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File
M. Sidi

- cc PS/Secretary of State (B&L)
- PS/PUS (B&L)
- PS/Mr Semple
- Mr Thomas (B&L)
- Mr Leach
- Mr Stephens
- Mr Watkins
- Mr Beeton
- Mr Brooker
- Mr Ferguson
- Mr Hill (B&L)
- Mr Maccabe
- Mr Johnston
- Mr Warner
- Mr Travis (B&L)
- Mr Holmes, No 10

PS/MR MURPHY (B&L)

MEETING WITH UUP, 24 NOVEMBER

1. Mr Murphy yesterday met a delegation from the UUP, (Mr Trimble and Mr Taylor; also Mr Nesbitt, Mr Campbell, Mr Weir and Mr Kerr, all of whom were virtually silent) as part of his series of bilaterals with all the parties this week on Strand One issues. By the standards of such meetings, it was extremely good humoured, and the UUP, buoyed up by their meetings last week, were in a relatively positive state of mind, though still reluctant to take immediate steps towards engagement within the talks process.

Discussions with the Irish

2. Mr Trimble agreed with Mr Taylor that their discussions with the Irish last week had been "good as far as they went". (Mr Trimble had taken comfort from Mr Gallagher's having looked glum throughout their meeting with the Taoiseach, and Mr Taylor agreed that this was because the Taoiseach had been undoing what Gallagher and NIO officials had agreed). The significant thing, according to Mr Trimble, was that the Taoiseach had been open minded and willing to consider details of arrangements to bring in the British Isles as a whole. There would obviously be a lot to talk to the Irish about on North/South issues. On constitutional matters, the Taoiseach had been unable to give a coherent answer as to what was meant by a "balanced constitutional settlement", and Mr Trimble said he had not persisted because that, he

believed, would have wrecked the meeting. But on the question of amendments to the Irish Constitution, the Taoiseach had appeared fairly open-minded: the most significant development had in fact been revealed in briefing to Frank Millar, reported in the Irish Times last Friday, suggesting that the Irish were not only looking at the 1967 Dail Report, but also beyond it. The briefing made clear that the problem with the 1967 Report was that it left the "national territory" provisions intact. That was significant. Mr Trimble had pressed the Taoiseach on the need to separate out the definitions of the Nation and the State, and Mr Ahern had not said no. He added later that Dublin had given the impression it wanted to move quickly on Articles 2 and 3.

3. One other "significant" point reported by Mr Trimble (at Mr Taylor's prompting) was Mr Ahern's relationship with Sinn Fein. He had said that he had met them twice privately, being unwilling to do so in public, in view, apparently, of his gloomy view of where the movement was heading. That view was, reported by Trimble, much less optimistic than that of the Secretary of State or the RUC, and not related to the question of dissension: it reflected doubts about the intentions of the leadership themselves.

Progress of the Talks: the Review Plenary

4. Mr Trimble said that he had spoken to Senator Mitchell at the weekend, and saw something to be said for the latter's proposition of a meeting on Monday to agree how the Review Plenary should be conducted, the Plenary itself starting on Tuesday. Senator Mitchell had raised with him the possibility of a small meeting, and he had said he would think about it. He wondered whether the Business Committee was not the appropriate forum: we pointed out that in that event Senator Mitchell could hardly be in the Chair, and the point was left open.
5. Mr Trimble said that in order to move out of the Review Plenary, there would have to be a positive affirmation by the Talks [we did not challenge him: but the proposition is dubious, given the text and negotiating history of the procedural motion] and it would be necessary to work that out in advance. The problem was there was no progress to report on any front. That was so on substance. It was also true on decommissioning, and there the fault lay with the Governments, and the UUP would have to be very critical.
6. It was not the UUP's intention "at this stage" to jam on the brakes. But it was necessary to have a clear idea of what might emerge from the Plenary, and further thought was needed about how to get through it: massive whingeing would exacerbate public impatience. There were some things the UUP wanted to see agreed, so as to reassure them that there would be progress before the next such plenary, and in particular to reassure them that the commitment to paramilitary decommissioning meant something. They would also want a clear date for the next review plenary: they did not want others to have scope to argue that, because of the Christmas break, it should be three months ahead, rather than two.

