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From the Principal Private Secretary

SUBJECT
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30 March 1998

Filed on:

See her,

MEETING WITH THE UUP, 29 MARCH

The Prime Minister spent 2½ hours with Trimble and Donaldson at Chequers yesterday. I was also there. Trimble began by handing over the attached draft agreement, drawn up for the UUP by Jeremy Carver of Clifford Chance on the basis of Propositions and the UUP's own paper. We encouraged him to give a copy to Mitchell. He said it represented the kind of bare language the UUP wanted to see in an agreement.

North-South

We gave Trimble and Donaldson copies of the attached revised text, produced over the weekend with the help of NIO officials. The Prime Minister referred to the Taoiseach's concern, expressed over the weekend, that implementation bodies, once set up, would have to refer back to the Assembly endlessly and would not be allowed to function. But the Prime Minister remained convinced that agreeing to establish such bodies at the beginning was crucial to an overall settlement. Trimble said this was a needless concern. Once the bodies were set up, they would function like any other quango, and without the need for the kind of Assembly checks which had to be attached to the North-South Council itself. Some solution would have to be found to their status, which would have to be international in some way (he referred to the oddity of the Foyle Fisheries Council, which remained two distinct entities on either side of the border).

The Prime Minister said we needed to make clear in the text in some way that, once established, the bodies would be able to function normally. Paragraph 7 could be boiled down a lot. Trimble agreed. He might ask Carver what he thought about this point. There was also no need to stress their accountability so

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much – they needed to be accountable financially to the Assembly and Dail but should otherwise be left alone. The North-South Council itself would only come into it if there was a need to change the role of a body, or there was a problem. He suggested words in para 7 like “Such bodies would need to have an appropriate legal status. They implement relevant agreements of the Council.” The sentence about appointments was unnecessary. However he wanted to make clear that he was not accepting the first sentence of para 7 in making these suggestions.

The Prime Minister asked for the real UUP position on this. Trimble said it was “probably” acceptable, but this would have to be looked at again at the end, depending on the other circumstances. Going back to para 4, he suggested in the second sentence: “Each side may make agreements” The Prime Minister agreed but said that we could not make para 4 any tighter in general and still stand any chance of selling it to the Irish. Trimble said the Irish should be able to accept it. It represented what they had said to the UUP.

There was some discussion of what else the Irish might want. I referred to frequent meetings of the North-South Council, a more pro-active secretariat, and a general flavour of a North-South Council with a life of its own. The SDLP might well want even more. Trimble said this kind of flavour was to be avoided. He agreed that the SDLP could be more demanding. The key was to get Hume on board. He also agreed with me that the key at the end of the day was that the Assembly and North-South arrangements were mutually dependent on each other. He certainly would not want any North-South arrangements to be stultified. That was not in Unionist interest. He underlined that no guarantees built into the agreement would be effective. The Assembly and North-South arrangements would only work if both sides wanted them to work. It was a case of “Mutually Assured Destruction” – but the destruction had to be mutually assured, without the two governments able to impose North-South arrangements even if the Assembly ground to a halt. He also repeated that the language should be kept stripped down to a minimum, as in the Carver draft agreement.

Northern Ireland Assembly

We gave Trimble and Donaldson the attached text, again revised over the weekend. The Prime Minister began by saying that he assumed the cross-community voting arrangements and what we had called the Liaison Committee were the difficult points. Trimble agreed, but added the difficulty of the relationship between the Assembly Secretary and the Assembly Committee. The

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Committee had the executive authority vested in it, and the Secretary would be carrying out the Committee's policy. Obviously the Secretary had to have some freedom of manoeuvre, but he should not be able to do as he liked. He had to be accountable to the Committee. The SDLP wanted to avoid him being the prisoner of the Committee. This was understandable and was obviously linked to their worries about operation of the North-South arrangements. Equally he could not simply go his own way. The Prime Minister said that a Secretary clearly would have to be answerable to the Committee and Assembly. It would be unworkable if they had no control over him. But it was right to prevent attempts to stop a Secretary doing a normal job of work. Donaldson said that the SDLP saw the North-South work being run by a strong Northern Ireland executive. The Prime Minister said that there had to be a way through this, to get the balance right. It would be good if the UUP and SDLP could sort this out between them. Meanwhile we would look at para 3(vi) of the text again, with the aim of keeping it as simple and flexible as possible.

