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LETTER FROM SECRETARY OF STATE TO THE PRIME MINISTER
DATED 24 FEBRUARY 1998 RE TALKS: STRATEGY FOR
REFERENDUM AND BEYOND

CC: PS/SECRETARY OF STATE (B&L) - 0
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MR STEELE - 0
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MR BEETON - 0
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MR MACCABE - 0
MR WARNER - 0

4/3/
W. Watkins

Prime Minister

TALKS: STRATEGY FOR THE REFERENDUM AND BEYOND

We have been reviewing our strategy for the period ahead, as we approach what should be the concluding phase of the talks.

Timetable

Our aim is to reach agreement by Easter at the latest. That would give us six more weeks of negotiations. Psychologically, and in terms of the time we would need to put the practical arrangements for a May referendum in place, this is a good target date.

But within the Department we are preparing for a referendum on 7 May; our provisional calculation, however, is that this would require a deal in the week ending 27 March. Irish officials' preliminary view is that they will need up to six weeks after the agreement to get their arrangements in place; two to three weeks for legislation and three weeks for the campaign. We are working up a timetable with them, and with the parties. Yesterday the UUP, SDLP and Alliance were all in favour of an early referendum.

One disadvantage of such a short timetable is that there would be insufficient time to make any changes to deal with the problem of electoral abuse, particularly with regard to absent voting, in time for the referendum. There is a great deal of interest in this subject, not least from the Northern Ireland Select Committee which is currently investigating the question, but I think it is manageable if the parties' priority is an early referendum. However, we are looking at other measures in relation to voting such as disabled access to polling stations and specimen signatures for voters.

An advantage of a referendum in early May is that it would give us time to hold elections to the new political institutions in the second half of June, before Drumcree (which falls on 6 July). Our aim would be to get the full agreement implemented in legislation in early June, or if that was impossible, settle for a more limited Bill permitting elections to 'shadow' institutions with full legislation following before the Summer recess.

This is an ambitious timetable, but there could be significant risks in allowing an extended period between the referendum and the elections. This would allow those opposed to the agreement to turn the elections into a fresh vote against the deal. We should therefore hold the two as close together as possible. Again, we are discussing the timing with the parties and with the Irish. David Trimble's initial view was that the election might be better delayed to the autumn, though others in the UUP were happy to go earlier. The SDLP are giving the idea further thought but were resistant to early elections if that meant the Assembly being established ahead of other parts of the agreement.

We will also be considering whether there are ways of providing financial assistance to the parties in the event that they have to cope with a referendum and an election in a short space of time.

The Negotiations: managing the end-game

We must consider carefully how to give ourselves the best chance of bringing the talks to an early and successful conclusion. Time is short, the Irish and SDLP are likely to be much less willing to reach out to the Unionists until Sinn Féin rejoin, and we can expect turbulence from the Unionists when they do. I should not be surprised if the Unionists bring decommissioning back on the agenda.

As for this week, we are continuing work in the Strands. Yesterday and today have gone well and there has been serious engagement with participants showing a willingness to push ahead briskly, including Jeffrey Donaldson. We will also be consulting the parties and the Irish about the idea of holding an intensive week of talks somewhere in these islands, but away from Northern Ireland or the Republic, to help bring the negotiations to a conclusion. All parties are keen to do this, except the UUP who are afraid of being 'bounced'. **Can you speak to David Trimble and encourage him on this proposal?**

At some point we must be ready to get the whole deal on the table. The Irish are working on their 'overall paper', and one option would be to leave them to carry on working it up in consultation with ourselves and others as they see fit, and for them to table it when they are ready. If it failed to win approval we could then table a paper of our own. We expect to have a draft ready this week.

