



NORTHERN IRELAND OFFICE
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Prime Minister

CDP

29/x.

29th October 1985

MP

Dear Charles,

MEETING WITH MR MOLYNEAUX AND DR PAISLEY ON 30 OCTOBER

There have been indications in the press that Mr Molyneux and Dr Paisley will raise the possibility of a referendum to test the acceptability of an Anglo-Irish Agreement to the people of Northern Ireland. They may argue that this would be in line with the referenda by which in 1979 the peoples of Scotland and Wales were consulted on the devolution proposals contained in the Scotland and Wales Act 1978.

Mr King's minute of 25 October put the arguments against testing the acceptability of an Agreement to Unionists. The argument against holding a referendum on the analogy of the 1979 referenda in Scotland and Wales is similar. If the question of a referendum is raised the Prime Minister should say that the Anglo-Irish talks are concerned with finding ways in which the United Kingdom Government can better conduct its relations with the Government of the Republic of Ireland, and that such matters are for the Government and Parliament to determine. The Scotland and Wales referenda, on the other hand, were not about international relations but about arrangements for regional Government. There is a parallel requirement for determining the acceptability of any such devolved arrangements in Northern Ireland. Any future devolved administration in Northern Ireland must be widely acceptable throughout the community - that is to both parts of the community - if it is to be acceptable to the Government and Parliament. (There are some obvious differences of detail between the Scottish and Welsh referenda and the requirement that new devolved arrangements in Northern Ireland should be acceptable to both sides of the community. In Scotland and Wales the two referenda required a majority, and at least 40% of the whole electorate in favour of change. In Northern Ireland the formal requirement is one of "widespread acceptance throughout the community". Ultimately this would be for Parliament to decide. But the Northern Ireland Act 1982 provides that proposals from the Assembly which have the support of at least 70% of Assembly Members, or a majority in favour and the Secretary of State is satisfied that they would command widespread

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acceptance throughout the community, would go before Parliament for consideration. Nevertheless in both cases there is a common principle: that the form of local administration should be acceptable to local people - with, in Northern Ireland, the arrangements adjusted to the existence of the two communities).

There have also been further developments on Sir Frederick Catherwood's proposals, which are mentioned in Annex A to Mr King's minute of 25 October. The full Assembly is to debate Sir Frederick's proposals, which it has been reported have been agreed with the Assembly Report Committee, this afternoon. I am writing separately on this.

I am copying this letter to Len Appleyard and Michael Stark.

Yours Sincerely
Neil Ward

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Dear Charles,

MEETING WITH DR PAISLEY AND MR MOLYNEAUX

At the meeting tomorrow morning, Dr Paisley and Mr Molyneaux are likely to raise the question of devolution to the Northern Ireland Assembly.

The background is as follows. Earlier this month, the Assembly's Devolution Report Committee asked Sir Frederick Catherwood MEP to help them reach agreement on arrangements for devolved government. He began work on 22 October and, after a series of meetings with all four main parties, including the SDLP, reported to the Committee that he had reached agreement on a scheme. Under his plan, the majority in the Assembly would consent to the formation pro term of a minority Executive consisting of SDLP and Alliance members led by Mr Hume (with a clear understanding that this arrangement would only last for one term). There is also provision for a Bill of Rights to protect individual civil liberties.

Sir Frederick's proposals have been adopted by the Report Committee and were debated in the Assembly today. The participating parties (the Official Unionists, the DUP and Alliance) endorsed the proposals 'as a basis for further negotiation' and will be sending them to Mr King in due course. They will however present the proposals not as the formal submission envisaged by the Northern Ireland Act 1982 but as a context for urging my Secretary of State to enter into negotiations with the Report Committee and the SDLP.

On the face of it, Sir Frederick's proposals seem unlikely to be acceptable to the parties despite the Assembly's endorsement, which we believe to be largely tactical. The SDLP have so far made no public comment at all (and we are sceptical about the extent to which they are associated with the scheme). We believe the two unionist parties have gone along with the scheme in order to demonstrate their moderation and flexibility but do not seriously contemplate operating it. In the Assembly today, spokesmen for the UUP and DUP made it clear that they will only support the scheme if there is no Anglo-Irish agreement which seems to them to threaten Northern Ireland's constitutional position. At the meeting with the Prime Minister, we expect Dr Paisley and

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Mr Molyneaux to refer to their support for Sir Frederick's ideas as evidence of their willingness to reach agreement with the SDLP but to insist that they will only back the scheme if the Anglo-Irish talks are halted.

If the unionist leaders do adopt this approach the Prime Minister may wish to say that we should naturally consider very seriously any proposals which the Assembly might put to us for a devolved administration which would command widespread acceptance throughout the community. However better Anglo-Irish relations and political progress within Northern Ireland are not alternatives which can be traded against each other. The Government wants both.

I am copying this letter to Len Appleyard and Michael Stark.

*yours Sincerely
Neil Ward.*

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