

C O N F I D E N T I A L

FROM D C KIRK -CPL
21 FEBRUARY 1989

ANNEX A

cc PS/Secretary of State
(L&B)-B
PS/Minister of State -B
PS/PUS (L&B)-B
PS/Sir K Bloomfield -B
Mr Burns -B
Mr Stephens -B
Mr Thomas -B
Mr Miles -B
Mr Blackwell -B
Mr J McConnell -B

PS/DR MAWHINNEY (L&B)-B

TALKS ON POLITICAL DEVELOPMENT - THE STARTING POINT

Further to my minute of 15 February (and some background briefing provided separately to you yesterday evening), it may be helpful for the Minister to have a note describing the starting positions of the parties, as we see them, the possible areas of common ground and the ideas they may wish to put to us (or us to them).

2. The natural starting point for the discussions, which are now to be arranged, is the Secretary of State's speech and the reactions to it. In his speech, the Secretary of State noted how, on occasion, "the leaders of the principal parties can rise above party rivalries and conflict and make common cause for the people they represent". He expressed his conviction that "locally elected people, with their own special knowledge of their areas, can make a much more effective contribution to the administration of Northern Ireland". There were major issues, such as Harland & Wolff, the health service reforms,

C O N F I D E N T I A L

CPL/JT/5860

C O N F I D E N T I A L

the law reforms, or the problems of the food industry which could only benefit from discussion with constitutional elected representatives, either acting together or separately. "For some of these issues Westminster may provide the best forum for debate and discussion. For others more local means may be better. What I want to see is the development of ways in which we can work together... and I want to know how people feel we should proceed". The Secretary of State also expressed the hope that progress could be made on the "wider political issues" as well. He "would not want to rule out discussing any option which had some chance of working". He went on to discuss the unionist leaders' proposals of a year ago, expressing the hope that we "can now build on this constructive approach". He referred to the Alliance Party's published proposals ("Governing with Consent"). The SDLP, he said, while expressing their willingness to enter into discussions, had been "less specific than some about the form of future government within Northern Ireland that they seek". The question was whether there was the will to make further progress. "To do that we must be sure we understand their positions. I shall therefore be seeking to explore with all those parties and groups what possibilities there may be for progress". An immediate response was not being sought. A refusal to talk would be a great pity, although it would not prevent the Government from continuing to discharge its duty.

3. Clearly, we are not seeking to take the initiative away from the parties. It is for them, and for others, to come forward with their ideas, which we want to explore, with a view to progress which may not be visible (in the form of inter-party talks) until later in the year. We are not seeking "talks about talks" and it would be desirable, if at all possible, to avoid talking about on the Agreement, to which the talks are unrelated. We do, however, want to see the parties doing business with the Government. It may be helpful to reflect now on where the parties appear to have got to in their thinking, in the proposals that they have put forward on devolution, on the North/South relationship (about which they may wish to speak), their existing positions on inter-party talks and on

C O N F I D E N T I A L

CPL/JT/5860

other matters. I have tried to set all this out in tabular form, by way of background briefing, at Appendix.

4. There are of course considerable risks about summarising party positions in this way. The table is intended to be no more than a basis for discussion within the office and an aide memoire, which we might well revise before long. It seems sensible to show three "party" positions in this way, although of course that has the effect both of concealing the undoubted differences of approach between the UUP and DUP, and of giving disproportionate weight to the Alliance Party. I have included in the notes a number of interrogatives - these do not necessarily indicate questions that we might wish to put to the parties, however. A number of issues are likely to be raised in the course of discussions, and it seemed worthwhile to set out what some of the questions might turn out to be.

5. Dr Mawhinney may wish to discuss. As already indicated, we shall be providing individual briefs for talks, as they are arranged.

(SIGNED)

D C KIRK
Constitutional and Political Division
21 February 1989
OAB 6591

PARTY POSITIONS ON FUTURE GOVERNMENT OF NORTHERN IRELAND

UNIONISTS

(Mainly 'Outline Proposals 'of 26.1.88)

SDLP

(Mainly 1988)

ALLIANCE

(Mainly 'Governing with Consent', Oct 1988)

Executive and Legislature

Devolved Assembly

Devolved Assembly

Devolved Assembly

No Executive. Committee system. 'Responsibility sharing' (not power sharing).

Power-sharing Executive.

An Executive reflecting the balance of parties in the Assembly. To be appointed by SofS to be widely representative of community.

In context of replacement of Agreement - Referendum?

Assumes Agreement remains in place? Referendum in North and South.

- Test of acceptability for Executive by 70% of Assembly. Agreement to be superseded by new tri-partite institution after devolution.

