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FROM: S A MARSH
DATE: 7 NOVEMBER 1989

PS/Secretary of State (B&L) - B

cc PS/Minister of State (B&L) - B
PS/Dr Mawhinney (L) - B
PS/PUS (B&L) - B 8/11
1. PS/Sir K Bloomfield - B
Mr Burns - B
Mr Miles - B
Mr Thomas - B
Mr Kirk - B

2. POL 1

DEMOCRATIC UNIONIST PARTY

I attach a full record of the meeting which officials had with leaders of the DUP in Stormont Castle on 26 October.

At the time of writing, a further meeting has not yet been arranged.

(Signed)

S A MARSH
Political Affairs Division

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TALKS WITH THE DUP: 26 OCTOBER 1989

1. The second meeting with the DUP took place at 5.45 pm on Thursday 26 October. As well as Peter Robinson and Sammy Wilson, the DUP were represented by Nigel Dodds (Belfast City Councillor and former Lord Mayor), Gregory Campbell (Derry City Councillor) and Simpson Gibson (Ards Borough Councillor). Mr Burns was accompanied by Mr Kirk, Dr Alford and Mr Marsh.

2. Mr Robinson began by repeating the substance of the statement with which he had opened at the previous meeting. The DUP had taken a decision to campaign for devolution; this decision had been unanimously supported by the party executive. He was attempting, he said, to persuade opinion-formers of the need to replace the Anglo-Irish Agreement with a devolution-based alternative. The two unionist leaders had presented brief outline proposals to this end to Mr King and now Mr Brooke. These proposals involved a "British-Irish Agreement", a significant and meaningful role for all constitutional parties and protection for individuals and minorities. The DUP now wished to press forward in that direction more urgently than before and to establish whether HMG was willing to pay more than lip-service to devolution. In particular, he wished to know whether the prospective affiliation of NI Conservative Associations to the mainland party signalled a change in Government policy.

3. Mr Robinson continued by stating the need first of all to identify the obstacles to negotiations. The main one was the Anglo-Irish Agreement. He felt that if there were to be a period of non-implementation of the Agreement there was a possibility of constructive dialogue. From the DUP point of view the end result of any negotiations would be an alternative to the Anglo-Irish Agreement. There had already been some movement in that direction; Mr King had said that no proposal was excluded and that any talks with political parties would be without prejudice on either side.

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The present Secretary of State seemed to be continuing this line. Summing up, Mr Robinson said that if it proved possible to "circumvent the obstacle of the Anglo-Irish Agreement operating while negotiations were taking place" the unionist parties could submit constructive proposals, probably going beyond what HMG were expecting. The unionist parties were deeply interested in devolution; it was in their interest to have stable structures in Northern Ireland.

4. Mr Burns, after welcoming the DUP delegation and reminding them that he could not speak for other political parties, restated the Government position. The Government believed that direct rule was unsatisfactory and wanted to see power and responsibilities transferred to local elected representatives. Any new arrangements would have to be widely supported across the Province, but otherwise HMG had very few preconceptions. There was no need to go back to past models of devolution; we should look forward for structures appropriate to present-day conditions. Any proposal which satisfied a broad range of local politicians would by definition be worthy of the most serious consideration. Mr Brooke would be willing to play whatever part seemed appropriate in promoting agreement; nothing, however, could be imposed from outside. Government policy stemmed from the election manifesto and the Cabinet, not from any local Association. There was thus some common ground between the approaches of HMG and the DUP.

5. Mr Burns went on to acknowledge that unionists were still deeply disturbed by the Anglo-Irish Agreement; it would not be practical politics not to acknowledge that their difficulties existed. The Government was prepared to enter into talks without preconditions. He noted that unionists wished to see an end to the Agreement; HMG did not share that objective but that did not mean that we would try to stop the unionists having their say on the subject. Turning to the proposals already made by the unionists, Mr Burns said that HMG considered them to be generally constructive. They showed evidence

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of fresh thinking and flexibility; they also showed that the unionist parties had something to offer (rather than demand).

6. Mr Wilson brought the discussion back to the obstacle of the operation of the Agreement. He wished to know whether seeking to "circumvent" or "overcome" it would be a complete non-starter. If that were the case, he implied, there would be no point in embarking on talks. Mr Burns replied that he deliberately did not say "no" to the proposition that the point could be addressed; but he could not say "yes" without first going to Ministers. He felt that it was a political reality that there could be no discussion with unionists which did not address the Anglo-Irish Agreement. The need was to find a path which satisfied the existing positions of HMG and the unionists without wishing anything away. He considered that this was possible.

