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10 DOWNING STREET
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FAXED

to all 11/1
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From the Prime Minister's Chief of Staff

11 January 1998

Dear Secretary of State,

HEADS OF AGREEMENT

I will not record all the endless to-ing and fro-ing of today's negotiations which kept the Prime Minister up until after 3am in Tokyo. I attach what I hope is the final text, although Trimble and Ahern are still talking. We should check tomorrow that the text is unchanged.

The following comments may be helpful:

- paragraph 1: in the end, Trimble agreed to drop reference to Articles 2 and 3 when the Irish said it could only be included if there were a reference to Section 75 of the Government of Ireland Act 1920;
- paragraph 2: the Irish agreed to amend the end of this paragraph as long as we included a reference to the "operation of these institutions". Trimble was able to accept because it could not be construed as a nationalist veto on the working of the Assembly;
- first tiret: Trimble dropped "Council of these Islands" this evening in return for other concessions. The Irish made a last minute attempt to move "with meetings twice a year at summit level" up to the top of the tiret, which we resisted;
- second tiret: the Irish would not agree to include "consult" and "cooperate" in the first sentence, but accepted it in the second, even if it makes little sense there. Trimble did not at the end of the day insist on this;
- third tiret: this was by far the most difficult item for Trimble. The Irish eventually agreed to drop "executive agencies" while getting the sense across in this passage. Trimble kept seeking amendments to this passage

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right up to the last moment. It will be difficult for him with other members of his party. It is not that he is refusing to agree to executive agencies at the end of the day, but he did not want to make this concession now;

- last tiret: relatively uncontroversial;
- penultimate paragraph: Trimble did not resist the reference to the Bill of Rights at the end of the day, but was keen to change "both communities" to "all sections of the community". The Irish were not keen;
- last paragraph: Trimble tried to reopen this at the end to refer to victims of violence and making decommissioning of weapons apply only to illegal weapons. The Irish resisted.

I understand Paul Murphy is ringing round the parties this evening to soften them up before tabling the text tomorrow in the Business Committee and that the NIO have been in touch with the Irish about other handling issues. There are things in it to which all parties will object. The two Governments are tabling it as a focus for negotiation. The Irish are keen to emphasise that we should not invite the parties to negotiate on the text, but to move on to negotiating on the substance under each of the headings. The Irish are also keen to avoid over-hyping it in the press. They are very nervous about the SDLP and Sinn Fein reaction.

David Trimble has just suggested to Ahern that the text should be tabled by the Chairmen rather than the two Governments. He is reportedly considering this. Trimble has also proposed that the text be tabled in the afternoon to allow all parties to square their members.

I am copying this letter to Paul Murphy, John Holmes (in Tokyo by fax), John Grant (Foreign and Commonwealth Office), Jan Polley (Cabinet Office), Christopher Meyer (Washington) and Veronica Sutherland (Dublin), by fax.

Yours sincerely
P. Green



JONATHAN POWELL

The Rt Hon Dr Mo Mowlam MP

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