be **power to legislate by Order in Council** (and we will take control of **Assembly salaries**); the **NSMC, BIC and BIIGC** will not meet; the **implementation bodies** would be to some degree suspended, though functions inherited from other bodies might go on under the Secretary of State's control; there would be a **review**.

Issues. The absence of a link with **prisoner releases** will be denounced.

There are great practical difficulties with suspending **implementation bodies**. We are working on what is possible. The Irish will no doubt have views (and on suspension of the BIIGC, without restoration of the Anglo-Irish Agreement).

The **Human Rights Commission** and **Equality Commission** would not be suspended: Unionists might argue they were included by the terms of the proposals, but they discharge important statutory functions. Neither will the **constitutional changes** be reversed (including the nationalist concession on consent, which may be a response to UUP criticism).

- E. The Secretary of State could **bring back the devolved institutions**, by affirmative resolution order, following a successful review. If there were any exclusions, d'Hondt would be re-run. Otherwise Ministers (including the FM and DFM) would take their old places automatically.

Next steps

8. Further advice follows. There will need to be consultation with the parties. The attached note of 'clarifications' (B) for Mr Trimble has been requested by No 10. But it is obviously subject to the Irish comments on our other note.
9. Counsel will draft the Bill as soon as possible – we should have the key clauses tomorrow, if not today. But there is a good deal of intricate detail to it, and if it went wrong, the consequences could be very serious for the process. So it is worth taking time to check. We are aiming for parliamentary passage next week, in advance of the appointed day order.

A J Whysall

cc PS/Mr Murphy (B&L)
PS/Lord Dubs (B&L)
PS/PUS (B&L)
PS/Mr Semple
Mr Gray
Mr Jeffrey
Mr Watkins
Mr Bell
Mrs Evans, HOLAB
Mr Kelly
Mr McCusker
Mr Stephens
Mr Brooker
Mr Crawford
Mr Heaton, HOLAB
Mr Maccabe
Mr Keown
Mr Margetts
Mr Barbour
Mr Sawers, No 10
Ms Milligan, DAD, FCO
Mr Saunders, PCO

**THE WAY FORWARD:
OUTLINE OF A BILL TO PROVIDE A FAILSAFE MECHANISM**

1. This note summarises in non-legal terms the approach followed in the Bill now being drafted to provide the 'failsafe clause' outlined in the proposals of the Prime Minister and Taoiseach of 2 July 1999.

Criteria for suspension

2. The Secretary of State would be under a duty to act if:
 - A. the Decommissioning Commission produced a report that indicated that a party or organisation had failed to honour commitments in respect of decommissioning or fulfil steps laid down by the Commission bearing on that party or organisation; or
 - B. she had any other reason to believe that a party in the Assembly had not met its commitments in respect of devolution or decommissioning.
3. In those cases she would notify the Assembly of her intention to make a suspension order.
4. Unless within x days of receiving the notification, the Assembly passed with cross-community support a resolution to the effect that suspension was not appropriate (which might follow a resolution to exclude a relevant party from holding ministerial office, currently or in the future, under section 30 of the Northern Ireland Act 1998), the Secretary of State would make the order, which would be subject to negative resolution in Parliament.
5. At the same time, she would take steps to establish a review.

Effect of suspension

6. Under the suspension order:

- A. **Ministers** in the devolved administration would cease for the time being to hold their posts, and the Northern Ireland administration would come under the control of the Secretary of State, as under direct rule;
- B. the **Assembly**, its committees, etc, would not meet, and there would be powers of legislation by Order in Council, also as under direct rule;
- C. the **NSMC, BIC and BIIGC** would be suspended (the Bill would itself suspend powers for Northern Ireland representation in these institutions; an international agreement would be needed to complete the suspension process);
- D. subject to considerations of practicality, the operation of the **implementation bodies** might be suspended (essential pre-existing statutory functions passing in Northern Ireland under the aegis of the Secretary of State).

Power to end suspension and restore devolved government

- 7. The Secretary of State would have a power following a successful review to resume devolution by Order subject to affirmative resolution in Parliament (unless during recess, when it would be subject to later approval). The Assembly would meet again, the legislative powers by Order in Council would fall away, and Northern Ireland Ministers would take over executive functions (subject to any exclusion resolution, which would be followed by a running of d'Hondt); the NSMC, BIC and BIIGC could meet again, and the implementation bodies would function normally.

**CLARIFICATION OF THE FAILSAFE PROPOSALS FOR DEPLOYMENT
WITH MR TRIMBLE**

**The 'trigger' for suspension: automatic action on an adverse finding by the
Decommissioning Commission**

Any adverse report by the Decommissioning Commission about a party or organisation will trigger action: the Secretary of State will be under a duty to act.

We cannot confine this only to parties in the Executive: it must be seen to cover loyalist failures too.

We have to cover, under the terms of the proposals, other failures to honour commitments in respect of decommissioning or devolution – a reference we had to include in the interests of balance. Those on devolution are likely to relate chiefly to failures in the pledge of office. We will spell out in more detail the (limited) nature of the circumstances in which we see it coming into play.

The Assembly gets a chance to act

The Bill will give the Assembly a brief interval to act, by excluding the parties in default. If that happens, or if it thinks the breach does not justify suspension, it can pass a resolution by cross-community support to prevent suspension. That is the first-line sanction, and is obviously preferable.

Suspension: the status quo ante

Suspension will as far as we possibly can restore the position now: ministers cease to hold office for the time being, the Assembly does not meet, the North-South and East-West institutions are effectively suspended, and we would revert to direct rule powers, as now. There would be a review.

Resumption

There would be powers to resume devolved government after a successful review. If there were an exclusion, d'Hondt would be re-run, but we envisage no re-election of the First Minister and Deputy First Minister. Subject to that, Ministers would take up their posts, the institutions would resume, and the direct rule powers would fall away.

*cc FA/PS
FA/PS (MT)
AC/Press*

**FROM: SUSAN SCHOLEFIELD
SECURITY POLICY AND OPERATIONS DIVISION
5 JULY 1999**

**DESK IMMEDIATE
UPDATED VERSION**

- cc PS/Mr Ingram
- PS/Mr Murphy
- PS/Mr McFall
- PS/Lord Dubs
- PS/Mr Pilling
- Mr Watkins
- Mr Leach
- Mr Bell
- Mr Kelly
- Ms Dodd
- Mr Webb
- Mr Kerr
- No 10 - Duty Clerk*
- * by immediate fax

PS/Secretary of State

DRUMCREE: LINES TO TAKE, MONDAY 5 JULY

I attach at Annex A lines for the **Secretary of State** to take on Drumcree for her GMTV interview this morning and for the **Prime Minister** to draw on as necessary for the **Today** programme and **Good Morning Ulster**.

2. I also attach at Annex B a statement made yesterday afternoon and agreed with Number 10 and Mr Ingram.

Susan Scholefield
SUSAN SCHOLEFIELD
Ext 27028

ANNEX A**DRUMCREE- MONDAY 5 JULY****LINES TO TAKE FOR MINISTERS AND PRIME MINISTER**

- Strongly support calls of Orange Order for behaviour at Drumcree to remain lawful and dignified and commend dignity and restraint shown so far.
- The Prime Minister made every effort to reach a satisfactory resolution on the 4 July parade. Regret that there was insufficient time to reach local accommodation.
- Parades Commission therefore made a determination, in accordance with the law, by which everyone should abide. The security forces will continue to uphold it. That determination set out in full the reasons for the Commission's decision. But as has been recognised, the determination is not a long term solution.
- The Chairman, Alistair Graham, has also made clear (letter to The Times, 1 July) that if the Orange Order were to offer direct talks with the Garvaghy Road Residents, call off protests and engage constructively on the issues, then the Commission would be strongly influenced by that in dealing with applications for future marches. The Commission would also take into account the position adopted by the Residents' Coalition.
- We still need an accommodation on this issue. Too early to talk about dates, but an accommodation will require real engagement without delay and the Government is working to promote this as soon as possible.

5.JUL.1999 8:07

N I O REGISTRY

- Applaud restraint shown so far by both sides.

- Pay tribute to the professionalism and calm restraint of the security forces on the ground in maintaining peace and upholding law and order in the Portadown area and more widely , so that everyone can go about their lawful business in as normal a manner as possible.

- Theirs is a most difficult role and they deserve everyone's full support.

LINE FOR PRIME MINISTER **IF PRESSED**

Q Did you give commitment to Orange on march this week/11 July?

A

- The Prime Minister said he was willing to explore options and he is still willing to do that.

- There has to be an accommodation on this issue and the sooner it's reached the better. Too early to talk about dates. Difficult issues remain and we have to seek real engagement to resolve these.

5.JUL.1999 8:07

N I O REGISTRY

ANNEX B

July 4 1999

In response to a request made by the Orange Order this afternoon in Drumcree for a statement the Government issued the following:

"The Prime Minister made every effort to reach a satisfactory resolution on the July 4 parade and it is regrettable that there was insufficient time to reach an accommodation.

The Parades Commission therefore made a determination, in accordance with the law, by which everyone should abide.

The security forces will continue to uphold the rule of law in a professional manner so that everyone can go about their lawful business in as normal a way as possible.

They have a most difficult role and they deserve everyone's full support.

Full reasons were set out by the Parades Commission for the decision but, as has been recognised, the determination is not a long term solution.

We still need an accommodation on this issue and as soon as possible. That will require real engagement without delay and the Government is working to promote this.

The Government strongly supports calls made by the Orange Order for any protest at Drumcree to remain lawful and commends the dignity and restraint shown so far by both sides."

RESTRICTED ^{FILE}



10 DOWNING STREET
LONDON SW1A 2AA

SUBJECT
MASTER

Filed on:

From the Prime Minister's Chief of Staff

5 July 1999

Dear Stephen,

DRUMCREE

As reported by phone the Prime Minister spoke to Harold Gracey this evening. He thanked him for the responsible attitude taken by the Orangemen. It was important to keep things calm. Gracey interjected that it would be hard to keep on doing so for much longer.

The Prime Minister suggested that the Orangemen might want to come over again for a meeting if that was convenient. He would get someone in his office to fix up a time. Gracey was keen. The Prime Minister said he had met the residents. It had been a depressing meeting but there had been some small chink of light. He would carry on working for an agreed solution. But he should again emphasise that he could not promise to deliver a solution to this issue. All he could promise was to keep on trying.

I subsequently called Brendan McKenna and offered him a similar meeting next week. He said he would come back to me on that. He was grateful to me for letting him know. He said that the people of the Garvaghy Road were very suspicious about our intentions. I said we had no hidden agenda.

You have promised to let me have a draft reply to Nigel Dawson's letter which we can use to let the Orangemen down gently prior to the Prime Minister's meeting.

I am copying this letter to Nick Perry (Northern Ireland Office) and David Watkins (Northern Ireland Office).

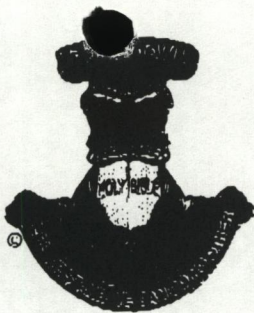
Jonathan Powell

JONATHAN POWELL

Stephen Leech, Esq.
Northern Ireland Office

RESTRICTED

Top: COS
PAGE: 1
cc FAIS
FAIARS (MT)
(AC) Pass



Portadown District L.O.L. No. 1

5 July 1999

Rt Hon T Blair MP
Prime Minister
10 Downing Street
London
SW1 1AA

cc fax 10/10/99

N. of Perry
Down waters
Stephen Leach
FAIARS - 5/7/99
NIO (145)

Grateful for draft rd
ADH

DM

V. Z

Dear Prime Minister,

Further to the meeting with the Orange Order delegation on Friday 2 July 1999 at Castle Buildings Belfast.

No doubt, you will have been given detailed reports on how the parade to Drumcree church and its subsequent dispersal was effected.

You will understand the intense pressure we are under in trying to maintain a peaceful and dignified protest at Drumcree.

We would again, impress upon you the immediate need to get a just and lasting solution to the problem and await an urgent response as to how you wish to move the process forward.

I can be contacted on my mobile number 0370 368988.

Yours sincerely,

NIGEL DAWSON
DISTRICT SECRETARY

05/07 99 MON 19:24 FAX 01232521445

001

**NEW NORTHERN IRELAND
ASSEMBLY**

**Office of the Deputy First Minister
Room 13
Parliament Buildings
Stormont
BELFAST
BT4 3SS**

**Telephone (01232) 521683
Fax (01232) 521641**

~~C~~ JS
PB
MT
AC

FAX

TO: Mr J Powell		FROM: Hugh Logue	
FAX NO: 0171 839 9044			
NUMBER OF PAGES: (including cover sheet) 6		DATE: 5 July 1999	
Urgent <input checked="" type="checkbox"/>	Please Reply <input type="checkbox"/>	Please Comment <input type="checkbox"/>	
COMMENTS:			
<p>Please telephone Séamus Mallon on Belfast (01232) 521012 upon receipt of this fax.</p> <p>Should there be later developments, I can be contacted on my mobile 07771 602923.</p>			

THE NEW NORTHERN IRELAND ASSEMBLY
Séamus Mallon MP, Deputy First Minister (Designate)

THIS IS THE WAY FORWARD

Last week the British and Irish Governments, the SDLP, Sinn Féin and the UUP engaged in intense negotiations to find a way out of the current impasse. These talks saw all parties make a genuine effort to resolve two intractable problems - how to deal with decommissioning, and thus make the final jump to inclusive Government. I believe we have found a way.

The formula arrived at during the Hillsborough negotiations in April is frequently referred to by Unionists as the option they espouse. However, this Declaration offers the parties a better way forward. Let me explain why this is so.

- Firstly, it offers not just a beginning to decommissioning, but a middle and an end to it;
- Secondly, the principle advanced by Unionists that holding arms is incompatible with holding office has been formally acknowledged in a joint statement by the British and Irish Governments and agreed by all parties. What counts is that those who default on the terms of the Agreement and on the proposal from the two Governments will not continue to hold office;

- Thirdly, failure to deliver will reflect badly on those who default. If, as the Prime Minister suggests, the outside world will not understand Unionist rejection of this proposal, so clearly the outside world would not understand or accept Republican bad faith. Nor would Nationalist Ireland, North or South, understand, accept or tolerate it.

Since Friday, Unionists have raised a number of concerns. Many have centred on the assertion that it is unfair for all to suffer through suspension of the institutions, if Sinn Féin default. Here again a comparison with the Hillsborough Declaration is helpful.

At Hillsborough, a failsafe or "sunset" clause was to be put in standing orders. It too provided for the collapse of the steps taken in the event that the conditions of the Declaration were not met. Hillsborough merely envisaged a shadow phase where Ministers were nominated. This means the other institutions would not have been set up and, therefore, could not have been suspended. But the basic principle then of returning to the starting point was the same as it is now. One must seriously question why Unionists could accept Hillsborough and yet argue against this failsafe clause.

Now the Unionist party is seeking a blank cheque in the event of a suspension and review of the working of the Good Friday Agreement which has an inclusive Executive at its heart.

I do not give blank cheques. What I have given - and will give - is the guarantee that those who do not honour the commitment to

decommission under the Good Friday Agreement will be removed from office. That guarantee was given by me as far back as the 13th of November 1998 at the SDLP conference. It is now the cornerstone of the two Prime Ministers' failsafe clause which suspends the operation of the institutions if the commitment is breached.

But it should not be ignored that last November I also gave a guarantee to Sinn Féin that if devolution was not fully implemented - if Unionists default on the commitment to inclusive government - the same sanction would apply. This too is now a key element of the Prime Ministers' failsafe clause.

I re-emphasise, there were two guarantees given last November. One to Unionists and one to Sinn Féin at a time when neither of them was honouring the commitments to work the Agreement fully and to fulfil the obligation to decommission. Both guarantees given then were rooted in the conviction that those who reneged on the Agreement could not expect to continue in office. Those two guarantees are now formally copperfastened into a joint Prime Ministerial Declaration. They are now not just political guarantees - but sanctions backed by two sovereign governments.

But the Unionists ask for more. They want to predetermine the outcome of the review which would then follow. No-one can predetermine that. To do so would negate the whole concept of the review process which includes the two Governments and all of the political parties.

But what I can say is this. Can anybody imagine circumstances where those who default on the commitments in the Good Friday Agreement and the Way Forward - and in the process precipitate a suspension of the workings of all institutions of the Agreement - would be beneficiaries of the review process where the SDLP, and I as Deputy First Minister, would play a central role?

But this deal is not just about Unionists and their attitude. Republicans too have to sign up to these proposals. The two Governments and I are clear that during last week, Republicans accepted both the obligation to decommission and the need to do so in accordance with a timetable set down by the de Chastelain Commission.

That is what they will be held to. No weasel words. No prevarication. No other way.

Last week the Prime Minister referred to the shift in the Republican attitude to their obligation to decommissioning as seismic. To end centuries of conflict would be truly seismic.

For the first time since partition, there will be no major political force, North or South, which advocates the use of violence for political ends alongside the pursuit of votes.

And, in return, Sinn Féin will have seats in Government for the first time in the modern era. Their rights as Ministers will be no less than those of any other political party. I look forward to the challenge which the four-party coalition will bring, as we seek to

develop a Programme of Government and to make Northern Ireland better governed.

Better governed through closer accountability.

Better governed by listening to local opinion.

Better governed by taking decisions for the good of Northern Ireland.

Better governed by improved co-operation and action North and South.

All of us, Unionists and Nationalists, in the days ahead need to realise again what we have had to learn so painfully. Patience is ultimately more potent than force.

