

21-NOV-1997 19:03

PRIV OFF STORMONT

01232 760481 P.01

From: THE ~~CONFIDENTIAL~~

NORTHERN IRELAND OFFICE
PARLIAMENT BUILDINGS
BELFAST BT4 3SS

Tel. Belfast (01232) 520700



John Holmes Esq CMG
Private Secretary to the Prime Minister
10 Downing Street
LONDON
SW1A 2AA

21 November 1997

Dear John,

NORTHERN IRELAND: HEADS OF AGREEMENT

It is very encouraging that Trimble has accepted (your letter of 18 November) the sense of putting together some outline Heads of Agreement in the Talks.

It is interesting that he should acknowledge the difficulties which such an exercise would cause for both the UUP and Sinn Fein, as well as some of the other parties.

Dr Mowlam's view is that it has become essential to demonstrate forward political movement in the Talks by the time of the Review Plenary on 1-3 December. This is necessary to halt the erosion of confidence in the Talks process, on the part of both the Unionist community in general and the Republican community; and to help counter the risk that the Review Plenary (stirred up no doubt by Ken Maginnis) will otherwise concentrate on decommissioning, with consequent risks to the Talks process in general and the IRA ceasefire in particular.

CONFIDENTIAL

WKL/HOLMES/BB

CONFIDENTIAL



It would therefore be highly desirable to ensure that the Review Plenary either has some outline Heads of Agreement to focus on, or is able to reach agreement on such Heads of Agreement as the product of its deliberations.

There is a careful tactical choice to be made here. Anything which is seen to emerge from the Independent Chairman or from the two Governments operating together may well be rejected simply on account of its provenance. Equally, as Trimble acknowledges, the main parties will be reluctant to commit to paper their private estimates of the essence of a deal. (His own informal suggestions, while helpful and in general confirming our judgement of the UUP position, do not go beyond identifying areas for discussion.)

In an attempt to get round these difficulties Senator Mitchell has asked each participant to let him have a short list of the "key issues" in the negotiations. He hopes to massage these contributions into a composite list which will effectively illustrate the key elements of a settlement. We should be in a position by next Tuesday (when Dr Mowlam will be meeting Mr Andrews) to assess how likely this is to work. We may at that stage want to play in our own proposals; or we could hold them back to deploy during the Review Plenary, in an effort to resolve any impasse which may develop.

I attach a draft of what we have in mind (although we do need to do some further work on it, to sketch in the subsidiary issues requiring further consideration under each heading). It fulfils the request in your letter of 18 November. Dr Mowlam would be glad to have the Prime Minister's views on it. We believe it could invigorate the process and lead, if the parties use, to real substantive engagement.

CONFIDENTIAL

CONFIDENTIAL



As to whether we should reveal our thinking to Mr Trimble, there are obvious dangers:

- it is of the essence of the negotiation that any resolution of the issues is going to involve some painful compromises for all sides. Trimble would therefore be bound to oppose at least some aspects of our proposals, although he will not be surprised by any of them and we judge he could be brought to accept them - if everyone else did
- any subsequent hint that HMG had cleared its lines with the UUP would undermine the prospects for agreement and give nationalists - Sinn Fein in particular - a public argument to deploy against any draft Heads of Agreement. The success of the Talks process and of the "peace" strategy more generally has been built upon nationalist - and Republican - confidence that HMG is willing to contemplate radical change in relation to Northern Ireland, including points which would be uncomfortable for Unionists.

For similar reasons, Dr Mowlam believes it would be unwise to show the draft to either the Irish Government or the SDLP. The negotiation is in many respects about who gets the ear of HMG.

Dr Mowlam would be glad to know that the Prime Minister was content for her to table something on the lines of the attached Heads of Agreement in the context of the Review Plenary - though the precise timing and context should be left to tactical judgement nearer the time. Meanwhile, if the Prime Minister has an opportunity to discuss the UUP's informal suggestions with Trimble,

CONFIDENTIAL

CONFIDENTIAL



he might welcome them as a constructive contribution and encourage him to consider passing them to Senator Mitchell, while maintaining that in the Government's view the time has come to move somewhat further down the track towards Heads of Agreement.

A Paper by the British Government

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

Yours ever

Ken

W K LINDSAY

Much will of course turn on the detail. But in very general terms the key components of a settlement will, on our assessment, comprise:

1. A shared understanding on constitutional issues, based on the acceptance of the consent principle in all its aspects, with consequential amendments to Articles 2 and 3 and to British constitutional legislation.
2. Locally elected and accountable institutions of government in Northern Ireland with significant administrative, and probably legislative, powers.
3. North-South Structures, with at least some functions covering the island as a whole and with significant purposes and powers, but dependent on and

CONFIDENTIAL