The Prime Minister referred to cross-community voting arrangements. The Irish/nationalist side had to have something in this area, but he did not want Paisley and Adams to be able to block things. Trimble wondered if the legal recourse side could be built up more, e.g. through a provision in the Bill of Rights specifying legal recourse in political circumstances. The Prime Minister thought politicians would not welcome the prospect of going to court every five minutes. The answer probably lay in a weighted majority voting system, but the percentage was obviously tricky.

Trimble said he did not like the idea of sufficient consensus at all. It was essentially sectarian, and the Alliance disliked it. 60 per cent would be alright but the other side would want more, because the Unionists and Alliance together could have up to 65 per cent of the votes. He wondered about a political appeal mechanism, akin to the "Moscow mechanism" in the OSCE documents, whereby a state could challenge another state's treatment of its minorities, using agreed OSCE standards. But he acknowledged that there was a danger of precisely the kind of Strand 3 "oversight" arrangement he did not want.

The Prime Minister thought the only answer was to set a low percentage figure, with some kind of "East-West" review mechanism to allow an appeal for a higher figure if it became clear in principle that the low figure was not working. This led to a discussion of Sinn Fein intentions, with us pointing out the Irish view that they should now be part of an agreement. Trimble argued that they would come into the Assembly but probably not immediately. He repeated

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that he remained very cautious about any safeguard voting arrangements because he did not want Sinn Fein to be able to destroy the Assembly, and had to be able to tell his own people that, while there were North-South structures, the Assembly would be able to function since it was not festooned with checks and balances. He would have to see how all this came out – there could be trade offs with North/South arrangements.

There was a brief discussion of trigger mechanisms for weighted majority voting. Trimble made clear he disliked these. In practice they would lead to weighted majority voting all the time. He would prefer designating certain areas, including if necessary certain kinds of measures. The Prime Minister agreed and thought it would be best to leave the detail of this to be worked out after the agreement if possible, e.g. by saying that a list of areas/measures would be drawn up.

Trimble agreed with this approach. In general there was no point in trying to write too much insurance into the text, since things would only work if both sides wanted them to work. The SDLP had to start to think of themselves as having a major role in running Northern Ireland, and therefore having an interest in not being held to ransom by other groups. It was important that the UUP and SDLP agree on a joint “yes” campaign for a settlement, together with the Alliance, where all were saying the same thing. There could be Rowntree money available for this. Donaldson said that the UUP-SDLP meeting last Wednesday had been detailed and constructive, and would be repeated tomorrow. They had discussed weighted majorities and arrangements for an “executive” – a point of huge concern for the SDLP – as well as “duty of service”. There was some movement from the SDLP and a degree of realism. They had talked about the difficulties language could create for each side.

The Prime Minister moved on to the proposed Liaison Committee. There had to be some kind of body like this. Trimble said he had perhaps overdone his earlier comments, which had been about the impossibility of combining an “executive” with proportionality. He could “probably” live with paragraph 7, although he would have to talk it over with some colleagues. He did not like some of the wording of paragraph 11 about “linking resources with objectives, policy and legislated proposals”. But he accepted there had to be some kind of Business Committee, which would deal also with legislation, e.g. priority of measures etc. Donaldson repeated that the SDLP were fixed on an executive model, not a Committee model. The executive would fix broad policy lines and the Secretaries would work on that basis. The SDLP accepted proportionality in

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allocation of Secretaries but had a very different view of the policy role of the Committees. They were worried that the Committees would exercise a veto over North-South arrangements, which was why they wanted Secretaries with a large degree of autonomy.

The Prime Minister wondered how far there was a difference between an "executive" and a "Liaison Committee" in practice. The Secretaries could not operate independently of the Assembly – which had to be the ultimate sovereign body – but the system would work through the Liaison Committee. Trimble seemed to accept this. He added that here too room had to be left for later adjustments, so that not too much should be nailed down in legislation. He liked new clause 23(?) of the Wales Bill, which allowed the Assembly to choose different models of functioning if it wished. The point was that they wished to work with the SDLP to create a broad middle ground. He hoped the latest discussions should create some basic trust.

