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Draft Letter from PS/Secretary of State

John Holmes Esq
Principal Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1A 2AA

John

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Ken.

This note responds to your letter of 25 February, particularly in the light of Thursday's meeting with the Taoiseach. It sets out our draft of the emerging overall agreement, together with a plan for how we might get this deployed in the talks, issue by issue, so that it is all on the table before St Patrick's Day.

Overall Agreement

Our draft is attached, together with a brief commentary explaining the sorts of compromises we have suggested. There are no surprises here: in substance it follows closely both "Propositions" and "Frameworks". Perhaps the key sticking points are likely to be:

- the nature of executive authority in the Assembly: whether or not there is to be any "collective";
- safeguards in the Assembly;
- the relationship, if any, between the Intergovernmental Council and the North/South Ministerial Council;
- what areas are to be marked for co-operation and joint decision taking in the North/South Ministerial Council from the outset, and whether there are to be any all-Ireland implementation bodies from the outset;

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- arrangements to keep the whole settlement under review: what happens if one or other of the institutions fails to operate properly;
- policing;
- prisoners.

*Trimbles idea
of a series
of conferences after
2 yrs. may play
well here.*

Getting the issues on the table

The paper is set out in different chapters, each of which conveniently covers a key issue. Surfacing these chapters separately with both the parties and the Irish Government would therefore be a way of delivering the sort of strategy agreed between the Prime Minister and the Taoiseach for engaging on the texts of key issues but not, at this stage, working on a single text for an overall agreement.

Taking Easter as the deadline for achieving agreement, my Secretary of State is convinced we must allow the fortnight from 23 March for a final intensive engagement on all the key issues in the round. She is anxious that the week of St Patrick's Day is not lost entirely and that the parties have available to them by then all the material on which they will need to engage intensively in the final fortnight. She therefore thinks it essential that separate papers, based on each of the attached chapters, are tabled in the talks in the run up to St Patrick's Day.

*OK in
some
cases,
but we
need to
allow for
pre-work
with UK
& US in
others.*

This will require intensive bilateral engagement with the Irish Government and with the parties next week, in order to prepare the ground for the tabling of these separate papers on key issues in the course of the week beginning 9 March.

The programme already set for that week involves a meeting of just about every necessary format as follows:

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- Strand 1: HMG would table Chapter 2 of the attached paper on Monday 9 March, following intensive bilaterals with the parties next week; *Must have to UUP first. absolutely.*
- Strand 2: Senator Mitchell would table Chapter 4 of the attached paper on Tuesday 10 March but this would require a joint approach from both Governments pointing to Chapter 4 of the attached draft being shared with the Irish Government as soon as possible; *Advising UUP/IRA - Separate UUP/Irish/Irish route in hand, following Trimble meeting.*
- Strand 3: the two Governments have already been commissioned by the parties to prepare a synthesis paper on East/West machinery - Chapters 3 and 5 of the attached paper. Again, these drafts would need to be shared as early as possible with the Irish Government in order for them to be tabled on Wednesday 11 March, together with constitutional issues (Chapter 1), on which we have already exchanged texts with the Irish; *Probably OK.*
- Rights and Safeguards: largely for HMG, although the Irish Government has promised equivalent protection in the Republic. We plan separate papers, from each of the Irish and British Governments, for tabling in a possible cross-strand meeting on the afternoon of Wednesday 11 March. Again, this would require some sharing with the Irish Government of Chapter 6; *May be alright.*
- Confidence building and decommissioning: confidence building measures fall to HMG, so we would plan to table most of Chapter 7 of the attached paper as an HMG paper, accompanied then or earlier with more detailed supporting papers on prisoners, policing and criminal justice, in the Sub-committee on Confidence Building Measures on Tuesday 10 March. Decommissioning would require a joint paper from both Governments for the Sub-committee on Monday 9 March. *Too fast in some cases?*

better to leave this until forward the end.

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We plan to outline this timetable in a paper, for agreement with the Irish Government, and circulation to the parties early next week.

My Secretary of State believes that this sort of approach:

- gets the key issues onto the table separately in advance of St Patrick's Day;
- avoids joint authorship of the overall agreement by exploiting a range of authors eg papers by HMG, by the Independent Chairmen, by both Governments etc;
- sets a very clear signal as to the sort of intensive pace we want to establish (incidentally providing a strong incentive for Sinn Féin to return on 9 March);
- encourages intensive bilateral engagement next week on all of these issues.

As regards what we share with the parties, my Secretary of State believes it is important we are seen to treat parties equally and not to break the commitments we have given them. In particular, after "Propositions", both the Secretary of State and the Prime Minister gave personal undertakings to loyalists and Sinn Féin respectively that next time they would not be left out of the loop. The advantage of getting separate texts on each of the key issues onto the table relatively quickly is that everyone can then see they are being treated equally.

up to a point.

you did make a very specific promise to Adams.

Some of these texts, as explained, will require advance consultation and, in some cases, agreement with the Irish Government before they can be tabled. We shall obviously stress the need for absolute confidentiality. But the signals are - particularly in light of the Irish briefing following the meeting with the

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Taoiseach - that the Irish Government are keen to co-operate in this sort of approach.

A copy goes to Sir Richard Wilson.

as far as we are
avoiding one bit text

✓ Yes.
Intelligence
supports this - they
have long let
what we suggest
suggested to
them.

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