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From **SECRET AND PERSONAL**

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19 March 1998

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③ Back to
Duty
Clerk

Dear John,

THE OVERALL AGREEMENT: NEXT STEPS

Following your meeting with officials yesterday, you indicated that the Prime Minister would now be content for us to start deploying text on Strand 1 with David Trimble, and on Strands 2 and 3 with the Irish.

Accordingly, I attach the latest draft of Chapters 2 (Democratic Institutions in Northern Ireland) 3 (Inter-Governmental Council, 4 (North South Ministerial Council), and Chapter 5 (Inter-Governmental machinery). Chapters 3 and 4 have been amended to take into account David Trimble's comments on the drafts you gave him last week, as recorded in the attachment to your letter to Ken Lindsay of 13 March.

The draft of Chapter 2 assumes that the Assembly will have legislative powers; that it will include voting safeguards to ensure that cross-community support has to be secured in key areas; and that there will be arrangements for co-operation and collective representation. These all cause difficulty for Trimble, but we have picked up on his preference for the Welsh Assembly model of Secretaries of Assembly Committees being elected as well as committee chairs, with the Assembly Secretaries (as we have termed them) being Heads of Departments. We have also suggested

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that collective representation should comprise the first five Assembly secretaries selected under the d'Hondt system: these could be termed on "Assembly Commission". As well as being helpful to Trimble, we believe these proposals should also encourage cross-community working and transparency.

In Chapter 3, we have:

- floated the idea of re-titling the inter-Governmental Council on the "British/Irish Forum".
- added the Isle of Man and the Channel Isles to paragraph 2.
- amended paragraph 3 to talk about the Assembly Commission rather than an Executive Panel, picking up the change in Chapter 2.

On Chapter 4, we have:

- removed the square brackets in paragraph 1.
- referred to an Assembly Commission in paragraph 2.
- clarified the reference to the mandate from the Assembly and the Oireachtas and in the process removed the word "executive".
- amended 4(ii) to reflect what Trimble has apparently been prepared to sign up to in discussions on Strand 2 in the talks.

We have not tried to incorporate Trimble's other comments. We will need to test his views on balanced delegations in paragraph 2 in the context of consulting him over Strand 1. The second sentence of paragraph 5 is, I

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believe, a nationalist bottom line and they would not accept this being the only part of the paper to be couched in conditional terms. In paragraph 6, we need to do further work with legal experts on the requirement for legislation. For the moment we should assume that it will be required. Finally, on paragraph 7, leaving aside whether the language has been softened or toughened up, it is not clear whether Trimble continues to reject the idea of "development". Some reference to the possibility of development or evolution will be essential for nationalists.

Chapter 5 has of course not yet been shown to David Trimble, but he has seen the paper circulated by the two Governments on Strand 3, which covered this aspect, and, like most of the other parties, he re-acted badly to parts of it. In putting this paper to the Irish, I suggest we present it as a re-working in response to the negative reaction to the Strand 3 paper in the talks.

A copy goes to Jan Polley.

Yours Sincerely,
R P Lemon

R P LEMON
Private Secretary to Mr Murphy MP
Minister of State

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