Parliament Buildings, Stormont, Belfast BT4 3SW
Tele: (01232) 521375 Fax: (01232) 521069

Top: FA/PS
cc COS
FA/PS (Mr)
AC/Press

RESTRICTED

From: Denise Holt
British Embassy, Dublin

Date: 5 July 1999

cc: PS/SofS (L&B)
PS/Mr Murphy (L&B)
PS/Mr Ingram (L&B)
PS/Ms Quin
PS/PUS (L&B)
PS/John Semple (L&B)
Mr Watkins
Mr McCusker
Mr Stephens
Mr Leach
Mr Bell
Mr Kelly
Mr Brooker
Mr Maccabe
Mr Beeton
Mr Crawford
Mr Sawers, PS/No 10
PUSD(DSW), FCO
Ms Milligan, DAD, FCO
Mr Sanderson, Cabinet Office

Mr Jeffrey
NIO

FOLLOWING IS TEXT OF DUBLIN TELNO 272

THE WAY FORWARD: IRISH REACTIONS

SUMMARY

1. Cautious Irish welcome for 2 July joint statement on the way forward. Some understanding for Trimble's difficulties, and call by Taoiseach for IRA statement on decommissioning. But strong feeling that Unionists should agree to formation of an Executive in order to put Sinn Fein/IRA to the test.

DETAIL

2. Irish political and press reaction to the Prime Minister's and Taoiseach's proposals on the way forward in Northern Ireland has been cautious. Relief that the Good Friday Agreement process did not fall completely has been mingled with disappointment that a deal was not reached to which all parties could sign up immediately.

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SKP 5/7/99

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3. Commentators on the "green" side of Irish politics were quick to claim over the weekend that Trimble's apparent unwillingness to accept the proposals as they stand showed that Unionists continue to be unwilling to share power with Catholics. The Sunday Tribune's Editorial argued that the main sacrifices to date had come from Sinn Fein and the IRA, and that the Unionists either failed to recognise this or aimed to erect further obstacles to the sharing of power. Elsewhere, there was widespread acknowledgement of the difficulties facing Trimble in dealing with his hard-liners, and even recognition that Unionist scepticism about the true intentions of the Republican movement was understandable, particularly given the confusion over whether or not Sinn Fein speaks for the IRA. This point was accepted by the Taoiseach in an RTE interview on 4 July in which he said that it would be very helpful for the IRA "to say that they can go with this".

4. The overall view of both politicians and commentators has been that on, balance, Unionists should accept the proposals and allow an Executive to be formed: the Sunday Independent summed up the mood in arguing that while there may still be doubts about whether the Republican movement has finally crossed the rubicon, the only way this can be tested is for the Unionists to move forward and put Sinn Fein to the test on decommissioning.

5. There is of course huge relief that Drumcree passed without violence. It is too soon to say whether this will read across into greater sympathy for their negotiating position.

NEXT STEPS

6. There is some confusion here over whether or not the Dail will need to be recalled to pass legislation to provide for suspension of the institutions under the Good Friday Agreement as part of the "fail-safe" provisions. We understand that the Attorney General's advice is being sought. DFA officials told us this morning that they did not (not) think the UK could legislate unilaterally on this point. Any legislation would have to be pursuant to a further international agreement between the two governments. Officials also stressed the technical problems of suspending the North-South implementation bodies to which statutory functions would have been granted eg. in relation to EU programmes.

6. The Attorney General's advice is also being sought on the implications of suspension of the institutions for the repeal of Articles 2 and 3 of the Irish Constitution. We understand that official advice has been that the repeal will still take effect immediately on devolution and entry into force of the British-Irish Agreement. The risk of the institutions failing was acknowledged in the referendum last year, and it would take another referendum to change what was agreed then. Whether this view will prevail with the Attorney General (and the government) remains to be seen.

Denise Holt

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HSA0335 4 HHH 116 PA

4 ULSTER Talks 2nd Lead
(Reopens)<

Mr Hume said today an IRA statement on decommissioning could be very helpful to the peace process.<

He said also that the SDLP would not sit in government with any party which threatened violence, but he said he believed Sinn Fein and the republican movement were committed to peace.<

"I have made clear already, repeatedly, that we would not sit in an executive with any party that is engaged in violence, or threatening violence, that is very clear.<

"But I now believe that Sinn Fein and the movement to which they belong are totally committed to the peace process and to removing the gun.<

"Let us work for the positive and let us not even speculate about the negative."<

end

051345 JUL 99<

AAA HHH NFL NNN NOL PAS
HSA0329 4 HHH 148 PA

3 ULSTER Talks 2nd Lead
(reopens; corrects catchline)<

Ulster Unionist senior negotiator Dermot Nesbitt called on the SDLP to make a clear commitment to excluding Sinn Fein and establishing the executive without them.<

"We are looking to the parties who we will be forming the government with. We need assurances that we will be able to form a government," he told BBC Radio 4's World at One.<

While the SDLP had committed itself to excluding Sinn Fein if there were no weapons handed in by May 2000, the UUP now needed "the same guarantee" that the republicans would be ejected if the new deadlines were not met.<

At the same time, Martin McGuinness of Sinn Fein accused Ulster Unionists of "hiding behind the guns issue".<

He added: "It is obvious to me and it will become increasingly obvious to many people that David Trimble does not want to share power with nationalists and republicans," he said.<

end

051340 JUL 99<

1 ULSTER Talks 2nd Lead
UNIONISTS REJECT BLAIR'S TALKS OFFER<

By Ian Graham, PA News<

Ulster Unionists today rejected the chance of face-to-face talks between its entire Assembly party and the Prime Minister.<

Sir Reg Empey, UUP senior negotiator, said: "We don't think it is necessary to go like out-of-step schoolchildren to the headmaster's study.<

"We will continue to have negotiations with Mr Blair but it will be through our leader and negotiating team."<

The 27-strong Assembly party had been expected to meet Mr Blair in Downing Street some time this week.<

But one senior party source said they had reservations about such a meeting.<

"There would be a belief among some people that we are going to be bought off."<

Their decision came after Mr Blair said the new Northern Ireland Executive can go ahead without Sinn Fein if the IRA fails to disarm.<

As unionists continued to agonise over his Way Forward plan, **the Prime Minister** moved to reassure First Minister and Ulster Unionist leader David Trimble that republicans would not be able to wreck the political process.<
"If within a few days the IRA don't deliver their statement, you just press the rewind button, you are back to where you are today but everyone knows where the blame lies and then it's open to all of us to formulate a way forward without Sinn Fein," Mr Blair said.<

Under the plan, drawn up after marathon talks at Stormont last week, the IRA must, within days of the executive being formed, make a statement that they are prepared to decommission and then within weeks of that "actual decommissioning begins".<

The decommissioning body, headed by Canadian General John (correct) de Chastelain, would issue a "declaration of satisfaction" when it takes place.<

Despite the Prime Minister's words, **Sinn Fein President Gerry Adams** insisted today that it was not an option to exclude his party from an Executive if the IRA failed to comply with decommissioning.<

He said there were no circumstances short of breaching the Good Friday Agreement in which Sinn Fein could be expelled.<

Mr Adams said Mr Trimble was insisting on an exclusion clause in the legislation promised by the Government to underpin the fail-safe clause of last week's British-Irish statement on the Way Forward.<

But Mr Adams said: "Under the terms of the Good Friday Agreement this is not possible.<

"There is no question of the British Government introducing legislation to expel Sinn Fein, Mr Blair knows this would be a breach of the Good Friday Agreement."<

Mr Adams, writing in Belfast and Dublin newspapers, said Mr Blair also knew there could be "no renegotiation of the Agreement or of the propositions put forward by the two governments on Friday". mfl

051210 JUL 99<

5.JUL.1999 13:55

N I O REGISTRY

NO.440 P.2

RESTRICTED

Top: COS

"FA/PS"

e mailed w FA/PS (MT)

Marlene Graham,

EPU AK/Press

**FROM: SARAH TODD
SECURITY POLICY AND OPERATIONS DIVISION
5 JULY 1999**

cc: PS/Mr Ingram (B&L)
PS/Mr Murphy (B&L)
PS/Mr McFall (DENI, DHSS) - tax
PS/Lord Dubs (DOE) - tax
PS/PUS
Mr Watkins
Mr Leach
Mr Kelly (B&L)
Ms Scholefield
Ms Dodd
Mr Webb
No 10 Duty Clerk* - tax
(* by immediate fax)

PS/Secretary of State (B&L)

DRUMCREE SITREP 3: 07000 HOURS - 1300 HOURS MONDAY 5 JULY

SUMMARY

Things have been extremely quiet throughout Northern Ireland this morning. A minimal presence of Orange Order supporters remain at Drumcree. All roads are open and the only incidents of note were the find of a rusty pipe bomb at Drumcree, thought to have been there since last year, (now dealt with by way of a controlled explosion); and a hoax device in Antrim. Security forces were able to move to the other side of the barriers at Drumcree this morning to carry out minor repairs and to check the field was clear.

DETAIL OF EARLIER INCIDENTS

Portadown

Sunday: **Petrol bombing** incidents at Brownlow House, Lurgan and Windsor Avenue, Lurgan (one arrest); vehicle **hijacked** and burnt out at Killicomaine Road; **one PBR** fired to separate rival factions at St John's RC Church. **No reports of injuries.**

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RESTRICTED**Elsewhere in Northern Ireland****Sunday**

- • **Minor road blockages** at Seymour Hill; Derriaghy Road, Dunmurray; Tate's Avenue/Lisburn Road; Ballymena - **all cleared**.
- **Petrol bombing** incidents at Parkside Gardens, Belfast.
- **Damage to property**. NIHE property in Antrim damaged by fire (occupants not present).
- **Isolated reports of intimidation** in Bangor (N'Ards Road area); and in Drumanness.
- **Finds**: crate of 11 petrol bombs recovered in Antrim; (old) rusty pipe bomb recovered at Drumcree.
- **Arson**: Mission Hall at Tobermore destroyed by fire; Union burnt in Toomebridge; barricade set on fire at Dunseverick Avenue.

Monday

- **Hoax pipe bomb** thrown at home of Catholic community worker in Antrim.

Complaints

At 1140 Brendan MacCionnaith made a complaint that he was being denied access to a UTV camera crew for the purpose of giving a live interview. (A similar complaint was made last year by Francie Molloy.) MacCionnaith would have required access beyond police lines: the police refused for safety reasons. In the event, the TV crew moved and MacCionnaith was able to give the interview.

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HL/31712

5.JUL.1999 13:55

N I O REGISTRY

NO.440 P.4

RESTRICTED**ROI Arrests (non-Drumcree related)**

Two people have been charged this morning with malicious damage following arrests made by Gardai at the weekend. Among those arrested was an RIR soldier: he was released without charge.

Reports from NI Departments

DOE have confirmed that **all roads are currently open**, with the exception of the Drumcree Road. NIHE have reported a sectarian attack on a house in the Carrickfergus area last night. The Fire Service attended 122 incidents, of which 5 concerned minor civil disturbances mainly in the Belfast Division.

Looking forward

Parades are due to take place in Portadown and Lurgan tonight. Both are due to start at 1800 hours.

Sarah Todd

SARAH TODD
Ext 27018

RESTRICTED

HL/31712

5.JUL.1999 13:56

N I O REGISTRY

NO.440

P.5

RESTRICTED**STATISTICS FOR DRUMCREE RELATED DISORDER FROM 1800 HOURS
FRIDAY 2 JULY TO 0600 HOURS MONDAY 5 JULY**

CATEGORY	RUC SOUTH REGION	NI TOTAL	
Shootings	0	0	
Bombings	0	0	
Attacks on Security Forces	11	15	(6 on RUC by loyalists, 7 on RUC by Nationalists and 2 on military by loyalists)
Petrol bombing incidents	5	7	
Hi-jackings	1	1	
Damage to property	6	25	
Roadblocks	1	35	(34 cleared)
PBR's fired	1	1	
Arrests	9 (5L, 4N)	14 (10L, 4N)	
Charges	7	12	
Petrol bombs recovered	1	14	

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HL/31712

s\northern ireland statement

As at 0945 5/7

words: 1012

STATEMENT BY THE PRIME MINISTER

With your permission Madam Speaker, I would like to make a statement on last week's talks on Northern Ireland.

Last Friday, after six days of the most intensive negotiations I can remember, the Taoiseach and I proposed a way forward for Northern Ireland.

Our point was the Good Friday Agreement, which set out an agreed basis for a peace settlement in Northern Ireland. It offered the Unionists what they have sought for the last thirty years:

- the principle of consent: no change to the status of Northern Ireland without the agreement of the majority of its population;
- changes to the Irish constitution, with Dublin dropping its legal claim to the North;
- devolution of powers to Northern Ireland, with an electoral Assembly, an Executive and other Institutions.

The Good Friday Agreement offers the Nationalists and Republicans equality, justice, and a share of responsibility and power in Northern Ireland.

Above all, the Good Friday Agreement offered all the people of Northern Ireland the prospects of permanent peace and an end to violence. It is the best deal for Northern Ireland ever.

But one vital issue was unresolved: how to secure the decommissioning of paramilitary weapons. The Good Friday Agreement required all parties to use their best endeavours to secure decommissioning. Getting an agreement on turning that into a reality was the principle task the Irish Taoiseach and I faced at last week's talks.

On 25 June, the Taoiseach and I secured the commitment of all the parties which signed the Good Friday Agreement to three principles on which the rest of our work was then based:

- (i) an inclusive Executive should be formed exercising devolved powers;
- (ii) all paramilitary arms should be decommissioned by May 2000;
- (iii) decommissioning should be carried out in a manner determined by the International Commission on Decommissioning under General John de Chastelain.

It became clear to the Taoiseach and me that what both sides want most of all is certainty. Unionists want certainty that decommissioning will happen, and a guarantee that, if it does not, they will not be left with the responsibility of bringing the Executive to an end.

Republicans want the certainty that Unionists are serious about participating in a genuinely inclusive government with Catholics and are not using the decommissioning issue as an excuse to avoid doing so.

The Way Forward the Taoiseach and I now propose will put the paramilitary groups – both Republican and Loyalist – to the test. It gives both sides certainty – certainty that devolution will happen, certainty that decommissioning will have to happen in short order for the Executive that is set up to continue; and a guarantee should decommissioning not happen in the manner and within the timescales laid down by the de Chastelain Commission. That guarantee will be set out in legislation and will, at worst, leave the democrats in Northern Ireland who have never been associated with violence, no worse off than they are now. My Right Honourable Friend, the Secretary of State will publish legislation this week following urgent consultations with the parties.

In more detail, our proposal is as follows:

Northern Ireland Ministers would be nominated by the parties, using the d'Hondt procedure, on 15 July. The devolution order would be laid before Parliament on the following day, and powers will be transferred on 18 July.

The de Chastelain Commission would require a start to the process of decommissioning in a set period. The General has already said that he expects this to be within, and I quote, 'literally a couple of days'.

It is important to be clear about what the General means by a start to the process.

His Commission's report makes clear that the 'process of decommissioning' begins when a paramilitary group

'makes an unambiguous commitment that decommissioning will be completed by 22 May 2000 and commences detailed discussions of actual modalities (amounts, types, location, timing) with the Commission through an authorised representative.'

The Commission would also set a further time limit, within which there is to be a start to actual decommissioning of weapons. The General has said that he would expect this to be within a few weeks.

There is therefore the prospect that the process of decommissioning will have started within a couple of days of devolution with the first actual product a few weeks later.

The third element of the scheme is the failsafe. I believe that under this proposal decommissioning will take place. But, like everyone else, I will not know for sure until it actually happens. We all need a guaranteed safety net. The two governments have undertaken that, if commitments are not met, and if in particular the two time-limited steps laid down by the de Chastelain Commission are not observed, we will automatically suspend the operation of the institutions.

The failsafe would return matters to where they are now. Under the Good Friday Agreement, the British Government cannot exclude one party from the Executive. But the Assembly can, and it will retain that right at all times. If the failsafe is triggered, it would be followed by a review during

which the other parties might conclude that re-forming the Executive without the offending party was the only sensible way of making progress.

But that will be for the parties to decide.

Suspending the operation of the institutions would not mean they are swept away for all time, as some of the initial reactions to the proposals would suggest. They would be put on ice while the review took place. We would press the rewind button back to where we are now. Only we would know then whether the paramilitaries were serious about decommissioning or not.

The RH Member for Upper Bann has quite reasonably made the point that the proposals will need the most careful examination. I acknowledge that. I acknowledge also that they present a choice which is in many ways painful for Unionists.

But it is a better deal than was on offer at Hillsborough. That offered a



10 DOWNING STREET
LONDON SW1A 2AA

From the Prime Minister's Chief of Staff

5 July 1999

Dear Brendan,

I am writing to apologise
to you and your team personally for keeping
you all waiting such an appallingly long time
on Rudy. It was not our intention to do so, and I
know it must have been very difficult for you. I hope
you will accept my word that we are very sorry
to have done so.

Yours truly
Jonathan Muir

First Class Post

Councillor Breandon MacCionnaith
Garvaghy Road Residents Coalition
c/o 3 Ashgrove Road
Portadown
Co Armagh

Councillor Breandon
Mac Cionnaith
GRRC



PARADES COMMISSION

12th FLOOR
WINDSOR HOUSE
6-12 BEDFORD STREET
BELFAST
BT2 7FL

TEL: 01232 866904
FAX: 01232 322988

5th July 1999

At its meeting today, the Parades Commission agreed the attached determination in relation to the Lurgan District LOL No 6 parade in Lurgan on Monday 12th July 1999

Heather Robinson

HEATHER ROBINSON
Secretary

**DETERMINATION IN RELATION TO LURGAN DISTRICT LOL NO 6 PARADE
IN LURGAN, MONDAY, 12 JULY 1999**

The following is the decision of the Parades Commission in relation to the above parade.

Section 8(1) of the Public Processions (Northern Ireland) Act 1998, provides that

"The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it such conditions as the Commission considers necessary."

We have noted the details provided on Form 11/1 submitted on 7 June 1999 about the parade proposed by the Lurgan District LOL No 6 in Lurgan on Monday, 12 July 1999.

We have considered the need to issue a determination as outlined above, against the factors described in our Guidelines document.

Decision

In our recent decisions in relation to parades in Lurgan, the Commission has noted its concern about breaches of its Code of Conduct which continue to occur in the vicinity of Church Place. We have referred to the proliferation of parades notified to take place in Lurgan, and we have indicated that we would monitor carefully the conduct of those taking part in parades. Such conduct would be taken into account in our consideration of parades which propose to include the William Street area as part of their notified route. The Commission notes that this parade proposes to proceed around Church Place, and along William Street as far as the railway station.