7. Agreeing with Mr Murphy that the two weeks before the Review Plenary and Christmas must be profitably filled, Mr Trimble that a key question was the point at which participants started to try to nail things down, by way of contingent agreement. At the moment they did so, Sinn Fein would have to confront the realities. He suggest on several occasions that Sinn Fein would at that point be "blown out of the process", and seemed to be using this as a reason for not moving yet; though at a later stage he said he did not believe that they would leave before Christmas, and indeed thought the leadership was probably determined to hang on until May.
8. His reluctance to be pinned down was apparent when we raised the Senator's suggestion that parties should offer lists of key requirements from the process, to be considered at some point in the review. Mr Trimble professed nervousness: everyone would draw up wish lists, and in the process of compromising would have to move away from much of what figured. If the process collectively were to arise some at key requirements, that might be helpful. When Mr Thomas suggested that the obvious first point on which Sinn Fein might be obliged to face up to the realities was the question of consent, he did not reject the possibility. But he suggested that the best outcome from the Plenary at the moment might be a work programme, or timetable, or mechanism for seeking agreement on key elements.

Strand One Issues

9. There was little enthusiasm on the part of the UUP to discuss Strand One issues, the more so since Mr Trimble had not seen our paper (though others in the party had). The crucial thing now was Strand Two and Three issues: the Irish Government should be "required" to concentrate its efforts there. But we lighted on a number of Strand One issues at different points in the meeting at a fairly random way, without going through them systematically. On the question of *range of responsibilities* for Strand One institutions, Mr Trimble said matters should be thought through de novo. The list in the 1973 Act was out-moded. Matters should be characterised as appropriate to the European, national or regional level on their merits. Other parties would no doubt say that they wanted the maximum range of responsibilities possible devolved: but that was a stock response, and they needed to think matters through.
10. Mr Trimble said that an *Assembly needed to be boycott-proof*. Any mechanism put in place should be able to go on taking decisions if people left. The SDLP were, in Mitchel McLaughlin's words, "spiritual abstentionists". But the point would become particularly important if the SDLP were displaced by Sinn Fein. He feared that the sufficient consensus rule would expose the Assembly to wrecking tactics.
11. Mr Murphy moved him on to *the panel*, which Mr Trimble thought "a bad idea". It lead to sectarian vetos. It would be better that mechanisms to guarantee fairness and equality to be legal ones, not political (despite his (unspecified) "reservations" about local judges, which would not be a serious problem so long as there was an appeal to the House of Lords). There would

be the ECHR, which the UUP would want to supplement with material drawn from the European Convention on Minority Rights.

12. Asked about a *second chamber*, Mr Trimble said that the old Northern Ireland Senate had had little to be said for it, except as a means of patronage, which (he seemed entirely serious here) was very important in running a political party. He did not see much attraction in a second chamber as part of a system of "checks and balances": it would be hard to find an acceptable basis on which it could resist legislation. The general arguments for second chambers as revising institutions were in any event much less powerful if a Northern Ireland Assembly had no legislative function, and the UUP were "not very taken" with the idea that it should. Mr Taylor thought such an institution superfluous in a jurisdiction of Northern Ireland's size.
13. Asked whether Northern Ireland's present *parliamentary representation* should change, Mr Trimble was adamant that it should not. Wales and Scotland might come down to the Northern Ireland level, which was precisely in line with a UK-average quota (England and Wales being slightly above). If anything, Northern Ireland might argue for more members on grounds of its dispersed population, etc. Mr Taylor added that bestowing legislative powers on a Northern Ireland Assembly would give others grounds for arguing for a reduction in Northern Ireland representation: apparently in his view an argument against such powers.
14. Discussion turned to the *size of an Assembly*. Mr Trimble thought that a 90-seat Assembly was far too big. He appeared to favour something nearer to 60.
15. As for the *method of election*, he was opposed to a combination of STV plus List system, even though it had been proposed in UUP papers in 1993. He was also firmly opposed to a List extending across Northern Ireland as a whole. The reason appeared to be differential turnouts between the West (where they were very high) and places like North Down, where they ran very low. Such a system would severely distort the results across Northern Ireland as a whole. He might be prepared to look at regional lists (at least 5 within Northern Ireland).
16. Our side raised the question of *ensuring representation of smaller parties*. Mr Trimble was not sure their reservations had much merit. In a five-seat STV constituency, 16% of first preferences would guarantee election, and there would be a very good chance with just over 10%. He acknowledged that if there were a smaller body, then smaller parties might well be squeezed. One possibility (borrowing from Scotland and Wales) was to group Westminster constituencies, two-by-two, each constituency returning six members. That would bring the quota under STV down to about 14%. He believed that the pairs of seats fell together naturally (and elaborated a list). He thought that the loyalists would be likely to get a seat in a combined South and East Belfast constituency, and also thought that such a system would favour Alliance.

Forum

17. Mr Trimble mentioned that a proposal was being put to the Forum Business Committee this week to send a Working Group to Cardiff and Edinburgh. It would have discussions on current devolution proposals, including some about legislative matters that were "not in the public domain".

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