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BÉAL FEIRSTE

BELFAST

25 June, 1993

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Mr. Sean O hUiginn  
 Assistant Secretary  
 Anglo-Irish Division  
 Department of Foreign Affairs  
 Dublin 2

*At the Political  
 Developments and  
 Admin of Justice  
 Files*

Dear Assistant Secretary

Dinner with the Secretary of State

The Secretary of State invited members of the Secretariat to dinner at Hillsborough on Tuesday evening. I was accompanied by Mr Farrell and Mr O'Brien. Present with the Secretary of State were Martin Williams, Christine Collins and his private secretary. The Secretary of State was in a relaxed, slightly introspective mood and the conversation threw up several points of interest.

Main points

The main points to emerge were

- a conciliatory approach on visits by the President; he wanted to put the recent controversy behind us; and he was helpful in constructing a practical proposal about which I wrote separately on 23 June;
- the fate of his Minister of State, Mr Mates, would be decided by the wolves of the 1922 committee; he has since resigned and been replaced by Sir John Wheeler;
- a deflated, non-plussed air about the talks; an admission that he had misread public opinion; no evidence of change in his position from last year but an indication that his aim is the relatively modest one of bringing the Unionists into the Anglo-Irish Agreement (which could imply no change in Articles 2 and 3 although he did not say so).

Michael Mates

The Secretary of State introduced this subject himself saying "you are being too polite to ask but no doubt you are interested". The affair has since come to a head; Mr Mates has resigned and been replaced by Sir John Wheeler. Nonetheless, you may be interested in the Secretary of State's treatment of the issue. He said the Minister had done an

excellent job and he wanted him to stay. Mr Mates had formed the belief that Azil Nadir was being unfairly treated and had approached him about it when he was Attorney General. There had been nothing wrong in that approach; in his time in that office, he had seen many MPs privately about matters that worried them. Nor were MPs precluded from making representations to the Attorney General when they became Ministers. Mr Mates had made a foolish mistake in sending Nadir the famous inscribed watch, but that was all it was. He had accepted the use of a car for ten days but had acted within the guidelines for Ministers. He knew Mr Mates to be a man of integrity and he did not believe that his actions had disabled him from doing his job in Northern Ireland.

Having said all that, there was undoubtedly a feeling among backbenchers that he should go and if the 1922 Committee formed the view that he should leave the Government, their view would be decisive. It would not be fair but politics and war were like that. Churchill had decided to remove General Auchinleck in 1942 not because Auchinleck had done anything wrong, but because Churchill had thought it was time for a change. Montgomery had gone on to win his victories on the back of Auchinleck's work. That was how things happened sometimes.

A great part of Mr Mates' problem was the settling of old political scores, especially from the leadership campaign of 1990 in which he had played a leading part and from his earlier campaign against the poll tax in which he had been very effective. Eight to ten of the Executive of the 1922 committee were Thatcherites who were out to get him.

#### Comment

The message we took from the Secretary of State's remarks was that the decision was being left to the 1922 Committee and that if they came down against Mr Mates, the Prime Minister would expect his resignation and accept it. Why he should do so if he was happy with Mr Mates' behaviour is something the newspapers are asking this morning; and I am not sure that casting Mr Mates in the role of General Auchinleck is entirely apt. Unlike the Secretary of State, the Prime Minister has been less than fully supportive of Mr Mates who has not been completely candid with him (the issue of the Volvo car; see also my letter of 10 June on the doubts of the Cabinet Secretary).

The former GOC, General Wilsey, told me privately last year that we would find Mr Mates a stupid man and that it was no accident that he had not made it past Lieutenant Colonel in the Army. That may not be fair but I cannot say it is unfair either; Mr Mates was impulsive and often seemed to lack a sense of how his remarks could be taken; or perhaps he did not care. One trait we noticed in conversation with him here was an admiration of mavericks and rule-breakers such as, for example, the former Defence Minister, Alan Clarke, who has

also been causing much embarrassment to the Government, and the late American entrepreneur, Malcolm Forbes, for whom he acted.