East-West management

Trimble said that the overall architecture of the agreement remained very important for them in presentational terms. Any attempt by the Irish to keep the North-South arrangements separate in some way would be disastrous. The "Council of the Isles" Summit might be able to look at all the issues, without any kind of formal oversight arrangements. Meanwhile it was essential that any British/Irish secretariat was not in Maryfield, for symbolic reasons.

Decommissioning/Violence

Trimble repeated his fear that, even if Sinn Fein were not part of an agreement, they could still demand to be part of the government of Northern Ireland while hanging onto their private army. The Prime Minister said that there would have to be decommissioning, and parties could not expect to be in government if they were not engaged in this. But there was obviously suspicion about why this had suddenly popped up again now.

Trimble said that all he expected from Dr Mowlam on Monday was that she should say that, if decommissioning had not happened by the time of a settlement, the settlement agreement would have to contain effective provisions to ensure this happened afterwards. The UUP would then react positively to this. I said that the Irish were concerned because they wanted Sinn Fein in and were not

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sure they were ready to decommission. Donaldson said that the Irish might have to choose at some point between an agreement and including Sinn Fein.

Trimble said that the security authorities needed to show that they were doing something new and different to combat recent violence. This was needed to ensure the loyalists stayed restrained. But he had no specific suggestions to make, except calling on Adams and McGuinness to condemn the latest republican violence and try to stop it, not least to avoid accusations of collusion. He was also worried about combating terrorism after a settlement. The Prime Minister said that the Irish seemed determined to be tough on any remnants of republican terrorism, which was one reason why they wanted to get Sinn Fein into a settlement.

Trimble raised prisons. Maghaberry, according to his latest information, seemed almost as bad as the Maze in being out of control. He also mentioned, at Maginnis's request, stories of arrests in Germany and Italy in connection with £5 million of munitions imports for PIRA to Liverpool. Finally, he was concerned about the security of his colleagues in the talks team, notably Donaldson, given recent attempts by fringe republicans to destabilise the UUP. He had written to Dr Mowlam a month ago about this. The Prime Minister said he shared this concern and would look ensure it was looked into.

Prisoners/policing

Trimble asked about our plans for prisoners. I explained in broad terms what we had in mind. Trimble seemed reassured, as long as the parties would have a say in the criteria we would be using. On policing, he could accept a Royal Commission, with the inclusion of e.g. a Canadian or Australian, but not an international commission. But it was important that the Assembly could play some kind of role from the beginning – one way would be by having Assembly members on the new Police Authority.

Rights

Trimble asked about the Equality Commission – he could live with this if it was the same body as in the recent White Paper. But he believed that the Protestant community were the ones in need of equality of rights.

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Leaks

Trimble said that the way the latest leak had been handled had been inadequate. Dr Mowlam would have done better to show some concern about what was in the memo, not least the proposal to manipulate poll results. The Prime Minister said he would try to make clear himself that there was no need to manipulate opinion. People would and could make their own minds up if there was a settlement.

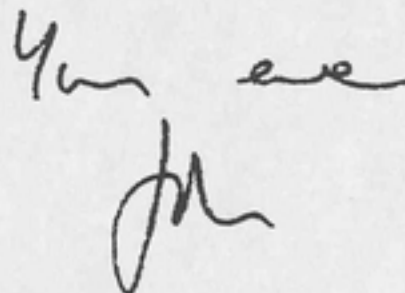
Comment

This was a constructive exchange in many respects. Trimble and Donaldson seemed to accept the basic thrust of both the papers they were given, while still reserving their position formally, and made few comments on the drafting. They gave the impression of being serious about a deal, and their readiness to sell it jointly with the SDLP is encouraging. They also welcomed the idea of our showing the Strand 1 paper to the SDLP too. I will be in touch separately about this and about revisions to both papers.

I also attach an Austen Morgan paper Trimble handed over on the latest Irish draft of Articles 2 and 3 given to the UUP (also attached).

One issue of continuing concern is how Sinn Fein relates to all this activity. The Prime Minister will try to see Hume in the next couple of days. What contact should he have with Adams?

I am copying this letter to Jan Polley (Cabinet Office).



JOHN HOLMES

Ken Lindsay Esq
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