



Prime Minister

PRIME MINISTER

ANGLO-IRISH TALKS - MEETING WITH MR MOLYNEAUX AND DR PAISLEY

I haven't seen the Unionist MP. You may like to glance at this over the week-end. 2. I think you ought also to see Mr. Home before 15 November. Agree? CDP 257x.

The Meeting

You and I are to meet Mr Molyneux and Dr Paisley on 30 October. You met them on the same subject with my predecessor on 30 August. The occasion of this meeting is an exchange of letters about the Anglo-Irish negotiations. (I attach copies). In the last letter you expressed your willingness to see Mr Molyneux and Dr Paisley together to listen to any proposals they might have for a new devolved administration which would be acceptable to the Northern Ireland community as a whole. The offer was taken up, but the meeting is likely to be principally about Anglo-Irish Relations.

Aim of the Meeting - Mr Molyneux and Dr Paisley

2. Mr Molyneux and Dr Paisley are resolutely opposed to any Anglo-Irish Agreement and will see any Agreement as undermining Northern Ireland's position as part of the United Kingdom. It seems likely that they will wish to use this meeting to put their points to you, and to be seen to have done so publicly; there are unlikely to be any histrionics. They are also likely to stress the strength of likely Unionist reaction; and to put various detailed arguments against the Agreement. The latter are covered in a detailed brief at Annex A. It reflects the points made in correspondence and in the Northern Ireland Assembly debate.

Our Aim

3. Our aim at the meeting must be to demonstrate, privately and publicly, that we are prepared to listen to Unionist views; that we understand their legitimate concerns; and that if an Agreement is

achieved it will be on a basis that absolutely maintains the position and status of Northern Ireland as part of the United Kingdom on the clear basis already many times stated by you, but which also recognises the interests that we have in better relations with the Republic and the benefits that could flow for all in Northern Ireland from improved co-operation in many fields including particularly security.

Confidentiality of the Talks

4. Mr Molyneaux and Dr Paisley have not been made aware of the details of our negotiations with the Irish, and it rankles that the latter have had no such scruples in relation to the SDLP, although Mr Molyneaux was offered the briefing on a Privy Council basis and declined. (If he were to seek further briefing on that basis it would be hard to refuse, but it seems unlikely that he would wish a briefing which would effectively tie his hands). They have gleaned much from leaks in the newspapers. Nevertheless there can be no question of now briefing Mr Molyneaux and Dr Paisley on the details of the talks at this meeting, because they would leak. Any detailed points in the Agreement should therefore be answered on the basis that the Agreement must remain confidential and that we cannot comment on newspaper speculation. What we can do is confirm that there will be no derogation from our sovereignty over Northern Ireland; nor would there be any impediment to devolution at a future date. What we hope to achieve is closer co-operation, particularly in the area of security, and by giving recognition to both identities in Northern Ireland, greater peace and stability.

Other Points

.... 5. The meeting is ostensibly about devolution and Mr Molyneaux and Dr Paisley may raise some points on it, if only as an alternative to Anglo-Irish developments. Briefing is included at Annex A. We should also bear in mind that the substance of the meeting may well be reported to the media shortly afterwards. We should therefore avoid any implication of differences between ourselves and the Irish. We must also avoid saying anything which might be repeated publicly

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by Mr Molyneaux and Dr Paisley and which might affect Irish sensibilities (eg referring to the Agreement as "consultative"). There can be no doubt that the Irish will listen carefully to any statements they make and are in a mood to take offence because of the Hermon remarks. I attach at Annex B a short brief on phrases to avoid, which I have found very helpful as an aide-memoire and which you may like to have.

7. I am copying this minute to Geoffrey Howe and Sir Robert Armstrong.

N Howard
Private Secretary

for T K

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

25 October 1985

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(a) THE ANGLO-IRISH AGREEMENT - DETAILED POINTS

(i) SOVEREIGNTY

Argument

Mr Molyneaux and Dr Paisley may argue that any arrangement which applied to Northern Ireland alone, or even any arrangement that allows a "foreign" country influence over the United Kingdom's internal affairs is a derogation from sovereignty.

