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to John Holmes

from David Trimble

1 December 1997

I regret that we cannot agree the paper entitled "Northern Ireland: Heads of Agreement".

I would have had real problems with parts of it even before the weekend, but after the comments by Andrews it is quite impossible.

Even the first paragraph, with its reference to constitutional changes, becomes a serious problem after Andrews has declared that there will be "changes to British legislation, including the Act of Union 1801."

The relationship between paragraphs 3, 4 and 5 is also wrong, as I explained to the Prime Minister on Thursday. The British/Irish Council is an umbrella to include "the totality of relations within these islands". It is to replace the Anglo-Irish Agreement. Any intergovernmental arrangement should be within it: your present paragraph 5 would leave the present unacceptable arrangements unchanged.

The north/south paragraph is very bad. Put it beside Andrews statements this weekend and anyone would conclude that your paragraph paves the way to Andrews plans. Because of Andrews' comments I have had to break off the planned discussions with Dublin. We could not agree your paragraph especially against the background of the Andrews comments. That background will have to change before there can be further development.

Your paragraph will also have to change. Instead of a Council of Ministers there should, within the British/Irish Council be arrangements for Inter-Irish Co-operation. The reference to "powers" and being able to "act" should be excised. These arrangements will not take decisions. It may make tentative agreements which will then have to be ratified by the decision making bodies on each side of the border. It is foolish to try to avoid this reality for we merely need to write this into any mandate that would be given.