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8/4/86

SUBJECT CC MASTER

10 DOWNING STREET

From the Private Secretary

9 April 1986

Dear Jim,

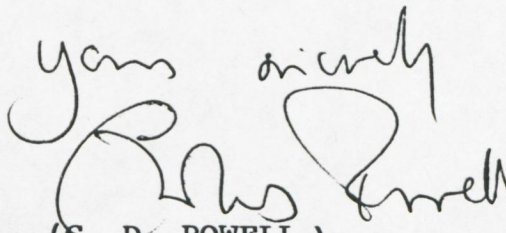
PRIME MINISTER'S MEETING WITH LORD MOYOLA AND LORD BROOKEBOROUGH

The Prime Minister had a talk this afternoon with Lord Moyola and Lord Brookeborough about the situation in Northern Ireland. The Lord President and Northern Ireland Secretary were also present. I do not propose to record the discussion in any detail because most of it was in familiar terms.

The Prime Minister spoke forcefully of the need for moderates in Northern Ireland to stop wringing their hands and to come forward with practical proposals. She lay particular stress on the need for support for the RUC and suggested that companies, groups and organisations might, for instance, take steps to place advertisements declaring their support for the police.

Lord Brookeborough and Lord Moyola for their part placed particular emphasis on the need to persuade Mr. Molyneaux to resume discussions with the Government. They thought it essential to detach the UUP from the DUP. There were many in the UUP who were keen to see negotiations take place between their party and the Government. They thought that once Mr. Molyneaux was engaged in the process, he would receive steadily growing support for continuing it. The Prime Minister said that she would be replying shortly to the most recent letter from Mr. Molyneaux and Dr. Paisley. She was certainly open to further discussions though it was important to have a specific agenda which made clear where such discussions were headed. Otherwise they would rapidly reach deadlock on all the issues which had prevented progress for years.

I am copying this letter to Michael Stark (Cabinet Office) and Colin Budd (Foreign and Commonwealth Office).

Yours sincerely

(C. D. POWELL)

Jim Daniell, Esq.,
Northern Ireland Office.

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CM



Charles Towell Esq

with the
compliments of

Michael Alton

(Lord Brookeborough
left this Memo.)

HOUSE OF COMMONS
LONDON SW1A 0AA

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AIDE-MEMOIRE

1. "NO COMMITMENTS EXIST ON HER MAJESTY'S GOVERNMENT TO CONSULT THE IRISH GOVERNMENT ON MATTERS AFFECTING NORTHERN IRELAND. THAT HAS ALWAYS BEEN OUR POSITION. WE REITERATE AND EMPHASISE IT, SO THAT EVERYONE IS CLEAR ABOUT IT".

(THE PRIME MINISTER, HANSARD,
29TH JULY 1982, COLUMN 1226).

2. "WE TRY TO WORK WITH THE REPUBLIC OF IRELAND, BECAUSE WE BELIEVE THAT IT IS IN THE INTERESTS OF THE PEOPLE OF NORTHERN IRELAND TO DO SO. THE CONSTITUTIONAL FUTURE OF NORTHERN IRELAND IS A MATTER FOR NORTHERN IRELAND AND THIS PARLIAMENT, AND FOR NO ONE ELSE"

(THE PRIME MINISTER, HANSARD
17TH MAY 1984, COLUMN 503).

3. ARTICLE 1 OF THE ANGLO-IRISH AGREEMENT AFFIRMS "THAT ANY CHANGE IN THE STATUS OF NORTHERN IRELAND WOULD ONLY COME ABOUT WITH THE CONSENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND". BUT THE AGREEMENT ITSELF DOES BRING ABOUT A CHANGE IN THE STATUS OF NORTHERN IRELAND, AND WITHOUT THE CONSENT OF A MAJORITY.

4. THE BRITISH GOVERNMENT WOULD NEVER HAVE ENTERED INTO THE ANGLO-IRISH AGREEMENT UNLESS IT BELIEVED THAT THE AGREEMENT WOULD BE ACCEPTABLE TO THE MINORITY. WHY DID IT ENTER INTO THE AGREEMENT KNOWING THAT IT WOULD BE TOTALLY UNACCEPTABLE TO THE MAJORITY?

5. RIGHTLY OR WRONGLY, THE MAJORITY IN NORTHERN IRELAND SEES THE REPUBLIC AS A HOSTILE POWER. HOSTILE IN THE SENSE THAT ARTICLE

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2 OF THE CONSTITUTION OF THE REPUBLIC LAYS CLAIM TO THE TERRITORY OF NORTHERN IRELAND. ARTICLE 2 OF THE REPUBLIC'S CONSTITUTION HAS NOT BEEN REMOVED FOLLOWING THE ANGLO-IRISH AGREEMENT. FURTHERMORE, THE MAJORITY IN NORTHERN IRELAND SEES THE REPUBLIC AS A COUNTRY FROM WHOSE TERRITORY MURDEROUS ASSAULTS HAVE BEEN MADE UPON THE INNOCENT IN ULSTER, AND TO WHOSE TERRITORY THE GUILTY HAVE RETURNED AND IN WHICH, TOO OFTEN, THE GUILTY HAVE FOUND SANCTUARY.