Response

The Government is certain there will be no derogation from the United Kingdom's sovereignty.

Background

While we do not accept Mr Molyneaux's and Dr Paisley's view of sovereignty, the Secretary of State would hope to avoid an academic debate on the nature of sovereignty. The Agreement makes it clear in Article 2(b) that there is no derogation from sovereignty.

(ii) CONSTITUTIONALITY

Argument

Mr Molyneaux and Dr Paisley may well refer to the possible challenge they may mount against Anglo-Irish Agreement in the courts.

Response

We believe that any Agreement would be wholly consistent with the law including the 1973 Northern Ireland Constitution Act.

(iii) ACCEPTABILITY TO THE UNIONISTS

Argument

Mr Molyneaux and Dr Paisley may well put the argument that the acceptability of any Anglo-Irish Agreement to Unionists should be tested. They will argue that the Government is committed to this by the Communique to the November 1984 Summit in which the Prime Minister and the Taoiseach agreed that:-

"The identities of both the majority and minority communities in Northern Ireland should be recognised and respected and reflected in the structure and processes of Northern Ireland in ways acceptable to both communities".

Response

This passage in the 1984 Communique referred to a possible devolved Government, not to inter-governmental arrangements. The Government has consistently made it clear that any devolved Government would have to be acceptable to both sides of the community, most notably in the 1982 White Paper which preceded the 1982 Northern Ireland Act. It is right that arrangements for devolved Government should require the support of both sides of the community and if they are to be equitable and durable they must be subject to this test. But relations with the Republic, whose significance goes much wider than Northern Ireland, have always been a matter for Westminster and, through Parliament, for the people of the United Kingdom as a whole.

Background

This is obviously a key point on which we must insist, and Unionists of all people, must respect the sovereignty of the United Kingdom Parliament.

(iv) THE REPUBLIC'S CONSTITUTIONAL CLAIM

Argument

Mr Molyneaux and Dr Paisley may argue that the Government should insist on the Republic deleting Articles 2 and 3 from their Constitution (these lay claim to Northern Ireland as part of the Republic of Ireland). They will argue that unless this is done the Republic's de jure claim will remain in force.

Response

The Taoiseach made the commitment in the 1984 Summit Communique that any change in the status of Northern Ireland as part of the United Kingdom would only come about with the consent of the majority of the people of Northern Ireland. This recognises the principle of consent, which lies at the heart of the guarantee to the Unionists.

Background

If possible we should avoid getting into Article 2 and 3 'de jure' arguments, not least because it drags us into detail on the Agreement.

(v) CONFIDENTIALITY

Argument

Mr Molyneaux and Dr Paisley will certainly argue that they should have been fully briefed on the discussions; and that the confidentiality of the discussions has been damaging in Northern Ireland.

Response

We must accept that this is a problem, but confidentiality of the discussions is essential if they are to

succeed; diplomatic discussions cannot succeed in the glare of publicity. We have attempted to treat all parties alike. The Irish Government's contacts with the SDLP are not for us to comment on.

Background

What the Secretary of State has actually done is that while he has not been able to disclose any details of the Agreement, he has tried to make clear both in private and in public what is not in the Agreement to avoid unnecessary alarms. He thinks this has given some general reassurance, although Messrs Paisley and Molyneaux are unlikely to admit this.

(b) DEVOLUTION AND INTERNAL POLITICAL DEVELOPMENT

Points to Make

- (i) Better Anglo-Irish relations, and political progress with Northern Ireland, are not alternatives which can be traded against each other. The Government wants both.
- (ii) Mr King will be seeking ways of making progress towards a devolved government in Northern Ireland which will be widely acceptable throughout the community. Any new arrangements must meet this criterion if they are to be stable and to survive.
- (iii) We remain ready to consider any proposals which they wish to put forward in the light of this criterion.

