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FAXED

to call 29/8/97

SUBJECT
MASTER



file

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10 DOWNING STREET
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From the Private Secretary

28 August 1997

Dear Ken,

CALL BY THE UUP

1. David Trimble, accompanied by Reg Empey and Geoffrey Donaldson, called on the Prime Minister for some 90 minutes on 28 August. Dr Mowlam, Jonathan Powell and I were there on our side.

2. The meeting began with an outburst from Trimble about Dr Mowlam's interview being published in the Belfast Telegraph that day. He claimed that her reference to consent in the interview effectively abolished the constitutional guarantee. This followed her effective repudiation of decommissioning. It was no coincidence, and had to be corrected immediately. His patience was exhausted with NIO duplicity, including the letter he had received from Dr Mowlam the previous evening. (There was a lot more in the same vein.)

3. Empey said that the most corrosive aspect of all this was that the Unionists could not trust the British Government. They had seen this before in 1992, when Paddy Mayhew had been talking secretly to the IRA. Ahern said openly that he was the leader of Nationalism, while the Unionists could not believe their own Government. The UUP were trying to find a positive way forward in the talks process, but their opponents were given by the government a constant stream of ammunition to throw at them.

4. The Prime Minister said that there was of course no intention of changing the Government's position on consent, and any misunderstanding would be corrected. The Government were acting entirely in good faith. The objective was to have a document in May which could be put to the people. The most likely outcome was that Northern Ireland would remain part of the UK, with some North/South arrangements. That would be very hard for the Nationalists to swallow. He remained very anxious to progress towards this goal through all-

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party talks, rather than through bilateral discussions. Bilateral discussions were only likely to help the extremes. He therefore wanted to explore what the UUP needed to stay in the all-party talks, unless the UUP had already decided against staying in the talks at all.

5. Trimble agreed that all-party talks were a better way forward, but some in the NIO were trying to drive the Unionists out of the talks. Meanwhile, the PUP were in desperate straits, because of what had happened over Loyalist prisoners, and might not be able to stay in the process for more than a few days. Something had to be done for them, particularly on prisoners, or they would be lost, and the UDP would follow. That would effectively wreck all-party talks anyway.

6. The Prime Minister repeated that he needed to know Trimble's real bottom line. He assumed Trimble remained interested in the two issues they had been discussing before the summer break, namely consent as a guiding principle in the talks, and reference to actual decommissioning by the Irish. There was also the question of Chairmanship of the Independent Commission. Trimble confirmed this interest in the two points, and said that he had already given Dr Mowlam a list of other proposed confidence building measures. Empey said there was another one too, which was ensuring that the proposed measures to reform the RUC were carried out through legislation, rather than through an Order in Council.

7. Trimble went on that he wanted de Chastelain to chair the Independent Commission. He believed this had always been the understanding. Indeed, it had been envisaged from the outset that de Chastelain would both chair Strand 2 and the Independent Commission. The idea that there would be a workload problem from this was a new point to him. Empey added that it was not just the question of Chairmanship. The UUP had been unable to support the Government's proposals because they did not make decommissioning a requirement.

8. The Prime Minister said that the Government's proposals on decommissioning were a sensible halfway house between making it a stipulation, which would not run with the other side, and leaving it purely to the whim of the paramilitaries. If no good faith was shown on decommissioning in the talks, it was clear the process would be in difficulty. He went back to the UUP's bottom line. Was it worth him pursuing all these issues, including with the Irish Government, or would the UUP not join all-party talks anyway? He was not sure about the question of legislation on the RUC, but he believed he could achieve a

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substantial proportion of the rest of what the UUP wanted. But he was only prepared to do this if he knew the UUP would stay in the talks on this basis.

9. Trimble said that the UUP had taken a lot of flak in July to keep open the option of staying in the talks. They had said then that it needed confidence building measures through the summer, rather than all at the end. If they all came at once, that would simply smack of a deal. However, during the summer, the trade had all been in the other direction, or at least that was the general perception in Northern Ireland. There was therefore no confidence on the Unionist side. Nevertheless, the UUP were still holding the door open. They could not do so if confidence continued to erode, but if the Prime Minister could achieve the things that were being talked about, or at least a reasonable proportion of them, it would be an entirely different ball game.

10. Donaldson pointed out that the talks themselves were stuck on item 2a of the Agenda, with no sufficient consensus to move beyond this. The next item would be the agenda for the substantive talks themselves. Trimble said that he feared there would be difficulties about this. The UUP had had an agreement with the SDLP on a bland agenda, where neither side would cause the other difficulty, but he assumed this would not hold once Sinn Fein were in the talks. Empey commented that it would of course be much easier if consent could be put at the top of the agenda of the talks, although this would need Irish and nationalist agreement.