The Commission wishes to facilitate this traditional 12 July parade. It referred, however, to continuing breaches of its Code of Conduct in the vicinity of Church Place in its determinations in relation to the parades which took place in the town on Thursday, 1 July and Friday, 2 July. It has evidence that some of these conditions were breached at both parades.

The Commission has heard the concerns of local business people about the potential disruption to their businesses, which would come about as a result of the proliferation of parades notified to take place in the town. The traders recognise that some disruption is inevitable as a consequence of traditional loyal order parades, and they accept that this will be the case in relation to the 12 July parade. However, they suggest that the series of new, protest-related parades taken together with the traditional loyal order parades and band parades, will cause about serious and continuing disruption to the town centre which will severely affect their businesses.

The Commission has considered carefully the potential **disruption to the life of the community**, and the **adverse impact on community relationships** which it considers would come about as a result of this parade. It therefore places the following conditions on the parade, in view of the considerations set out above in relation both to the nature of the parade and the potentially contentious part of its proposed route.

Determination

The Commission's determination is that the following conditions are imposed on the organiser and participants in the parade in Lurgan on Monday 12 July 1999 by Lurgan District LOL No 6.

- a. **On the section of its notified outward route where the parade proceeds along Church Place around the Church of Ireland church, it shall keep to the right of the traffic island to the rear of the church adjacent to Edward Street before proceeding into William Street.**
- b. **Only those bands notified in the Form 11/1 shall take part in the parade.**
- c. **The parade organiser shall ensure that the parade begins and disperses promptly at its notified times.**
- d. **When the parade is in progress there shall be no undue stoppages or delays.**
- e. **The organiser shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.**
- f. **The parade organiser shall bring to the attention of stewards the guidance for parade participants contained in Appendices A and B of the Commission's Code of Conduct and in particular Section C of Appendix B. For ease of reference Section C of Appendix B is replicated below.**
- g. **The parade organiser shall ensure that all stewards and participants quickly obey any lawful direction given by the police in relation to this parade.**
- h. **The parade organiser shall ensure that these conditions are drawn to the attention of all participants.**

APPENDIX B

Behaviour in the Vicinity of Sensitive Locations

C. Where the Majority Population of the Vicinity are of a different tradition, and in Interface Areas.

- Behaviour should be respectful.
- There should be no excessively loud drumming.
- Conduct, words or music likely to cause offence or sectarian antagonism are prohibited.
- Marching should be dignified.

Signed Alister Graham
On Behalf of the Commission

Date 5/7/99

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SUBJECT
MASTER

File



10 DOWNING STREET
LONDON SW1A 2AA

Filed on:

From the Private Secretary

5 July 1999

Dear Nick,

TALK WITH THE TAOISEACH

The Prime Minister spoke to the Taoiseach at lunchtime on Sunday to exchange assessments of how the Way Forward was going down with the parties.

The Taoiseach thought the outlook was not too bad. Most of his effort was directed at hurrying up an interim IRA statement. He was confident that one would now be forthcoming and he was trying to firm up the language. The Taoiseach added that Sinn Fein were certainly following up on the proposed Way Forward. There were Sinn Fein/IRA meetings taking place all over Ireland. Reports he was getting suggested it was not easy-going for the Sinn Fein leadership, but that they were likely to prevail.

The Prime Minister thought an IRA statement would be very valuable and if sufficiently positively worded would tip the balance the right way with the Unionists. We were getting the Americans to help as well. The Prime Minister said we were doing everything we could to get the Unionists to keep open the option of the two Governments' proposal. Their main concern was about the failsafe where they wanted to keep open the possibility of excluding Sinn Fein. The Taoiseach was a little hesitant: he hoped the Prime Minister would stick to the *Sunday Times* language which he thought had captured it accurately, and which he had quoted himself. In truth, the Unionists had got everything they wanted. If they really wanted decommissioning to happen, this was the only way to get it.

The Taoiseach ended with a very warm tribute to the Prime Minister's own role. His efforts had gone down really well both in Ireland and with Irish Americans. He had been struck by the scale of the interest around the world in events in Northern Ireland. NBC had interrupted their scheduled programmes to broadcast the statements from the steps at Castle Buildings. The Prime Minister commented that the negotiations in Belfast were a symbol of whether people around the world could put religious conflict behind them.

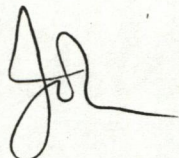
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- 2 -

I am copying this letter to Sherard Cowper-Coles (Foreign and Commonwealth Office), Sebastian Wood (Cabinet Office), Ivor Roberts (Dublin) and to Christopher Meyer (Washington).

Yours ever,

A handwritten signature in black ink, appearing to be 'JS' with a long horizontal stroke extending to the right.

JOHN SAWERS

N. Perry, Esq.,
Northern Ireland Office.

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File



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

5 July 1999

Dear Christopher,

**NORTHERN IRELAND NEGOTIATIONS:
CONTACTS WITH PRESIDENT CLINTON**

I am not going to attempt to do a record of the 75 or so meetings the Prime Minister had during the six days of talks on Northern Ireland. But you will be interested to know that he spoke on six occasions to President Clinton, to keep him up to date and to ask him to intervene with David Trimble or Gerry Adams at various points. Clinton was keen to get into the details and always willing to talk to the Party leaders direct.

Clinton's overall approach was to encourage us down the road we were heading, trying to move the Unionists off their demand for prior or exactly contemporaneous decommissioning of arms with the formation of the Executive, while shortening the time lines for decommissioning as far we could and improving the guarantees for the Unionists should Sinn Fein/IRA fail to deliver. Reinforced by Steinberg, Clinton was in favour of moving quickly, rather than putting a new arrangement off until the autumn.

Clinton spoke to Trimble at least twice, one of which took place while Trimble was with us and he was clearly bucked by being contacted directed by the US President. I am not sure how often Clinton spoke to Gerry Adams, but it was more than once.

My Irish counterpart, Paddy Teahon, and I each spoke a dozen or more times to Jim Steinberg, and Bill Jeffrey kept in touch with Larry Butler. The White House officials, as usual, were willing to help but saw matters primarily from a Nationalists/Republican perspective. Clinton himself was more balanced. His private role, on this occasion, was more important than what he said in public at the beginning and end of the week, though those remarks, too, were useful.

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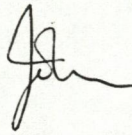
- 2 -

The other helpful American contribution of which I was aware was that of Ki Fort, the US Consul General in Belfast. She had a line open to David Trimble's wife, which I believe she used to good effect in steadying Trimble (though we should not mention this to others).

All in all, a useful American input; which will be further enhanced if they are playing an influential role in extracting an IRA statement in support of the Sinn Fein position (as you know, I urged Jim Steinberg over the weekend to do that). Their role will increase if we can keep the Unionists with the proposed way forward and Sinn Fein/IRA then have to deliver on decommissioning.

I am copying this letter to Nick Perry (Northern Ireland Office), Sherard Cowper-Coles (Foreign and Commonwealth Office), Sebastian Wood (Cabinet Office) and to Ivor Roberts (Dublin).

Yours ever,



JOHN SAWERS

Sir Christopher Meyer, K.C.M.G.

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FROM NIO PRESS OFFICE

(SUN) 07. 04' 99 14:59/ST. 14:55/NO. 3580102982 P 1/2



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To: FOR THE ATTENTION OF THE
PRIME MINISTER

From: TOM KELLY

Fax: 0171- 839-9044

Pages: Cover Sheet + 1

Phone:

Date: 4 / 7 / 99

Subject:

Message: EDITORIAL FROM PAGE ONE OF THE BELFAST TELEGRAPH (3/7)

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his chief of staff Jonathan Powell some time today.

Meanwhile, SDLP Upper Bann Assembly member

sirations and building on the steps they took last week to move towards dialogue — so that next year we can have

corrugated iron barricade blocks off the route to the nationalist Garvaghy Road.

Fields around the area

was mounted, spointy (trees) were checking motorists' identification before allowing them through.

clear their opposition and said they felt "betrayed" by Tony Blair.

Anti-Agreement MP

Mr Blair to say there is no alternative. We put an alternative forward, and he

were Sinn Fein Alliance of Ministers.

Holding the line for democracy



VIEWPOINT

THE blueprint for the future that emerged from the Stormont talks will be seen by some as an unsatisfactory outcome to five days of hard bargaining, but it does represent a huge advance on where the parties stood a week ago.

We as a newspaper believe that no shadow of a gun should hang over any democratic institution, for any length of time, but we also recognise that in any negotiations there has to be an element of pragmatism, so that agreement can be obtained.

If it is the case that this deal means that guns and Semtex will begin to be handed over very, very rapidly, and that the process will continue on a regular basis, we would support that aspect of it.

The sequencing, which was the real achievement of the talks, is that the executive would be nominated on July 15, legislation would be passed the next day and devolution would begin on July 18. The decommissioning process, arranging how it will be done, starts within days and actual delivery of weapons will begin within a specified time, perhaps symbolically beginning on the anniversary of the Omagh tragedy, August 15.

There will be great difficulty, for many

people, with the admission of Sinn Fein into government positions before disarmament begins, and there is still no authoritative statement from the IRA to back up the commitments that have been made.

Even if the necessary assurances are given, this part of the deal will be hard for unionists to swallow, but they must study it carefully and weigh up the overall benefits and the instability that would follow outright rejection.

What we do not support is the idea that if the guns are not handed over as a symbol that democracy has been fully embraced — surrender is not an issue — devolution will be at an end. We are, frankly, surprised that the other parties involved in the talks accepted such an unfair proposition, which means that the democrats would be penalised, like the others. It could well be that this becomes a massive sticking point, threatening the whole deal.

Bringing down the curtain on the executive, if the guns are not delivered in time for any reason, effectively hands a veto to the IRA on the future of government in Northern Ireland. That is something Tony Blair must think about, long and hard, before the legislation goes through.

At the end of the day the deal is down to whether or not the democrats in this community can trust Sinn Fein and the IRA to deliver on the promises that have been made. It remains a big question of whether or not the Unionist party has the courage, and whether enough trust can be established over the next few crucial days among the grass roots to say "yes" to the possibility of a better future for all.

Northern Ireland will only work on the basis of consensus. There are worrying signs today that that consensus has not been fully achieved.

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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 July 1999

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to all 3/7
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SJ
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Dear Nick,

'THE WAY FORWARD': SELLING IT TO UNIONISTS

The Prime Minister spoke to David Trimble this afternoon. Trimble reported a good deal of criticism within the UUP, but assured the Prime Minister that he was going to keep the option of moving with 'The Way Forward' open into next week. He described the main concerns among Unionists about the Agreement:

(i) Sinn Fein/IRA commitment. There was nothing substantial on paper from Sinn Fein. The Prime Minister had indicated that they would say that 'the war is over'; that they 'will' decommission; and that there would be a backup from the IRA. It would be crucial for carrying people like Reg Empey to have an IRA statement.

(ii) Failsafe: Trimble said the Prime Minister had left the UUP Assembly Party with the impression that the failsafe would be to exclude Sinn Fein. But it was cast in a way which made clear that all the institutions would be suspended. The sentence about the Assembly parties working together to reconstitute the executive on a different basis had been dropped. All this gave Unionists the impression that all parties would be penalised if Sinn Fein fail to deliver; and that the process of devolution was in the hands of the Republicans. The failsafe also gave John Hume an easy ride as he did not have to stand up and declare whether or not he would work with Unionists in an Executive but without Sinn Fein if Sinn Fein failed to meet their commitments.

(iii) Timing. There could be up to five weeks between devolution and actual decommissioning. This stuck in the craw of many UUP members. Others were arguing that the SF/IRA commitments should be put to the test. But he did not yet know where the balance lay.

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The Prime Minister set out the arguments against each of the concerns. We were working hard to get an IRA statement: the Irish and the Americans were applying pressure on Sinn Fein. But Trimble should not underestimate the importance of the IRA statement which would be given to de Chastelain within a couple of days of devolution.

On the failsafe, the Prime Minister said the situation was no different from Hillsborough: if the IRA failed to produce the weapons, then the Executive would have to be suspended. The Assembly parties would be able to reconstitute the Executive without Sinn Fein if they chose. But the British Government could not legislate for that and stay within the GFA. We would look to find a way to get the SDLP to clarify their position. The Prime Minister stressed that the failsafe was to help the Unionists. It was impossible to see how the failsafe could be triggered in a way which would lead to blame being placed on Unionists when it followed a de Chastelain report saying Sinn Fein had failed to meet their commitments.

On timing, the Prime Minister raised the possibility of David Trimble calling the first meeting of the devolved Executive sufficiently after devolution that it would come after the IRA statement. Trimble thought that idea would appeal to Peter Robinson (and he seemed quite attracted to it himself).

The Prime Minister said we needed the Unionists to be arguing for 'The Way Forward' in public, urging Unionists to give it a chance. Otherwise they would just give the opponents a free run. Trimble said he would appear on 'On The Record' with John Humphrys tomorrow. He asked if we could talk to the BBC to ensure Humphrys gave him a chance to put out his message and wasn't too combative. The Prime Minister said he would see what we could do, but our influence there was limited.

In conclusion, the Prime Minister urged Trimble to give him something to work on. Trimble should demand clarification and assurances which it was in the gift of the Prime Minister to give. Above all, he should keep working on Unionist opinion to keep the option open.

Other conversations

I talked to both David Campbell and David Lavery today. In addition to Trimble's points, they said the following:

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- 3 -

- (i) We should follow up on the Prime Minister's commitment to consult with Unionists on the failsafe legislation, ideally on Monday.
- (ii) David Trimble coming to Downing Street on Monday, before or after the Statement would be helpful.
- (iii) We must avoid any hint of negative briefing against Unionists.
- (iv) Conservative party reactions would be very important, especially William Hague's in Parliament on Monday. (I have spoken to Sebastian Coe, and your Secretary of State was going to speak to the Shadow Northern Ireland spokesman.)

For the Monday statement, Lavery was attracted by the idea of presenting 'The Way Forward' as meaning 'no guns - no government'. He also agreed that we should present the two Governments approach as attractive not only to supporters of the GFA, but also the sceptics and doubters. 'The Way Forward' would clarify the doubts one way or the other, and quickly.

Follow up

You are working on the instructions to Parliamentary Counsel to draft the legislation. The Prime Minister wants Parliamentary Counsel to start work tomorrow (Sunday) so that on Monday morning we can look at a draft bill and show it to David Trimble.

We will draft a statement on Sunday: Bill Jeffrey is letting us have some thoughts before then.

We need to work out how to get the SDLP to take some of the strain.

I am copying this letter to Sherard Cowper-Coles (Foreign and Commonwealth Office), Sebastian Wood (Cabinet Office), Ivor Roberts (Dublin) and to Christopher Meyer (Washington).

Yours ever
John Sawers
pp JOHN SAWERS

Nick Perry Esq
Northern Ireland Office

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10 DOWNING STREET
LONDON SW1A 2AA

Bu Fax 3/7

sent as file

+ HMA J'Ton

G Jeffrey

to MP
AC
JP
PB

From the Private Secretary

3 July 1999

Dear Jim,

Thanks again for all your efforts and support. The President's call to Trimble last night clearly helped, and his account of it later bucked up the Prime Minister.

There is still a long way to go. The mood in the Unionist camp is pretty grim. There are two crucial points ahead: on Monday night or Tuesday morning, the UUP will take a party decision whether they are going to try to sell this approach. On Saturday (though still to be confirmed) the 800 strong Unionist council is likely to meet for a decisive vote.

The key issues now being raised are:

(i) Certainty. We are pressing ahead with the draft legislation as fast as we can so that it is published on Monday. Unionist critics say they are being penalised if Sinn Fein fail to deliver. We are rejecting that: suspending the institutions will wind the clock back to where we are now. The Assembly will still have the ability to meet and move forward on a different basis if it so decides.

(ii) The Republicans' commitment. 'Could' successfully persuade, rather than 'will' has proved a real problem, as we all expected. There has to be some confirmation that decommissioning will actually happen. An IRA statement making that apparent will make a real difference. The Irish are working to secure one. Anything you can do with Adams and McGuinness will be invaluable.

To give you a flavour of the mood I am sending you a moderate critique from today's 'Times' and a truly malevolent editorial in the 'Telegraph'. This is what we are up against. The Telegraph's criticisms can be answered, and we will do so. The Conservatives are staying their hand until the Prime Minister's Parliamentary statement on Monday, and we are obviously working for a positive

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- 2 -

response. But this is what you are playing into. Private work on the telephone is probably the most important contribution you can make, following up the President's very helpful comments in public yesterday.

I am also enclosing a more intelligent analysis from today's 'Telegraph' by their Irish correspondent.

Yours sincerely,

John Sawers
PP **JOHN SAWERS**

Mr Jim Steinberg

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NOT THERE YET

Trimble's doubts deserve to be addressed

Certainty is what the people of Northern Ireland wanted, and what they deserve. The proposals to advance the peace process presented last night by the Prime Minister and the Taoiseach do not yet provide the assurance that the leaders of Northern Ireland's democratic majority require. Tony Blair and Bertie Ahern have pushed themselves to the verge of exhaustion in their search for a settlement. Their sleepless commitment to a resolution does them credit. But a satisfactory resolution still eludes them. The proposals they outlined, to kickstart devolution and decommissioning, have not yet secured the support of all Ulster's democrats. The concerns voiced last night by the Ulster Unionist leader David Trimble are important, and principled. The sincerity of Mr Trimble's commitment to inclusive government is not in doubt. But the quality of republican commitments to disarm is still genuinely questionable. As matters stand, Ulster's democrats deserve better.

The main difficulty in the proposals unveiled by the two Prime Ministers is the uncertainty which hangs over the question of paramilitary disarmament. As Mr Trimble said last night, and the former Taoiseach John Bruton has argued this week, terrorist decommissioning is vital for the health of democracy. Parties cannot share power if they also have private armies. Under the plan announced last night, Unionists would be asked to share power with Sinn Fein without any surrender of arms from the IRA.

