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PS/Secretary of State (L)



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PRIME MINISTER'S MEETING WITH MR MOLYNEAUX AND DR PAISLEY 2. AIBK

... I attach a draft minute to the Prime Minister for the Secretary of State's signature, which briefs her for the meeting with Mr Molyneaux and Dr Paisley. I understand that the Secretary of State will also attend an oral briefing.

P N Bell



P N BELL
24 October 1985

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E.R.

SECRET

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Prime Minister

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

The Meeting

You and I are to meet Mr Molyneaux 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 Molyneaux 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 Molyneaux and Dr Paisley

Mr Molyneaux 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 NI Assembly debate.

Our Aim

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; but that we will not be deflected by Unionist objections from doing what we believe to be right.

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a) THE ANGLO-IRISH AGREEMENT - DETAILED POINTS

1) 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 UK's internal affairs is a derogation from sovereignty.

Response

The Prime Minister should assert that the Government is certain there will be no derogation from the UK's sovereignty.

Background

Mr Molyneaux's and Dr Paisley's view of sovereignty; but equally it would be unwise to enter into an academic debate on the nature of sovereignty, the precise definition of which is a matter for academic speculation. 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 would advise against entering into any detailed arguments but suggest that the Prime Minister robustly asserts 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 Communiqué 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 structures and processes of Northern Ireland in ways acceptable to both communities".

Response

This passage in the 1984 Communiqué 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 UK as a whole.

Background

It is important to maintain this line; there can be no doubt that if we were to test the acceptability of the Agreement to Unionists in any way it would prove not to be acceptable.

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 Prime Minister should refer to the Taoiseach's 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. But she should not be drawn on Article 2 and 3 or whether a de jure claim will remain in force. She should say that she will not speculate about the Agreement.

Background

To comment on Article 2 and 3 would risk revealing the nature of the undertaking by the Republic in Article 1 of the Agreement. The precise nature of the commitment by the Republic in that Article will be a matter for debate if and when the Agreement becomes public; it would be wrong to begin that argument now.

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.

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Response

The Prime Minister will wish to say that the confidentiality of the discussions is essential if they are to succeed; diplomatic discussions can ^{not} succeed in the glare of publicity. If challenged about the briefings which the SDLP has allegedly received,

she will wish to say that the British Government has attempted to treat all parties alike but that the Irish Government's contacts with the SDLP are not for us to comment on.

Background

It seems that Mr Hume has been briefed fully by Dublin, but not by us. The Secretary of State has met Mr Hume individually (along with other party leaders except the DUP), and discussed in general terms their attitudes to an Agreement.

b) DEVOLUTION AND INTERNAL POLITICAL DEVELOPMENT

i) 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 you wish to put forward in the light of this criterion.

i) 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

E.R.

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SECRET

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.

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Main Points to Make

You will wish to make several points. First, you will wish to stress the likely benefits of an Agreement to Unionists: in particular the real benefit if the minority is reconciled to the institutions of Northern Ireland and the closer co-operation on security that would also flow. We believe that these are prizes worth seeking. Second, you should reassure them, as you did in your letter of 14 October, that there is no threat to the Union and no question of the UK's sovereignty being affected. Third, while you should stress that no final decisions have been made about an Agreement, you should leave Mr Molyneaux and Dr Paisley in no doubt that the Government will be firmly committed to an Agreement once it is signed.

Confidentiality of the Talks

Mr Molyneaux and Dr Paisley have not been made aware of the details of and it rankles that the latter have had no such scruples in relation to the SLP, our negotiations with the Irish, 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.

Other Points

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 by

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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. I attach at Annex B a short brief on phrases to avoid, which I have found very helpful on an aide-mémoire and which you may like to have.

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

TK

October 1985

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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.

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