6. THE BRITISH GOVERNMENT CLAIMS THAT THERE ARE TWO GREAT ADVANTAGES WHICH FLOW FROM THE ANGLO-IRISH AGREEMENT:-

- (a) THAT THE REPUBLIC AFFIRMS "THAT ANY CHANGE IN THE STATUS OF NORTHERN IRELAND WOULD ONLY COME ABOUT WITH THE CONSENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND". HOWEVER, THE COMMUNIQUE ISSUED ON 9TH DECEMBER 1973 AFTER THE SUNNINGDALE CONFERENCE ASSERTS: "THE IRISH GOVERNMENT FULLY ACCEPTED AND SOLEMNLY DECLARED THAT THERE COULD BE NO CHANGE IN THE STATUS OF NORTHERN IRELAND UNTIL A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND DESIRED A CHANGE IN THAT STATUS". FURTHERMORE, THE COMMUNIQUE WENT ON: "THE CONFERENCE AGREED THAT A FORMAL AGREEMENT INCORPORATING THE DECLARATIONS OF THE BRITISH AND IRISH GOVERNMENTS WOULD BE SIGNED AT THE FORMAL STAGE OF THE CONFERENCE AND REGISTERED AT THE UNITED NATIONS".
- (b) THAT THE REPUBLIC AGREES THAT THERE WILL BE CLOSER CROSS-BORDER CO-OPERATION IN THE DEFEAT OF TERRORISM. HOWEVER, FOLLOWING EACH MEETING BETWEEN THE PRIME MINISTERS OF THE REPUBLIC AND OF THE UNITED KINGDOM SINCE MAY 1979, EACH

COMMUNIQUE HAS STATED THE COMMITMENT OF BOTH GOVERNMENTS TO CLOSER CO-OPERATION IN THE DEFEAT OF TERRORISM.

7. UNDER THE AGREEMENT, THE NATIONALIST COMMUNITY IN THE PROVINCE HAS AS ITS SPOKESMAN NOT THE ELECTED REPRESENTATIVES OF THE NATIONALIST COMMUNITY, BUT THE IRISH GOVERNMENT. THE IRISH GOVERNMENT IS TO PUT FORWARD VIEWS AND PROPOSALS ON POLITICAL, SECURITY AND LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF JUSTICE. WHERE THERE ARE DIFFERENCES, "DETERMINED EFFORTS SHALL BE MADE THROUGH THE CONFERENCE TO RESOLVE ANY DIFFERENCES". THUS A SPECIAL AND PRIVILEGED ROLE IN THE GOVERNMENT OF THE PROVINCE IS GIVEN TO THE REPUBLIC GOVERNMENT, WHICH IS NOT ACCOUNTABLE TO ANYONE IN THE PROVINCE, AND WHERE THERE ARE DIFFERENCES OF VIEW BETWEEN THE IRISH AND BRITISH GOVERNMENTS DETERMINED EFFORTS HAVE TO BE MADE TO RESOLVE THE DIFFERENCES. THE BRITISH GOVERNMENT CLAIMS THAT THE AGREEMENT IS CONSULTATIVE ONLY. BUT THE IRISH INTERPRETATION IS QUITE DIFFERENT. THE DEPUTY PRIME MINISTER OF THE IRISH REPUBLIC, IN A FORMAL DOCUMENT ISSUED ON 15TH NOVEMBER 1985 HAS SAID:-

- (a) "THE ROLE OF THE IRISH GOVERNMENT, AND INDEED OF THE CONFERENCE, ALTHOUGH NOT EXECUTIVE, IS THUS OBVIOUSLY MORE THAN CONSULTATIVE".
- (b) "IT IS NOT MERELY CONSULTATIVE. IT INVOLVES MUCH MORE THAN A MERE OBLIGATION ON THE BRITISH GOVERNMENT TO ASK THE IRISH GOVERNMENT FOR ITS VIEWS ON CERTAIN MATTERS. IT GIVES TO THE IRISH GOVERNMENT THE RIGHT TO PUT FORWARD ITS VIEWS AND PROPOSALS OVER THE WHOLE RANGE OF ISSUES AND IMPOSES A LEGAL OBLIGATION ON THE TWO GOVERNMENTS TO MAKE

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DETERMINED EFFORTS THROUGH THE CONFERENCE TO RESOLVE ANY DIFFERENCES".

