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AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

Mr. W. Kirwan
SEEN BY
TAOISEACH

17 September 1998

Mr. Paddy Teahon,
Secretary General,
Department of the Taoiseach,
Merrion Street,
Dublin 2.

in Hand
in
21.10.98

Dear Paddy,

I am enclosing some thoughts on a possible way forward on the Shadow Executive, Decommissioning impasse, which has been sparked by recent "reflections" here and with Tim Dalton.

I hope to discuss the enclosed with the Minister tomorrow. I should be grateful also for any views and reaction at your end.

Best personal wishes.

Yours sincerely,

[Signature]

Dermot Gallagher
Secretary
Anglo-Irish Division

cc: Dr. Mansergh; Mr. Dalton; PSSG
Ambassadors London & Washington (by diplomatic bag)
Joint Secretary (by schedule)
Counsellors Anglo-Irish

SECRET**The Shadow Executive and Decommissioning : Choreographed early statements and moves to resolve the impasse****CONTEXT**

The approach below is based on (i) a distinction being drawn between the Shadow Executive and its fully-fledged successor; (ii) the view, confirmed by Sinn Féin at a private meeting on Wednesday, that the IRA will not decommission in advance of the implementation of all aspects of the Agreement (including, they hinted, the Report of the Policing Commission, due late next Summer), and (iii) the assessment that David Trimble, like Sinn Féin, has very little room for manoeuvre.

STATEMENTS**1. General de Chastelain**

Statement saying valuable discussions have taken place with Martin McGuinness, and that he is confident that these can be taken forward in a positive and productive way. (Similar reference in regard to Loyalists.) Will continue to report on regular basis.

2. Sinn Féin

- (a) Statement on the "disappeared", including that specific information on the location of bodies has been made available appropriately - e.g. either to the Victims Commissioner, the Authorities, or the families. (Mitchell McLoughlin told me in Belfast recently that Sinn Féin should be able to advance the timing of such a statement, if this were helpful.)
- (b) Statement restating the party's commitment to the implementation of the decommissioning element of the Agreement, including using their

influence "to achieve the decommissioning of all paramilitary arms within two years". In this (decommissioning) regard, they recognise and accept the desirability of significant developments taking place at the time of the entry into force of the new British-Irish Agreement, and the transfer of powers to the new institutions. (Statement also could include emphasis on the need for all elements of the Agreement to be fully implemented, in order to finesse the text for their constituency.)

3. Trimble

- (a) Welcomes the de Chastelain and Sinn Féin statements, and says he finds them encouraging. Believes that it is now clear that actual decommissioning will take place within the timeframe set out in the Agreement. In the circumstances, he can agree to proceed with the transitional arrangements, including the establishment of the Shadow Executive.
- (b) In order to help protect his flank, Trimble might also state that the new Agreement will not enter into force, and the new institutions be established, until a full review of the implementation of all aspects of the Agreement has taken place. They would include decommissioning, and an up-dated assessment from General de Chastelain. (Such a review mechanism is provided for in the Agreement; see attached.)
- (c) If absolutely necessary politically, reiterates that he will not agree to the establishment of the Executive proper, and the transfer of power to the new institutions, unless he is fully satisfied that decommissioning is under way. (This is a strong statement as, although it only has the status of a Trimble stance, it is clearly going beyond the terms of the Agreement. Ideally, Trimble should avoid making this statement, although, in reality and given his public statements to date, this may not be politically possible.)

4. British Government

- (a) Publication of British paper on normalisation of security arrangements. with well-publicised steps taking place immediately.
- (b) Steady release of prisoners continues to take place. Possibly other measures (e.g. in relation to the Irish language) designed to create a helpful environment to enable Sinn Féin to make the above further positive moves.

5. Irish Government

Helpful statement, supportive of and in line with above. and in particular stating that the Government now believes that the decommissioning issue can and will be resolved to the satisfaction of all parties within the timeframe envisaged in the Agreement.

NOTE

Given the Sinn Féin attitude on implementation of all aspects of the Agreement, there will inevitably be some slippage in the timing of the establishment of the full Executive. However, as its Shadow predecessor will be operating on an on-going basis, this need not be unduly worrying. A point to note also is that the Trimble "trigger" requirement for the full Executive to be established is, in a sense, analogous to the Government's requirement that all sections of the Agreement are in place before the amendments to the Constitution are triggered.



Dermot Gallagher

17 September 1998

Extract from Agreement on Review

4. In the interim, aspects of the implementation of the multi-party agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, the results of those elections), under the chairmanship of the British Government or the two Governments, as may be appropriate; and representatives of the two Governments and all relevant parties may meet under independent chairmanship to review implementation of the agreement as a whole.