The two Prime Ministers believe that Sinn Fein has moved this week to provide assurances that the IRA will disarm. But Sinn Fein's words do not yet appear to constitute a sufficient guarantee. Sinn Fein states only that it "could" succeed in "persuading those with arms to decommission them".

A hope is not a pledge. Only yesterday, the Sinn Fein negotiator Francie Molloy emphasised that his party "don't have control of the weapons". Even the hope that Sinn Fein might work towards decommissioning depends on republicans being satisfied that their demands are met in other areas, and Sinn Fein could easily use the IRA's guns as bargaining chips to secure further concessions such as the weakening of the Royal Ulster Constabulary's capacity to maintain order.

The two Prime Ministers have sought to assure Unionists that it is safe to share power because legislation will be introduced to suspend the process if republicans default on decommissioning. Unionists have understandable concerns about the nature of this assurance. In the past, republicans have defied Government demands and yet still been kept on board the "peace train". Even if this legislative communication cord is guaranteed, it is still flawed. It would mean that all parties were punished by the suspension of democratic bodies when just one, Sinn Fein, was in default. Instead of ejecting the trouble-makers, the whole "peace train" would be stopped. Democrats would then be punished for terrorists's sins.

Mr Blair has asked Ulster's politicians to consult with their people over the next fortnight, prior to his triggering of devolution. He clearly hopes that pressure can be put on Mr Trimble and his party colleagues to assent to last night's proposals. The Ulster Unionists should not be browbeaten into the acceptance of a flawed deal. When republicans pronounced themselves dissatisfied with the last of Mr Blair's initiatives, he moved to accommodate their concerns. In seeking to bind in the representatives of terror, Mr Blair has made life unfairly difficult for democrats.

GOING FOR BROKE

Bankruptcy laws must be designed to help entrepreneurs

Politics is rich with irony. Last October, Peter Mandelson went west to visit California's Silicon Valley. Impressed by its go-getting culture, the then aspiring Trade and Industry Secretary eulogised life's failures. "In the United States," he said, "some of the most successful entrepreneurs are those who have failed once or twice. Banks and society as a whole do not

buy a new home. They would be disqualified from public office for just six months. But bankrupts who have misled and deceived creditors and customers would lose all their investments. They would be cast out into the social wilderness for five years, or possibly 15 years for heinous offenders. On a separate tack, Mr Byers

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Yours faithfully
ROGER HUTCH
Northern Irelan
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Belfast BT4 3XJ
July 2.

Arms dec

Telegraph
analysis 3/7

Win-or-bust gamble may be too much for Trimble

FOR all the drama and emotion of Tony Blair's speech on the steps of Castle Buildings last night, the fact remained that five days of extraordinarily intense negotiations, plus the combined efforts of two governments and President Clinton, had failed to achieve an agreement.

The Way Forward formula represents a win-or-bust gamble by London and Dublin. David Trimble's 27-strong Ulster Unionist Party assembly team, one of the most moderate samples of Unionism, had all but rejected it, so Mr Blair had decided to appeal to the people over their heads.

If the gamble does not pay off, then the complex constitutional architecture of the Good Friday Agreement will come crashing down.

Although it was not spelled out, the strong impression given by Mr Blair and Bertie Ahern, the Irish premier, was that the "d'Hondt mechanism", the formula for setting up a 10-strong executive, would be triggered on July 15 regardless of UUP opinion. This would involve the UUP and the SDLP appointing three ministers each, with a further

the end of the Good Friday Agreement.

But Mr Trimble's downbeat assessment of the document indicated that he was likely to try to renegotiate what was on offer, rather than try to sell it to his party.

This is what Sinn Fein did successfully after the Hillsborough declaration of Easter week. Then, the two governments announced a proposal involving IRA decommissioning and devolution happening on the same day. It was flatly rejected by republicans during their Easter Rising commemorations the next weekend and then abandoned by Mr Blair and Mr Ahern.

One UUP assembly member said last night that he believed the Good Friday Agreement was dead in the water. "Sinn Fein was able to get Hillsborough binned because the IRA threatened to bomb London. Unfortunately, we don't have a private army."

In an important sense, The Way Forward needs to be sold to Unionism by the IRA and Sinn Fein rather than by Mr

Trimble. If republicans state publicly that it can and will lead to arms being given up, then reassurance will be given to moderate Unionists. But a senior Sinn



Toby Harnden

Irish
Correspondent

Analysis

two each from Ian Paisley's Democratic Unionist Party and Sinn Fein.

If the UUP and DUP refused to nominate ministers, the executive would not have the necessary cross-community support and the Good Friday Agreement would collapse. Unionists, moreover, would be blamed for this happening.

Mr Blair's hope will be that Ulster's "civic society", particularly business and church leaders, will weigh in behind The Way Forward as they did during last year's referendum to endorse the Good Friday Agreement. The gamble is also probably based on opinion poll results that the Northern Ireland Office believes show that the silent majority of Protestants do not share their politicians' fixation with the maxim "no guns, no government".

Officials advised that the document could be sold to Unionists on the basis that there was no alternative: if the IRA failed to decommission, the republican movement would be blamed for

Fein figure reputed to be on the IRA's ruling Army Council brushed aside any suggestion that it had been agreed that IRA arms would be given up. "No, that is not what is being said," said Pat Doherty.

"If we get politics working, if we get the equality agenda working, if we get all of the institutions up and running, we have always said that that heightens our influence, working with others, that we can bring about a total demilitarisation."

For all the talk of seismic political shifts in republican thinking, Mr Doherty's rhetoric appeared entirely unreconstructed.

Trying to renegotiate and sell a document at the same time is a difficult political manoeuvre. The fact that Mr Trimble has to do it within 12 days in the aftermath of the Drumcree Orange parade and the July 12 marches is a task of gargantuan proportions.

That presupposes he will even try to recommend it to the profoundly sceptical Unionist tribe.

Telegraph Editorial, 3/7

Refuse to make this deal, which puts terror before democracy

LAST week, Tony Blair warned that Northern Ireland was "looking into the abyss". He was right, but for the wrong reason. The true abyss is the possibility that the allies of armed murderers will now be allowed to take part in the government of the province. If that happens, the power of terror will, for the first time in our history as a free country, be given official sanction. If we were to succumb to such a thing, the civilised world would not, to coin a phrase, understand us.

Yet it is just such an outcome that all the parties, except the Unionists, were pushing as they faced and then passed the June 30 deadline. Every trick was tried. Late on Wednesday night, British officials screamed abuse at Unionist negotiators for not accepting from Mr Blair the sort of side letters and personal assurances which have so misled them in the past. Again and again, Unionists were told that Sinn Fein were making wonderful concessions, but they were not told what these were. At lunchtime yesterday, the Prime Minister's press spokesman told the BBC that a deal had been done when this was not the case. The purpose was to bounce the Unionists into acceptance, and to tarnish them with blame if they refused. At strategic moments throughout, a shockingly malleable media were encouraged to spread excitement about "seismic shifts". Gerry Adams said last night that he wanted to thank the media. One can see why.

Worst of all, the report of General de Chastelain on the state of decommissioning was held back three times. The whole point of the general's role is that he is an independent, factual observer; yet the Government disgracefully sat on his report, and then encouraged him to write in a favourable reference to the latest Sinn Fein offer, saying that it gave a "basis for believing" that decommissioning would happen. Thus was independence sacrificed to political aims. Now talk about "modalities" of decommissioning is classified as decommissioning itself. The general's previously high reputation is compromised.

And all these contrivances, all this bullying and emoting and twisting of words, all that nauseating, quasi-totalitarian invocation of the wishes of "the children", all were designed to get Sinn Fein into the executive before the IRA had got rid of any weapons at all. The collective governmen-

something "we've never had before". This is not the case: we *have* had it. The question is whether it can be believed and whether it will actually happen. When the negotiations broke up at last yesterday evening, the Unionists still did not know what Sinn Fein themselves really were or were not promising. They had the Government's interpretation of Sinn Fein's intentions to work on. They were being asked to accept, from one group of people they rightly do not trust an account of the views of another group whom they trust even less.

As the Unionists go among their people to consult this weekend, they will note that some advances have been made and should, if possible, be banked. The pretence that Sinn Fein cannot speak for the IRA can at last be used against them. If they cannot, why negotiate about arms with them? There is more chance of insisting that the IRA themselves cannot escape the obligation to disarm. On the substance of decommissioning itself, more is now on offer. The process would begin within two days of the executive being established, and substantial amounts of arms would be handed over "long before" September. Problems of definition are still enormous, but the development of a timetable is a step in the right direction.

The "failsafe" guarantee that "the process" would be suspended if the IRA did not decommission, however, is actively evil in its effect. Suspension is a vague word, and so is process. Both can be manipulated by the politically powerful and defined to suit them. More important still, the guarantee gives a new leverage to Sinn Fein, for their misbehaviour will not lead, as it should, to expulsion from an executive which continues to function without them, but to the collapse of the entire new system of government of Northern Ireland and the return of direct rule. This means that, if the

Unionists accepted the deal, they would be accepting the idea that the government of Northern Ireland can exist only with republicans in it. That is a principle for which the IRA have, literally, killed, and it should never be conceded.

The other danger remains in the fact that the plan is to form the executive before any decommissioning takes place. This might seem trivial, since some handover is promised shortly afterwards, but it is not. What is at stake here is much more symbolic than it is exact. The symbol concerns

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— metaphorically
by Tony Blair,
literally
by the IRA*

tal minds of Britain, Ireland and the United States all strained to break the promise which Mr Blair wrote out last year to persuade Unionists to vote for the Belfast Agreement — "All those who use or threaten violence excluded from the Government of Northern Ireland."

To their chagrin, they did not quite succeed. Enough of the Unionist negotiators — and many of the party's supporters not directly involved in the talks — kept their feet on Ulster's ground. They were being asked to believe two sets of people — Sinn Fein and the British Government. And they were also facing something new — an apparently unqualified support for Sinn Fein's trustworthiness from the British Government. They were confronted with an insistence that they agree right away or the deal will be the last — the tactic of the conman in every age. Mr Trimble was courageous in resisting this. He must maintain his courage in the coming days.

Nothing in the history of Ulster leads Unionists to trust Sinn Fein, so a change of rhetoric was never likely to convince. It had to be a change of reality. Although Sinn Fein's offers this week were endlessly talked up, they contained, in essence, almost nothing new. By signing up to the Mitchell Principles of non-violence in 1997, and by accepting the decommissioning by May 2000 provided for by the Belfast Agreement last year, Sinn Fein had already, in ordinary language, committed themselves to work for decommissioning. Why should they get further concessions for signing up for it once more? Yesterday, the Irish Prime Minister, Bertie Ahern, said the commitment to decommission was

who has control of the political process. If Sinn Fein enter the executive without having given up a gun, they will be allowed to do so on the basis of their promises alone, and once they are in, they will never get out without bringing the whole house crashing down with them. Even with some hand-overs, the IRA would still be heavily armed, and they would use this power to force concessions about policing, security, personal protection weapons and military presence. How could Unionists accept such a thing? Come to that, how could Conservatives? How could democrats of any kind?

Unionists considering the possibilities today should be aware that a gun is being held to their heads — metaphorically by Tony Blair, literally by the IRA. They are being told, in the height of self-contradiction — "Accept that these men have given up violence, or they will use violence again." Mr Blair, for all his words about consultation, is trying to impose the executive. He intends to "trigger d'Hondt" on July 15 — to set up the executive regardless of what Unionists think of his latest plan. He should be resisted, and if he goes ahead, the Unionists should refuse to take part in government. Where in this triggering is the much touted principle of consent, of which Mr Blair spoke again last night? Why is the pressure, and the blame, on people who have lived according to law, and not on the people who, even in recent weeks, have murdered and maimed and tried to plant bombs? The deal being offered to the people of Northern Ireland is, despite the trimmings, wrong. It does not leave terrorism behind: it brings it in from the cold.

CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

File
FAVOR
to all
MP
JP
AC - on bar
~~PS~~
~~ST~~

From the Private Secretary

3 July 1999

Dear Nick,

DRUMCREE

David Trimble and the Prime Minister discussed Drumcree this afternoon. Trimble was concerned that the Orange Order thought they were being misled. Their hopes had been raised at the possibility of a march on 11 July, if not this weekend. The Prime Minister said he had called on the Nationalist community to make a gesture to the Orange. He thought it was now impossible to get a march down the Garvaghy road either tomorrow or on 11 July. But he still thought it was possible at the end of August or early September. McKenna, following a sharp exchange with the Taoiseach on Friday night, had hinted at this possibility when he talked of a 'verifiable ceasefire' (sic) for a while. But they were obviously concerned that the Orange would pocket a march and then go back to their protests.

Trimble said he doubted whether the Parades Commission would ever agree to a march down the Garvaghy Road. The Prime Minister thought he was mistaken. He added that he was happy to work with the Orange to try to find a new dispensation for parades generally. Trimble thought that would be very useful.

Trimble concluded by saying he did not think the next few days would be as bad as last year.

I am copying this letter to Sherard Cowper-Coles (Foreign and Commonwealth Office), Sebastian Wood (Cabinet Office), Ivor Roberts (Dublin) and to Christopher Meyer (Washington).

Yours ever,

JOHN SAWERS

Nick Perry Esq
Northern Ireland Office

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The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

cc: JJA
PO

2 July 1999

Dear Rob

Parliamentary Oath

Thank you for your note of 14 June, with which you enclosed a letter from the Speaker to the Prime Minister of 10 June. You also sent us a copy of Nicholas Bevan's note to you of 22 June, with which was enclosed a letter from Gerry Adams to the Speaker of 19 June. You asked for the President's views on the issues raised in this correspondence and she has asked us to pass on the following points.

1. The President believes there is a strong case in principle for changing the Parliamentary Oath. Clive Soley was keen to put this on the agenda of the HoC Modernisation Committee and, the President understands, refrained only after a strong negative steer from No10. The Modernisation Committee is working on its future agenda now and this could certainly be added to it.
2. At a meeting in February 1998 between the Secretary of State for Northern Ireland and the then Leader of the House, the Secretary of State expressed a strong preference for any such a measure to be added to an existing bill, rather than being introduced as a discrete, single-purpose bill. The Party Funding bill could possibly provide a vehicle in the next Session.
3. The Speaker and others have suggested that even if the legislation is changed, Sinn Fein Members might not take their seats and that, unless they did so, they would remain barred from the Commons' facilities. At an earlier stage Mo Mowlam argued that this would not matter as Sinn Fein would then be seen to have turned their backs on Westminster, rather than the other way around. The President believes that such a signal might now be very dangerous (see 4(b)(ii) below).
4. She thinks there will be a row if this issue is put on the agenda and the Whips should assess how big a row this might be before a decision is reached.
 - (a) If there is a settlement, the Government could ride such a row.
 - (b) If there is not a settlement, there would be a huge row, but it has potential as a powerful signal.

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- (i) It might help keep Sinn Fein in play? But unless they were prepared to take their seats, it could backfire. To be willing to take their seats could be taken as an indication that they are serious about participating in the democratic process, and vice versa.
 - (ii) It might take the Unions out of play or it might be a powerful warning.
5. The President feels unable to judge the impact in Ireland, but believes the opportunity to take the step exists.
6. She also thinks there is one other factor to consider. Changing the Oath alongside reforming the House of Lords could have considerable resonance and would fuel a 'monarchy' row. If the Government were minded to proceed, this too would have to be weighed and handled.

I am copying this letter to Murdo Maclean, Nick Perry and Sebastian Wood.

Yours

Vanessa

Vanessa Scarborough
Principal Private Secretary

Rob Read
10 Downing Street

CDs

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The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

I agree. We need MIO advise. I would have put in the action if all good. JF

→ JPO / JS

*KL
@: HM/MF*

You saw earlier @ Thomas' views. Do not know what if any feedback none. MIO here, give you direct. I think we should at of course via Speaker's office a response, at least to say we are alert to the issues?

Rob. Do not. We should keep this action open. There's advantage to us in obliging Gov and other 2 July 1999 to take up their Westminster seats. JH

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5/7

SKP 5/7/99

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Yours

Vanessa

Vanessa Scarborough
Principal Private Secretary

Rob Read
10 Downing Street

Handwritten notes:
Toe JS
cc: JP
PB
MT
AC.

**Republic of South Africa
Office of the President.**

Handwritten: (file) 2

**Union Buildings,
Pretoria.
Republic of South Africa.**

**STATEMENT OF THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA ON THE NORTHERN
IRELAND PEACE NEGOTIATIONS.**

The Way Forward offers a Constructive Approach.

The President, the Government and the people of South Africa remain greatly interested in a final resolution of the historic problems of Northern Ireland on the basis of the Good Friday Agreement.

We salute the leaders of the British and Irish Governments and the political leaders of the people of Northern Ireland for their sustained efforts to arrive at this outcome.

We believe that *The Way Forward* put forward by the British and Irish Prime Ministers offers a constructive approach towards arriving at a just and lasting solution, taking into account the fears and mistrust that have emerged over a long period of time.

We sincerely hope that consultations during the next fortnight will demonstrate that the leaders and the people of Northern Ireland continue to keep the courage, hope and vision they showed when they adopted the Good Friday Agreement.

The South African Government remains ready to give all possible assistance for the realisation of the common and noble goal of peace, equality, justice and human rights for all the people of Northern Ireland.

July 2, 1999.

Please contact: Ronnie Mamoepa at 0829904853.

Final
file

THE WAY FORWARD

A JOINT STATEMENT BY THE BRITISH AND IRISH GOVERNMENTS

After five days of discussion, the British and Irish Governments have put to all the parties a way forward to establish an inclusive Executive, and to decommission arms.

These discussions have been difficult. But as they conclude, the peace process is very much alive, and on track. The Good Friday Agreement presents the best chance of peace and prosperity in decades. It is clear from our discussions that nobody wants to throw that opportunity away.

We believe that both unionist and nationalist opinion will see that our approach meets their concerns, and will support it accordingly.

