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Private Secretary to the Prime Minister
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3 September 1997

*Dear John,***NORTHERN IRELAND: MEETING WITH THE UUP**

Paul Murphy had a two-hour meeting yesterday evening with a UUP delegation comprising David Trimble, John Taylor and Reg Empey to explore the prospects for UUP participation in substantive negotiations from 15 September.

On the positive side, Trimble - with some dissenting noises from Taylor - showed every sign of wanting to remain directly engaged in the current talks process, along with Sinn Fein. He emphasised the value to the UUP of the doctrine of "sufficient consensus" embedded in the rules of procedure of the current process.

However, he continues to demand a price for UUP participation, particularly in relation to decommissioning and the broad concept of "consent"; and the

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postponement of the UUP Executive Committee meeting planned for 6 September may require us to open up with the Irish the possibility of deferring the launch of substantive negotiations from 15 to 17 or even 22 September.

Paul Murphy began the meeting by handing over the attached response to Mr Trimble's paper of 31 July which had set out ten measures to build confidence in the pro-Union community. The UUP team responded ungraciously and may submit a follow-up letter in the next day or so seeking further movement in several areas.

However, their main concerns were in relation to:

- a. "consent", where Trimble made clear that he was looking for more than a reaffirmation of the constitutional guarantee and wanted reassurance that the two Governments' whole attitude to the talks process would be governed by a commitment to the requirement for any outcome to achieve "sufficient consensus" support in the negotiations (ie the support of parties representing majorities in each of the unionist and nationalist

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communities) and majority support in a referendum within Northern Ireland [The Loyalist parties made the same point when Paul Murphy saw them this morning];

- b. decommissioning, where Trimble sought confirmation that the two Governments were committed to achieving some "actual decommissioning" during the negotiations and that the arrangements for decommissioning would be such that actual decommissioning could happen from 15 September onwards.

More immediately, Trimble explained that the funeral of Diana Princess of Wales has forced a postponement until 13 September of the UUP Executive Committee meeting planned for 6 September which will be taking a decision on whether the UUP negotiating team should participate in negotiations with Sinn Fein. (This "executive committee" is actually an unwieldy body of 120+ representatives from the Ulster Unionist Constituency Associations and the other constituent parts of the Ulster Unionist Council, which cannot realistically be brought together other than on a Saturday.) The outcome of the UUP's "consultation exercise" clearly favours continued participation in the negotiations, but three UUP MPs (Thompson, Ross and Smyth) have already come out against UUP participation in negotiations with Sinn Fein: it

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seems likely that Trimble will be able to manage the Executive Committee meeting to achieve the right outcome but he said it was very unlikely that he could pre-empt the Executive Committee decision by participating before 13 September in any meeting at which Sinn Fein was present.

This would mean that the UUP would not attend the Plenary on 9 September at which Sinn Fein is expected to affirm its total and absolute commitment to the Mitchell Principles; and would not participate in any subsequent discussion that day of the agenda for the remainder of the opening Plenary. This in turn would prevent any decisions being reached on 9 September and have the effect that our agreed target of substantive negotiations on 15 September could only be achieved by suspending the current talks process and moving over to "plan B".

Paul Murphy's firm view is that we should seek to avoid this outcome, even at the price of postponing the launch of substantive negotiations. While there can be no guarantees that the UUP will be more ready to facilitate a move to substantive negotiations after 13 September it is clear that - for reasons outside their control - they are in no position to do so before then. We, the Irish Government and the UUP all have a shared interest in preserving the

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current talks process if at all possible and there will be a greater chance of that if the launch of substantive negotiations can be deferred by at least a couple of days.

We can only do this in agreement with the Irish and it will need to be announced at or before the 9 September Plenary.