#### Backbenchers with a death wish ?

The Secretary of State went on to make some comments about his own backbenchers. The atmosphere was quite extraordinary at present, different from anything he had experienced. There was an irreconcilable Thatcherite element in the party but it went deeper than that. Members were gathering in conspiratorial groups prepared to challenge the Government on all manner of things. He himself had spoken to a backbencher, a son of the former Cabinet Minister, Patrick Jenkin, whom he had helped to elect to Parliament. He had pointed out to him that the Government had a majority of 18, now 17, and that while Jenkin had a majority of over 20,000 in his constituency, many of his colleagues only had a few hundred and would lose their seats if the Government were brought down. Would loyalty to his party not count with him or loyalty to his colleagues? Jenkin had simply replied that he had to do what he had to do.

I suggested that such an atmosphere might be inevitable when a party had been in power for a long period. The Secretary of State agreed this was very likely the case. He also said, however, that backbenchers no longer seemed to be afraid of the Whips. He remembered the days when the former Army officer, Michael Redmayne, was Chief Whip. At that time, the Whips could terrify backbenchers. They would stand on the stairways and literally boot MPs into the division lobbies! The current Chief Whip, Richard Ryder, like the Prime Minister was a nice man, maybe too nice.

#### Hume and Mussolini

The Secretary of State brought up his recent remark to journalists that Hume ran his party like Mussolini. He explained that it had been arranged for him to give a briefing to six selected journalists. He had indeed made that remark. He had not intended it as a jibe but rather as a tribute to the control which Hume was able to exert over his party. However, four of the six had immediately contacted Hume and put the remarks in a bad light. When Hume had met him in London recently for a discussion on the talks, he had spoken to him privately beforehand to explain the circumstances and to assure Hume that the remark was not intended in any offensive spirit, rather the contrary. Hume had accepted his assurance.

#### Die Zeit interview

The Secretary of State also referred to his recent Die Zeit interview in which he said that the British Government would happily release Northern Ireland if a majority wanted it so. He had immediately withdrawn that particular construction but



the paper had printed it anyway. Paisley had made dramatic use of it in the local election campaign.

The context of these remarks was a series of reflections on his capacity to deal with journalists. He said that in his "nine arid years" as Solicitor General and Attorney General, he had not spoken to journalists as a rule and, perhaps, was now out of habit with the way they behaved. He had been encouraged by others to talk more to the press because he was told he had the image of being aloof. He had taken this advice "but then these things happen". He did not mention the recent London Independent article which marked the first serious criticism of him that we have seen.

I think the Secretary of State is more effective than he pretends in dealing with the press, although he can seem out of touch.

### The Talks

One of my colleagues thought the Secretary of State seemed quite deflated about the talks, which I think is about right. He himself described his mood as "morose". He seemed to be non-plussed about what to do now.

Clearly, Paisley is not going to play although the Secretary of State said his "Paisley watchers" were telling him that Paisley had carefully left enough on public record to find a way back to the table if he wanted to. He was not so sure about that, but he agreed with the view I expressed that Paisley was capable of getting himself out of any hole, however deep, and that if he thought power was being distributed without him, he would seek to buy in.

He described Molyneaux as very down, bruised by his experience in the local elections and by the acrimony in his party arising from the line they had taken in the talks. He would certainly go within the year but it was absolutely unclear who would succeed him. None of this made it easy to see how talks could be re-started.

As for himself, he had fallen into the trap of thinking that what people were saying to him on the streets about the talks would translate into votes at the local elections. They had not. Quite frankly, he did not know how or when the talks could be re-started.

I drew out the logic of his analysis, pointing out that there was now a vacuum, that the paramilitaries might move to fill it, that the two Governments, especially the British Government, would be subject to domestic criticism and that there might also be concern expressed abroad, notably in America where President Clinton had made an investment in the resumption of the political process. In these circumstances was it not necessary for the two Governments to fill the vacuum by proceeding to work on a possible new agreement

themselves? If they could agree a framework, the two Governments would be in a better position to draw in the parties at an appropriate time.

Why not take advantage of Molyneaux's proposal that the two Governments should negotiate between themselves about constitutional issues and, as he had said once recently, about what he called the joint sovereignty issue? Subsumed in that issue was the whole question of the Irish dimension and the need within Northern Ireland to give radical expression to the principle of parity of esteem to which both Governments were committed and which he had emphasised in his Coleraine speech.

While discussions were going on between the two Governments, there could of course be contacts with the parties, and the parties themselves could have discussions on any matters they wished whether directly connected with the talks or not.

The Secretary of State agreed handsomely with this presentation but then began to raise contradictory points, as if falling back on his briefing. First, he said the Unionists would not stand for any suggestion that the Irish Government were putting views in the area of Strand One. (Comment: It is one thing to refrain from seeking to participate in Strand One itself as we did in 1991/2, it is another to be estopped from talking to the British Government about Strand One issues or issues that are relevant to more than one Strand.) Second, there could be no question of joint sovereignty.