The way forward is as follows:

1. All parties reaffirm the three principles agreed on 25 June
 - an inclusive Executive exercising devolved powers;
 - decommissioning of all paramilitary arms by May 2000;
 - decommissioning to be carried out in a manner determined by the International Commission on Decommissioning.
2. The D'Hondt procedure to nominate Ministers to be run on 15 July.
3. The Devolution Order to be laid before the British Parliament on 16 July to take effect on 18 July. Within the period specified by the de Chastelain Commission, the Commission will confirm a start to the process of decommissioning, that start to be defined as in their report of 2 July.
4. As described in their report today, the Commission will have urgent discussions with the groups' points of contact. The Commission will specify that actual

decommissioning is to start within a specified time. They will report progress in September and December 1999 and in May 2000.

5. A "failsafe" clause: the Governments undertake that, in accordance with the review provisions of the Agreement, if commitments under the Agreement are not met, either in relation to decommissioning or to devolution, they will automatically, and with immediate effect, suspend the operation of the institutions set up by the Agreement. In relation to decommissioning, this action will be taken on receipt of a report at any time that the commitments now being entered into or steps which are subsequently laid down by the Commission, are not fulfilled, in accordance with the Good Friday Agreement. The British Government will legislate to this effect.

All parties have fought very hard to ensure their basic concerns have been met. This means that we are now closer than ever to a fulfilling the promise of the Good Friday Agreement:

- a government for Northern Ireland in which the two traditions work together in a devolved administration;
- new North-South and British-Irish institutions;
- the decommissioning of paramilitary arms;
- constitutional change;
- equality, justice, human rights, and the normalisation of Northern Ireland society.

All sides have legislative safeguards to ensure that commitments entered into are met.

This is an historic opportunity. Now is the time to seize it.



file

10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

2 July 1999

Dear Ian,

I want to place on record the thanks of the British Government, and of me personally, for the work you have done as a member of the Independent Commission on Decommissioning. The Commission is a vital part of the peace process to which we are all so committed, and whatever the future holds, we would not be where we are without your commitment and dedication. Many thanks.

Thank you. We are all
very grateful
Yours ever
Tony

Ambassador Donald Johnson

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

General John de Chastelain

Brigadier Tauno Nieminen

Ambassador Donald C. Johnson

Dublin Office

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Block M, Ship Street
DUBLIN 2

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Belfast Office

Rosepark House
Upper Newtownards Road
BELFAST BT4 3NR

Tel No: (01232) 488600

Fax No: (01232) 488601

REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

To:

The Rt. Hon. Dr. Marjorie Mowlam, MP
Secretary of State for Northern Ireland
Belfast

To:

Mr. John O'Donoghue, TD
Minister of Justice, Equality and Law Reform
Dublin

1. The initial request for this report came from the two Governments, pursuant to the provisions of the Good Friday Agreement. The Commission was asked specifically to comment on progress achieved to date and on prospects for future decommissioning. On 29 June the Commission was prepared to deliver its report to the British and Irish Governments, but the Prime Minister and the Taoiseach requested that delivery be deferred, in the belief that there would be developments having direct relevance to this report. This has proved to be the case, and our report has been restructured as necessary to take account of recent developments.
2. The report provides the Commission's assessment of the current situation regarding decommissioning and the results of discussions held with the parties through 1 July. Since the Governments may choose to distribute the report more widely, and because the Commission has pledged that private discussions will remain confidential, the Commission has been reticent about linking statements or actions directly with named groups or individuals unless these are already in the public domain or are essential to the integrity and purpose of this report.
3. Since its inception in September 1997, the Commission has sought to put in place the measures necessary to facilitate the decommissioning of paramilitary arms and then to execute that task. An Annex to this report summarises the mandate of the Commission, legislation governing its role, and actions taken to carry out its task.

Efforts to Bring About Progress

4. The Decommissioning Acts passed in both jurisdictions in 1997 specified that the decommissioning of paramilitary arms by the Commission required the destruction of those arms. Working with parties that have actual or alleged links with paramilitary groups, the Commission assessed that two decommissioning methods would be acceptable to the paramilitary groups and the two Governments. These were *information leading to the discovery of arms* and *destruction of arms by the paramilitary group concerned, with verification provided by the Commission*. The two methods were confirmed in a Scheme and Regulations issued by the Governments in June 1998. The work of the Commission since then has been to put these methods into effect.
5. In response to a request by the Commission to have points of contact nominated by paramilitary groups, the Ulster Volunteer Force (UVF) nominated Mr. Billy Hutchinson of the Progressive Unionist Party (PUP) in October 1997, and the Loyalist Volunteer Force (LVF) nominated Pastor Kenny McClinton in June 1998. Pastor McClinton resigned from that function in June 1999. The Commission continues to work with Mr. Gary McMichael, the leader of the Ulster Democratic Party (UDP), to elicit the views of the Ulster Defence Association (UDA). In September 1998, Sinn Fein nominated Mr. Martin McGuinness as that party's representative to the Commission.
6. The UDA and the Irish Republican Army (IRA) had not nominated points of contact with the Commission as of the writing of this report. Furthermore, the Commission has not yet had any contact with acknowledged representatives of the IRA, the Irish National Liberation Army (INLA), the Real Irish Republican Army (RIRA) or the UDA.
7. Since the approval of the Good Friday Agreement, the Commission has worked with party representatives and other points of contact to facilitate the decommissioning of paramilitary arms. Frank discussions have taken place on numerous occasions during that period and useful answers to technical questions about decommissioning have been elicited. As of 1 July 1999, only one decommissioning event had taken place (carried out on 18 December 1998 by the LVF).
8. The Commission has also held numerous meetings with the full range of political parties in Northern Ireland to elicit their advice on how best to carry out its mandate. These meetings have been informative and instructive. Citing the continuing cease-fires, creation of the Assembly, agreement on the structure of a new Northern Ireland government and the commencement of direct dialogue between unionists and republicans, several parties have urged the Commission to determine that progress is being made in the broader political context. That, however, is not in the Commission's remit.
9. All parties to the Good Friday Agreement undertook to work "constructively and in good faith with the Independent Commission, and to use any influence they may have to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement, and in the context of the overall settlement." The parties have assured the Commission they believe they are in compliance with this requirement, and the Commission has no basis for challenging these assertions.

10. During this period, public statements have been made by paramilitary groups regarding their intentions on decommissioning. The IRA said it would not decommission its arms, and loyalist groups said they would not do so until they were clear about the IRA's intentions. During the past ten months the Commission put forward numerous ideas on how to break the impasse over decommissioning. Acting within its mandate to facilitate and encourage decommissioning, the Commission made detailed, specific, and clear suggestions to several parties. The Commission urged that paramilitary groups implement confidence-building measures which would demonstrate a willingness to engage positively with the political process and to allow that process to move forward. No proposal to start actual decommissioning had been accepted by any paramilitary group except the LVF. However, the Sinn Fein statement of 1 July offers promise that decommissioning by all paramilitary groups may now begin. The Commission expects that Sinn Fein's proposal will be endorsed by the IRA and reciprocated by loyalist and other republican paramilitary groups.

Meetings with the Parties -- June 1999

11. Between 21 and 28 June the Commission met with ten political parties to confirm their views on the decommissioning process as well as to seek answers to three questions concerning that process. The questions were aimed at focusing attention on areas where the Commission wished to get a stated confirmation of the parties' and the paramilitary groups' intentions. The questions were:

- (1) Does your party agree that decommissioning of all paramilitary arms should take place by 22 May 2000 as set forth in the Good Friday Agreement, and in the context of the implementation of the overall Agreement?
- (2) Are there any areas of implementation of the overall Agreement which would demonstrably facilitate the decommissioning process?
- (3) The Commission is aware of a number of public statements by paramilitary groups since 10 April 1998 regarding decommissioning. Can your party assist the Commission in determining the willingness of paramilitary groups to decommission their weapons by 22 May 2000? If so:
 - a. Is the paramilitary group willing to give the Commission a firm basis for expecting that decommissioning will take place within the timescale set forth in the Good Friday Agreement? And
 - b. While we believe we have general agreement on schemes to be used for decommissioning, when can we expect to receive -- or else conduct negotiations to define -- confirmation of the practical modalities (e.g., types of weapons, and in what order, location of decommissioning events, general time parameters)?

12. On Question (1) the responses were generally supportive of the goal of decommissioning but varied significantly in their emphasis. Some parties argued strongly for immediate and unconditional decommissioning, while others made clear they adhered strictly to the wording of the Good Friday

Agreement, or spoke more broadly of their support for decommissioning in the context of the demilitarisation of Northern Ireland. No party suggested that decommissioning ought not to happen by 22 May 2000.

13. On Question (2), the responses were even more varied but included few new proposals. Most parties argued the need for full implementation of the Good Friday Agreement. Two parties felt the question encouraged procrastination.

14. Question (3) received a narrow range of responses. By far the majority of parties told the Commission they could not assist on this question as they had neither weapons nor access to those who did. The Commission was particularly interested in the responses from parties with actual or alleged links to paramilitary groups. It was hoped the question would elicit positive signals from the paramilitary groups themselves. There were no responses to Questions (3)(a) or (3)(b) from either the IRA or the UDA by the 28 June deadline. The UVF provided a response which emphasized the need for the Good Friday Agreement to be implemented in full and an acceptance by republicans that the Agreement is "the final settlement of the constitutional conflict."

Assessing Recent Developments

15. On 1 July, Sinn Fein published a proposal in which they said the following:

"... we believe that all of us, as participants acting in good faith, could succeed in persuading those with arms to decommission them in accordance with the Agreement. We agree that this should be in the manner set down by the Independent Commission on Decommissioning within the terms of the Good Friday Agreement. ..."

16. In anticipation that this proposal may translate into a commitment to decommission paramilitary arms, the Commission believes that to complete its mandate by 22 May 2000, the process of decommissioning should begin as soon as possible.

17. The Decommissioning Scheme and Regulations approved by the two governments provide that the process of decommissioning is deemed to have commenced when the Commission is satisfied it has received notice of an intention to decommission arms on behalf of a paramilitary organisation, and that such notice contains sufficient information to indicate a clear intention to decommission specified arms. The Commission will be guided by these provisions. It is the Commission's considered view that the "process of decommissioning" begins in connection with a paramilitary group when it (a) gives an unambiguous commitment that decommissioning will be completed by 22 May 2000, and (b) commences detailed discussions of actual modalities (amounts, types, location, timing) with the Commission through an authorised representative.

18. Once decommissioning commences as set forth above, the Commission expects corresponding moves from all republican and loyalist paramilitary groups.

19. In accordance with the Scheme and Regulations, the Commission foresees the process of decommissioning following a reasonably predictable agenda. We therefore envision the following steps:

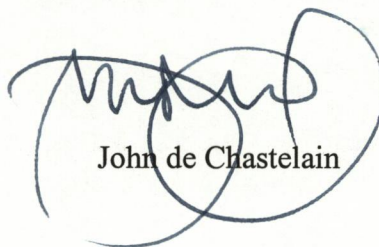
- (1) The designation of a point of contact who can speak authoritatively for the paramilitary group;
- (2) Discussions with the designated point of contact regarding:
 - a. The scheme to be used (i.e., self destruction with Commission verification, or information leading to the discovery of arms by the Commission);
 - b. Modalities (i.e., types and amounts of arms, location of the decommissioning event, timing, etc.);
- (3) Agreement to proceed with a specific event or events;
- (4) Execution of the decommissioning event(s);
- (5) Destruction of any residue; and
- (6) Reporting to the Governments.

20. The developments of 1 July give the basis for believing that decommissioning can be completed in the time prescribed by the Good Friday Agreement. There is still sufficient time to do that, but there is a need to get started soon. The Commission is ready and willing to start. It has emphasised its intention to conduct decommissioning in a way that is honourable, safe, verifiable, complete and free from the fear of prosecution.

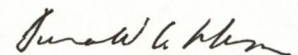
21. While the Commission is prepared to define a detailed timetable for decommissioning of arms by the main paramilitary groups, it believes this will best be achieved in discussions with the groups' various points of contact. Once such a timetable has been worked out, paramilitary groups will be expected to adhere to it to ensure completion by 22 May 2000, and the Commission will report on progress to the two Governments. The Commission believes that the detailed modalities, the timetable, and the commencement of actual decommissioning should be agreed with the paramilitary groups as soon as possible. The Commission reaffirms the following: Once a contact person has been named, the modalities for decommissioning can be worked out very quickly. Once there is agreement on the modalities, the actual decommissioning can be carried out without delay.



Tauno Nieminen



John de Chastelain



Donald C. Johnson

Belfast, 2 July 1999

Annex : Commission's Mandate and Actions

**ANNEX
REPORT OF THE INDEPENDENT INTERNATIONAL
COMMISSION ON DECOMMISSIONING**

COMMISSION'S MANDATE AND ACTIONS

Legislation and Mandate

1. The Agreement to establish the Commission was made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on 26 August 1997. The Agreement tasked the Commission with the following mandate:
 - a. To consult with the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role it might play in respect of each scheme;
 - b. To present to the two Governments the proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted;
 - c. To undertake, in accordance with any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1, and in accordance with section 3, of the Northern Ireland Arms Decommissioning Act 1997, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
 - d. To report periodically to both Governments and, through whatever mechanism they may establish for that purpose, the other participants in political negotiations in Northern Ireland.
2. Legislation enacting terms of the Agreement is found in the two Acts referred to in paragraph 1.c. above -- The Northern Ireland Decommissioning Act 1997 (UK) and The Decommissioning Act 1997 (Ireland) -- and the attention of the Commission was drawn to the Report of the International Body of 22 January 1996.
3. In both Acts it was specified that methods and manners (schemes) to be used for decommissioning require the destruction of the arms being decommissioned.
4. On 24 September the two Governments jointly appointed three Commissioners from Canada, Finland and the United States of America as members of the Commission, one of whom was designated as Chairman.

Resources

5. The Commission comprises the three Commissioners and three assistants drawn from the same three countries. Four secretaries, also drawn from Canada, Finland and the United States, are divided between the Commission's offices in each of Belfast and Dublin. At the

request of the two Governments, the Canadian Armed Forces and the U.S. Army have made available to the Commission, on an as-required basis, two officers who are experts on arms, ammunition and explosives ordnance disposal. These officers have taken part in refresher training with the defence forces in both jurisdictions, and they are called to join the Commission when needed.

6. The moneys, premises, facilities and services necessary for the proper functioning of the Commission have been provided by the two Governments in accordance with the legislation and on a basis determined by the Governments.

Consultations in 1997

7. The role of the Commission is to facilitate the voluntary decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as "arms"), held by paramilitary groups. At the outset, the Commission consulted with participants in the talks process, and with the security forces in both jurisdictions, to clarify issues relating to the possible implementation of the decommissioning methods identified by the International Body. The purpose was to see which of these, if any, might be acceptable to paramilitary groups on ceasefire, once the decommissioning process had begun.

8. On 21 November 1997 the Commission submitted an Initial Report to the Liaison Sub-Committee on Decommissioning. This report addressed key issues related to the first two tasks of the Commission's mandate and outlined a basic scenario for decommissioning.

9. After further consultation, the Commission concentrated on developing a decommissioning scheme which included two possible methods:

- a. Arms collected by the Commission, or by the designated representatives of either Government, as the result of information provided by paramilitary groups; and
- b. Arms destroyed by paramilitary groups themselves with verification by the Commission.

10. Practical arrangements in relation to decommissioning were to be set out in a scheme and in regulations to be made by the Secretary of State for Northern Ireland and the Minister for Justice, Equality and Law Reform, in accordance with legislation passed earlier in the year. Based on this requirement the Commission drafted a proposal for a decommissioning scheme including the two aforementioned methods, which it believed would represent a workable basis for achieving the decommissioning of paramilitary arms. The proposal was submitted to the Talks participants on 15 December 1997 for their consideration.

The Mechanics of Decommissioning

11. In a meeting on 14 January 1998, the Liaison Sub-Committee on Decommissioning discussed the Commission's proposals for methods of decommissioning. The following day the Commission formally submitted its recommendations for a decommissioning scheme to the two Governments, completing the first and second tasks of its mandate. On 25 February

both Governments presented to the Liaison Sub-Committee on Decommissioning their proposals on how they intended to give effect to the Commission's recommendations.

12. During the spring of 1998, to get acquainted with all aspects of their mandate, the Commissioners and assistants traveled frequently in both jurisdictions and consulted experts on forensic science, ammunition and explosives, destruction techniques and disposal of residue. The acquisition of commercial sources for vehicles and equipment was also explored.

13. Standard Operating Procedures (SOP) were developed to guide the conduct of the Commission's involvement in decommissioning events. It is anticipated that specific arrangements and measures during each individual decommissioning event will vary, depending on the method used and the nature of the operational circumstances existing at the time.

14. Operations Centers, to be activated during decommissioning events, were established in Belfast and Dublin.

15. The possibility remains that State agencies in either jurisdiction will be involved in the conduct of decommissioning operations, either acting as representatives of the Government ("designated representatives"), or as agents of the Commission in accordance with the agreed method used. To that end the Commission established permanent liaison with the Royal Ulster Constabulary, the Garda Siochana, the British Army and the Irish Defence Forces.

The Good Friday Agreement

16. The Good Friday Agreement of 10 April 1998 was the culmination of a process of negotiation that began on 10 June 1996 in Belfast. Parties to the Agreement confirmed their intention to work constructively and in good faith with the Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following the referendums held on 22 May 1998 and in the context of the implementation of the overall settlement.

17. Both Governments committed to take the necessary steps to facilitate the decommissioning process, to include bringing the relevant scheme or regulations into force by the end of June 1998. A decommissioning scheme in Northern Ireland and Regulations in Ireland came into effect on 30 June 1998. They provide a workable basis for achieving the decommissioning of paramilitary arms.

Contact Persons

18. The Commission is tasked to facilitate the decommissioning of arms held by paramilitary groups. To assist in that task the Commission asked that paramilitary groups nominate a representative or point of contact with the Commission through whom it could communicate.

