

From: THE PRIVATE SECRETARY
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10 Downing Street
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Dear John,

NORTHERN IRELAND: FORTHCOMING MEETING WITH MR TRIMBLE

The Prime Minister's meeting with Mr Trimble on 10 September will be crucial to the prospects for securing direct UUP engagement in the talks from 15 September. Paul Murphy will attend.

The Government is committed (with the Irish, with Sinn Féin and publicly) to launching substantive negotiations on 15 September, whether or not the UUP support is forthcoming; and we and the Irish have joint contingency plans for taking substantive negotiations forward in the absence of positive UUP support but on a basis which should maximise the prospects for Unionist re-engagement.

It would of course be preferable to preserve the current talks framework and retain direct UUP engagement: the Irish are as keen to achieve this as we are, but are unlikely to be willing to go beyond existing joint positions - especially given the tensions clearly evident within the Republican Movement. The UUP leadership may also be keen to find a way into substantive negotiations, including with Sinn Féin, and to preserve the current talks framework; but they face a crucial "Executive Committee" meeting on 13 September and will need all the help the two Governments can give them.

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If the two Governments' firm commitment to the launch of substantive negotiations on 15 September is to be achieved on a basis which preserves direct UUP engagement, the UUP will have to make two significant moves:

- (a) they must agree to take part in a process of negotiation alongside Sinn Féin; and;
- (b) they must either agree to do so in the absence of any agreement on decommissioning or acquiesce in the two Governments' proposals on decommissioning, which they have previously stridently rejected.

If there is to be any chance of securing UUP support for both these propositions the Prime Minister will need to deploy all the arguments and all the material now available - on consent, on sufficient consensus, on decommissioning and on the list of measures to build confidence in the pro-Union community which Mr Trimble provided at the end of July - and explain to Mr Trimble that there is no further room for manoeuvre. The UUP needs to make its mind up on the basis of what is already on the table.

It will also be important to ensure that Mr Trimble is not under any misapprehension about the choices before the UUP. The key issue for Unionists at present is whether they can and should negotiate with Sinn Féin: Sinn Féin have today affirmed their total and absolute commitment to the Mitchell principles and are now clearly eligible to participate in the substantive negotiations. Any UUP decision to participate in negotiations alongside Sinn Féin will be hugely significant and that is at the forefront of their minds. There is some risk that Mr Trimble may be shaping up to take that hurdle believing that he can then continue the discussion on decommissioning, the current agenda item. It would be desirable to spell out that the two Governments are determined to give effect their commitment

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to launch substantive negotiations on 15 September, come what may and even if it means the suspension (at least temporarily) of the current process. Unless Mr Trimble sees the full picture he may make a fatal miscalculation and/or have reasonable grounds for renewing his not infrequent accusations of Government duplicity.

The Prime Minister will wish to consider how far to take Mr Trimble into his confidence at this stage, but seen from here there would be some advantage in being candid with Mr Trimble about the sequence of steps the Government have in mind:

- (a) seeking to establish whether in the light of new language and other understandings the UUP could now support the two Governments' proposals on decommissioning and agree to launch the three strands forthwith;
- (b) if not, tabling a procedural motion implementing the two Governments' decommissioning proposals but without requiring them to be expressly approved by the UUP and launching the three strands;
- (c) if that motion does not secure sufficient consensus support, launching substantive negotiations in a different format either alongside continued efforts to break out of the deadlock in the present process ("Plan B" soft version) or with the present process being suspended, leading on Parliament's return to the suspension of the Forum ("Plan B" hard version). On either version we would hope to loop back into the present process in due course, but meanwhile "the settlement train" would indeed have left the station on time.

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Our assessment is that there is no realistic prospect of securing positive UUP support for the two Governments' proposals on decommissioning, but that they might be ready to acquiesce in them and agree to launch the three strands on the basis of something like the procedural motion (Annex A) which the Governments intend to put forward for consideration on 15 September. An objective for the meeting might therefore be to ensure that Mr Trimble understands the proposition which will be on the table on 15 September (the Irish agree he should be talked through it) and the two Governments' determination to launch substantive negotiations on 15 September in any event.

There remains a risk that the UUP could agree to remain in the process alongside Sinn Féin, but refuse to support efforts to move beyond decommissioning and into substantive negotiations. Mr Trimble would then be able to claim with some justice that the UUP was operating in accordance with the rules of procedure and the agreed agenda; and if the two Governments sought to move to a new format they would be the ones departing from the current process. But by that stage it would be abundantly clear that after more than a year of discussion of decommissioning the current process was not capable of delivering the substantive negotiations which the people of Northern Ireland clearly want and need, and which the Prime Minister is committed to achieving. We could argue that the Government was living up to its wider responsibilities to the people of Northern Ireland in seeking, with the Irish Government, to move the negotiating process forward on a basis which continues to protect everyone's essential interests.

Handling the meeting

I attach some background/speaking notes on which the Prime Minister may be able to draw. They aim to:

- (i) ensure Mr Trimble understands the realities of the situation;

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- (ii) explain how his various concerns have been met to the extent that is possible and, in our view, justified;
- (iii) bring out the positive reasons for UUP engagement;
- (iv) brief him on the two Governments' proposed approach so that he cannot claim to have been "bounced";
- (v) disabuse him of any notion that he can secure more concessions.

(I will forward separately Annex D, a note setting out our detailed position on the ten pro-Union confidence building measures raised by Mr Trimble, although it would be best to avoid getting sucked into this kind of detail at Wednesday's meeting.)

To reinforce these points the Prime Minister might talk Mr Trimble through and then send him the attached reply (Annex B) to his letters of 30 June and 4 September. Mr Trimble will need documentary material to convince the UUP Executive Committee and has been agitating for a reply to his letter of 30 June for some time. The words in bold have already been agreed with the Irish and the rest is consistent with existing joint positions.

As regards the language on consent and decommissioning (Annex C) discussed at the Liaison Group following the Prime Minister's exchanges with the Taoiseach, it cannot be deployed until we know Mr Trimble is on board. It seems to us, however, that Mr Trimble needs to be aware of it in advance of the Executive Committee meeting if it is to have any significant effect. Paul Murphy has therefore agreed with Mr Burke that the Prime Minister should show Mr Trimble the agreed language, describing it as the kind of joint language he would expect to be able to achieve if it was clear by Monday that the UUP was willing to allow the

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negotiations to move into substance. You should receive a final agreed text from the Taoiseach's office shortly.

Chairmanships

On the Chairmanship issue we have received an unequivocal message from Senator Mitchell that he is not prepared to undertake the de facto chairmanship of strand 2 as an alternate for General de Chastelain. If he is to take the responsibility he would like it formally assigned to him. Martha Pope quotes Sandy Berger in support of this position. The "fudge" suggested by Mr Trimble is therefore not a runner. As we, the Irish, the UUP and the Chairmen all believe General de Chastelain is the best person to chair the Independent Commission, Paul Murphy suggests that the Prime Minister should now press Mr Trimble to agree that Senator Mitchell should chair strand 2: he was prepared to accept this on a de facto basis before, but if he wants the Independent Commission to get off to the best possible start he will need to support a formal transfer of responsibilities. Otherwise the chairmanship of the Independent Commission will be entrusted to Brigadier Nieminen, with Don Johnson and Lt General Dangerfield in support.

I am sending copies to John Grant (FCO), Sir John Kerr (Washington), Veronica Sutherland (Dublin) and Jan Polley (Cabinet Office).

Yours sincerely

R P LEMON

Private Secretary to Mr Paul Murphy MP

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