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FAX

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To Mr Colm O Floinn
HQ

From Joint Secretary
Belfast

Subj: **Scenarios for next week**

PSM; PSMS; PSSG; Messrs. Teahon, Mansergh & Dalton, Ambassadors London & Washington; Joint Secretary; Counsellors A-I

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Confidential

Scenarios for next week

I had a conversation this afternoon with Jonathan Stephens about the possible scenarios for next week, particularly in the event of no deal being reached on decommissioning.

The Secretary of State, as we know, has undertaken to convene a meeting of the Assembly in the week beginning 29 March for the purpose of running D'Hondt. The relevant Standing Orders are with the Presiding Officer; all that remains is for the Secretary of State to send a letter to Alderdice naming a date. A minimum period of twenty four hours between receipt of this letter and the holding of the meeting would be normal.

There will be only one item of business for this meeting - the running of D'Hondt. Under the Standing Orders, there is provision for a three-hour adjournment to be granted before this item is taken (reflecting a desire on Trimble's part to cater for last-minute developments on decommissioning). When the meeting resumes, the running of D'Hondt would take place immediately.

If, however, an exclusion motion is received by Alderdice before, or at the beginning of, the meeting, this takes precedence over the scheduled business. To be accepted for debate, such a motion would require thirty signatures, i.e., the DUP and smaller anti-Agreement groupings would not suffice on their own but would require some UUP support. If the motion were accepted, Alderdice would probably adjourn the meeting until twenty-four hours later to allow members to prepare for the debate. It would be left to his discretion to decide how long the debate should then last. Stephens recalled that motions of this kind took up several days' debate during the negotiations leading to the Agreement. (Note: We have since learned that the Secretary of State has mentioned to Seamus Mallon the possibility of her forwarding a revised Standing Order which would have the effect of limiting the debate to twenty-four hours). The outcome of the debate is, of course, wholly predictable - a motion to exclude Sinn Féin would not attract the requisite cross-community support.

The D'Hondt procedure would then be run. A variant to the above which Stephens mentioned is that, when asked to nominate his Ministers, Trimble would decline to do so and put down instead his own exclusion motion, for which he would have sufficient support. The procedure indicated above would then be followed, at the end of which the motion would fail and Trimble (as he confirmed to the British Government yesterday) would resign as First Minister. The running of D'Hondt would continue, yielding a probable outcome of five

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SDLP Ministers, four Sinn Féin and one Alliance. (The British take it for granted that the DUP will not take their seats if Trimble has resigned beforehand).

If the First Minister resigns, the appointment of the Deputy First Minister also ceases to be valid, as both are linked under the legislation. The Secretary of State would find herself with an Executive which lacked a First Minister and Deputy First Minister, apart from failing to meet the test of cross-community support, and would be unable to devolve powers to it.

Trimble, incidentally, mentioned to the British yesterday his view that, if he has to resign, he will not be able to muster sufficient votes to secure his re-election at a later stage as First Minister. He expects that the UUP would be divided down the middle in the event of his resignation and that he would not be able to muster the thirty votes required for parallel consent.

If developments over the next few days point towards a deal which would enable devolution to be achieved before Easter, the Secretary of State would probably want to convene the meeting of the Assembly for next Monday, to allow for delays caused by possible exclusion motions. If, however, a deal continues to be elusive, she will probably prefer to buy more time for agreement and to delay convening the Assembly meeting until the latest possible point next week. She will want to honour her commitment to call the meeting sometime next week but will not feel obliged in circumstances of continuing disagreement to ensure that the process of running D'Hondt is necessarily completed before Easter.

I asked Stephens about the Prime Minister's attitude on these various points. He said that, while Mallon has been arguing that the D'Hondt procedure must be run next week, Trimble has predictably taken a different line. He has agreed that "we must all accelerate towards the brick wall but we must also have a braking mechanism to ensure that we don't actually crash into it". Stephens hinted that there would be some sympathy on the British side (including on the Prime Minister's part) for the view that a braking mechanism of some kind is required in order to prevent the fall of Trimble and the possible collapse of the Agreement. At the same time, they recognise the need for the British Government to be seen to be discharging fully its obligations under the Agreement and the risk that a delay in running D'Hondt would be perceived as an abandonment of its obligations.

DD

David Donoghue
23 March 1999

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