But increasing integrationist signals from Mr Molyneaux over recent months - significance?

Luke-warm commitment to devolution? Sceptical about prospect for success?

- 'backbench' Assembly committees performing Select and Standing committee functions.

Functions to be Transferred

All transferred matters - plus law and order?

All transferred matters plus law and order.

All transferred matters plus law and order (after an initial period). Advisory role on reserved and excepted matters.

UNIONISTS

SDLP

ALLIANCE

Role of Minority/Human Rights

Minority rights safeguarded by committee system of government based on proportionality:

- administration by departmental committees;
- chairmen and members in proportion to party strengths;
- possible Budget Committee; but no other coordination?

NI Bill of Rights supported in the past.

Minority role ensured by power-sharing Cabinet with collective responsibility (and agreed programme?).

Proportionality in Assembly Committees to cover each Government Department; chaired by appropriate Ministers.

NI Bill of Rights supported in the past.

- Possible weighted majorities in Assembly for 'fundamental' legislative issues;

- political right of appeal to Westminster for aggrieved minorities requiring 30% Assembly support;

- chairmen and members in proportion to party strengths.

European Commission on Human Rights incorporated into domestic law of NI.

'Irish Dimension'

- ROI to have Government office in NI;
- Anglo-Irish Parliamentary Body;
- External Affairs Committee of Assembly;
- North/South Ministerial contacts, and participation in East/West ones;
- Talks with Dublin when devolved government in place;
- Security cooperation?

- Devolved government to be decided in all Ireland context;
- All forms of North/South contact and cooperation desirable (with a view to eventual unification by consent);
- Referenda in North and South; Unionists need to talk to Dublin;
- New 'agreement' could 'transcend' AI Agreement.

- A tri-partite Anglo-Irish inter-governmental body giving rights of consultation to the administration in Belfast and Dublin over matters dealt with by Westminster.

UNIONISTS

SDLP

ALLIANCE

Next Steps on Talks

No inter-party talks without suspension of Conference and Secretariat. Possible role for AIIC.

Willing to talk to anyone at any time. No suspension of Agreement, but gap between IC meeting could be helpful (McGrady).

Have not advanced any problems about meeting for talks.

But need this rule out bilateral talks with Government? or inter-party talks without Government (Duisburg)?

What to talk about? With what specific objectives?

Assume 'outline proposals' of January 1988 still a basis for negotiation?

Other Matters

Past and present UUP interest in (integrationist) additions to local government powers.

Opposed to increase in local government powers - risk of discrimination

Opposed to increase in local government powers - keep eye on the ball of devolution?

How then improve quality of existing local government?

As left

As left

Westminster: Concern over legislative procedures (Bills in absence of devolution).

As left

As left

Any improvements to suggest - interest in revival of NIC?

As left

As left

What scope for (joint?) meetings

As left

As left

UNIONISTS

SDLP

ALLIANCE

with Ministers on major issues, e.g.

- employment
- industrial investment
- health and social services
- law reforms
- education
- food industry
- security policy

As left

As left

Interest in advisory bodies (MP's or other)?

As left

As left

Any of above possible steps towards devolution? What others - eg. revival of Assembly?

As left

What are the main issues facing the Government?

As left

As left

What are the main issues facing the local government?

As left

As left

What are the main issues facing the legislative process (in the absence of devolution)?

As left

As left

Any suggestions for revival of the Assembly?

As left

As left

What scope for (joint?) meetings?

As left

As left

ANNEX BAN OUTLINE 'AGENDA' FOR DR MAWHINNEY'S CONSULTATIONSGeneral

Our aim is to explore current party positions, identifying areas of common ground, with a view to facilitating inter-party talks in due course and other possible means of (earlier) political progress. More specifically, our objectives are to establish ongoing contact with the Unionists, a more defined and constructive approach by the SDLP, and some further lightening of the political atmosphere which could enable more progress to be made after the summer elections. We shall want to take stock ourselves by Easter (six weeks away) and we may want some form of public comment on progress in April (culmination of Article 11 review).

1. Introduction Not an Initiative, but an exploration of current positions, to help parties to determine the way ahead for themselves by taking their own initiatives.

2. Start by reflecting on role of constitutional politicians. By definition, they agree on rejecting violence. Are there other areas of agreement about the role of constitutional politicians? (And do they have a contribution to make in marginalising terrorists?) And what role can non-politicians (e.g. Churches) play?

