



# An Chartlann Náisiúnta National Archives

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14 July 1997

THE PRIME MINISTER

*Sean Bertie,*

When we spoke on the telephone on Friday, we agreed on the need to ensure that the joint paper on decommissioning would be approved on the planned timetable, to open the way for the substantive talks in September. I explained the difficult position the UUP find themselves in and the need, as we saw it, to find ways to bind them in.

As you know, officials are in touch about what might be said in reply to the questions asked by David Trimble. I am also reflecting on the relative merits of responding in writing or orally. Meanwhile, it has become clear from recent contacts with the UUP that their single most important concern about the joint paper is that it does not provide for any scheme for decommissioning to be in place on 15 September, so that actual decommissioning will not even be theoretically possible then or for some time. Without this the UUP do not believe they can defend themselves from the inevitable criticism from others that they are sitting down with Sinn Fein when it is already clear that there will be no decommissioning during the talks. I therefore believe we need to consider whether we can find some way of meeting this concern, without making any shift of substance on our joint proposals themselves.

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It seems to me that the UUP may be satisfied if we can make clear that the Independent Commission will be in place rapidly, and also ensure that a scheme or schemes for actual decommissioning are worked up and available to the Independent Commission for consideration when it begins work on 15 September, even if they could not at that stage have legal force. The point is not that arms would have to be given up at the start of the process (which is not our position) but that the possibility of early decommissioning would clearly exist.

To balance this, we might also agree that there should be active preparation for the substantive talks during the summer, so that the substantive talks could get down to real business straightaway on 15 September. For example, the two governments (and others) could work up discussion papers ready to table on 15 September. Preparatory work for decommissioning would therefore fall naturally into an overall programme of preparation.

I would be grateful if you could look at these ideas very quickly, so that we can sort out our position together in good time before Wednesday's plenary, and the bilateral which I hope Ray Burke will be able to have with David Trimble and his team that morning. Of course we would need to be very careful to avoid giving the impression of presenting David Trimble with a *fait accompli*. In any case, I hope officials can get together very quickly to discuss details. By way of illustration I attach a first draft of the sort of thing we might both say if you were able to agree with our ideas.

As we discussed, I believe there is now a real chance for progress, if we can work on all sides to make the necessary moves. In particular I want Sinn

Fein to move decisively towards a ceasefire, and the UUP to be in a position to accept our joint proposals on decommissioning. These are the key next steps.

*Yours sincerely  
Tony*

Mr Bertie Ahern TD

**CONFIDENTIAL****DRAFT "RESPONSE" TO UUP CONCERNS ABOUT THE  
ESTABLISHMENT OF THE INDEPENDENT COMMISSION  
AND THE MAKING OF SCHEMES FOR DECOMMISSIONING**

It has obviously been impracticable to take steps to establish the Independent Commission in the absence of agreement on what its role should be. It would in any event have been premature to establish the Commission before the talks had reached item 4 of the agreed agenda for the remainder of the opening plenary session ("Launch of three-stranded negotiations and establishment of agreed mechanisms on decommissioning").

However, the necessary enabling legislation is in place in both jurisdictions and the two Governments have, on a contingency basis made preparations such that if the "possible conclusions" they have suggested are agreed, they will be able to:

- make the necessary Commencement Order[s] under the Northern Ireland (Entry to Negotiations etc) Act 1996 [and the Irish Act] before the end of July. The necessary Order under the UK legislation can be made by the Secretary of State by statutory instrument. {Irish Order?};
- sign the necessary International Agreement between the two Governments on 29 July;
- formally establish the Independent Commission under item 4 of the agenda for the remainder of the opening plenary session on 29 July;
- nominate a Chairman for the Independent Commission, on 29 July, following discussion with the other participants;

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- engage in consultation with the other participants about other possible members of the Commission, with a view to making the necessary appointments by the end of August if at all possible;
- as part of the wider programme of preparatory activity envisaged in paragraph 5 of the joint paper of 25 June, engage in preparatory discussions with the Commission in the period before 15 September;
- present the Commission by 15 September with a portfolio of workable draft schemes for decommissioning, reflecting those modalities mentioned in paragraph 44 of the Report of the International Body;
- invite the Commission in consultation with those identified in the first tier of its proposed terms of reference to make rapid progress after 15 September in refining those schemes as necessary and drafting further schemes for decommissioning.

A scheme can under the UK legislation be made by the Secretary of State without reference to Parliament [and under the Irish Act ...] so there need be no delay at that point. Both Governments have given an undertaking that no delay or obstacle in achieving decommissioning will be caused by any lack of Government preparation or provision. In particular they undertake that they will immediately give effect to an appropriate scheme as soon as there is any indication of any intent by a paramilitary organisation to commence decommissioning.

A response as

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