Third, he said that while he would entertain our proposals very fully, the eventual paper would have to be the responsibility of the British Government alone. He made keen enquiry about the state of progress of our proposals, mentioning North/South structures and speaking approvingly of the UUP's ideas of last autumn. He did not mention anything else in this connection except to say that he wanted to bring the Unionists into the Anglo-Irish Agreement. We did not get to explore that remark which might suggest the relatively modest objective in the Agreement itself leaving Article 1 unchanged; he did not mention constitutional issues.

Fourth, he said he had promised that only the British Government would be involved in drafting the scheme for presentation to the other participants. He would have to be able to say that we had not participated in drafting. (Comment: It is difficult to see how any proposals we might make could be accommodated to our satisfaction in a British paper without our getting into drafting.) Fifth, while he appeared initially to agree that the two Governments should be firmly together on the substance of any scheme, the Secretary of State later fell back on the expression of "hope" that the two Governments could be in agreement which he made at the last Conference.

Powers of an Assembly

One point which the Secretary of State agreed required reflection was the question of the powers to be devolved to a new Assembly. I sought to probe his frequently-repeated remark that a devolved administration would have lots of powers to exercise which he repeated again at dinner (he has made loose public statements in the past to the effect that the administration's powers would be as least as great as Stormont's). I pointed out first that security powers were not envisaged: the British Government seemed to have no intention of relinquishing any control of their Army or their intelligence services. The Secretary of State agreed and drew attention himself to the independent position now enjoyed by the police which meant that the administration would have no control there either (although some means might be devised to give an input).

I said there seemed to be no intention to transfer other excepted or reserved powers. That left the transferred economic and social powers among which there were many omissions, notably revenue-raising. The central policy-making function in all economic and social areas would remain in London. Then there was the issue of powers held now by Brussels. How much room for manoeuvre would there be in practice? At this point, the British Deputy Joint Secretary, Ms Collins, intervened to support my point, adding that many responsibilities were now in the hands of commissions and other quangos in Northern Ireland. In fact, there might not be all that much for an administration to do. I summed up that things had changed under direct rule. It was false to assume that the powers taken by the Secretary of State from Stormont could be handed back more or less as if nothing had happened.

The Secretary of State said that frankly the issues had not been thought out on the British side and would have to be examined further. But he believed the important thing was to get the parties to agree on new structures; the question of the powers could be addressed later. I disagreed. The question of powers was also of primary importance. First, if the administration was talked up as having powers that it did not have or had a limited capacity to exercise, extremists would be quick to exploit the situation. Second, the issue of powers was vital to the negotiation of a North/South body. How could we discuss the scope and functions of such a body if we did not know the arrangements in Northern Ireland? If we did proceed blind, would we find the Northern representatives telling us later that such and such would not their responsibility, but rather that of the British Government or some commission, or that they could only take an issue so far?



### Comment

My line of argument was intended to show that the British approach to devolution would result in an Assembly with very circumscribed powers, with implications for the North/South Strand and for the package as a whole. We have been saying there must be constitutional balance, ie, no change or change in both directions. The British have been arguing that the overall package, including constitutional resonances, as they call them, in the North/South institutions, could warrant a unilateral constitutional change. I wanted to show the Secretary of State that even on British terms this was not a tenable proposition.

He seemed to take the point but his answer to the issue of powers for the Assembly may, however, simply illustrate a theme which has been constant in the British approach through the last three and a half years: first get everyone to agree, and then decide what they have agreed on! As we know here very well, the NIO are capable of taking, and generally do take, a literal and narrow view of provisions in the Anglo-Irish Agreement. We can expect that any new agreement will be subjected to the same sort of approach.

### Proceeding without Paisley ?

The Secretary of State said he was quite prepared to go ahead with talks without Paisley. I said the two Governments would need to reflect on two points in relation to that idea. The first was that there had been a great deal of focus on a referendum in the South, assuming that was required, but little attention to the poll that was envisaged for the North. A poll that was opposed on one side by Paisley and on the other by Sinn Fein might find too little support in the centre. It would be necessary to ensure that the poll would succeed; otherwise we would be in a much worse situation. Second, the formula "nothing agreed until everything agreed" in the statement of 26 March 1991 applied to the parties named in that statement including the DUP. If the talks were to proceed without the DUP, the statement would need to be amended to apply to the participants in the fresh round of talks. The Secretary of State noted these points and agreed they required reflection.

