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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

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ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

29 July, 1993

Confidential

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

PSS
Chris Small

Mr F. Murray
Mr T. Dalton

Dear Assistant Secretary

Maastricht Vote: The "non-deal"

I had further discussions with my opposite number, Martin Williams, this week about what he calls the "non-deal".

Further assurances by the Secretary of State

As already conveyed orally, he had further instructions from Sir Patrick Mayhew. The Secretary of State wished him to recall to me that he had instructed Mr Williams to telephone me first thing last Friday morning to say that no deal had been made. He had telephoned the Tánaiste personally to the same effect later in the day and, of course, the Prime Minister had declared in the House of Commons that "nothing had been asked for, nothing had been offered and nothing had been given". The Secretary of State wished to confirm again the importance of proceeding by agreement through the process of 26 March 1991 and his own desire to proceed in that way. The last assurance was made in response to a point I had made that in the Conference discussion on the Communiqué on 8 July, it was the Secretary of State who wished to insist on the assent of the parties for any initiative that might be taken (we resisted because it was an implied rebuke to the Tánaiste for suggesting that, in extremis, the Governments might have to go directly to the people).

Mr Williams said his side were by no means pessimistic about the prospects for restarting the process and securing agreement through it. Nor were they "sitting still". Michael Ancram had now seen Paisley and Alderdice as well as Hume and Molyneaux and was embarking on a second round of consultations. He had reported positively on the meeting with Paisley, not finding him at all as dogmatic or die-hard as his public remarks would indicate.

Unionist and media views

I looked forward to hearing further details of the Minister's discussions. I said, of course, we accepted the British

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side's repeated and explicit assurances about a deal with Unionists, as the Taoiseach had indicated publicly, but they would have seen the unanimous view in the media that a deal had been struck, as well as the statements by several UUP members seeking to give that impression and anticipating in the person of Martin Smyth, for example, a number of specific concessions. In relation to the Prime Minister's categorical statement in the Commons, I noted Peter Robinson's comment that as the Prime Minister was making his declaration on Friday morning, "the Ulster Unionist benches had members who were shaking their heads so furiously that some of us were afraid they would roll off their shoulders" ("Inside Politics" 24 July 1993). In the same interview, Ken Maginnis had sought to convey that the Prime Minister and Mr Molyneaux had an arrangement as between "two Privy Councillors". I recalled that in 1985, we had understood that Molyneaux had been briefed about the Anglo-Irish Agreement in advance under Privy Council rules; he had later denied any knowledge and had in fact made the lack of advance consultation a major plank of the Unionist anti-Agreement campaign. In the face of this media consensus and the views expressed by the UUP, we had been subject to a lot of enquiries in Dublin.

Mr Williams said he wished to distinguish clearly between any notion of a deal and any expectations on the Unionist side such as Martin Smyth had conveyed. The Unionists might have expectations but they were not founded on anything the Government had said. He did not envisage, however, that the Government, given their problematic majority and the political realities, would go out of their way to dispell expectations. As to Unionists disagreeing with the Prime Minister, Robinson's remark had been noted but the Secretary had asked him to say that Molyneaux himself had clearly nodded his head in agreement and had confirmed subsequently his agreement with the Prime Minister's statement (see the attached transcript of an interview on "Newsbreak" yesterday).

Mr Williams dismissed Maginnis's reference to Privy Councillors; consultations under Privy Council rules involved affairs of the realm; they did not apply to questions concerning political support or otherwise for the Government in the Commons.

I said that in the light of the assurances that had been given, I did not wish to speculate about the prospect of a preemptive move to establish a Select Committee but it might be helpful to let the Secretary of State know of the concerns that were in Dublin's mind.

The Taoiseach had made three points in an RTE interview on Tuesday. First, he had said that any decision on a Select Committee would preempt discussion and decision in the process of 26 March 1991; it would cut across it and would run contrary to it. I recalled that I had made this point here on 20 July. Williams referred again to the Secretary of State's reaffirmation through him of the importance of proceeding by

agreement in the talks process and his continuing commitment to it.

Second, the Taoiseach had said that any transfer of the principle of majority rule, which had not worked in Northern Ireland, to a committee at Westminster would not be successful and would not be a good way to build trust between the communities or between the Governments. I said the Taoiseach was aware that Westminster rules provided in the normal course for a Government majority in Select Committees and, also, that the leader of the Commons, Mr Newton, had not chosen to repeat the usual line in answer to questions about a Select Committee for Northern Ireland when he spoke in answer to Harry Barnes on Tuesday. He had said simply that the matter was under review whereas previous replies, for example by the Secretary of State to John Taylor on 15 February this year, had said that the Government took the view that while such a Committee might be desirable in principle, it raised a number of issues including the support from elected representatives from both sides of the community in Northern Ireland needing further consideration. Given the controversy over a deal, Mr Newton's omission of reference to support from the two communities had attracted close attention. Williams thought we were making too much of the answer: the matter has been under review for some years and Mr Newton's formula was a time-honoured way of kicking to touch (ie, not confirming or dispelling Unionist expectations).