A difficulty with this option is that it may well require more time than we have available. Another - and in my view better - alternative would be to encourage the Irish to work with us on a joint final paper. If we are to meet our timetable for a May referendum we should start work with them as soon as possible. If you agree with this there is also the question of whether the work should be carried forward in the Liaison Group of British and Irish officials, or in some other configuration. Your meeting with the Taoiseach on Thursday would be a good opportunity to agree a joint approach. I imagine that, at the least, you would want to take the lead in bringing along the UUP.

Government's Posture in the Referendum

We must also think carefully about our posture both before and during the election campaign. It is important that, at this stage, we do as much as we can to stimulate a positive response to the agreement and to the referendum, when they materialise. With that in mind I am already working on church, business leaders, trade unions and others to mobilise support for a 'yes' vote. One result of that was a full page advert taken by them in the local newspapers calling for support to move on to a better future.

Once the agreement is reached we will also mount a substantial public information campaign so that the public at large is well informed about the agreement and to encourage them to use their vote.

A more difficult area is the extent to which we should actively campaign in favour of a 'yes' vote once the campaign begins. **I should welcome your views on this.** There is an issue of propriety in using Government resources to support a positive vote in the campaign. All the precedents suggest that while we could mount a very energetic campaign to publicise the deal and encourage people to vote we should not go so far as to advocate an affirmative vote. Naturally it would be open for us to campaign politically for a particular outcome.

But aside from issues of propriety there is also an important political calculation to be made as to whether our attempts to secure a positive outcome would best be served by an active campaign. If there was wide party support for the agreement a strong intervention by Government would be unnecessary; if the DUP and UKUP on the one hand, and Sinn Féin on the other, were actively

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campaigning against the agreement direct involvement by Government might accentuate divisions and backfire. My own view is that we will only be able to take final decisions on our strategy nearer the time, once the political alignment for and against the agreement becomes clearer.

If it would be helpful I should, of course, be very happy to talk these issues through.

I am copying this letter to Jan Polley in Sir Richard Wilson's Office (and to other members of NI for information).

MARJORIE MOWLAM

24 February 1998

(Approved by the Secretary of State
and signed in her absence)

CRITICAL PATH TO A REFERENDUM ON 7 MAY

Week beginning: 23 February

- Consult Irish and parties about timing of referendum and elections.
- Carry on working up draft referendum legislation (1 Order or 2?)
- Consult Cabinet Office about role of civil servants in campaign.
- Consult lawyers about role of Ministers in campaign.
- Consult with No 10 about playing out the end-game (joint British/Irish paper or solo texts).
- Work up HMG draft of overall settlement.
- (Work out what type of agreement we want by 27 March - full text/Heads of Agreement only?)
- Work out (CPL) what the programme for talks should be, so as to ensure that all the necessary ground is covered by 27 March.
- Work up publication/ dissemination proposals for final agreement.
- Press Office/CPL to work up speeches/articles/programme to encourage 'yes' vote/high turn-out.
- PUS's Steering Group to be established.
- PAB/Cent Sec/DENI to examine idea of Ministerial address to a youth and women's conferences.
- REL to work on ideas for encouraging first time voters.

Week beginning: 2 March

- Follow through on issues from previous week.
- Agree joint final paper with Irish.

Week beginning: 9 March

- Re-entry of Sinn Féin.

Week beginning: 16 March

- St Patrick's Day celebrations.

Week beginning: 23 March

- Wales week.

Week beginning: 30 March

- Talks end. Announce agreement.
- Referendum Order laid and Irish legislation introduced.
- JCSI
- Absent Vote applications despatched.

Week beginning: 6 April

- Orders debated in both Houses. Irish legislation passed.
- ?Thursday 9 April - announce start of campaign (4 weeks to 7 May but allows extra week for Easter).

Week beginning: 13 April

- Easter.
- (?16 April - announce start of campaign - 3 weeks to 7 May).
- 14 April - closing date for absent voter applications.

Week beginning 20 April

- Poll cards sent out.
- Scrutiny of absent voter forms.

Week beginning: 27 April

- April - postal ballot papers sent out.

REFERENDUM - THURSDAY 7 MAY