8. IT WAS A MAJOR ERROR TO HAVE SIGNED THE AGREEMENT AT HILLSBOROUGH. THAT CANNOT BE UNDONE. HOWEVER, NOTHING IN THE AGREEMENT REQUIRES THAT THE SECRETARIAT SHOULD BE IN NORTHERN IRELAND, NOR THAT MEETINGS OF THE INTERGOVERNMENTAL CONFERENCE AT MINISTERIAL LEVEL SHOULD BE HELD IN THE PROVINCE. THE SECRETARIAT SHOULD BE MOVED TO LONDON. FUTURE MEETINGS OF MINISTERS SHOULD TAKE PLACE IN LONDON OR IN DUBLIN.

9. ARTICLE 4 REFERS TO DEVOLUTION "ON A BASIS WHICH WOULD SECURE WIDESPREAD ACCEPTANCE THROUGHOUT THE COMMUNITY". ARTICLE 10 REFERS TO "DEVOLUTION ON A BASIS WHICH SECURES WIDESPREAD ACCEPTANCE IN NORTHERN IRELAND". IT IS TOTALLY INCONSISTENT TO REFER TO "WIDESPREAD ACCEPTANCE" IN ARTICLES 4 and 10, BUT TO PROCEED WITH THE AGREEMENT ITSELF EVEN THOUGH THERE IS NO WIDESPREAD ACCEPTANCE.

10. UNFORTUNATELY, MANY PEOPLE IN NORTHERN IRELAND BELIEVE THAT THE ANGLO-IRISH AGREEMENT WOULD NEVER HAVE BEEN SIGNED UNLESS IT HAD BEEN PRECEDED BY A PROLONGED CAMPAIGN OF TERROR; THAT THE BRITISH GOVERNMENT IGNORED THE WARNINGS GIVEN BY ELECTED UNIONIST LEADERS BEFORE THE AGREEMENT WAS SIGNED; THAT THE GOVERNMENT HAS IGNORED THE CLEAR VERDICT OF THE FIFTEEN BY-ELECTIONS OF 23RD JANUARY 1986, WHICH IN EFFECT, CONSTITUTED A REFERENDUM ON THE ANGLO-IRISH AGREEMENT IN FIFTEEN OUT OF SEVENTEEN NORTHERN IRELAND CONSTITUENCIES; THAT ALL THAT THE CONSTITUTIONAL LEADERS OF UNIONISM HAVE ACHIEVED AT THE END OF SEVENTEEN YEARS OF TERROR IS THE ANGLO-IRISH AGREEMENT; THAT ALTHOUGH THE GOVERNMENT SAYS THAT IT WILL

HEED ONLY THE BALLOT BOX AND NOT THE BULLET AND THE BOMB, THE BALLOT BOX HAS BEEN IGNORED IN NORTHERN IRELAND AND THAT THE BULLET AND THE BOMB HAVE WON THE ANGLO-IRISH AGREEMENT; THAT THEIR OWN POLITICAL LEADERS HAVE BEEN DOWNGRADED AND DISCREDITED BECAUSE THEIR ADVICE HAS NOT BEEN HEEDDED; AND THAT THE ONLY WAY NOW IN WHICH TO DEMONSTRATE THEIR DEEP HOSTILITY TO THE AGREEMENT IS THROUGH UNCONSTITUTIONAL AND UNLAWFUL METHODS.

11. DESPITE ATTEMPTS BY GOVERNMENT MINISTERS DURING THE PAST FIVE MONTHS TO PERSUADE THE MAJORITY IN NORTHERN IRELAND THAT "THE AGREEMENT IS GOOD FOR THEM", HOSTILITY TO THE AGREEMENT IS MORE WIDESPREAD IN APRIL 1986 THAN IN NOVEMBER 1985.

12. THE WAY FORWARD

- (a) TALKS WITH THE UNIONIST POLITICAL LEADERS MUST BE RESUMED.
- (b) IF THE UNIONIST LEADERS WERE TO AGREE TO RENEW TALKS WITH THE PRIME MINISTER AND THE SECRETARY OF STATE, WITH THE INTERGOVERNMENTAL ~~CONFERENCE~~ CONFERENCE STILL MEETING AT MINISTERIAL LEVEL, THE POLITICAL LEADERS OF UNIONISM WOULD BE REPUDIATED BY THE RANK AND FILE.
- (c) THUS, IT IS ESSENTIAL TO ANNOUNCE THAT NO MEETINGS OF THE INTERGOVERNMENTAL CONFERENCE AT MINISTERIAL LEVEL WILL TAKE PLACE, FOR SAY, THREE MONTHS.

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(a) FOR FURTHER TALKS BETWEEN THE UNIONIST LEADERS AND THE BRITISH GOVERNMENT TO FAIL, WOULD BE A DISASTER. THUS, ANY FRESH TALKS WOULD NEED TO BE PRECEDED BY INFORMAL CONTACTS, SO AS TO PREPARE THE WAY FOR THOSE FORMAL TALKS.

9th April 1986