### Paisley

Paisley seems to be a subject of some fascination to the Secretary of State. He referred to him many times in different contexts throughout the evening. I used one of the stories he told to illustrate that he could indeed exert considerable influence with Unionists.

After the Coleraine speech last December, Paisley demanded a meeting with the Secretary of State which occurred in the House of Commons. It developed into a shouting match.



Paisley kept on going on about the issue of street names in Irish. The Secretary of State "threw firecrackers around his feet" demanding to know where he could hope to find a more sympathetic Government, especially on the issue of security. He threatened to go out and tell the press that in his meeting with him the only thing Paisley had talked about was street names in Irish. The interesting thing was that immediately after this verbal brawl, his Parliamentary Private Secretary approached Paisley for a pair. Paisley not only agreed but replied "your boss has read me such a lecture, I'd better give him three days of pairs".

#### Remarks by the Chief Constable

You will recall that in introducing his Annual Report recently the Chief Constable made a number of additional remarks proposing major changes in the law, principally to abolish the right of silence, shift the burden of proof to the defendant and permit the use of phone tapping and other intelligence material in evidence.

I noted that we had been told in the Secretariat that contrary to the Chief Constable's remarks, there was no committee studying these matters (the Secretary of State did not comment) but I asked what he himself thought of the proposed changes. Were they serious? Or had the Chief Constable spoken with the aim of heading off criticism at the meeting of the Police Federation that was held shortly afterwards. The Secretary of State said the last question was "shrewd" but went on to say that he had wanted Annesley to make clear that the Government was not handcuffing the police in any operational way. Annesley had duly said as much, for which he was grateful, but had gone on to make his proposals for changes in the law as a makeweight.

We did not get the impression that the Secretary of State was seriously entertaining any of the changes but he did not specifically rule them out or the possibility of some change on foot of them.

#### Parading in the Lower Ormeau Road

You will recall that a parade through the Lower Ormeau Road caused much controversy last year. The Secretary of State confirmed that the RUC have decided to re-route the parade this year away from that area. He was not clear about the details. From informal discussions here, we understand the re-routing is not quite so clear cut. The parade on the mini-Twelfth (4 July ?) will turn off after the Ormeau Bridge and avoid Hatfield Street both going and returning. On the Twelfth, however, the parade will go down the Lower Ormeau Road but not return that route. Since that parade has an early morning start, it is not expected to cause difficulty. We have asked for confirmation of the arrangement. We would be grateful to know as soon as possible what views may have

been expressed to the Department on this and other possible flashpoints.

Visits by Ambassadors

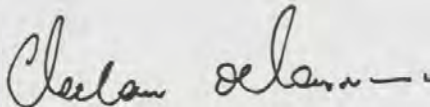
The Secretary of State mentioned visits by Ambassadors including those in Dublin, for example, the former American Ambassador, Mr Fitzgerald. He told an amusing story about the former German Ambassador in London, Baron Von Richthofen, who spoke on behalf of guests at dinner at Hillsborough and announced in the presence of Ian Paisley how pleased and privileged they all were to be in the place where the historic Anglo-Irish Agreement was signed! Amazingly, Paisley remained silent.

The Secretary of State believes Ray Seitz, the American Ambassador in London, is a considerable asset to the British Government. He spoke in complimentary terms about Seitz's role on the question of the peace envoy which he (Mayhew) seems to think is now more or less buried. He said that Seitz was confirmed in his position two months ago. Apparently, while the White House pondered its decision, Seitz put a blackboard up outside his receptions with the legend "dōn't ask!"

It is worth mentioning that the British have been trying to develop their visitor programme here in recent years and that officials think they are having increasing success in putting their view across. One of them took some pleasure in telling me recently of the astonishment expressed by one visitor, the Swedish Ambassador in London, at how much is being done for the Catholic minority and how forbearing the British are in dealing with the IRA and their supporters. Another Ambassador, unnamed, was reported as expressing indignation that a member of the EC and the CSCE could lay claim to the territory of another member State.

I report these as stray remarks. I do not know how extensive or effective the programme has become, but it is something on which we might keep an eye with a view to some corrective action of our own if that seems warranted.

Yours sincerely



Declan O'Donovan  
Joint Secretary