3. How can politicians reflect interests of constituents? And build on their support? What are issues they want to see addressed, and how can they be involved with the Government in discussing them? Lead on to discussion of devolved government - models etc - and possible steps on the way towards devolution or 'alternatives' (if Unionists suggest them as such), including e.g. further joint consultation with Government, role of Westminster

(including procedures, NIC etc) and local government. Possible role of Assembly?

4. How then does each party see the 'devolutionary objective'? And how can agreement be achieved? If the general view is that it is a long haul, how do we make progress towards it by accommodation between the parties? What steps can the parties themselves, and the Government, take? If it is a matter of trust and willpower, how can the parties build that trust?

5. If it is all contingent on the North/South relationship - and is it common ground that that is important and there is an 'Irish dimension'? - how do the parties and the communities see that being dealt with? Does not a permanent and stable relationship with the Republic depend on an internal settlement? How can the trust between nationalists and unionists be established to discuss the possibility of an agreement that would 'transcend the Agreement' or replace it, unless through dialogue together without preconditions?

6. What assessments does each party make (if they are willing to discuss them) of the other parties' positions, and can they discuss those assessments together? How do they want the Government to be involved in the process (intermediaries, Government statements, talks on specific social and economic issues?), if at all? What part can parties (and non-politicians) play in pursuing the contacts and objectives discussed? Next steps.

MACHINNEY ROUND MEETINGS

ANNEX C

1. HELD
 (13 February) Mr Harry West) Charter Group
 Mr David McNarry)
 Mr Austin Ardill)
- 27 February Dr Eberhard Spiecker
 Dr John Thompson
- Mr Peter McLachlan) Campaign for a
 Mr John Gorman) Devolved Parliament
 Mr Kenneth Larmour) (CDP)
- Dr Chris McGimpsey CDP
- 2 March Mr Peter Robinson MP DUP
- 7 March Mr Proinsias de Rossa) Workers' Party
 Mr Des O'Hagan)
 Mr Shaun Garland)
 Mr Seamus Harrison)
 Mr Seamus Lynch)
- Bishop Edward Daly
 Mr John Hume SDLP
- 8 March Mr Raymond Fergusson UUP
- (dinner) Professor Robert) Northern
 Stout) Consensus
 Mr Terry Donaghy) Group
 Mr David Hewitt)
 Mr John Neill)
- Rev. John Dunlop) Jigsaw Group
 Mr Rory McShane)
- 13 March Mr Eddie McGrady MP (Postponed)
- (14 March Bishop Gordon
 McMullan)
2. ARRANGED
- 16 March 14.40. Mr Roy Beggs MP UUP
- Evening Mr Frank Millar [UUP]
3. TO BE ARRANGED
- Mr Cecil Walker MP UUP
 Councillors,
 including Jack Allen

Mr Peter Robinson MP DUP
 (again) with or
 without
 Mr Nigel Dodds/
 Mr Sammy Wilson

Mr John Hume MP SDLP
 (again) (?) with
 others.

Mr Austin Currie
 Mr Seamus Mallon

Mr Sean Farren
 Mr Mark Durkan

Dr John Alderdice Alliance

Dan Maginnis/Gordon
 Mawhinney/Eileen Bell

Cardinal O'Fiaich

Archbishop Eames
 Bishop Sam Poyntz
 Godfrey Brown
 (Moderator)

4. Others on List

Presbyterians Tom Simpson (General
 Secretary)
 Harold Allen

Methodists Stanley Whittington
 (President)
 Charles Eyre (General
 Secretary)

Two Traditions Eric Elliot
 Terry Donaghy
 Ronnie Buchanea (QUB)

Individuals Paul Arthur
 (University of Ulster)
 John Simpson (QUB)
 Sir Frederick
 Catherwood
 Dennis Faulkner
 (meeting agreed).

ANNEX D

LINE TO TAKE ON THE AGREEMENT IN DISCUSSIONS, PARTICULARLY WITH UNIONISTS

- The vital ingredient is discussion between the parties.
- The Government has no preconditions about talks.
- All parties are agreed that any effective agreement between the parties would have to cover both the internal arrangements for governing Northern Ireland, and the relationship between Northern Ireland and the Republic.
- It is up to the parties to express their own views.
- The Government is not seeking a change to the Agreement; but in keeping with the 'no preconditions' approach, would consider any suggestion put forward by the parties.

