

CONFIDENTIAL

SUBJECT
MASTERfile
21/10/12
FAXED10 DOWNING STREET
LONDON SW1A 2AA

Filed on:

From the Principal Private Secretary

3 December 1997

Dear Gen.

CONVERSATION WITH TRIMBLE, 3 DECEMBER

The Prime Minister spoke to Trimble on the telephone this afternoon for about 15 minutes. Trimble had previously telephoned me to register great unhappiness on various fronts, including Dr Mowlam's speech on Monday, the Prime Minister's interview to RTE on Tuesday, and what he described as a stream of concessions to nationalists, with nothing helpful for Unionists.

Trimble started by saying that he was indeed unhappy. Most of the Heads of Agreement paper had been listed in Dr Mowlam's speech on Monday, although the provenance had not been mentioned specifically, and the Prime Minister's interview had seemed to do the same thing. On neither occasion had any account seemed to have been taken of UUP comments. He was being asked for his views, but they were not being listened to when he gave them.

The Prime Minister said that his own interview had certainly not been intended to raise any difficulties. It was still the case that only Trimble had seen the draft Heads of Agreement. We were certainly listening to his views. He wanted to move quickly on the text, but also wanted to be sure that Trimble was reasonably happy first. He had discussed the ideas with Hume, but had not shown him any text. He understood that Trimble had a problem with the Council of these Islands not being explicitly described as an umbrella for other institutions. But he had thought, on the basis of the previous conversation, that Trimble could live with the title of Council for North/South Co-operation. Trimble said he had no difficulty with "Co-operation", but "Council" did not interact in the right way with the wider Council of these Islands. Moreover, as he had said in the comments he had sent to the Prime Minister, the Heads of Agreement now had to be looked at in the light of the comments made by Andrews. On North-South they seemed to fit together. Ahern was incidentally under the illusion, following the Andrews climb down, that all was now well

CONFIDENTIAL

CONFIDENTIAL

- 2 -

between the UUP and the Irish. But it was not. He would have to talk to Ahern on the 'phone to sort this out.

The Prime Minister repeated that he wanted to sort out the UUP's problems, and then negotiate the text with others. His main concern was that, as soon as the text was tabled by us, it would be clear that a united Ireland was not on the agenda and there could be an unpredictable Sinn Fein reaction. That was why he had brought forward the meeting with Adams.

Trimble said he was naturally comfortable with the idea of the Heads of the Agreement making clear that a settlement lay within the Union, but he did not like the small print when he saw it, particularly on the North/South arrangements. He realised the Heads of Agreement could not fix the solution for him before real negotiation, but it should not fix it against him either. He was also very worried about constitutional change. There were drafts on the NIO files which could be very damaging. He did not believe Dr Mowlam's claims that Foreign Office international lawyers had been consulted about this. Some of the proposed changes to British legislation were horrifying in that they changed the Act of Union.

The Prime Minister commented that, as far as he knew, the only changes to British legislation contemplated were to incorporate the consent principle. Trimble said that the consent principle was already clearly set out in the 1973 Act. NIO officials wanted to change this to say that Northern Ireland would remain part of the United Kingdom as long as, and only as long as the consent of the Northern Ireland people was there. In the event of some odd election result, this could lead to claims by the Irish Government that we had a treaty obligation to transfer Northern Ireland to the Republic.

The Prime Minister said that he had not seen any such draft, and would not be happy with such language. In any case, he was ready to take out of the draft the reference to changes to British legislation, although others would not like this. He also wondered whether we could not add a sentence to the tiret about the Council of these Islands, to the effect that this would provide an overall context for the totality of relations.

Trimble said this might help. An alternative would be to refer to a new British/Irish Agreement, to replace the 1985 Anglo/Irish Agreement, and under this provide for a Council dealing with the totality of relations. On North/South, he thought the solution was to retreat into ambiguity.

CONFIDENTIAL

CONFIDENTIAL

- 3 -

The Prime Minister said that he could take out the references to significant purposes and powers, and the ability to act. But he wanted to stick to the label of Council of North/South Co-operation. This might cause trouble with the other side, but he thought it would be good to get them to agree, since a Council suggested independent bodies coming together voluntarily, rather than a governmental-type structure.

Trimble said that he would welcome the removal of the references to significant purposes and powers, but reserved his position on the title of Council.

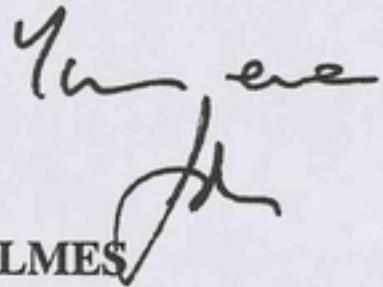
The Prime Minister asked whether the reference to standing intergovernmental machinery was a problem. Trimble said not. What was important was the substance of changing the Anglo/Irish Agreement.

The Prime Minister said that he would reflect on these points, and try to get a fresh text to Trimble quickly for him to look at. He was being as flexible as he could, but was at the limits of his room for manoeuvre. The Prime Minister went on to ask what he could do to build the confidence of the Unionist community. Could he, for example, say something helpful? Trimble said that he would like to reflect on this and come back to the Prime Minister.

Comment

The discussion was useful in calming Trimble down, and no doubt giving him a new confidence to face his internal critics (he had a meeting of his parliamentary party just after the conversation). I have faxed to you separately a revised text and would be grateful for your comments as soon as possible this morning.

I am copying this letter to Jan Polley (Cabinet Office).


JOHN HOLMES

Ken Lindsay Esq
Northern Ireland Office

CONFIDENTIAL