The Irish may be reluctant to agree without some evidence ~~that~~ delay will help to produce the desired result. No guarantees can be given, but in a highly significant development, towards the end of yesterday's meeting, Trimble began to sketch in the shape of a quid pro quo for UUP readiness to acquiesce in the "unsatisfactory" decommissioning proposals of the two Governments. Assuming reassurances on "consent" and "decommissioning" as set out above, he strongly implied that the UUP might be able to agree to leave the decommissioning issue formally unresolved (on the basis that the two Governments would actively implement their proposals) if it was clear that the principle of majority consent in Northern Ireland to any constitutional change would be an early item on the agenda.

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At one level this could be deliverable: the agendas proposed by the UUP, SDLP and Alliance Party for all three strands of negotiation already have "principles and requirements" and "constitutional issues" as the top two items. However, the Irish Government and SDLP are most unlikely to agree to an early determination on this issue within the negotiations; and it would not be in HMG's interest either. It would challenge a central tenet of Republican ideology before we could put in place the wider context of agreement on new arrangements within Northern Ireland and between the two parts of Ireland which could provide the necessary cover for the inevitable Republican climb-down. Ray Burke made clear to the Secretary of State on 26 August that he was not prepared to make acceptance of the principle of consent a pre-condition to the launch of or movement in the negotiations.

Trimble told you that Sinn Fein acceptance of consent at the beginning of the talks was not needed.

It might well, however, be possible to persuade the Irish and perhaps the SDLP to make clear outside the negotiations that they remain committed to the principle of consent as set out in the Downing Street declaration. (Indeed, Ray Burke has already gone a considerable way towards this in his News of the World article of 31 August.) This would not represent such an explicit challenge to Sinn Fein, but the writing would be on the wall and that might

We are already doing this

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just go far enough to persuade the UUP to acquiesce in allowing the negotiations to move beyond decommissioning (especially as they do not relish the thought of debating decommissioning with Sinn Fein present).

The Way Ahead

We should maintain our efforts to secure satisfactory language on consent and decommissioning from the Irish. However, Paul Murphy believes that now we have a better fix on the UUP position we should aim to produce a more comprehensive joint text than the one you have been working on. I attach a draft for consideration. If the Prime Minister is broadly content we will process this urgently via the Secretariat. (That will bring the DFA into play, who have been more sympathetic to our position on consent and decommissioning than the Taoiseach's office). On consent our aim has been to broaden the text to incorporate both

- a reaffirmation of Irish commitment to the principle of consent (in the narrow constitutional sense) as set out in the Downing Street Declaration, and
- Irish commitment to the principle of "sufficient consensus" in the negotiations and to the need for majority approval in

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Northern Ireland of any agreed outcome. (This should not be a problem for them, although any reference to the need for majority approval in both parts of Ireland, would need to be carefully phrased to avoid irritating Unionists all over again).

On decommissioning the text covers both the issue of "actual decommissioning" and the extent to which the Independent Commission will be able to facilitate actual decommissioning from 15 September (see my letter of 1 September).

All this could be wrapped up in a general presentation of the two Governments' view of the way ahead in the negotiations. Some of this material could also be incorporated in the reply to Trimble's letter of 30 June, for which he is becoming increasingly impatient.

Trimble would welcome a further meeting the Prime Minister before the Executive Committee meeting. Subject to diary pressures we suggest this might best take place towards the end of next week, perhaps Thursday, by which time we should have been able to confirm a joint position with the Irish.

// Yes.

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Meanwhile, if the Prime Minister is content, we will broach with the Irish, via the Secretariat the possibility of putting back the two Governments' deadline for the start of substantive negotiations in the light of the real practical obstacle to UUP participation created by the timing of Princess Diana's funeral. This will almost certainly need to be finally resolved at Prime Ministerial level but there would be advantage in the playing the issue in at a relatively low level. However, we need to reach a joint view on the point by the end of the week so that the tactical consequences for handling the 9 September Plenary can be sorted out in good time.

I am sending copies of this letter to John Grant (FCO), Veronica Sutherland (Dublin) and Jan Polley (Cabinet Office).

Yours sincerely,
R P Lemon

R P LEMON
Private Secretary to Paul Murphy MP

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