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From the Principal Private Secretary

19 December 1997

Dee Gen,

NORTHERN IRELAND TALKS: UUP VIEWS

I had a lengthy conversation with David Trimble on 18 December. It may be worth recording some of the points he made.

The main reason for the conversation was his concern about the proposal Paul Murphy had made on Monday evening, that the plenary sub-group should continue to meet after the Christmas break. The UUP were worried about this idea, since they feared it was an attempt to obliterate the three Strands, as well as providing a way for the Irish to be included in the Strand 1 area. Their fears stemmed partly from the idea itself, and partly from the spin which had been put by the Irish on the original decision to set up a plenary sub-group. Their suspicions had been increased by remarks by Adams on 16 December that this group would become the real engine of negotiations. As a general point, the UUP were wary of any proliferation of sub-groups, since they feared losing control of what was going on. Their resources were limited, and they were mindful of what had appeared to happen to Faulkner at Sunningdale, when he had failed to follow all that was being negotiated.

I said that I did not think there was any sinister motivation behind the proposal. On the contrary, the idea was to find a format where real progress could be made, and where, for example, a Heads of Agreement proposal could be looked at and negotiated sensibly. Inevitably this required a look across the Strands. Trimble could see the point of this, but continued to say that he was unwilling to see the plenary sub-group set up as the main negotiating forum. The UUP would continue to reflect on this.

CONFIDENTIAL

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- 2 -

Trimble talked about the prospects for the UUP's negotiations with the Irish over the Christmas break. They were due to have three days of meetings from 29-31 January, with Donaldson leading on the UUP side, possibly followed by further meetings the following week, and an Ahern/Trimble contact. One difficulty was location. He would much prefer to meet in Northern Ireland if possible, but it was hard to find a venue which would not become public. The Irish were talking about France or Scotland, but he was not keen. I said that, if there was any way in which we could help, I was sure we would be ready to do so. We talked about the possibility of using Stormont in some way, or even Hillsborough, but Trimble was not convinced there was any chance of keeping the talks confidential in either.

On the substance, Trimble was conscious of the dangers as well as the opportunities in these talks. They and the Irish might find that they could not do business on North-South issues. I said that there was obviously a significant gap to bridge, but my impression was that, in this area, the issues might be easier when the details were looked at, rather than the concepts. If there could be agreement on what the details would look like, it might then be easier to find the right labels. Trimble agreed.

Trimble was inclined to think that Sinn Fein were in some difficulty internally, and that their return to violence soon could not be ruled out. I said that our perception was that the immediate problems were under control. Trimble complained in the usual way of a string of concessions to Sinn Fein. He referred to a leaked document which Ken Maginnis has. Maginnis had interpreted one reference to a "facility" for An Phoblacht as indicating that Dr. Mowlam was proposing to give them an interview. He was not sure this interpretation was right, but the general tenor of the document was that Sinn Fein needed a substantial concession per week.

On Heads of Agreement, Trimble remained cautious. He accepted that it would be difficult to make progress without the framework of a Heads of Agreement document on the table early in the New Year, but he continued to worry that it was very difficult to accept Heads of Agreement without knowing the detail which lay behind them. It was possible that he would be better placed to commit himself after his talks with the Irish. But he was still inclined to think that there might be merit in an approach where the parties would take note of a Heads of Agreement document, without actually committing themselves to it. They could then move on to the detail. This would be consistent with the general approach that nothing was agreed until everything was agreed. It would also help

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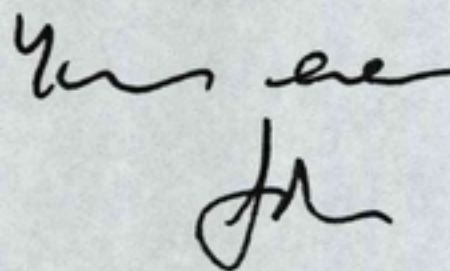
- 3 -

to preserve the three Strands. There could even be alternatives in the document which would appeal to Sinn Fein. I said this was an interesting idea, which we could look at.

I also asked Trimble about the UUP attitude to British constitutional change. Trimble said that repeal of Section 75 of the Government of Ireland Act would not be a problem in substance, although if the Irish talked it up, it would cause a problem of perception. He was much more worried about any suggestion of amending Section 75, particularly on the lines of the "leak" in the Irish Business Post. Any amendment which would suggest that there could be some kind of automatic move to Irish sovereignty once there was a majority in favour of this, would not be acceptable. The point was that any reference in the Government of Ireland Act would be part of an International Treaty and could be taken as superior to anything agreed by the Northern Ireland Assembly. The same point applied to inclusion of language about parity of esteem in such legislation, since it could be used to demonstrate that Northern Ireland Assembly legislation, or implementation of legislation, was ultra vires. That was why he was so insistent on the Foreign Office lawyers being consulted about all this, and suspicious that they had not been, despite the assurances he had been given. As far as consent was concerned, this was already in the 1973 legislation.

Comment: Most of the above may be familiar, but it is perhaps worth recording as a demonstration of Trimble's current preoccupations. Overall, he was in reasonably positive form, while muttering about the difficulty of keeping his own supporters happy. A lot clearly hangs on the discussions with the Irish.

I am copying this to John Grant (Foreign and Commonwealth Office), Jan Polley (Cabinet Office), Christopher Meyer (Washington) and Veronica Sutherland (Dublin) – the last two by fax.



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