7. Mr Robinson asked whether this meant that the Government would be prepared to ignore the views of the SDLP as the views of the unionists had been ignored in 1985. Mr Burns replied that HMG had a responsibility to all the constitutional parties in Northern Ireland; for any way forward to work all three major parties must be signed up. It was impossible to say at present how difficult this task would be, and it would probably involve parties having to shift their positions slightly; this applied both to the mechanism of getting into discussions and to the substance of the discussions themselves.

8. Mr Robinson then asked about the Government's attitude to the Republic of Ireland. Mr Burns stressed that Northern Ireland came first and that the constitutional parties there were its primary concern. But, of course, any action which impinged on the Anglo-Irish relationship would have to be managed with the Republic. Although to go any further at this stage would be purely hypothetical, it was unlikely that the position of the Irish Government would at the end of the day differ markedly from that of the SDLP. And if there appeared to be serious moves towards devolution Article 4 of the Anglo-Irish Agreement would come into play.

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9. Mr Campbell, after stressing that the DUP delegation were completely representative of unionist opinion and that any idea of HMG appealing over the heads of unionist politicians to the electorate would be completely wrong, started what he saw as a series of probing questions. First, he asked whether HMG viewed the SDLP objective of a united Ireland as equally valid with the unionist objective of a devolved settlement. Mr Burns replied that he was in the business not of judging objectives but of acknowledging them as political facts. Objectives could not be wished away; this was the same for all parties. Turning to the specific point, he said that if the SDLP approached any talks with the aim of trying to achieve a united Ireland then their starting point would be so different from that of the other parties that dialogue would not be worthwhile. The Anglo-Irish Agreement dealt with relations between Northern Ireland and the Republic and between the Government and that of the Republic. All these relationships were also dealt with in the unionist proposals but in different ways. The ideas were similar in scope but not in content; there was the possibility that the ideas could be brought together. But should the SDLP come and seek a united Ireland the gap would be so much wider that matters would be extraordinarily difficult.

10. Secondly, Mr Campbell sought to clarify whether HMG expected the unionists to address the subject of the Anglo-Irish Agreement substantively in our discussions with the DUP. (At this point Mr Robinson intervened to say that the point at issue was the subject of the existence of the Anglo-Irish Agreement.) Mr Burns said that it would be necessary to consider simultaneously the internal government of Northern Ireland and its relationship with the Republic; all the major constitutional parties would have to be satisfied with both elements. It might be that this process would involve talking about changes to the Agreement. That was not the objective of HMG but there was no reason why unionists should not put forward their views.

11. Thirdly, Mr Campbell asked whether the current status quo (by which he meant the Agreement) would survive just because one party

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(by which he meant the SDLP) disagreed with an alternative. Mr Burns responded by saying that this was leading us into too complicated territory for this discussion and raised hypothetical questions. For the moment only the NIO and the DUP were involved in talking to each other about this matter. (The NIO reserved the right, of course, to talk to the other constitutional parties but not about its talks with the DUP.) It was too easy to set traps for each other; it was important to start the process of talking first. He understood Mr Campbell's questions; both sides wanted dialogue and he did not believe that the differences between them were that great. The DUP had shown courage in setting the ball rolling and HMG was prepared to respond. It would be necessary for all parties to discuss, shift, adjust and think; but it was not yet time to go into the details of final positions.

12. Mr Dodds, while asserting that the DUP wished the initial obstacle to be overcome so that talks could be started, sought to probe HMG's bottom line on "continued implementation" of the Agreement. Mr Burns replied that the important thing at this stage was that all three constitutional parties as well as the Government should be prepared to move. If any party stuck fast, the process would be doomed. He felt that there was some promise.

13. At this stage, Mr Robinson intervened to sum up. He felt that things had been taken as far as they could for the present and it was now time for both sides to mull over what had been said and decide the appropriate direction for the future. A formula needed to be found to "remove, get over or circumvent" the obstacle of the continued operations of the Agreement. He repeated again (as he had done at the first meeting) that the meeting was taking place with the knowledge of Dr Paisley. But each of the DUP delegation was present in a personal capacity and could neither agree to anything or commit the leadership. In a slight drawing back from his position at the previous meeting, he said that publicity would not be helpful and that in his experience it always undermined progress. He would prefer future meetings to be held on a confidential basis. Perhaps the best way forward was for

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discussions to continue in a smaller group reporting back to the wider one as necessary. Mr Burns agreed; he too would need to take instructions about the crucial issues. He felt that the task that had been set was not necessarily impossible if things were taken gradually and we did not try to answer every question at each meeting.

14. It was therefore left that both sides would prepare their positions and that the smaller group would meet again within the next few weeks. The meeting was constructive and frank throughout and Mr Robinson appeared to have achieved his aim of bringing his party colleagues (of whom Mr Campbell seemed the most sceptical) along with his thinking. Mr Gibson said nothing throughout apart from making assenting noises to several "moderate " statements. The meeting broke up at around 6.40 pm.

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