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Tactical Options and the Talks Process

Essential Requirement

1. It is imperative, for the credibility of the Talks process and of the two Governments, that a meaningful and substantive process of negotiations opens on the 15th September. The precise format of these negotiations remains unclear at this stage, however, due to the on-going UUP consultative process and uncertainty over the party's position. An important element in this will be the efforts of the Taoiseach and the Prime Minister over the coming days to give Trimble some clarification in the consent and decommissioning areas and, of course, the degree to which the Prime Minister is prepared to put further pressure on the Unionist leader to enter fully into the Talks process. The party's decision on whether to enter into face to face talks with Sinn Féin will not now be taken until Saturday 13th September. In the meantime, and while over the coming week we will try to gain a clearer picture of Trimble's intentions, we are tentatively setting out below some possible options, with timetables, to take the process forward.

8 September

2. The British have proposed a meeting of the Liaison Group in Belfast on Monday. This will allow a useful review of the present state of play, both in relation to the following day's Plenary and to the tactical options open to us for the Talks launch on the 15th. There will still, however, be a great deal of uncertainty on Monday, given that the UUP decision will not be taken until the 13th. At the same time, both the British and ourselves should have a clearer picture of the likely Unionist approach by then.

3. Monday's meeting will also enable us to carry forward the work on preparing an annotated agenda for the launch of Talks.

9 September - Preliminary meetings

4. It would be very valuable to have a meeting, in advance of the Plenary, between the Minister and the Secretary of State, and also between the two Ministers and the Talks Chairmen.

9 September - Plenary

5. The first items on the agenda will be Sinn Féin's formal expression of their commitment to the Mitchell Principles. It is unclear if the UUP will be present on this occasion, even in an observer capacity.
6. This Plenary was also planned to allow a further vote on the Governments' decommissioning paper - in effect, to allow Trimble to lift his party's decommissioning road-block. In theory Trimble could, without prejudice to an eventual decision on whether to enter the negotiations, agree (a) to back the Governments' proposals on decommissioning, or (b) to a procedural motion, under paragraph 35 of the rules of procedure, allowing the Plenary to move on to the next item on the agenda. In practice, however, he is extremely unlikely to do so in advance of the meeting of his Executive Committee on the following Monday, the 13th. In the circumstances, we have probably little option but to allow the Unionists more time; the Plenary, therefore, is likely to adjourn until 15 September.
7. In order to prepare against the possibility that we may have to get through the remainder of the agenda for the opening Plenary on 15 September, it might

be useful for the Governments to sound out parties to ensure that there would be a sufficient consensus in favour of the draft agenda for the three-stranded negotiations agreed between UUP/SDLP and Alliance last autumn.

13 September - Unionist Executive Council Options

8. There are a number of possible outcomes to this meeting, which effectively concludes the Trimble consultative process on participation in the talks.

These are:

- (i) The UUP agree to move to formal talks on the 15th on the basis of acceptance of the Governments' decommissioning proposals;
- (ii) The UUP refuse (at least for the present) to accept the Governments' decommissioning proposals, perhaps arguing that they wish to be in a position to properly assess the work of the Verification Commission before reaching a final decision. At the same time, they agree to accept a procedural motion enabling substantive discussion of the three strands to begin on 15 September, while leaving the decommissioning issue unresolved;
- (iii) The UUP, while rejecting the Governments' decommissioning proposals, agree to attend Castle Buildings on 15th September and enter into bilateral discussions with the two Governments and "acceptable" parties (i.e. excluding Sinn Féin). This approach would reflect a compromise between the opposing party factions, but would also underline the strong view of many Unionists, springing from the shock of the two Governments negotiating the Anglo-Irish Agreement

over their heads in 1995, that they should never again to be missing from negotiations on the future of the North;

- (iv) The UUP refuses to enter discussions, in any format, on the 15th;
- (v) The UUP asks for more time, or for further clarifications.

15 September

9. If the UUP agrees to move to formal Talks on the 15th, without any caveat (i.e. option (i) above), the scenario is pretty straightforward. The Plenary will approve both the Governments' proposals on decommissioning and the three-stranded agenda, and will then launch the formal negotiations.
10. If the UUP agrees to move to talks on the basis of a procedural motion (option (ii)), the Plenary will approve the three-stranded agenda and launch the formal negotiations.
11. On the other hand, if the UUP agree to come to the Talks but only in a bilateral format, or refuse to come to the talks, or ask for more time (iii, iv and v of paragraph 8), the Governments would announce that on the basis of the three-stranded approach, they were inviting all parties concerned to join with them in substantive negotiations. The format for such Talks would be bilateral, trilateral or a plenary basis, or in a combination of these configurations, depending on the format parties may prefer .
12. A number of sensitive tactical options would need to be considered in relation to the existing talks structures. These would include:

Option A: This would involve the suspension of the entire Talks process, as at present constituted, or its termination; and

Option B: The two Government would say that, while they saw no point in convening further meetings of the Plenary at this stage, they were inviting the Independent Chairmen to continue informal contacts over the next few weeks with a view to establishing whether a way might yet be found to complete the remaining work of the Opening Plenary, thereby allowing political negotiations to be conducted within the present negotiating structures.

13. Our preferred option might be for option B. In other words,
 - (i) the two Governments would invite all parties to immediate talks, thus, crucially, preserving the credibility of the negotiating process;
 - (ii) the opening plenary of the present talks process would be suspended but, because of advantages of the current process, including its attraction for a number of parties, it would not be discarded at this stage - see (iii) below;
 - (iii) parallel with this, the Chairmen would continue to see whether an early basis might be found for re-establishing the Plenary and continuing political negotiations within the formal three-stranded structures of the present process.
14. In the absence of any significant prospect of re-establishing the Plenary system within a reasonable period (say 3 - 4 weeks), the two Governments

should state that the political negotiations, which would have continued in the interim, were now established on a new basis, through which they would pursue vigorously the search for agreement on a comprehensive political settlement, across all three strands, which would then be put to the people of Ireland, North and South, in referenda.

3 September 1997