19. In October 1997 the Ulster Volunteer Force (UVF) and Red Hand Commando (RHC) nominated Mr. Billy Hutchinson from the Progressive Unionist Party (PUP) to be their point of contact with the Commission. In June 1998 the Loyalist Volunteer Force (LVF)

nominated Pastor Kenny McClinton as their point of contact, though in June 1999 he resigned from this post. In September 1998 Sinn Fein named Mr. Martin McGuinness as the party's point of contact with the Commission. While the UDA/UFF have not named a point of contact, the leader of the Ulster Democratic Party (UDP), Mr. Gary McMichael, and his colleagues, have met several times with the Commission. All of these individuals have been helpful in providing the Commission with a better understanding of attitudes within the wider loyalist and republican communities regarding decommissioning.

Decommissioning

20. Contact with the LVF through their intermediary led to a decommissioning event on 18 December 1998. That paramilitary group decommissioned four sub-machine guns, two rifles, two pistols, a sawn-off shotgun, 348 rounds of ball ammunition, 31 shotgun shells, five electrical detonators, two pipe bombs, two weapons stocks and five assorted magazines. The items described were destroyed in accordance with Commission procedures the day they were received and the residue was disposed-of the same day also. At the LVF's request the event was covered by the media. A report on this event was provided to both governments in accordance with the Commission's SOP.

Public Profile

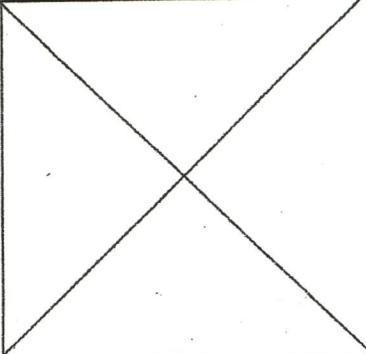

21. With the exception of the press conference on 18 December 1998 to answer media queries about the LVF decommissioning, and the intervention made following the Prime Ministers' announcement of the Hillsborough Declaration on 1 April 1999, the Commission has made no public statements since September 1998. The Commission has taken this course of action in the belief that avoiding publicity would give the Commission a greater chance to work with paramilitary groups or their representatives, to win their confidence, and to advance the prospects for decommissioning.

22. The Commission's silence should not be interpreted as inactivity. Over the course of the last ten months the Commission has had numerous meetings with political parties in Northern Ireland, with the two governments, with the security forces in both jurisdictions, with the churches, and with local special interest organisations.

Reporting

23. Throughout this process, the Commission has kept both governments informed in detail about its efforts and its assessment of prospects for success. A number of these meetings have taken place at the highest governmental level. The two governments have likewise shared with the Commission their views on their own efforts, and this has been helpful to the Commission.

THE	
NATIONAL	
ARCHIVES	

DEPARTMENT/SERIES <i>PREM 49</i> PIECE/ITEM <i>930</i> (one piece/item number)	Date and sign
Extract details: <i>Minute dated 01 JULY 1999</i>	
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RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	 <i>03/03/22</i>
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Enter the department and series,
eg. HO 405, J 32.

Enter the piece and item references,
eg. 28; 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,

eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

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✓C: JS
AC
Sup.

FROM: S J LEACH
ASSOCIATE DIRECTOR POLICING AND SECURITY

1 July 1999

cc PS/Secretary of State (B & L)
PS/Mr Ingram (B & L)
PS/PUS (B & L)
Mr Watkins
Mr Jeffrey
Mr McCusker
Ms Scholefield
Ms Flanagan

MR POWELL
CHIEF OF STAFF
{c/o Private Office}

POSSIBLE MEETING WITH ORANGE ORDER

I attach briefing against the possibility of a further meeting with the Orange Order at Hillsborough tomorrow morning.

[sgd S J LEACH]

S J LEACH
Ext: 27012

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DRUMCREE - THE WAY AHEAD

Background

1. For the Orange Order the ideal outcome is a march this Sunday 4 July. However, as things stand, there is **no chance** of this because:

- the Parades Commission will not change their determination before Sunday; and
- as earlier talks showed, the residents will not reach an accommodation with the Orange Order for a 4 July march.

2. A 4 July march is only conceivable if, in the context of a political settlement, Sinn Fein were able to persuade the residents to agree. (The Irish could also play an important role, though so far they have seemed reluctant to intervene.) The modalities of this option might be:

- face to face meeting between residents and Portadown District to agree accommodation (Gracey has said he will never meet Mac Cionnaith, but would not stop other District Officers doing so);
- both sides notify Parades Commission that accommodation reached; Commission revokes determination;
- Orange Order call off all protest activity;
- Act of Reconciliation involving residents and Portadown District Officers;

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- march proceeds on 4 July on agreed lines (no music; no visitors; 7 abreast);
- Community Forum and economic initiative established;
- continuing direct dialogue to agree arrangements for future marches;
- [if possible] Orange Order agree to meet Parades Commission and abide by future rulings.

3. The much **more realistic option** is for a march **later this year**. Graham has signalled strongly (letter to **Times** 1 July) that **if** the Orange Order offer direct talks involving No 1 District officers, call off protests and engage constructively on the issues, then the Commission will look sympathetically at applications for future marches - particularly if prevarication by the residents prevents an accommodation being reached. The key features of this option would be:

- Orange protest activity up to 12 July is lawful and peaceful;
- after 12 July, protest activity called off and Orange focus on constructive engagement;
- direct discussion between District and residents;
- [if possible] Orange Order recognise Commission and promise to abide by future rulings;
- application for fresh parade in the autumn, with agreed modalities;

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- Community Forum, etc, follow as above.

4. The Portadown District are showing some signs of further flexibility - eg a willingness for Grand Lodge and Portadown District officers to meet Alistair Graham - the Orange envisage the Prime Minister chairing the meeting, which may not be feasible; but the proposal could perhaps be built on.

Conclusion

5. The Orange Order are at last taking a constructive approach. If they continue, this could pay off for them with a march in the next 2/3 months, greater understanding of their position and more effective scrutiny focused on the residents. But there are many pressures on them to revert to type, magnified by the passions surrounding Drumcree and the 12th. **The Prime Minister will wish to stress to them the great importance of continuing on the difficult but potentially rewarding path they have started on.**

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MEETING WITH ORANGE ORDER POINTS TO MAKE (arguing for deferred march option)

Sunday March

- would have preferred to see an agreed march on Sunday, but no chance now of Commission changing stance in that timescale, nor of reaching agreement with residents in time.
- but Commission clearly open to march in the near future if you continue constructive approach (see Graham letter).

Way Forward

- I said publicly on 28 June, after we met, that I believed you had made considerable gestures of reconciliation and goodwill; that we would carry on working for a solution; and that until then it was vital that everyone continued to abide by the law.
- Believe your dignified and restrained reaction so far has continued to increase understanding of the Orange Order position. Essential that you continue on this constructive path.
- The Grand Master's letter to Private Lodge Secretaries which you showed us at the last meeting demonstrates that the Order is seeking peaceful and dignified protest - I trust that they will also be entirely lawful, obeying the instructions of the police; and that after the 12th all protests will be phased out.
- Know your views about the Parades Commission. But the Commission has now given a significant signal. If the Orange Order continues to show constructive engagement, they have said that will strongly influence their consideration of future applications, even if there is no agreed outcome.
- Alistair Graham has said in terms (in letter to the Times, 1 July) that the Commission will be specifically looking to see if a constructive approach from the Orange Order suffers rebuff and prevarication from the residents.
- So the residents do not hold a veto over parades. While realistically a march on 4 July is not now possible, I believe a continued positive approach from you would lead either to accommodation with the residents or (if they stall) to a determination in your favour in the next few months.

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- The key elements of that approach should be:
 - cessation of protest activity. Of course, there will be demonstrations up to 12 July. Important they should be lawful and peaceful. But hope that after the 12th all energies will be focused on a process leading to an early positive determination;
 - Meeting with the residents, going beyond authorising others to speak on your behalf. I believe that direct engagement with the residents involving some at least of the District Officers is a step that will have to be taken;
[Note: We understand Gracey has said that he will never meet Mac Cionnaith, but does not rule out other members of the District doing so.]
 - participation in an Act of Reconciliation; and
 - building on this process, an application for a parade in the autumn via the Garvaghy Road.
- If you can accept and implement these points, believe there would be a very strong chance of a successful parade in the next two or three months.
- If you agree, I would put my name to an accommodation between you and the residents incorporating these points.

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DRAFT STATEMENT BY THE BRITISH AND IRISH GOVERNMENTS

We have made real progress today in bringing peace to Northern Ireland. We can now look forward with confidence to the full implementation of the Good Friday Agreement. The obstacles to progress have been overcome through the shared commitment of all the parties to the three key principles set out in our statement of 25 June, namely:

1. An inclusive Executive exercising devolved powers.
2. Decommissioning of all paramilitary arms by May 2000.
3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.

The two Governments warmly welcome today's agreement by the parties on the formation of an inclusive Executive. They commend the courage and vision the parties have collectively displayed in taking this crucial step forward in the implementation of the Good Friday Agreement. The Governments share the determination of the parties to make the Agreement work in the interests of all of the people. Its true potential to bring about a fresh start can now be unlocked.

The two Governments also welcome the de Chastelain Commission's Report, and endorse its conclusion that, to maintain confidence that the requirements of the GFA are being met, the process of decommissioning needs to begin straightaway, in parallel with the devolution of power.

The two Governments believe that agreement on the modalities for decommissioning should be reached within one month, and the destruction of paramilitary arms should begin within three months of the start of the process of decommissioning.

All parties have reaffirmed that the decommissioning process should be completed within the timeframe of the Good Friday Agreement. The Commission should be in a position to report that this has been achieved before the end of May 2000.

We welcome Sinn Fein's undertaking that, on the basis of agreement to establish a fully inclusive Executive, they will succeed in persuading those with arms to decommission them in accordance with the Agreement and that the process will begin straightaway.

We also welcome the statements of the UUP and SDLP

The Secretary of State for Northern Ireland will now convene a meeting of the Assembly for the purpose of triggering the d'Hondt procedure to appoint the

members of a fully inclusive Northern Ireland Executive. She will also lay before Parliament an Order in Council appointing [date x] as the date on which power will be devolved. On [date x], the two Governments will exchange the notifications necessary to bring the British-Irish Agreement into force, and the new North/South and British-Irish institutions will thereby be established. Amendments to Articles 2 and 3 of the Irish Constitution and to British constitutional legislation will also then take effect.

We ask the Commission to report to the two governments as soon as the process of decommissioning has begun; and, in any case, every two months, on progress on decommissioning. We welcome the agreement of the parties to accept, and act on, the Commission's reports.

If either devolution or decommissioning are not implemented on the basis agreed, the two governments will commence a formal review, as provided for in the Agreement. Should the review not lead, within one week of its commencement, to a resolution of the problems, the governments agree that the institutions set up under the Agreement will be suspended.

It is the democratic will of the people that the Good Friday Agreement be fully implemented. Today's vital breakthrough will make that possible. We must now dedicate ourselves to the real work of delivering the better future the people expect and deserve.

DRAFT FINAL COMMUNIQUÉ

The parties have affirmed their commitment to the following principles:

1. An inclusive executive exercising devolved powers.
2. Decommissioning of all paramilitary arms by May 2000.
3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning,

The Commission has reported that they now believe there is the realistic prospect of decommissioning taking place; and within the timescale of the Agreement.

[The Commission has identified that the process of decommissioning can begin by the paramilitary organisations taking any one of the following steps:

- the formal notification of intention to decommission;
- nomination of a representative to negotiate directly with the Commission with proposals for decommissioning;
- the self-destruction of arms, verified by the Commission;
- provision of information to the Commission leading to the discovery of arms for subsequent destruction;
- the depositing of arms for collection and subsequent destruction by the Commission.]

The Commission considered that further steps in the decommissioning process, if they had not already occurred, should include:

- agreement on modalities by [];
- a start to [decommissioning] by [];
- completion of the process by May 2000;

It was agreed that Ministers will be identified by the d'Hondt procedure and powers devolved by Saturday 3 July, along with the entry into force of British-Irish Agreement, establishment of the North/South Ministerial Council, the North/South implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference. Constitutional changes will take effect on the same day.

[The Commission will verify the beginning of the decommissioning process, as determined by the Commission, to the same timescale.] It will make further reports in [], [] and May 2000.

Against the background of agreement to form the inclusive Executive, Sinn Fein said that they believe they will successfully persuade those with arms to decommission them in accordance with the Agreement. The PUP and UDP expect that, in those circumstances, they will be able to use their influence to the same effect.

The Governments, with the support of the parties, have undertaken that, in the event that the commitments now entered into are not fulfilled by May 2000, they will commence a formal review as provided for in the Agreement. Should the review not lead, within one week of its commencement, to a resolution of the problems, the Governments have undertaken to suspend the operation of the institutions of the Agreement.

The Governments have also undertaken to act in this way if at an earlier point the Commission should convey to the Governments that it was their belief that the commitments now entered into, leading to the completion of decommissioning by May 2000, were not being honoured.

SECRET

(1 July 13.45)

[Irish] [Two] Governments Working Document showing in bold what Sinn Féin could accept on 30 June provided it had the effect of the institutions being put in place.

ESSENTIAL ELEMENTS OF AN UNDERSTANDING

(Each of these would depend on the others, and each step taken in knowledge of all the others).

1. Commitment by all parties to three key principles:

- **an inclusive Executive exercising devolved powers;**
- **decommissioning of all paramilitary arms by May 2000;**
- **decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.**

2. Devolution to take place by [3 July], along with entry into force of British-Irish Agreement, establishment of North/South Ministerial Council, North/South implementation bodies, British-Irish Council, British-Irish Intergovernmental Conference. Constitutional changes take effect.

3. The Independent Commission on Decommissioning:

- **notes that all the parties are committed to the total disarmament of all paramilitary organisations and are obliged to use their influence to bring this about by May 2000**
- **notes that, under the relevant Regulations, different methods of decommissioning are provided for and also that decommissioning can take place in accordance with arrangements made with the Commission;**

- **states that for decommissioning of all paramilitary arms to be concluded by May 2000 as set out above, Commission recommends that urgent discussion now take place with the Parties and that the decommissioning process - in accordance with the Regulations - be started as soon as possible [within one month] and the Commission announce this.**
 - **states that the discussion on modalities will conclude in October and, following this, the Commission will recommend the earliest possible beginning of decommissioning, to be completed by May 2000.**
 - **will submit progress reports to the two Governments [in August], October, December and May 2000.**
4. **A statement by Sinn Féin to the effect that, with an inclusive Executive established and in the context of the overall implementation of the Agreement, they believe all of the participants, acting in good faith, [will] [could] succeed in persuading those with arms to decommission them in accordance with the Agreement. They agree that this should be in a manner set down by the Independent Commission on Decommissioning, [consistent with] [within the terms of] the Good Friday Agreement.**
5. Sinn Féin are also prepared to state that Republicans today are totally committed to pursuing their democratic aims in a peaceful atmosphere, in which society is freed for good from the threat or reality of further violent conflict. For their part, the full implementation of the Good Friday Agreement, and the establishment of inclusive democratic institutions, together with its comprehensive programme to achieve justice and equality, makes all future resort to weapons both redundant and wrong. They are certain that the Republican community, which they represent, are ready to play their full part now in the process of demilitarisation and the permanent disposal of weapons, as prescribed in the Agreement, both in spirit and in letter. This is a unique

opportunity to secure a peaceful future, and Republicans will not be found wanting.

Similar statements by parties associated with Loyalist groups.

6. **The UUP state that, in the light of all the provisions of this agreement, they will participate in a fully inclusive Executive and the other political institutions to be established on 3 July. They recognise the significance of the Sinn Féin statement and welcome it. They take it as a firm commitment that decommissioning will indeed be dealt with in the way and on the timescale set out in the Agreement, and they accept that decommissioning must take place in accordance with arrangements made with the Commission and be completed by May 2000.**

7. **Against this background, the two Governments consider that the achievement of decommissioning is now underway in the staged manner set out by the Independent Commission.**

8. The Governments and the parties support the following undertakings:

In the event that either devolution is not fully exercised, or decommissioning is not achieved by May 2000, in the manner set out above, the Governments have undertaken that they will initiate a process of Review, in consultation with the parties, of the relevant aspects of the Agreement and suspend the operation of the institutions set up by the Agreement with immediate effect.

The Governments have also undertaken to act in this way if, at an earlier point, they find, based on a report from the Commission, that the commitments now entered into are not being honoured.

In the event of suspension, the Governments and the parties will address the relevant issues and seek, within the Review undertaken to re-activate rapidly the institutions on a cross-community basis.

9. All parties assent to a final Communiqué and endorse the arrangements which have been agreed.

1 July 23 30.

PROPOSAL BY THE TWO GOVERNMENTS TO ALL PARTIES

All parties have agreed on the following three principles:

- An inclusive Executive exercising devolved powers.
- Decommissioning of all paramilitary arms by May 2000.
- Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning (ICD).

The parties have put forward range of ideas, on paper and in discussion. These have informed the work of the International Commission on Decommissioning, whose initial report of 2 July we warmly welcome. We are agreed that the following sequence would achieve the full implementation of the three agreed principles in accordance with the Good Friday Agreement:

1. Public statements by all parties on their positions and statements by paramilitary groups.
2. Devolution Order passed on 7 July taking effect on 21 September.
3. Nominations on the d'Hondt procedure on 20 September.
4. Beginning of decommissioning process including agreement on modalities, notice to Commission of intention to decommission all arms by May 2000, appoint a contact person etc. as set out in the de Chastelain report, by 20 September.
5. An initial act of decommissioning before the end of October in compliance with the recommendations in the de Chastelain report.
6. The de Chastelain Commission to certify the ^{progress on} ~~initial act of~~ decommissioning, producing reports in September, December and May 2000. _{action,}
7. A "failsafe" clause. The Governments, with the support of the parties, have undertaken that, in the event that the commitments now entered into are not fulfilled by May 2000, and the Assembly

has not taken remedial action within a week, the Governments have undertaken to suspend the operation automatically of the relevant institutions of the Agreement. The British Government undertake to put legislation in place to give this effect. The Governments will work rapidly to re-establish the relevant institutions on a cross-community basis. The Governments have also undertaken to act in this way if at an earlier point the Commission should convey to the Governments that it was their brief that the commitments now entered into, leading to the completion of decommissioning by May 2000, were not being honoured. *

As a result of the information we have received in the past two days, we now believe there is, at last, the realistic prospect of decommissioning taking place; and within the timescale of the Agreement.