Chairman
Charles Foye (Chairman)
Secretary
Eric Miller
Terry Donohy
Donald Buchanan (IUR)
Paul Arthur
(University of Belfast)
John Simpson (IUR)
Sir Frederick
Lithwood
Dennis Faulkner
Meeting 2/2/74

BULL POINTS

AMENDED 8.3.89

Line to takePolitical Progress - What the talks are about

In my speech in East Belfast I stressed the importance which the Government attaches to the greater involvement of local elected representatives in the arrangements for governing Northern Ireland. The crucial factor is the will of politicians and their electors to make progress. Progress can come only if the parties are prepared to discuss the way forward flexibly and with a degree of determination to reach agreement. I said that I would not rule out any option which had a chance of working. The Government is ready to play its part in whatever way would be appropriate and helpful. We are now exploring with politicians and others in the Province what ideas they have about how progress can now be made.

Who has been talking

My hon friend, the Parliamentary Under Secretary of State, has seen political representatives and others from both sides of the community. The meetings are private ones and it would not be helpful to go into further detail.

What If the Unionists Won't Talk?

I have greater faith in the Northern Ireland political parties than that. I hope that everyone who should respond to the ideas set out in my speech will do so. As I said, "Anybody can refuse... it won't hurt me... what such a refusal would do would be to damage the Province, and deny the people the constructive leadership they deserve".

Advantages of Devolution

The talks are designed to explore; we are not pressing any particular political developments on the parties. But all parties have told me over the past year that they support devolution. Would provide an opportunity for local elected representatives to play real role in determining policies and priorities on wide range of Government business.

Role of Minority

There must of course be an appropriate role for the minority in any arrangement for governing Northern Ireland if they are to command the widespread acceptance that Parliament would require.

Why Not Government Proposals?

I made a number of suggestions about the immediate way ahead in my speech. There is no shortage of schemes for devolution. The parties have already put some ideas of their own to me. What is needed is the start of dialogue about those ideas or any others. The Government is ready to help in discussion of specific proposals in any way that we can; but the Government cannot impose any proposals.

Anglo-Irish Agreement

The Government remains fully committed to the Anglo-Irish Agreement. But any talks with political parties should be without preconditions.

The 'Duisburg Formula'

I would of course consider seriously any proposals on which the main constitutional parties put to us collectively.

Agenda for Talks

I do not rule out from the agenda any subject which the parties would like to discuss together, or, indeed, with me or my colleagues separately.

SUMMARY OF MEETINGSEberhard Spiecker

Dr Spiecker evidently does not consider his role to be at an end; he appears to have received support in Northern Ireland to continue his work and has retained contact with the deputy party leaders. He was due to see John Hume in Brussels last week. Dr Spiecker raised the question of the Government's attitude towards a constitutional solution proposed by all the parties.

CDP

The group pushed for its idea to hold a referendum offering the various constitutional options. They welcomed the fact that Duisburg had taken place and, like Dr Spiecker, raised the question of how far HMG was prepared to go if all the parties agreed on a means of proceeding.

Chris McGimpsey

Dr McGimpsey felt the unionists were in a "no win" situation and were "damned" either way. He laid the blame for lack of political progress/talks at the feet of the SDLP. However he would re-examine his own thinking and was prepared to return for a further meeting.

Peter Robinson

Mr Robinson was reluctant to discuss political matters with the Minister but happy to acknowledge that political progress could not take place without him. He talked about manifesto commitments and stressed that the way had to be carefully prepared for negotiation.

Workers' Party

The group mostly talked about its own position in relation to the SDLP and Sinn Fein. However, they also raised the question as to whether HMG would be prepared to suspend the Agreement to allow inter party negotiations on devolution to take place.

Edward Daly

While Bishop Daly expressed personal support for devolution with power sharing he was clear that the Church should not be involved in this type of politics and would not, therefore, attempt to bring pressure on the political leaders. He expressed deep concern at unionist suspicion of nationalists. The most significant point to arise from this meeting was the Bishop's conviction that the loyalty of the Derry people to Mr Hume was such that if he reached any agreement he would be able to deliver the support for it.

John Hume

Significantly, Mr Hume said that since he was as conscious of the political realities of life as anyone else, when he spoke of how the island of Ireland was shared he was obviously thinking of Northern Ireland and its relationship with the Republic. He indicated that an SDLP working party was drafting detailed proposals about the future governing of Northern Ireland. He was emphatic that the DUP, with whom he has close contact, was perfectly aware of the SDLP position. Equally, he was close to Haughey.

Northern Consensus/Jigsaw Group

The group were very sympathetic to what Dr Mawhinney had to tell them about his role and Government policy is general. (He dealt with a number of questions about the role of the Agreement and

the Conference, with particular reference to devolution). They were inclined to concentrate on means of bringing about Unionist involvement in inter-party talks on devolved government, and tended to assume that the latter was the only objective worth talking about. (They were not discouraged in any way by Dr Mawhinney). There was a good deal of discussion of integrated education and 'two traditions' policy.