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Telephone Conversation with Jim Wilson, 2 September 1999

1. I had a short telephone conversation this evening with Jim Wilson, the Chief Whip of the UUP Assembly Party.

2. Wilson, though as friendly as ever, was both despondent about the prospects for the Review, and irate about the handling of recent events. As an illustration of the growing negativism of unionist moderates, he said he had just come from an appointment with his doctor, who had harangued him about how, having voted for the Agreement, he now felt like a second-class citizen as the British Government appeased terrorists. There was profound anger at the role of both Governments in the decision not to specify the IRA last week.

3. Wilson expected that the UUP would enter the Review, although he feared that efforts would be made, at Saturday's meeting of the Executive, to prevent this. However, continued participation would be conditional on a clear recommitment by Sinn Féin to the Mitchell Principles and the principles of 25 June.

4. More generally, something dramatic would be required for Trimble to be able to move towards participation in an Executive (which Wilson said he still wanted to do). Within the UUP, the pro-Agreement elements were feeling demoralised and the "bigots and hard men" were in the ascendant. Trimble had almost no room for manoeuvre. Wilson feared for his own long-term future in politics.

5. Wilson also expressed deep concerns about the Patten Report. If its recommendations were anything like had been rumoured, "it would all be over". He commented that he was going for tea with his son-in-law, an RUC officer: "very few [Protestant] families don't have someone close to them in it." I said that, while I had no idea what the report might contain, and though I expected it to recommend substantial change, I found it inconceivable that some of the more highly-coloured speculation would prove to be true.

Comment

6. Wilson asked me to ensure that his views were as widely reported through our system as possible, as being typical of a wide swathe of unionist feeling.

7. Even discounting the sometimes emotional terms used by Wilson, and allowing for the fact that, on the republican side, a competing narrative of disillusionment could be constructed, it is worrying that a key a member of the UUP Assembly team, who has been a solid supporter of the Agreement, should feel so pessimistic. All the indications are that there has been a continuing unionist swing away from the Agreement, and that it will take major and clearcut movement from republicans to persuade them to revert.

Rory Montgomery
2 September 1999

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Secret

cc PST. DSH. PMHS. PSST
Mr Barker. Dr Mansergh.
Mr Wood; Sir Kerr
Gallagher RI

Sec Gallagher

Conversation with David Lavery, Head of David Trimble's Office

1. I had a lengthy conversation this morning with David Lavery to get his assessment of where matters stood in the run-up to Monday's re-commencement of the Review of the implementation of the Agreement.

Trimble's Approach to Review

2. Lavery's strong expectation is that, despite the talk about seeking postponements, the UUP will be present at the Review on Monday. Trimble has been under pressure from some quarters in the party (in particular from John Taylor) to go the postponement route, and he had been toying with the possibility during the week (the Frank Miller story in the *Irish Times* on Tuesday). He had pulled back somewhat from that option in the interim and Lavery said that he would be "astonished" if the outcome of the current debate on the matter in the party were to result in anything other than participation on Monday. Technically, a formal decision remains to be taken. The sequence in this regard will be a meeting of the Assembly party this afternoon, a meeting of the party officers tomorrow, and a meeting of the full Executive Council on Saturday.

3. That said, Lavery felt that there was little confidence in the party that a breakthrough was likely in short order. Trimble remained committed to the

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full implementation of the Agreement and to an inclusive Executive involving Sinn Féin. But, given the events of the Summer (the Bennett killing, the arms affair etc), doubts about the commitment of the republican movement to exclusively peaceful politics had increased steeply. There was no way in current circumstances that Trimble could get party backing for entering at once into an Executive with Sinn Féin. [Lavery told me that when he showed Trimble Niall O'Dowd article in the *Irish Times* yesterday as a potentially positive piece, Trimble responded by pointing to Brian Feeney's column in yesterday's *Irish News* (attached). Lavery said that Trimble saw Feeney's analysis as entirely valid, namely that only Sinn Féin could address unionist concerns and unless they did so there was no way the UUP could join them in government.]

4. Lavery said that Trimble and the UUP see the Summer's events as having vindicated their stance on the *Way Forward* and their doubts about the "seismic shift" in the republican position. There was a huge reassurance issue involved. The presumption was against the formation of an Executive being feasible at this time, unless a way could be found by Sinn Féin to demonstrate their commitment to democracy and non-violence. Lavery said that in the absence of such a way, he saw no chance of an Executive being formed this year. He argued that Trimble was not interested in running down the clock until next May (as some commentators were suggesting was his strategy), that he was fully committed to seeing the Agreement implemented *in toto*, but that there was no way he could contemplate that in current circumstance.

5. Lavery suggested that there were two ways that Sinn Féin's credibility could be restored in unionist eyes - either they could take an initiative immediately themselves (he was not specific in this regard - presumably something on the decommissioning front would be an obvious possibility) or more time had to

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elapse during which the ceasefire remained intact (Lavery noted that even the DUP agreed that the longevity of the ceasefire was a possible yardstick in itself of seriousness of intent).

6. I recalled the argument of some in the UUP in July that while a deal was not on at that time, there was a better chance of one in September. Lavery responded that this too was his own view at the time. The problem was that the fence had gone up in the meantime and was not now "jumpable" for the UUP in current circumstances.