Sinn Fein have affirmed their commitment to the decommissioning of all paramilitary arms by May 2000. Loyalist parties have made similar commitments.

In particular Sinn Fein have made it clear that provided an inclusive Executive is established and the Good Friday Agreement implemented, they will successfully persuade paramilitary groups to decommission.

We now wish to set out exactly how this process of decommissioning can be done.

The first step is a credible start to the process. This can be done either:

- a. by formal notification by the organisations concerned of ^{their} ~~our~~ intention to decommission; or

- b. the nomination by the organisation concerned of a representative to negotiate directly with the Commission on how the decommissioning it will do, can be implemented; or
- c. the destruction of weapons or weapons-making material by the organisations concerned, verified by the Commission or a designated representative of either government;
- d. provision of information to the Commission or to designated representatives of either government leading to the discovery of armaments for subsequent destruction; or
- e. the depositing of armaments for collection and subsequent destruction by the Commission or representatives of either government.

The second step is the determination of the modalities of decommissioning which we would expect to discuss and complete within one month of the start of the decommissioning process.

Within two months of that, unless decommissioning has already occurred, actual decommissioning should begin.

1. The first stage of the process is to identify the key components of the system. This involves a thorough review of the existing documentation and a consultation with the relevant stakeholders. The goal is to understand the current state of the system and to identify any gaps or areas for improvement.

2. The second stage is to define the requirements for the new system. This involves working closely with the stakeholders to understand their needs and expectations. The requirements should be clear, concise, and measurable, and they should be based on the business objectives of the organization.

3. The third stage is to design the system architecture. This involves creating a high-level overview of the system and its components, as well as a detailed design of the individual components. The design should take into account the requirements and the constraints of the system, and it should be flexible enough to accommodate future changes.

4. The fourth stage is to develop the system. This involves writing the code for the system and testing it to ensure that it meets the requirements. The development process should be iterative, with frequent communication and collaboration between the developers and the stakeholders.

5. The fifth stage is to deploy the system. This involves installing the system on the target environment and configuring it to meet the requirements. The deployment process should be carefully planned and executed to minimize any disruption to the existing system.

6. The sixth stage is to monitor and maintain the system. This involves tracking the performance of the system and addressing any issues that arise. The system should be regularly updated and maintained to ensure that it remains current and secure.

7. The seventh stage is to evaluate the system. This involves assessing the system's performance against the requirements and the business objectives. The evaluation should take into account both the technical and the business aspects of the system, and it should provide a clear picture of the system's overall value.

8. The eighth stage is to document the system. This involves creating a comprehensive set of documentation that describes the system's architecture, components, and operation. The documentation should be easy to understand and use, and it should be kept up-to-date as the system evolves.

9. The ninth stage is to train the users. This involves providing the users with the necessary training and support to ensure that they can use the system effectively. The training should be tailored to the needs of the users and should cover both the basic and the advanced features of the system.

10. The tenth stage is to review the project. This involves reflecting on the project's progress and identifying any lessons learned. The review should provide a clear picture of what went well and what could be improved in future projects, and it should be used to inform the organization's overall strategy.

11. The eleventh stage is to celebrate the success of the project. This involves recognizing the contributions of the team and the stakeholders, and celebrating the achievement of the project's goals. This is an important step in building a positive team culture and in ensuring that the project's success is sustained over time.

12. The twelfth stage is to plan for the future. This involves identifying the next steps in the organization's journey and ensuring that the system is positioned to support those steps. This may involve further development, integration with other systems, or expansion to new markets.

We would then set out, by reports every two months, the further progress we expect, with all decommissioning to be completed by 22 May 2000.

At the request of the two governments, we are content at each stage of this process, formally to certify that the stage has been successfully completed.

Sinn Féin have long argued that it is through the full implementation of the Agreement, in particular the operation of its institutions and the delivering of equality and justice, that the issue of arms will be finally and satisfactorily settled. Sinn Féin have also emphasised the key role to be played by General de Chastelain and his colleagues. We have specifically said in our reply to the Independent Commission on Decommissioning that "the full implementation of the Agreement would demonstrably facilitate the decommissioning process".

Sinn Féin are therefore now indicating in response to the Commission's report that we will proceed to be part of the inclusive Executive and we acknowledge the UUP and SDLP statements to the same effect. Against that background we believe that we will succeed in persuading those with arms to decommission them in accordance with the Agreement. We agree that this will be in the manner set down by the Independent Commission on Decommissioning.

This reflects our conviction that with the overall implementation of the Good Friday Agreement the causes of the conflict are removed and, as far as the Republican movement are concerned, the war is finished, over, done with and gone.

DRAFT (12.00 - 29 June 1999)

Statement by parties

We have today taken a further vital step towards unlocking the full potential of the Agreement. We can now move to the creation of an inclusive Executive serving all of the people of Northern Ireland and to the establishment of the other institutions.

We rededicate ourselves to working in good faith to ensure the success of each and every aspect of the Agreement and will do all that is required of us, individually and collectively, to bring this about.

In particular, we are committed to:

1. An inclusive Executive exercising devolved powers.
2. Decommissioning of all paramilitary arms by May 2000.
3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning (ICD).

We fully accept the conclusion of the ICD that, if confidence is to be maintained in the implementation of the decommissioning provisions of the Agreement, the process of decommissioning will need to begin soon and we request all paramilitary organisations to cooperate as appropriate with the ICD.

As parties committed to exclusively democratic and peaceful means and completely opposed to violence, we urge all of those organisations which have not yet declared cease-fires to do so immediately.

We call on all of the people of Northern Ireland to join us in a great project of reconciliation, building together a future based on partnership and equality and leaving behind the intolerance and divisions of the past.

Agreed principles as

AGREED PRINCIPLES

Although there is acknowledged disagreement about ^{the (Gunnery & and)} ~~their~~ implementation, all parties to the Good Friday Agreement are committed to the following principles:

1. An inclusive Executive exercising devolved powers.
2. Decommissioning of all paramilitary arms achieved by May 2000.
3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.

Question: General de Chastelain, how long do you think it will take, once the process of decommissioning begins, before actual weapons are destroyed?

Answer: My report (paragraph 17) says that for each paramilitary group, the process of decommissioning will commence when the Commission receives an unambiguous commitment to complete decommissioning by May 2000, and commences detailed discussion of modalities.

I go on to say (paragraph 21) that once those discussions begin, the modalities can be worked out very quickly and actual decommissioning can be carried out without delay.

By that I mean that actual decommissioning will begin within a matter of a few weeks rather than a matter of months.

17. The Decommissioning Scheme and Regulations approved by the two Governments provide that the process of decommissioning is deemed to have commenced when the Commission is satisfied it has received notice of an intention to decommission arms on behalf of a paramilitary organisation, and that such notice contains sufficient information to indicate a clear intention to decommission specified arms. The Commission will be guided by these provisions: It is our considered view that the "process of decommissioning" begins in connection with a paramilitary group when it (a) gives an unambiguous commitment that decommissioning will be completed by 22 May 2000, and (b) commences detailed discussions of actual modalities (amounts, types, location, timing) with the Commission through an authorised representative.

520-696

Draft

June 1999 9.30am

- Notes that, all the parties are committed to the total disarmament of all paramilitary organisations and are obliged to use their influence to bring this about by May 2000.

- Notes that, under the relevant Regulations, different methods of decommissioning are provided for and also that decommissioning can take place in accordance with arrangements made with the Commission;

- Recommends that the decommissioning process be advanced this week through urgent discussions with the Parties and a choice from the options available under the Regulations.

- Recommends that these discussions be conducted urgently so that the Commission can report to the two governments in October.

- Following this, the Commission will recommend the earliest possible beginning of decommissioning, noting that decommissioning of all paramilitary arms be concluded by May 2000 as set out above.

- Will submit progress reports to the two Governments in October next, in December and in May 2000.

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As a result of the information we have received in the past two days, we now believe there is, at last, the realistic prospect of decommissioning taking place; and within the timescale of the Agreement.

Sinn Fein have affirmed their commitment to the decommissioning of all paramilitary arms by May 2000. Loyalist parties have made similar commitments.

In particular Sinn Fein have made it clear that provided an inclusive Executive is established and the Good Friday Agreement implemented, they believe they will successfully persuade those with arms to decommission them in accordance with the Agreement.

We now wish to set out exactly how this process of decommissioning can be done.

The first step is a credible start to the process. This can be done either:

- a. by formal notification by the organisations concerned of our intention to decommission; or
- b. the nomination by the organisation concerned of a representative to negotiate directly with the Commission on how the intention to decommission can be implemented; or
- c. the destruction of weapons or weapons-making material by the organisations concerned, verified by the Commission or a designated representative of either government;
- d. provision of information to the Commission or to designated representatives of either government leading to the discovery of armaments for subsequent destruction; or

- e. the depositing of armaments for collection and subsequent destruction by the Commission or representatives of either government.

The second step is the determination of the modalities of decommissioning which we would expect to discuss and complete within [.....] of the start of the decommissioning process.

Within [.....] of that, unless decommissioning has already occurred, actual decommissioning should begin.

At the request of the two governments, we are content at each stage of this process, formally to certify that the stage has been successfully completed. This will mean effectively four certifications: on the commencement of the process; on modalities agreed; on actual decommissioning beginning; and its completion. This would be shortened obviously if any of the methods to begin the decommissioning in c., d., or e. above were chosen.

DRAFT AGREEMENT

We reaffirm our commitment to full implementation of all aspects of the Good Friday Agreement on the timescales set out in the Agreement. Our discussions have been based on our commitment to the following principles:

1. An inclusive Executive exercising devolved powers.
2. Decommissioning of all paramilitary arms by May 2000.
3. Decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.

We all accept the de Chastelain Commission's conclusion that, if confidence is to be maintained that the requirements of the GFA are being met, the process of decommissioning will need to begin soon with the following steps.

- an agreement on modalities for IRA decommissioning. The Commission should be in a position to report by 15 September that this has been achieved;
- a start to arms decommissioning: The Commission should be in a position to report in December that this has been achieved;
- Completion of the decommissioning process within the timeframe of the Good Friday Agreement. The Commission should be in a position to report that this has been achieved before the end of May 2000.

We ask the Commission to report whether the required progress in the decommissioning process is being made at the times specified; we will accept, and act on, the Commission's reports.

We welcome Sinn Fein's undertaking that, on the basis of agreement to establish a fully inclusive Executive, they will succeed in persuading those with arms to decommission them in accordance with the Agreement.

A fully inclusive Executive will be formed, with new Ministers appointed in the first week of July. The British Government will pass an Order in July devolving power to the Northern Ireland Executive on 15 September.

If either devolution or decommissioning are not implemented on the basis agreed, the two governments will commence a formal review, as provided for in the Agreement. Should the review not lead, within one week of its commencement, to a resolution of the problems, the governments will suspend the institutions of the Agreement.

TIMETABLE

30 June	Agreement
1 July	Run D'Hondt. Form Shadow Executive
early July	Devolution Order passed at Westminster. Devolution Day fixed for 15 September.
By 15 September	De Chastelain agrees on modalities for IRA decommissioning.
15 September	Devolution. Full Executive formed.
By end December	Beginning of destruction of IRA weapons.
22 May 2000	Decommissioning completed.

1997 AGREEMENT

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND
AND THE GOVERNMENT OF THE UNITED KINGDOM
ESTABLISHING THE INDEPENDENT INTERNATIONAL COMMISSION
ON DECOMMISSIONING

The Government of Ireland and the Government of the United Kingdom:

Recalling their decision on the 28th day of November 1995 to establish an International Body to provide an independent assessment of the decommissioning issue;

Noting that the Report of the International Body presented to the two Governments on the 22nd day of January 1996 recommended that the decommissioning process should take place to the satisfaction of an independent commission;

Noting that the Decommissioning Act, 1997 in Ireland and the Northern Ireland Arms Decommissioning Act 1997 in the United Kingdom make reference to a Commission to be established by agreement between the two Governments;

Recalling the Joint Communiqué issued on the 29th day of July, 1997, following the meeting between the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, in which they announced their decision to complete preparations for the establishment of an Independent Commission in order that the mechanisms on decommissioning would be capable of being launched simultaneously with substantive political negotiations;

Have agreed as follows:

Article 1

The Independent International Commission on Decommissioning (hereinafter referred to as "the Commission") is hereby established by the two Governments in accordance with this Agreement.

Article 2

- (1) The Commission shall be independent in the performance of its functions.
- (2) The Commission shall have the legal capacity of a body corporate in accordance with the Decommissioning Act, 1997 and any Order made by the Secretary of State under the Northern Ireland Arms Decommissioning Act 1997.

Article 3

The objective of the Commission is to facilitate the decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as "arms") in accordance with the Report of the International Body, any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

Article 4

In fulfilment of the objective set out in Article 3, the Commission shall have the following functions.

- (a) to consult with the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role it might play in respect of each scheme.

- (b) to present to the two Governments proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted.
- (c) to undertake, in accordance with any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1, and in accordance with section 3, of the Northern Ireland Arms Decommissioning Act 1997, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
- (d) to report periodically to both Governments and, through whatever mechanism they may establish for that purpose, the other participants in political negotiations in Northern Ireland.

Article 5

The Commission shall consist of not less than two members. The members shall be appointed jointly by the two Governments who may also appoint additional members from time to time. The two Governments may jointly appoint one of the members as Chairperson. The members of the Commission shall serve on terms and conditions decided by the two Governments

Article 6

The Commission, its property and premises, and the persons referred to in section 3(4)(b) of the Decommissioning Act, 1997 and in section 7(2)(c) of the Northern Ireland Arms Decommissioning Act 1997 shall have such privileges, immunities and inviolabilities as may be conferred or provided for in accordance with orders made by the Minister for Justice, Equality and Law Reform and the Secretary of State under those Acts.

Article 7

Such moneys, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the two Governments on a basis to be determined by them;

Article 8

Members of the Commission, members of the staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons unless such disclosure is authorised by or on behalf of the Commission.

Article 9

The Commission shall keep proper accounts and proper records of all moneys received or expended by it and shall, at the joint request of the two Governments, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both Governments.

Article 10

The Minister for Justice, Equality and Law Reform and the Secretary of State may make further provision in relation to the Commission and the decommissioning of arms in accordance with the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

Article 11

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of it.

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Article 12

The Agreement shall continue in force until terminated by mutual agreement and thereafter shall cease to have effect save in so far as and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the Commission in accordance with the spirit of the Agreement.

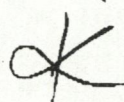
In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at Belfast in two originals on the 26th day of August, 1997.

For the Government of Ireland:

For the Government of the United Kingdom:

- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
 - place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
 - explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland;
 - seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
 - encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.
5. All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.



DECOMMISSIONING



1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.
2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.
4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.
6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

STRAND ONE

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies.
3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.
4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:
 - (a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;
 - (b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;
 - (c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;
 - (d) arrangements to ensure key decisions are taken on a cross-community basis:
 - (i) **either** parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;
 - (ii) **or** a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First

Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

- (e) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and to investigate individual complaints against public bodies.

Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.
7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.
8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.
9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:
 - consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
 - approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
 - call for persons and papers;
 - initiate enquiries and make reports;
 - consider and advise on matters brought to the Committee by its Minister.
10. Standing Committees other than Departmental Committees may be established as may be required from time to time.
11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.
12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.
15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.
16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.
17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.
18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.
19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).
20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.
21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.
22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.
23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.
24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.
25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set

out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:
 - (a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;
 - (b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;
 - (c) detailed scrutiny and approval in the relevant Departmental Committee;
 - (d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;
 - (e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in the Westminster Parliament, especially on devolved issues where parity is normally maintained (e.g. social security, company law).
27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.
28. Disputes over legislative competence will be decided by the Courts.
29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.
31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.
32. Role of Secretary of State:
 - (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;
 - (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;

- (c) to represent Northern Ireland interests in the United Kingdom Cabinet;
 - (d) to have the right to attend the Assembly at their invitation.
33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:
- (a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;
 - (b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;
 - (c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.
34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.

Transitional Arrangements

35. The Assembly will meet first for the purpose of organisation, without legislative or executive powers, to resolve its standing orders and working practices and make preparations for the effective functioning of the Assembly, the British-Irish Council and the North/South Ministerial Council and associated implementation bodies. In this transitional period, those members of the Assembly serving as shadow Ministers shall affirm their commitment to non-violence and exclusively peaceful and democratic means and their opposition to any use or threat of force by others for any political purpose; to work in good faith to bring the new arrangements into being; and to observe the spirit of the Pledge of Office applying to appointed Ministers.

Review

36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

I have seen the statements put out by Sinn Fein earlier, together with comments from other parties and the two Governments. We have no doubt, in the light of the new substantial measure of agreement, that decommissioning should happen and be complete by May 2000. Indeed we note the effective commitment in respect of the start of this process, by October, given by Sinn Fein, in their statement. This is a considerable advance on anything said before by them. But we stress any undertaking given by any party has to be implemented. Words must be followed by actions. And the decommissioning must be done not just by republican paramilitaries but equally by loyalist ones.

We now wish to set out exactly how this process of decommissioning can be done.

The first step is a credible start to the process. This can be done either:

- a. by formal notification by the organisations concerned of a clear and unambiguous commitment to decommission; with
- b. the nomination by the organisation concerned of an authorised representative to discuss directly with the Commission on actual modalities of decommissioning (amounts, types, location, timing);
- c. the destruction of weapons or weapons-making material by the organisations concerned, verified by the Commission or a designated representative of either government;
- d. provision of information to the Commission or to designated representatives of either government leading to the discovery of armaments for subsequent destruction; or
- e. the depositing of armaments for collection and subsequent destruction by the Commission or representatives of either government.

The second step is the determination of the modalities of decommissioning which we would expect to discuss and complete soon after the start of the decommissioning process.

Unless decommissioning has already occurred, actual decommissioning should begin as soon as possible afterwards.