11. The Prime Minister said that, if acceptance of consent appeared as a precondition, the talks process would not start. As he had already said, the Nationalists would have to bite some very difficult bullets at the end of the process. Trimble said that if the Nationalists were shielded from the hard issues at the beginning of the talks, while the Unionists had to take hard knocks in a front loaded way, this would make life impossible politically. If consent could not be at the top of the agenda, then the May timescale for conclusion of the talks had to be telescoped very sharply. Donaldson added that Sinn Fein would not have to accept the consent principle, since their agreement was not needed for sufficient consensus. In other words, it could be adopted as a guiding principle at the beginning of the talks without Sinn Fein having to agree. The Prime Minister said that he could see the value of treating consent in this way. It was certainly a key issue in the talks.

12. The Prime Minister went back to the UUP position. If good progress could be made on confidence building measures, if perhaps something could be

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done on the RUC legislation, and if the Irish agreed to say something about consent as a guiding principle, to be addressed early in the negotiations, and to words making clear that they wanted to see actual decommissioning, would the UUP stay in the talks on this basis?

13. Trimble said that he could not give a guarantee. He assumed that the Prime Minister would not achieve everything on his list, certainly not in an unequivocal way, and there were bound to be caveats. But if the right climate could be created in Northern Ireland, and particularly in his own party, staying in the talks would be possible. Empey said that the things the UUP were asking for were things that should be done anyway. Surely the Prime Minister could, at a certain stage in the process, come back to Trimble and ask him the question again.

14. The Prime Minister said that he needed to know that there was at least a reasonable chance of the UUP staying in, if he could achieve as much as he hoped. Trimble repeated that he could not offer a guarantee. He could not for example commit his party, although he could commit himself. He had serious problems with his Parliamentary colleagues, and had no real sticks and carrots to manage his Party. Empey added that something could always come out of the blue to wreck plans, but the UUP did want to stay in the process.

15. The Prime Minister went back to the problem of Chairmanships. Could anyone else chair Strand 2? Trimble said that Holkeri could not do the job because his English was not good enough. He had nothing against Mitchell personally, but the previous Government and the UUP had taken the position at the outset that he should not be in charge of Strand 2. It was not possible to go back on that. However, there might be a fudge available, for example, Mitchell and Holkeri helping de Chastelain in Strand 2, if de Chastelain did not have enough time. He went on that the UUP position remained that they wanted to tackle Strands 2 and 3 together at the beginning of the substantive talks, in addition to Strand 1. The UUP would want to reopen some Strand 1 details from the 1992 talks, but not the overall principles. The difficult issues, on which the 1992 talks had broken down, were in Strands 2 and 3. That was why the Chairmanship of Strand 2 was an important issue.

16. The Prime Minister went back to the problems of the PUP. Trimble said that they had been seeking the release of 2 prisoners on medical grounds but had got nowhere. Dr Mowlam said that it would be possible to release the two, but there were other prisoners, including Republicans and some non terrorist

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prisoners, who had even better grounds for release on medical grounds. She also explained the position on the housing of UVF and LVF prisoners in the Maise, correcting the account given by Trimble. Trimble said that the Government should nevertheless find something on the PUP wishlist they could do, and do it quickly. Dr Mowlam commented that she had asked the PUP to request something she could do.

17. Empey said that the two prisoner releases in Dublin and the down grading of classification of 13 prisoners in Britain, together with further possible repatriations, were all seen in Northern Ireland as a pay off for the IRA ceasefire of six weeks. Meanwhile, nothing had been done for the Loyalists, despite their much longer ceasefire.

18. Trimble raised the question of inviting Sinn Fein to join the talks. Dr Mowlam said that she would announce on 29 August that, in her judgement, the IRA ceasefire should be regarded as unequivocal. Sinn Fein would therefore be invited to form a team for the talks, and to declare their acceptance of the Mitchell principles on 9 September. Trimble said that the crucial issue was whether Sinn Fein had established their commitment to exclusively peaceful means. Where was the evidence for this? Turning violence off like a tap was not sufficient. He also wanted to know what would happen if there was further IRA violence. Dr Mowlam said that if there was renewed violence before 9 September, the decision to invite Sinn Fein to join the talks could be reversed. If it was after 9 September, the normal rules of the talks would be applied.

19. Trimble said that he wanted to be entirely clear about this. Would the rules be applied without any fudging? Would Sinn Fein be excluded if there was any bombing or shooting or punishment beatings? The Prime Minister said that if there was any resumption of bombing or violence of that kind, Sinn Fein would clearly be excluded. But the position on beatings was rather different because of the view that had been taken over the Loyalists. There were inevitably grey areas here.