Third, the Taoiseach had been asked if a preemptive decision on a Select Committee would undermine the Anglo-Irish Agreement, and had replied in the affirmative. I pointed out that the Agreement is based on the need for continuing efforts to reconcile and acknowledge the rights of the two major traditions in Ireland and that any decision that ran counter to that would undermine the spirit of the Agreement. Furthermore, any preemptive decision would also undermine the right of the Irish Government to put forward views and proposals on political matters relating to Northern Ireland, and the commitment to make determined efforts to resolve any differences. I recalled that last week, we had pointed out here that any development in this area outside the talks process would engage the Anglo-Irish Conference. Williams expressed no difficulty with these points.

Comment:

As I have already offered as an opinion in reports last week, I doubt if any explicit commitment has been entered into by the British Government with the UUP. What Molyneux is seeking is a re-run of the late 1970s when the UUP supported the Labour Government and their Liberal allies and got concessions over time. The Government might be able to offer bread-and-butter concessions which would cause us no difficulty, indeed which we might welcome, but they know that any concession clearly touching on the talks process, and made outside it without Nationalist agreement, would wreck any

chance of achieving the objectives of the 26 March 1991 statement.

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I suggest that what we have to watch is first what the British will not do. They will avoid dispelling Unionist expectations and will, thereby, probably raise Nationalist anxieties; but sooner or later the Government will have to say to the Committee on Procedures whether they remain of the view that the Select Committee should be left for discussion in the talks process. I suggest they will try to keep the Unionists on a long string on this one.

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They will avoid irritating or offending Unionists. This will have implications for the future conduct of the talks process and for anything that may come from it, although in practice the British Government's form may not be any different from what we have seen in the last three years. It may also have implications for the conduct of the Agreement, for the rhythm of work and our ability to make progress. We will be seeking to ensure against anything of that kind.

Second, as I suggested last week, Molyneaux's support for the Government may be a reward for comfort already given to the Unionist position over a period of months: the fading of talk of neutrality, facilitation, no selfish interest; and the talking up of support for the Union, an end to the Conservative threat to the UUP, and no political development without (Unionist) consent.

All of this will tend more and more to a Molyneauxesque, little-picture approach to the talks. It is trading in negatives which fits with Molyneaux's political personality. It has been put to me that he wants influence to slow down and hopefully reverse what Unionists see as a Nationalist tide. He may not have great expectations of anything more dramatic and may be preparing the ground for Unionist acquiescence in the continuance of the Agreement in the long term. The notion that it will "wither" as he told the London Independent yesterday, is not new. I drew attention four weeks ago to his interview with Barry White in the Belfast Telegraph when he became the first Unionist leader to envisage the Agreement continuing in place but "withering on the vine". Naturally, we tend to concentrate on the "withering" but may overlook the importance of acceptance that the Agreement will continue. At the same time, I drew attention to remarks to us by the Secretary of State and the senior official on the political side, Quentin Thomas, that their aim was to bring the Unionists into the Agreement. I think there is a possibility that the British are privately reducing their expectation of change in our Constitution in the near term and may now be focussing on Molyneaux's agenda of a minor form of devolution, more primary legislation at Westminster and more time for it, and a Select Committee to give Unionists influence and a psychological sense of winning a counter to the Agreement.

Could I make a few suggestions on how we should react to developments?

There is a kind of feeding frenzy at the moment in the British media in relation to John Major, his unpopularity and his chances of survival. We should be conscious that the media are drawing the Northern Ireland issue and our views into that situation in a way that is likely to ruffle the Government's and the Prime Minister's feathers, with potentially damaging consequences for our relations.

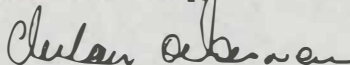
While we are entirely right to register strong concern at the prospect of a private deal on a Select Committee, I suggest that it would be unwise to dwell too much on it other than to say that such a decision would preempt the talks process and breach the agreement of 26 March, 1991. The question of majority rule, composition or any other arrangements for a Select Committee is a matter for the British Parliament rather than the British Government to decide, and is ground best occupied by the SDLP and the British Labour party. Persistent interventions on our side might raise hackles at Westminster even among those who are basically friendly to us.

The idea of a Select Committee trails all kinds of baggage, but we need to bear in mind the widespread view that the system of democratic scrutiny of the government of Northern Ireland at Westminster is unsatisfactory. In the absence of any precise proposals of our own for an overall package, we should be wary of being painted as attacking the core idea that a better system of parliamentary scrutiny is desirable.

We are also rightly concerned about British attitudes to the Agreement and about anxieties arising on the Nationalist side. Too much emphasis on the possibility of the Agreement being undermined by a Select Committee, however, will raise anxieties among Nationalists and may make the prestige of the Agreement an issue at Westminster. The best way of dealing with the notion that the Agreement will "wither" is to ensure that it is regularly used and seen to be used.

Lastly, however unjustified it may be, there is a feeling among Unionists that we gave nothing away in the last round of talks, gave the UUP no reward for their visit to Dublin and made no response to their final paper. There is now developing a further view that we are seeking to prevent them gaining in a Select Committee some measure of influence to counter ours and some means of improving democratic scrutiny of the way Northern Ireland is governed; more than this, that we do not know our own strength and unwisely cannot accept that they should make any gain which would, amongst other things, give them a psychological boost. The last point is one that has been made to me by a thoughtful and well-disposed member of the Unionist community this week.

Yours sincerely



Declan O'Donovan,
Joint Secretary