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Mauna - please put a copy
on A 274/00 ← DA 2.3
1. Mrs Anglin 2.2.00
To note X
2. Mr Treford
To note and
return.

The Office of the First Minister
and Deputy First Minister

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HCS/194/00

FROM: JOHN SEMPLE
1 MARCH 2000
(B&L)

cc PS/Mr Ingram (B&L)
PS/Mr Howarth

PS/Mr Pilling (B&L)
Mr Jeffrey
Mr Carvill
Mr Stephens
Mr McCusker
Mrs Moore
Mr Crawford

PS/SECRETARY OF STATE (B&L)

CIVIL SERVICE SUPPORT FOR DAVID TRIMBLE

Issue: Trimble's reaction to his lack of Civil Service support during suspension.

Timing: Urgent.

Recommendation: To note Trimble's reaction and the likelihood that he will raise the issue (especially as it relates to David Lavery) with No 10 today. To note Joe Pilling's letter of 29 February.

1. As requested by the Secretary of State, I met David Trimble yesterday and explained why his civil servants in his Private Office could no longer support him during suspension.
2. I explained that I would endeavour to keep all members of his Private Office for a period of months including David Lavery and Maura Quinn in such circumstances that they could return to work for him immediately on restoration. However, the longer direct rule continued,

the more difficult this would be.

3. David expressed disappointment that the unique situation of suspension had not been recognised. He felt that those who had prepared the suspension legislation were at fault in not making provision for Civil Service support for him during the suspension period. (My understanding is that the issue was addressed but it was felt that any such support would have to be made available to all devolved Ministers not simply to the First and Deputy First Ministers and that this did not fit with the concept of suspension.)
4. I mentioned that the position of Special Advisers, which he had raised with the Secretary of State earlier in the day, was different and was under urgent consideration.
5. The Secretary of State may already be aware that David Trimble is to meet Jonathan Powell and John Sawers on Wednesday. It seems likely that Trimble will raise the issue of Lavery on that occasion. In the Secretary of State's absence in Israel, Joe Pilling has written to John Sawers to brief him on the issues. This letter is attached at Annex A. The letter reflects the Secretary of State's conclusion that Lavery and other civil servants could not work for David Trimble during the period of suspension.
6. If the Secretary of State agrees to facilitate the retention of former Ministerial Special Advisers, then this would be a more positive message, which could fulfil the Prime Minister's assurance to Trimble that he would try to keep his team together. Joe Pilling's letter reflects that this proposal is being considered by the Secretary of State.

JOHN SEMPLE

ANNEX A

Mr John Sawers
PS/Prime Minister
10 Downing Street
LONDON
2000

29 February

[Dear John]

I understand that you and Jonathan Powell will be meeting David Trimble on Wednesday and that the future of David Lavery may be discussed. This letter provides you with briefing.

Peter Mandelson has addressed the issue of Civil Service support for David Trimble during suspension. Since, under the suspension legislation, David Trimble has no Ministerial role, Peter has concluded that Civil Service staff, including David Lavery, cannot work for him during the period of suspension. The Private Office team will be held in readiness for an early resumption of devolution. The longer direct rule continues, the more difficult it will become to keep the team available to return but that is a bridge we don't need to cross now. At Peter Mandelson's request, John Semple spoke to David Trimble yesterday and explained the position. Trimble expressed disappointment that those responsible for drafting the legislation had not recognised the special situation created by suspension and thus included provision which would have permitted civil servants to work for him. Trimble had earlier mentioned the position of Special Advisers to Peter Mandelson and John confirmed that this was under consideration.

John also spoke to David Lavery yesterday. Lavery is clear that he cannot work directly for Trimble during the period of suspension. This would identify him completely with the Ulster Unionist Party and in his own career interest he does not want this. Lavery would like to work for

the NIO talks team but if that option is not available he would have a choice of returning to his post as Private Secretary to the Lord Chief Justice or of undertaking a number of ad hoc projects in the Office of the First and Deputy First Ministers. Whatever option is pursued, he will be in a position to return to David Trimble as his PPS, at least until June 2000.

Seamus Mallon got wind of the idea that Lavery might continue to work for Trimble as leader of the UUP. He wrote a strongly worded letter to Peter expressing opposition to this not least because of the harm it would do to the image of the Northern Ireland Civil Service as a whole.

Placing Lavery in the NIO talks team would be subject to serious difficulties. His relationship with Trimble would provoke an immediate and extremely hostile reaction from Seamus Mallon, almost certainly in the media. Lavery would find himself under pressure from Trimble to brief him informally on developments. He would thus either lose the trust of his colleagues or damage his relationship with Trimble. Lavery would also find it difficult, if he had to support the Secretary of State in giving unpalatable messages to Trimble. The proposal would, quite simply, create more trouble than it would be worth.

X On a more positive note, Peter Mandelson has been considering the position of former Special Advisers. All nine Special Advisers (three for Trimble; three for Mallon, one for McGuinness; one for De Brún and one for Robinson) have either received three months' severance or in the case of Mallon's EC-based Advisers (Larkin and Logue) have been allowed to remain for a further period. Trimble's three Advisers are working for him at present but need reassurance that there will be an arrangement to keep them on board at their current levels of remuneration beyond the three months. Peter has it in mind to create circumstances which would allow former Advisers to be retained for a further period. Details of this proposition are being worked up.

A copy goes to Richard Wilson. If you have any queries, please contact me or John Semple who also receives a copy of this letter.

[Yours ever, Joe]

JOE PILLING

-hcc PS/Secretary of State (B&L)
PS/Mr Ingram
PS/Mr Howarth
Mr Jeffrey