Defensive Notes

- (i) SDLP Veto: If a new local administration is to promote greater stability and to help heal the divisions between both parts of the community, it must be accepted by the constitutional representatives of the minority.

- (ii) Sir Frederick Catherwood: Sir Frederick Catherwood acts in an entirely private capacity. The Assembly Report Committee is entitled to choose anyone it wishes to help its work.

Background

The Unionist leaders are at present keen to show an accommodating face in relation to political development within Northern Ireland in an attempt to persuade the Government to abandon their discussions with the Irish Government. In their joint letter of 28 August to the Prime Minister they indicated a willingness to participate as members of a devolved government in Anglo-Irish discussions. They also offered "short of seats in Cabinet, to consider any reasonable proposals for the protection of minority interests in a new Parliament of Northern Ireland". They protested at the SDLP's continuing "veto" over internal political development.

This offer appears to differ little from the positions advanced last year by the UUP in "The Way Forward" and in the DUP's submission to the Assembly Devolution Report Committee. These documents made clear that the DUP would not oppose a minority role in Committees in the event of a return to majority devolved government on the Stormont model: and that the UUP would be prepared to contemplate additional statutory protection for the minority - perhaps going as far as a Bill of Rights - if greater executive powers were given to the Northern Ireland Assembly. These proposals did not go far enough for the SDLP nor did they meet the Alliance Party's requirement for partnership and proportionality in government. There is no chance of them commanding the widespread acceptance which the Government and Parliament require for any new devolved administration .

Devolution Report Committee

The Report Committee (UUP, DUP, Alliance) on 30 september asked Sir Frederick Catherwood, MEP, to be an interlocutor among them in a renewed effort to reach agreement on arrangements for

devolved government. This may be a genuine attempt by the Committee, conscious that the Assembly's last year has begun, to make progress. But it is more likely that the invitation was an attempt by the Unionist parties to appear constructive and willing to involve the minority in Government in the concluding stages of the Anglo-Irish discussions.

Sir Frederick Catherwood discussed the parties' offer with the Secretary of State on 17 October. Mr King expressed reservations, but made it clear that the final decision must be for Sir Frederick; and that he was not acting for the Government. Sir Frederick travelled to Belfast on 21 October and has informed the Secretary of State that he believes he is making progress.

Mr King has now seen him again on Friday 25 October at which Sir Frederick announced that he had now reached agreement with UUP, DUP and Alliance, was on his way to meet John Hume and was confident that he would also accept, and that he would therefore be able to put forward a totally agreed proposal for the future devolved Government of the Province. As Mr King saw Mr Molyneaux the previous evening who told him privately that he had not in any way agreed the Catherwood proposals, and Mr Hume also said that he would not be agreeing to anything in advance of an Anglo-Irish Agreement, the Secretary of State thinks Sir Frederick Catherwood's illusions may be rather shortlived.

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ANNEX B

WORDS AND PHRASES TO BE AVOIDED

"We are discussing consultative arrangements with the Irish".

The Irish are sensitive about the idea that they will merely be consulted. It would be better to say "we will listen to the views of the Irish" or some other formulation.

"Joint authority" or even "Jointly"

The Forum Report proposed "joint authority" between the Irish and British Governments as a way of administering Northern Ireland. But anything which is a joint exercise of power will be seen as derogating from our sovereignty.

"Security co-operation" without mentioning other forms of co-operation.

The Irish are sensitive about the idea that we are only interested in security co-operation, an idea which can cause them difficulties domestically. We should therefore always mention other forms of co-operation, but without being specific.

"The Forum Report was rejected....."

It is essential to the Irish that they can present their actions as part of the Forum Report progress. It is therefore important to them that the British Government is not seen to be rejecting the Forum Report as a whole. HMG welcomes its commitment to non-violence, its recognition of the Unionist identity, the importance it attaches to consent.

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