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25/8

FROM: J JOHNSTON
Constitutional & Political Division
21 August 1998



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cc See Attached List

NOTE FOR THE RECORD

MR MURPHY'S MEETING WITH DAVID TRIMBLE: 21 AUGUST 1998

Mr Murphy, Mr Semple and Mr Jeffrey met Mr Trimble for 45 minutes this morning to touch base on a range of issues related to the Assembly and the response to the Omagh Bomb. Mr Barr and I were also present with David Campbell, David Kerr and David Crabb from the First Minister's (designate) office. Topics discussed included the Northern Ireland Bill, security response to the Omagh Bomb, President Clinton's visit, preparation for the Assembly meeting on 14 September, the BIC and the LVF ceasefire.

Northern Ireland Bill

Mr Murphy opened by suggesting that the Government and the parties should meet in mid-September to discuss outstanding issues related to the Bill. There would be a need to set aside sufficient time for detailed discussions of possible amendments in the Lords. Mr Trimble agreed and suggested that there was a need for urgency in taking discussions on the Bill forward. He also suggested that part of the discussions could involve himself and the Deputy First Minister in their joint roles.

Response To The Omagh Bomb

Mr Murphy advised that the Prime Minister was considering Mr Trimble's letter which set out his suggestions for security policy and the need for related legislation. Mr Trimble replied that the RUC Chief Constable had informed him that virtually all the security suggestions on the RUC's agenda would require primary legislation although there was a possibility that an Order in Council might achieve some of the changes. Mr Trimble thought using an Order in Council would be politically disastrous when compared alongside the recall of the Irish Parliament. While he understood the potential embarrassment for the Secretary of State to be placed in the position of re-enacting anti-terrorist legislation which she had recently repealed, primary legislation was needed to sustain public confidence. Mr Murphy replied that he had some concerns that if Parliament was recalled the session might descend into a great row with allegations that the Government was not doing enough which would not help public confidence. Mr Trimble suggested that it would be better to recall Parliament than the Assembly because a row from the DUP or UKUP could be better contained at Westminster than in Stormont where discord in the chamber would impact on the wider community. He emphasised that it was necessary to enact primary legislation at Westminster in parallel with the Dáil in order to prevent a safe haven for the Real IRA in Northern Ireland.

Mr Murphy suggested that one potential problem in using the opinion of a senior RUC officer to confirm membership of an organisation was determining whether the Courts in Northern Ireland would be willing to convict on such evidence. Mr Trimble replied that

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he had similar concerns but thought that politically the UK Government had no alternative to going down that road because of the action of the Irish Government. The trick might be to frame the legislation in such a way that it directs the Court to convict while taking into account the defendant's response. He understood that the Irish Government's soundings in the Republic of Ireland indicated that this would work with the judiciary in the South. The Irish were therefore hoping that the legislation would be sufficient but were retaining the possibility of internment if the legislation failed. The UK Government therefore also needed the option of internment to parallel the position in the South. Mr Murphy replied that he would put Mr Trimble's points to the Prime Minister.

Memorial Service

Mr Murphy said that it was likely that the Deputy Prime Minister would attend the service tomorrow and that a more significant service would be held in the Autumn which the Queen may attend. Mr Trimble asked for his and Mr Mallon's diaries to be coordinated to ensure that they were available for all significant events. He noted that there might be a conflict with the 10 cities tour in the USA which was planned for the Autumn.

President Clinton's Visit

Mr Trimble emphasised that President Clinton had no choice other than to visit Omagh and suggested that the visit to Armagh to meet victims should be moved to Omagh.

Preparations for the Assembly Meeting on 14 September

Mr Murphy enquired as to what progress had been made on the issues (ministerial portfolios, North/South co-operation and Civic Forum) which the First Minister and Deputy First Minister are to report to the Assembly. Mr Trimble expressed concern that progress to date was insufficient because of inadequate civil service support. He said that the current support arrangements were not proactive enough and what he required was advice from someone with weight and political nous who he could trust and who would be proactive in anticipating his needs. He complained about an inadequate response to a question which he asked on the ACE (Action for Community Employment) Scheme but was complementary about advice received on pigs from DANI. Mr Semple acknowledged that on the Departmental side the system needed to become more proactive but on the preparations for the Assembly officials had already delivered three papers and were working on a fourth.

British/Irish Council

Mr Trimble requested a further meeting with Mr Murphy in order to update him on the arrangements for the launch of the BIC. Mr Murphy agreed.

Funding for Party Support

Mr Murphy suggested that he would have a further discussion with Mr Trimble on the funding of party support in the Assembly as he was concerned that the recent letter

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from the Secretary of State to parties did not fully reflect the arrangements which he had discussed with the parties before the Parliamentary recess.

LVF

Mr Trimble said that the UUP had been receiving strong signals that the LVF was prepared to engage in some real decommissioning within a very short space of time because they realised that their prisoners were unlikely to be released on the basis of a ceasefire alone. His personal view was that the LVF wished to slim down to their core business of ordinary criminal activity. His sources had indicated that the LVF had not received encouragement from the Government and there was a suspicion that the Government was fobbing them off to save embarrassing the UDA and UVF. He suggested that in order to build confidence the Government should relax Rule 32 for LVF prisoners in order to demonstrate that it was taking their ceasefire seriously. Mr Jeffrey replied that officials had been talking to Pastor McClinton and while emphasising to him that the door was open had been cautious in not leading him to believe that LVF prisoners would be automatically released. With regard to Rule 32 he understood that it was the judgement of the Maze Governor that it was not in the interests of the safety of prisoners to relax Rule 32 at present. Mr Trimble replied that Pastor Ian Major had advised him that the situation was now safe because of the transfer of particular prisoners to other wings.

Signed: Jackie Johnston

J JOHNSTON

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cc: PS/Secretary of State (B&L)
PS/Mr Ingram (B&L)
PS/Mr Murphy (B&L)
PS/Mr Pilling (B&L)
PS/Mr Semple
Mr Jeffrey
Mr Watkins
Mrs Brown
Mr Leach
Mr McCusker
Mr Stephens
Mr Brooker
Mrs Collins
Mr Hill
Mr Kelly
Mr Lindsay
Mr Maccabe
Mr White
Mr Whysall
Mr Warner

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