20. Trimble conceded that there were grey areas, including punishment beatings and violence which was not claimed, but added that it was clear from the response that there would indeed be problems about interpretation of any resumption of IRA violence. The Prime Minister said that this was unfair. The rules would be rigorously applied, subject only to the grey area of punishment beatings he had referred to. He would also not accept any threat of a return to violence from Sinn Fein if they were not getting their way in the talks.

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21. Trimble said that if violence did resume and Sinn Fein were excluded, the only effect of the breaking of the ceasefire last time had been to push the Government into more concessions to get them back in, without an adequate security response. Would this be the case in future too?

22. The Prime Minister said that, in his view, the present ceasefire was Sinn Fein's last chance. If they returned to violence once again, there would be no alternative to the stand-off over the IRA and Sinn Fein which had existed before. He was meanwhile under no illusions about the kind of people he was dealing with in Sinn Fein.

23. Empey raised the issue of the previous Government's use of the phrase "no selfish strategic or economic interest in Northern Ireland". Nationalists had pushed this on HMG to ensure HMG's neutrality. It had been very corrosive to Unionist confidence. He hoped the Prime Minister would look at this carefully. It was not the right basis for NI policy. The Prime Minister said that he was conscious of how this phrase was viewed, which was why he had made clear in his Belfast speech how much he valued the union. He had not repeated the phrase himself, and did not intend to.

24. Empey also raised Bloody Sunday. The UUP were anticipating a decision by the Government to reopen the enquiry in response to Irish and Nationalist pressure. For balance, the Government should also put to the Irish Government a proposal to reopen the 1970 gun running controversy involving Haughey. Irish Government money had been used to help an organisation which had since killed 2,200 British citizens. The UUP would certainly raise the issue.

25. The Prime Minister returned to the action he proposed to take in the next 10 days or so to meet UUP requirements, and summarised this again. He would be acting on this basis. If he could get sufficient changes and come back to the UUP, could he be confident that, unless the whole process was knocked off course by some extraneous events, there was a reasonable chance of the UUP staying in the process? Trimble confirmed this, adding that the sooner these things were done the better, particularly on decommissioning.

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26. Donaldson raised what would happen between 9 and 15 September. There was very little time to complete the decommissioning item and agree the agenda for substantive talks. It was also necessary to work out how the substantive talks should be launched. Trimble echoed this concern, and repeated that the three strands should be launched simultaneously, although it would be better, as in 1992, to precede this by a discussion of principles for the talks. Meanwhile, he could foresee difficulty over agreement on the agenda for the talks.

27. The Prime Minister repeated that he was absolutely determined to press ahead with substantive talks on 15 September and to conclude them by May at the latest. He added that he would like at an early stage to meet the UUP privately, at some length, to go through all the substantive issues. This would probably be best once the process had been properly launched. Trimble warmly welcomed this proposal.

28. The meeting concluded with discussion of the press line. Trimble said that he would stonewall on the substance. But it was agreed that he should make clear if necessary, in the context of the Belfast Telegraph interview, that he had been assured by the Prime Minister and Secretary of State that there had been no change in the Government's views on the central principle of consent.

Comment

29. This was a difficult meeting.

However, the Prime Minister believes that we nevertheless need to do as much as we possibly can to show the Unionists that we take their concerns seriously. Once the announcement about Sinn Fein's entry to talks is out of the way, our publicity efforts should focus on this in every way possible. In particular, we should move on as many of the confidence building measures as we can, and make this as public as we can. Of the UUP list of 10 CBMs, the Prime Minister believes that we should be able to make positive noises, if necessary about consultation if not action, in the majority of cases, although there is probably not much to be done on Nos 5 and 7. We should keep in very close touch with the UUP on what we are doing and how we are proposing to respond, to make them feel that they are being consulted at every stage.

30. The Prime Minister is also keen to find some action we can take on loyalist prisoners, while recognising all the difficulties. On the other issues raised, he would like advice on the RUC reform measures, and the choice between an

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Order in Council and legislation. How urgent are these measures? Would a delay be acceptable if that made action by legislation possible? He would also like advice on how we might be able to resolve the Chairmanships issue. Is there anything in Trimble's suggestion of a fudge, whereby de Chastelain would remain Chairman of Strand 2 in principle, but in practice Mitchell could do much of the work? What other options are there?

31. Meanwhile the Prime Minister proposes to speak to the Taoiseach tomorrow afternoon to pursue with him the issues of consent and decommissioning which were being discussed before the summer break. I have provisionally agreed this with the Taoiseach's office.

32. I am copying this letter to John Grant (Foreign and Commonwealth Office), Jan Polley (Cabinet Office), Sir John Kerr (Washington) and Veronica Sutherland (Dublin).

Yours ever

John

JOHN HOLMES

Ken Lindsay Esq
Northern Ireland Office

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