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- cc. PS/SOS (B&L) - M
- PS/PUS (B&L) - M
- PS/Mr Bloomfield
- Mr Brennan - M
- Mr Carvill
- Mr Gilliland
- Miss Elliott - M
- Mr Lyon - M
- Mr Reeve
- Mr Bickham - M

19/1

2004/2

Mr Chesterton - M

BRIEFING AND MEETING WITH MR MOLYNEAUX

1. Mr Molyneaux's 4 June letter to Dr Boyson has blown the cover as far as the UUP are concerned. We have no reason to doubt the genuineness of his views about devolution (seen as a planned step en route to a united Ireland), the Assembly ("a toothless bribery machine" to which the UUP MPs have given little support) and distrust of all nationalists (as republicans at heart). This does not seem to be a recipe for giving the constitutional nationalists a real and workable part in government whether under legislative or executive or administrative devolution. Against this background of mistrust, any Anglo-Irishry will be highly suspect, especially (as I indicated in my comments on the draft briefing) mention of arrangements about "the reputation of the criminal justice system, the involvement of the minority in appointments etc" when the wording could readily suggest to Mr Molyneaux an element of direct Irish involvement.
2. I believe Mr Molyneaux should be asked questions which reveal his position on devolution and sharing of responsibility.

The Principle behind Widespread Consent

- the 1982 Act insists on "widespread consent" to any proposals. How does he envisage this clause being satisfied? For example in relation to

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- . majority rule, albeit with safeguards for the minority. (Surely not within the requirement);
 - . a proportionate distribution of head of department/chairmen posts on a basis that give all the major parties at least one such post, and with it a seat on the controlling co-ordinating or executive committee of heads of department. (Possibly within the requirement unless there are fears that minority chairmen will simply be outvoted in Committee and the Assembly).
- If Mr Molyneaux accepts some form of proportionality, how would he envisage giving the minority guarantees about their not being outvoted at every turn?

A Framework to Encompass Widespread Consent

- Is some form of legislative cum executive devolution, even partial devolution, unacceptable to UUP as the letter to Dr Boyson suggests?
- What is the alternative, given the need for absolute clarity that the responsibility for legislation, and the concomitant policy and financial provision, must rest with the Central Government and its Minister in charge of a relevant Departmental machine. (The technical problems of administrative devolution were well aired in Mr Bloomfield's consultations with his colleagues. The briefing may need to expand on these).
- In view of the practices adopted in Belfast City Council, does Mr Molyneaux think the SDLP will have confidence in arrangements based on a chain of accountability in a local government framework; does he really see the parties working together in a stable system?
- A low key enquiry might be made to ask, in passing, if Mr Molyneaux saw possibilities in making "a small start" (the approach of the Way Forward) by basing the elements of devolution of administration not in Committees of a

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Regional Local Government Council but in some form of administrative boards with statutorily defined functions. [This need not rule out an "Assembly" of Provincially elected party representatives, nor need it rule out the inclusion of laymembers on boards].

3. Unless Mr Molyneux accepts that majority rule is not capable of solving the problems of community division inside Northern Ireland, and cannot readily be commended to Parliament as within the widespread consent requirement, there is no framework for devolution which would offer the prospect of stability. At such a stage, the statutory board concept becomes more attractive because it gives the nationalists a place but is unboycottable in the last resort.

4. You have already suggested that it should be made clear to Mr Molyneux that the Prime Minister is maintaining the momentum of the Anglo-Irish discussions, and that her position on the constitutional guarantee and on executive joint authority are well known and provide reassurance to the Unionists. The other side of this, no doubt, is the assertion that there will be no extension of the powers of District Councils, and that unless the constitutional nationalists are given a real say in the internal government of Northern Ireland there will always be fertile ground for those who seek that say and influence elsewhere. My minute about the briefing for the meeting with Mr Hume referred to the danger of an erosion of SDLP support which is of real concern.

AJP

A J MERIFIELD

18 June 1985

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