7. I put it to Lavery that the credibility issue was not confined to Sinn Féin. Many on the nationalist side - and not just within Sinn Féin - viewed the latest sounds coming from the UUP camp as further evidence for the case that unionists had no intention of sharing power with nationalists and that a way would always be found to move the goalposts (the time was not right in July for one reason, and now it was not right in September for another).

8. Lavery accepted that the mistrust factor worked both ways and that this was the challenge facing Mitchell. The latter would have to be a "Trustee" facilitating dialogue and enabling each side to "hear" each other. He noted that one of the problems in July was that the Governments were talking about a shift in Sinn Féin's position, but that when the UUP talked directly to them they could not hear or see it. Mitchell could help overcome that kind of problem. At the same time, we should be aware, Lavery said, that Mitchell's credibility was not 100% on the unionists side. There was a folk memory in the community of the Report of the International Body expressing conviction of a commitment on the Republican side to democracy and disarmament, a commitment which according to unionists remained to be demonstrated. This tended to undermine Mitchell somewhat [although he made clear that this was a relative matter in

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that he described the latter's credibility rating as being "ninety something per cent"!]

9. Lavery said that Trimble's likely approach to the Review will be to tackle Sinn Féin on the credibility issue in the first instance. Only then is he prepared to move on to discussing the Review proper.

Judicial Review of Secretary of State's Determination on IRA ceasefire

10. Lavery said that it was now virtually certain that a legal challenge would be mounted to Mo Mowlam's decision of last week. The challenge was likely to be taken indirectly rather than directly by the UUP. They have in mind a constituent of Jeffrey Donaldson (who, of course, has been taking the lead on this issue inside the party) who lost both her parents in the Shankill bomb of 1993. The woman in question plans to base her case around preventing the release of Seán Kelly, who was convicted for the bombing. It is likely that leave to apply for a judicial review will be tabled within the next few weeks. They expect that the leave to apply will be granted, given the circumstances of the case.

11. However, Lavery said that they have no great expectations that the case itself will be successful - to a large extent the decision to proceed had to do with party management "and keeping Jeffrey on board". The woman in question was, however, a credible and articulate appellant. Technically, she would be taking the case in her own name, but with the tacit support of her MP and of the UUP. Despite what John Taylor had been saying (about the Review having to be postponed until after the case was decided), Lavery did not expect it to interfere unduly with the Review process. He also expected the matter to take time. After the judgement (the case would be heard in the first instance by the

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High Court), there was likely to be an appeal to the Northern Ireland Court of Appeal and in the final resort to the House of Lords.

Patten

12. Lavery said that Trimble had been badly spooked by the *Belfast Telegraph* story on the likely Patten Commission findings. There was no sign of him calming down, although Lavery said he was personally working hard on trying to get him "into the comfort zone" and to get him engaged intellectually (as distinct from emotionally) on the issue. The kind of arguments he was using to Trimble was that reform and local accountability were needed in their own right and he was providing anecdotal evidence from his own experience of how policing had broken down in many areas. As a result, many people had simply been turning to the paramilitaries as the only available resort. Lavery was arguing to Trimble that this was not a tenable situation in the longer term and that there were real issues to be addressed.

13. Lavery said that Trimble had had a useful meeting recently with the Chief of Police of Pasadena who was in Northern Ireland on an Eisenhower Fellowship. The Police Chief told Trimble that on the basis of his observations during his visit, effective policing was not being delivered. He recounted that within minutes of his hotel (Jury's Belfast), he personally saw drug dealing, prostitution and petty crime happening in open sight of two police landrovers, the personnel of which simply sat in the vehicles talking to each other! In his encounters with RUC officers, however, he noted a considerable openness to the need for reform, side by side with a nervousness about what that would mean in practice. Receptivity to reform was particularly pronounced in the middle ranks, but there was a concern that Patten's findings should not result in "tokenism or ill-considered" proposals.

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14. Lavery said that a particular concern of Trimble's was to keep a central command; he was very worried that "if you push down autonomy" (to the local districts) you opened the door to the paramilitaries.

Contacts between UUP and Sinn Féin

15. Lavery confirmed that Ed Moloney's story in last Sunday's *Tribune* (attached) about ongoing contact between the UUP and Sinn Féin over the Summer was broadly accurate. There had been about five meetings in all. Trimble had not been directly involved (Lavery did not say who the UUP personnel were, but presumably they were as identified by Moloney - Michael McGimpsey, Fred Cobain and Danny Kennedy). Lavery understood that the initiative was a direct result of the promise the party had made to the Taoiseach and the British Prime Minister in July to maintain contact with Sinn Féin over the Summer. There was some awkwardness for Trimble that the story had come out at this time, given the furore over the IRA ceasefire issue. The feeling in the UUP was that the exchanges had run their course and would now be superceded by the Review process. Trimble's assessment was that they had not advanced matters particularly, but neither had they set them back.

16. Lavery was unsure about where the proposal for an interim Committee system had come from, although his understanding was that it had been discussed by the group. He personally did not think it was a runner. (Comment: it runs directly counter to what we know of SF thinking; it certainly would not be supported by the SDLP. It has been promoted in the past by John Taylor.)

It isn't!

bc

T O'Connor

2 September 1999

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