At the request of the two governments, we are content at each stage of this process, formally to certify that the stage has been successfully completed. This will mean effectively four certifications: on the commencement of the process; on modalities agreed; on actual decommissioning beginning; and its completion. This would be shortened obviously if any of the methods to begin the decommissioning in c., d., or e. above were chosen.

JS

Working draft - strictly confidential

ESSENTIAL ELEMENTS OF AN UNDERSTANDING

(Each of these would depend on the others, and each step taken in knowledge of all the others).

1. Commitment by all parties to three key principles:
 - an inclusive Executive exercising devolved powers;
 - decommissioning of all paramilitary arms by May 2000;
 - decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning.

2. Agreement by all the parties that devolution should take place as soon as there is a credible start to the process of decommissioning. A credible start to be made either:
 - (a) by formal application by the organisations concerned of our intention to decommission; or
 - (b) the nomination by the organisation concerned of a representative to negotiate directly with the Commission on how the decommissioning it will do, can be implemented; or
 - (c) the destruction of weapons-making material by the organisations concerned, verified by the Commission or a designated representative of either government;
 - (d) provision of information to the Commission or to designated representatives of either government leading to the discovery of armaments for subsequent destruction; or

- (e) the depositing of armaments for collection and subsequent destruction by the Commission or representatives of either government.

3. A statement by Sinn Fein to the effect that, with an inclusive Executive established and in the context of the overall implementation of the Agreement, they believe they will successfully persuade those with arms to decommission them.

4. Similar statements by parties associated with Loyalist groups.

5. The International Commission on Decommissioning, if they agree, to report the commitments and statements above, and lay down two further stages in the process:

- the determination of the modalities of decommissioning for each organisation - if they agreed, the Commission would say that they expected to discuss and complete this within [period] of the start of the process and in any event by [date]'
- a start to actual decommissioning (if there is not already been such a start) - to be made within [period] of the agreement of modalities and in any event by [date].

At the request of the two Governments, the Commission formally to certify that each stage has been successfully completed on time, and to report any failure to do so.

6. The two Governments to undertake that, should the Commission convey to them at any time that progress towards the fulfilment of the decommissioning commitment by May 2000 was not being made in accordance with the process described above, they

would commence a formal review as provided for in the Agreement. Should the review not lead, within one week of its commencement, to a resolution of the problem, they would suspend the operation of the institutions of the Agreement.

TIMETABLE

30 June	Agreement/Sinn Fein statement/IRA statement
1 st week of July	Run D'Hondt
1 st week of July	IRA nominates interlocutor to talk to de Chastelain and begin discussion on modalities
1 st week of July	Devolution Order passed at Westminster, with immediate effect
End September	De Chastelain agrees on modalities for IRA decommissioning.
By end December	Beginning of destruction of IRA weapons.
22 May 2000	Decommissioning completed.

01232 257396

Restricted**Memo**

From: Robin McMinnis
Director
Air & Sea Ports Division

Your ref:**Our ref:****Tel:** (2) 57394**cc:** sec copy distribution list below**Date:** 30 June 1999

To: 1. PS/Minister
2. PS/Secretary of State

SJS
Progress report as
requested.

30/6

Sale of Belfast Harbour

1. This minute provides a further short progress report on this subject.
2. Lord Dubs has now provided the Committee Chairman with details of Belfast Harbour Commissioners' latest revised proposals and, in doing so, has summarised the main benefits and safeguards. He has also written to Messrs Trimble and Mallon on the same lines.
3. The Committee met again yesterday and considered the Minister's letter. Apparently it was decided that the Committee should reconvene on Friday to finalise their report. Assuming a positive outcome to today's political talks and devolution taking place, the Committee would immediately submit their report to the Assembly where it would be debated, probably next Tuesday or Wednesday.
4. In the event that agreement fails to be reached on devolution then the Committee would still intend to finalise their report on Friday and leak its contents to the media.
5. Thus, regardless of whether devolution occurs, we are now very close to learning the views of local elected representatives on BHC's proposals. I am

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reliably informed that the Committee is likely to indicate its agreement to the sale of the Port proceeding, by means of flotation, to avoid the need for PE cuts; however the Committee is not prepared to agree to the sale of any of the Harbour lands. It is understood that the Committee would wish these to transfer to a separate authority, perhaps Laganside Corporation.

6. The reasoning behind this apparently is that the Committee regards the landbank as much too valuable, in terms of its strategic importance, to sell and is fearful of the new private Harbour Company capitalising unfairly on the lands. The Committee also considers that the sale of the port itself will still realise enough in proceeds to address the current PE problem.
7. On this point, a separate source informs me that he has it on very good authority from within the Unionist camp that David Trimble has reached agreement in discussions with the Prime Minister that the Government will take steps to deal with the current PE problem, to avoid the devolved administration inheriting this. We are unable, at official level, to verify this report but, if true, it could influence the Committee's final recommendations.
8. Assuming devolution takes place and the Assembly agrees to the sale proceeding on the basis of the Committee's recommendations, this would require primary legislation to enable the port operation to be separated from the landbank.
9. It will be clear from the above report that things are moving rapidly towards a conclusion. We will continue to monitor developments closely and will keep Ministers informed.

R. McMinnis
Robin McMinnis

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DEPARTMENT/SERIES <i>DREM 49</i> PIECE/ITEM <i>930</i> (one piece/item number)	Date and sign
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Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references,
eg. 28; 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,

eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

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File

FROM: LIAM BARR
PS/PAUL MURPHY

DATE: 30 JUNE 1999

TO: MR JEFFREY

CC: Mr Sawers
Mr Stephens

**PAUL MURPHY'S MEETINGS WITH MARK DURKAN AND LORD ALDERDICE -
30 JUNE 1999**

The Minister met Mark Durkan this morning who made the following points regarding the current negotiations:-

If the Assembly was called it would be best to meet on Thursday afternoon. Mr Durkan noted that this was the anniversary of the appointment of Mr Trimble and Mr Mallon as First and Deputy First Ministers respectively. Thursday morning would be unsuitable due to the Somme memorial service which many of the Unionists would be attending.

Mr Durkan was concerned that if the Assembly met on Friday there was a possibility of the debate spilling over into Saturday with the undesirable prospect of the Drumcree issue being played into the debate.

Mr Durkan favoured deferring devolution until after the summer. He believed that the civil unrest and disturbances, which were a strong possibility over the summer, could result in a poor beginning for the Executive. It would be prudent to defer until September.

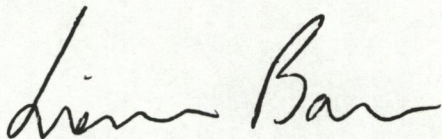
Mr Durkan believed that any fail-safe mechanism had to equally apply to the loyalist parties as to Sinn Fein.

Some of these timing issues were subsequently raised with Lord Alderdice. If a deal could be done by Thursday morning he preferred calling the Assembly on Friday but accepted that he would be obliged to react to any instruction given by the Secretary of State. He believed that the exclusion motion to exclude Sinn Fein could be dealt with between 10am and 5pm,

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immediately followed by the running of D'Hondt between 5pm and 6pm. If provided with a list of 29 names in favour of the motion, it was his intention to ask the Assembly if any other members supported the motion. He expected there would be, giving the required 30 names to allow the debate to proceed.

Lord Alderdice added that if devolution was deferred until after the summer he viewed , for purely practical reasons, a commencement date of 27 September as preferable. This, he believed would give the Assembly time to deal with outstanding business such as standing orders, non-statutory committees etc.



Liam Barr

PS/Paul Murphy

file

**STATEMENT BY THE PRIME MINISTER, RT HON TONY BLAIR MP,
ON THE PARADES COMMISSION DECISION ON DRUMCREEE**

"I believe that the Orange Order have made considerable gestures of reconciliation and goodwill in the past few days and I believe they should find an echo in a similar gesture from the residents.

We will carry on working for a solution that treats both communities with respect. Until such a solution is found, it is vital that people continue to abide by the law".

28 June 1999

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FROM: **BILL JEFFREY**
Political Director
29 June 1999

SUBJECT
MASTER

Filed

JS

e: JB
ACcc: TB
MT
ES

PS/Secretary of State (B & L)

See copy distribution below

**THE PRIME MINISTER'S AND TAOISEACH'S MEETING WITH THE
SDLP: FRIDAY 25 JUNE**

The Prime Minister and the Taoiseach had about half an hour with Hume and Mallon when they first arrived on Friday. Dermot Gallagher and I were present.

2. The Prime Minister said that he wished, during the course of the day, to establish agreement among the parties to three basic principles: an inclusive Executive exercising devolved powers; decommissioning of all paramilitary arms to be achieved by May 2000; and decommissioning to be carried out in a manner determined by the Independent Commission on Decommissioning. There would be an acknowledgement that there were differences as to how these principles should be implemented, but these could be addressed on Monday, when discussions resumed, with a view to narrowing down the specifics. Agreement to the principles, particularly by the UUP and Sinn Fein, would focus attention on the fact that the under-lying issue was about sequencing and timing.

3. Hume said that he thought this was a good first step. It would be hard for anybody to say they disagreed with the principles. The next stage would be to look at a formula for implementing them. In reassuring Unionists, more weight should be placed upon the pledge of office. Mallon agreed. The principles themselves would cause the SDLP no problems. It would be worth adding a fourth to do with means of guaranteeing that decommissioning actually happened. He and Hume would like to explore with the two Prime Ministers a process for dealing with the situation which would arise if there was no delivery. They would also like to know more about the timescale and stages which the Prime Ministers had in mind.

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4. The Prime Minister said that working out these details would be part of the next stage. At the moment Sinn Fein would be unable to accept such a guarantee. But at some point they would have to make a choice. The Taoiseach added that in the end he and the Prime Minister could neither decommission the IRA's weapons nor force the Unionists into an Executive. Mallon remarked that if either the UUP or Sinn Fein saw a chink in the Prime Ministers' armour and thought they could play the issue off into the future, they would undoubtedly do so. In particular, the Unionists would wish to defer the Executive until whatever date de Chastelain set for decommissioning.

5. Before Hume and Mallon left, the Taoiseach initiated a brief discussion of Drumcree. It would be helpful if Hume could bring any influence he had to bear in support of a solution, and encourage Brid Rogers to do so. Hume said that he had had a request for a talk with a senior Orangeman, but Brid Rogers had discouraged him from becoming involved. The Prime Minister noted that solving Drumcree was of crucial political importance.

Bill Jeffrey

BILL JEFFREY

11 Millbank ☎ 6447 (Castle Buildings ☎ Ext.28142)

cc PS/Mr Murphy (B & L)
PS/Mr Ingram (B & L)
PS/Mr Pilling (B & L)
Mr Watkins
Mr Bell
Mr Kelly
Mr Leach
Mr Stephens
Mr Brooker
Mr Crawford
Mr Maccabe
Mr Warner
Mr Sawers
Ms Milligan FCO
Mr Roberts

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FROM: **BILL JEFFREY**
Political Director
29 June 1999

PS/Secretary of State (B & L)

See copy distribution below

THE PRIME MINISTER'S AND TAOISEACH'S DISCUSSIONS WITH THE UUP: FRIDAY 25 JUNE

The Prime Minister and the Taoiseach met the UUP for about 40 minutes on Friday afternoon. It was a large team comprising Trimble, Empey, Donaldson, Maginnis, Chris McGimpsey, Wilson, Campbell, Lavery and one or two others. Dermot Gallagher and I were also present.

2. The Prime Minister explained that the meeting was a preliminary one, to set the parameters for detailed discussions in the following week. He understood the UUP position, which was that there should be actual decommissioning before the Executive was formed. What he wanted to do, as a first step, was to get acceptance by all parties of certain basic principles, while recognising that there remained disagreement about implementation. He then spelt out the three principles, as he had with the SDLP.
3. Trimble immediately questioned the significance of the word "manner" in the third principle. Provided it referred only to modalities, and did not include timing, he did not think the UUP would have difficulty with any of the three principles. The Prime Minister did not reply directly to this, but said that it would be necessary to come back on Monday to work out the details of how to implement the three principles.
4. Trimble said that he was unclear about how the de Chastelain report would fit into the Prime Minister's plan. It was likely that the report would not become available until late on Tuesday, since de Chastelain had given the parties until midday on Monday to respond to his questions. He had just done so on behalf of the UUP, and would give the Prime Minister a copy. The Prime Minister said that

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he was not, as yet, entirely clear about the timing. It would depend, in part, on the response that de Chastelain got from the parties.

5. Maginnis pursued the point. The de Chastelain report was likely to be crucial to the UUP's deliberations. It would be difficult to have sensible discussions on Monday and Tuesday without access to it. The Prime Minister said that if the parties accepted the three principles which he had proposed, there would still be quite a lot to be done in working out the details, irrespective of the precise content of the Commission's report. Trimble asked whether the Prime Minister was expecting a response on the principles from Sinn Fein that day. The Prime Minister said that he was. It was important that everyone should be clear about each others positions. Trimble said that, if Sinn Fein did respond positively, he would want to hear it himself, to gauge the precise content and the demeanour with which it was delivered.
6. Empey said that he could accept the principles, provided it was understood that the principle of inclusivity in the Executive depended on all concerned being committed to exclusively peaceful means. Donaldson reverted to the significance of the word "manner". It was very vague and imprecise. The UUP's clear view was that any decommissioning must be both credible and verifiable. Verification was for de Chastelain, but credibility was for them, since they were the people whose confidence in Sinn Fein had to be built. The Prime Minister said that they were reading too much into the word "manner". Donaldson asked why the third principle was necessary at all. The Prime Minister's article in the Times had contained only the first and the second. The Prime Minister replied that it was important to establish that it was for de Chastelain to lay down how decommissioning should be done.
7. Summing up this part of the discussion, Trimble said that the Prime Minister should speak to Sinn Fein and see what he got. If it was half decent, the first meeting on Monday in the five cornered format ie with the two Governments, the UUP, and Sinn Fein and the SDLP, would be an opportunity to hear from them.

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For their part, the UUP could accept the proposed principles on the understanding that an inclusive Executive comprised people who are were committed to a peaceful and democratic means and that the word "manner" did not include the timing of decommissioning.

8. Before the meeting ended, Donaldson asked about how the principles would be presented to the media. It would not take much imagination to put them together and come up with something like the proposal which the Prime Minister had floated in the Times. If they were presented as a major break-through, there was a risk that they would be spun as support for the formula outlined in the Prime Minister's article. The Prime Minister said that he did not believe that agreement on the principles would be a major break-through, and would not sell it as such. His intention would be to make an express reference to the UUP reservations.

9. Shortly after the meeting, we had a message from Trimble that he thought it would be better, for the avoidance of doubt, to use the word "modalities" in the third principle. I told Lavery that I thought the Prime Minister would prefer to leave it as it was. There were conceivable circumstances in which it would be sensible for de Chastelain to say something about timescales, and it might even be in the Unionists' interests for him to do so. That aside, there was no question of the Unionists' signing up to a particular timescale by accepting the principles. I believe John Sawers spoke in similar terms to Lavery or Campbell.

10. A little later we received the attached letter from Trimble to the Prime Minister. We discussed it with the PM in the gap between two of the meetings. He repeated what he had said earlier about the Unionists reading too much into the word "manner". They could be assured that there was no question of them being bounced on timescale. De Chastelain would deal with timescales only if everyone agreed. I subsequently had a conversation with Paddy Teahon, from which it was clear that, in the Irish view, "manner" did include timescales, and that de Chastelain should lay down a timetable which others should be free to accept or reject.

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11. John Sawers and I went to see Lavery, to reassure him as the Prime Minister had asked. We said that there was no question of the Unionists' committing themselves to accept a timetable offered by de Chastelain by accepting the three principles. It was clear from the preamble that their position on implementation would be completely reserved.

12. While we were talking, Trimble himself joined us. I repeated what we had said to Lavery. John Sawers added that there was no question of the Prime Minister wanting to force the Unionists' hand. Trimble reacted angrily. It was a trap and he was not going to walk into it. He was not interested in oral assurances from us or from the Prime Minister. All that mattered was the words on the paper. We had better change them. We agreed that he should have another word with the two Prime Ministers. This took place shortly before their departure with much the same UUP cast list as the earlier meeting. Trimble opened up by saying that they could not agree to third principle, in the light of what they now knew about our intentions. It was an obvious ploy. The Prime Minister said that he thought he had made it clear that they were not accepting any particular timescale. Personally, he believed that the sequencing was less important than getting everything else settled. It was important to be sure that everyone accepted that the Commission had a role in decommissioning. Trimble said that he wanted to make it absolutely clear that the UUP had not agreed to be bound by anything the Decommissioning Commission said on timing. The point could be met by adjusting the preamble to say that there was acknowledged disagreement about the timing of implementation.

13. The Prime Minister said that there could be no question of having agreement on timing by de Chastelain unilaterally deciding it. The only circumstances in which this could happen would be if the parties agreed. We could not yield up to de Chastelain the agreement which we needed to reach among ourselves. On the other hand, if everyone agreed that de Chastelain could lay down a timescale, he could do so. He had added the third principle in an attempt to be helpful to Unionists. Donaldson returned to the question whether the third principle was necessary. The first two had been in the Prime Minister's Times article but not the

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third. The word "manner" was not commonly used in discussions of these matters, whereas "modalities" was.

14. The Prime Minister repeated that it was important that de Chastelain should produce a report saying how decommissioning should happen. All officials had been saying was that de Chastelain could deal with timing if it was agreed but the actual sequence would be for negotiation. On the other hand, it would not be sensible to say that de Chastelain could not deal with the timing. He was ready to agree to change the preamble, so that it would refer to "timing and implementation" being the subject of acknowledged disagreement. Trimble welcomed this. At the end of the day, what mattered was what was written down.

15. It was clear from comments that Paddy Teahon made afterwards that he was concerned that the Prime Minister's assurance to the UUP that de Chastelain could deal with the timetable only if there was agreement with the parties that he should do so would limit the two PMs room for manoeuvre, and that the Irish did regard the Commission's offering a timetable without agreement that they should do so as an option.

Bill Jeffrey

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cc PS/Mr Murphy (B & L)
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