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4 September 1997

Rt Hon Tony Blair MP
10 Downing Street
London SW1A 2AA

Dear Prime Minister

On Tuesday night I received a letter from Paul Murphy MP responding to the list of possible confidence building measures I gave to the Secretary of State for Northern Ireland on 31 July 1997. You will recall this was mentioned at our meeting on 28 August 1997. As the Secretary of State is on holiday I thought it would be better to let you have our initial response to Paul Murphy's letter as this matter overlaps with the matters we discussed last Thursday and at our meeting on 21 July 1997. I shall copy this to Paul.

Overall we found the letter very disappointing. Reg Empey summed it up as "10-nil", ie ten for the officials and nothing for us. This comment related to the ten points on the 31 July memorandum, although Mr Murphy's letter begins with a paragraph on consent. The reason for Reg's comment is that there was nothing immediate or concrete that we could

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refer to next week as a reason justifying the change of position on decommissioning in which the Government is asking us to acquiesce.

This can be seen by considering the response on the other nine points. On Maryfield, "Once she has had the chance to consider officials' proposals, she would be happy to discuss with you what might be done ...". On restructuring the Forum, "These are very much a matter for the Forum itself to put into effect" - even though they require the assistance of the Northern Ireland Office. On Local Government, "The Secretary of State has asked [Lord Dubs] to discuss with you any specific proposals you have ...". This despite the fact that a lengthy memorandum was handed to the Secretary of State on 31 July elaborating on a specific proposal originally mentioned by Lord Dubs! On Community and Cultural development, "The Secretary of State has asked Tony Worthington to consider carefully any specific proposals you have for funding of this or other cultural developments ...". Nothing to redress the admitted imbalance with regard to community development, just a bland defence of programmes which have failed to remedy the disadvantage suffered by the protestant community on support for cultural matters. On School Funding, "[Mr Worthington] will be consulting widely on how to implement [the Coopers and Lybrand report]". On Public Appointments, "She should [sic] be happy to discuss this further once she has had a report from officials." On Fair Employment, "She should [sic] welcome any views or representations you ... would wish to make now ...". On Firearms, "the Secretary of State has deferred bringing forward legislation this autumn which would have prohibited the private ownership of handguns ...". This despite a written assurance by Jack Straw, when in opposition, that the ban on

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handguns would not be extended to Northern Ireland! On the Parades Bill, "she should [sic] be more than happy to go through the key aspects with you on a confidential basis if that would be helpful." How is that going to build confidence in the community!

When we met on 28 August you asked whether we would be able to enter the talks if you secured the confidence building measures I had raised. You can imagine what my position is like when I have to tell my colleagues that so far we have gained nothing but a polite brush-off.

In July and since I asked that the Government act over the summer in such a way as to build confidence within the pro-union people. Since July nothing has been done. Worse there has been a stream of confidence building measures for republicans. Consequently confidence in the government among unionists has diminished and is diminishing. Without decisive action to reverse this trend, there is an appalling prospect before us, as republican triumphalism is inflaming unionist opinion.

This brings us to the key issues of decommissioning and consent, on both of which points last night's letter is unsatisfactory.

In July, in an effort to make more palatable the unsatisfactory arrangements for decommissioning proposed by the Government, we sought assurances that all the machinery, including a decommissioning scheme or schemes, would be in place by 15 September, that the procedures of the talks could not be used to obstruct decommissioning and there

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there be a clear, publicly stated, understanding that the Mitchell "compromise" required actual decommissioning during talks.

We understood that the Government would secure these matters and were assured in the note of 16 July that the Government would implement the timetable. Indeed the vigorous implementation of this timetable was the tenth item on our list of confidence building measures of 31 July.

Unfortunately there has, so far, been a near total failure to implement the assurance that the machinery for decommissioning will be in place and the claim in the letter of 2 September, that this will be achieved, in the absence of any concrete information, lacks credibility. Moreover the final sentence in the relevant paragraph on page 7 of that letter marks a significant retreat on the position as expressed in July, namely that a decommissioning scheme will not be available at the beginning of the process, but now a scheme will only be produced if a paramilitary organisation requests one. This of course is quite unacceptable. The Prime Minister will recognise the political reality that if we are to acquiesce in September in a scheme that was rejected in July then there has to be an improvement in the scheme of some other significant political gain.

We come then to the paragraph on page 1 of the letter which tries to repair the damage done by the Secretary of State's comments last Thursday on consent. This, like the letter sent to the Progressive Unionist Party, merely restates the constitutional guarantee that Northern Ireland will not cease to be a part of the United Kingdom without the consent of a majority of its people. This statement, however, is

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not inconsistent with the Secretary of State's assertion that consent has no functional significance. Together the the constitutional guarantee and the Secretary of State's assertion coincide with what we call the "MacNamara" definition of consent, namely that consent only applies to the final transfer of sovereignty over Northern Ireland to the Irish Republic and does not apply to any arrangement relating to Northern Ireland including arrangements intended to bring about that transfer - the creation of the "dynamic" north-south bodies mentioned in the Framework document. The "MacNamara" definition of consent is intended to facilitate republican ambitions and it is noteworthy that this Monday the Irish News carried an article by Gerry Adams in which he described consent in the same terms as the Secretary of State.

It is therefore essential that consent is properly defined numerically, geographically and that the Government makes clear that the talks are to be governed by the consent principle. The latter has, I think, two aspects. First that the any outcome to the talks must be agreed, at least within the "sufficient consensus" criterion. It is essential that we receive an assurance that the first element of the triple lock - the agreement of the parties - will hold in all circumstances, and that there is no question of Government imposition. Secondly, consent must apply in the way that the talks are conducted. It is on this that I believe you are trying to secure the agreement of the Government of the Republic of Ireland. We understand this to mean that there will be a genuine negotiation; that we will not have a repetition of July when an agreement was stitched up behind our backs with the Irish, no doubt in consultation with others, and presented to us as non-negotiable, with the

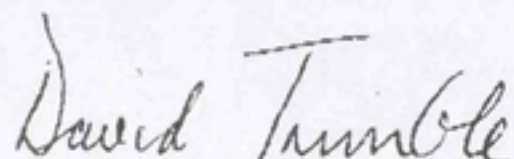
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Irish actually refusing to discuss the matter with us. I have to say that any attempt to repeat such conduct will end the talks.

Finally, may I mention a related matter. It is rumoured that the Northern Ireland Office will attempt to solve the procedural difficulty arising from the fact that we are still on agenda item 2 of the opening plenary session by declaring that irrespective of the rules of procedure it regards the issue as settled and is moving directly to substantive talks. Any such breach of the rules for the conduct of the talks will remove the main reason for unionists to stay in the talks. It would be utterly unacceptable. I hope the rumour is unfounded and that you will be able to deal with this and other issues when we meet next week.

Sincerely



David Trimble MP
Leader, Ulster Unionist Party