



An Chartlann Náisiúnta National Archives

Reference Code:	2017/4/139
Creation Dates:	30 April 1986
Extent and medium:	8 pages
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

ConfidentialUnionist Views on Devolution

Attached is a note on recent speeches and interviews by the General Secretary of the OUP, Frank Millar, and the Chief Whip of the DUP, Jim Allister, together with a note on the SDLP's response. The interviews and speeches concentrated on the necessity for Unionists to propose an alternative to the Anglo-Irish Agreement. Both Millar and Allister see some form of devolution as the answer.

While the Millar and Allister speeches, taken together with other recent speeches by Unionist leaders, provide evidence that Unionist leaders are "preparing the ground" for putting forward an alternative to the Agreement, their significance should not be overestimated. SDLP sources contacted this week agreed that Unionist leaders were "preparing the ground" for political movement. They pointed out, however, that both Millar and Allister are "champing at the bit" at present. Neither were MP's and had to keep themselves in the public eye by taking "up front" positions". Allister is, in particular, very frustrated at present. The DUP/OUP electoral pact (that is, an agreement not to run against each other for Westminster seats where such a contest would result in the loss of the seat to nationalists) prevents him from running for a Westminster seat. Allister lost in his last Westminster contest by only 387 votes to an Official Unionist in 1983. Such a note of caution having been sounded, it is clear, however, that both the Unionists and the SDLP are anxious to, and being careful to, keep the door to talks open.

Padraic Collins

Padraic Collins

c.c. PSM ✓
 Secretary ✓
 A-I Secretariat ✓

A-I Section ✓
 Ambassador London ✓
 Box ✓

0421C

Devolution and the Anglo-Irish Agreement - The Unionist Response

The News Letter carried a major feature in its issue of 20 April, entitled "Devolution - Return to power at Stormont is way ahead" and featured interviews with Frank Millar, general secretary of the OUP, and Jim Allister, the DUP's chief whip. Millar went over the ground he covered previously, (see Padraig Collins' report of 15 April 1987 "Hints of a Unionist Re-Think?"). The paper followed this up in its issue of 27 April with interviews with Pascal O'Hare and Sean Farren, the former rejecting any form of devolution, the latter laying down the context in which security could be devolved to a Northern Ireland power-sharing administration. Millar, in a radio interview, responded positively to Farren's proffered possibility of devolved control over security.

The interviews with Millar and Allister were mutually supporting and the following key points were common to both:

- maximum degree of "full-blooded" devolution needed
- majority control of the executive in any devolved administration
- security to be one of those matters devolved and considered to be a priority
- the devolution proposals to be an alternative supplanting the Anglo-Irish Agreement
- the Anglo-Irish Agreement represented British perfidy and only a return of NI autonomy could ensure against a further betrayal of the "Union"
- integration was unworkable

- the SDLP had little interest in devolution so long as the Agreement was in place. The SDLP could only have one or the other, the Agreement or a degree of influence in a NI Government.
- there seemed to be an effort to avoid any reference to the demand that the Agreement be suspended before talks could begin, though subsequent clarifications indicated that this demand remains.

Allister's views are particularly noteworthy in that as the DUP's chief whip he is in a good position to gauge rank and file feeling. He is also part of the hardline DUP echelon with an interest in contesting OUP Westminster seats, having only lost to Roy Beggs by 387 votes in the 1983 General Elections. At 34 years of age, he is part of the new generation within the DUP likely to inherit control of that party in the coming years.

As with Frank Millar, Allister rejected integration as "ludicrous" because it proposes to put "our trust, faith and destiny exclusively into the hands of the Parliament which so eagerly endorsed (the) betrayal" suffered when the AIA was signed.

Also in line with Millar, Allister set out the prime facet of any future negotiating position - i.e., that devolution had to be "full-blooded" with "no tinkering or messing around". Rolling devolution was out. Only a full return of devolved government "would have the durability to withstand the intrigue of Westminster". What structures were to be put in place, he argued, would have to be a "bulwark against the AIA ever happening again".

Allister reasoned away the AIA rather than demanded its suspension. As long as the AIA was in place and operating, the SDLP have no real interest in talks because they can, he held, exercise power over Northern Ireland affairs through Dublin. "Only when we have got rid of the Agreement will the SDLP be

brought down to a level of equality and talk realistically", he stated. In other words, the price of some form of power-sharing for the SDLP would be the loss of the Anglo-Irish Agreement.

In the most direct and significant reference to formulating an alternative to the AIA, Allister suggested that an option could be drawn from the genius of the Agreement itself, that is, an obligation could be imposed on the executive "to resolve differences" within the proposed Council of the Assembly. "This would", he said, "give those not included in the executive as good a protection as the Agreement now gives the minority through its Dublin Government surrogate".

This exchange of the influence yielded by the AIA for a commensurate degree of influence within Northern Ireland formed the key strategic factor in Allister's thinking, i.e., the need to supplant the joint authority of Dublin-London with a new "joint authority between government and opposition in Northern Ireland". It was, he said, "far more preferable to have this internal form of joint authority than the existing external joint authority".

If unionists "are required to accept that simple majority rule is unavailable, then equally, as of right, power-sharing must be labelled a non-starter". The search for options was to be launched "from this mutually concessionary starting point".

Allister's proposal drew on two sources; former Secretary of State Humphrey Atkins' "second option" and the Catherwood proposals.

(i) Atkins Second Option

This refers to an idea mooted in the White Paper "The Government of Northern Ireland - Proposals for Further Discussions" published in July 1980, as a follow-on to the White Paper of November 1979 "The Government of Northern Ireland - a working paper for the Conference". The then

Conservative Secretary of State, Humphrey Atkins, floated his ideas on devolution to secure agreement within Northern Ireland before submitting them to Westminster. The OUP refused to attend the proposed Conference. The DUP, Alliance and SDLP met under the chairmanship of Atkins in January-March 1980 and failed to agree, with the DUP insisting on majority rule and the other two parties maintaining their desideratum of power-sharing.

In his second White Paper, Atkins referred to two options for minority participation in NI Government. The first option was some system by which any party winning a certain proportion of the popular vote gained a seat on an executive. The "second option" did not give the minority a guarantee of seats in the Executive but involved them in Government via the assembly. The executive would be formed by a simple majority vote but legislation would have to pass through a council of the assembly consisting equally of representatives of both government and opposition parties. Thus, for legislation to be approved by the council, it would have to have some support from the minority as well as from the government. The actual powers of the council were left undefined but at a minimum would be advisory vis a vis the Executive. The White Paper conceded that for the minority to wield real influence, which was the point of the exercise, the Council would need other powers e.g., to delay, refer back and/or block legislation.

(ii) Catherwood's Proposal

Allister referred to grafting on an aspect of the Catherwood "plan", that is, that the devolved executive's first term required a vote of confidence of two-thirds of a NI Assembly and a vote of 55% for the executive's second term. If either threshold was not reached, the Secretary of State would have the discretion to establish an executive by simple majority if he was satisfied that such an administration commanded widespread community support. The third, and all successive terms, would operate on a simple majority vote.

Between them, Allister and Millar, together with earlier speeches made by Millar and Robinson, have begun articulating the possible features of unionist political demands i.e. a package of comprehensive as opposed to piece-meal devolution, with majority-control of the executive, some concession to minority interests as a counter to the guarantee provided by the AIA, and a degree of control over security matters. Only when such moves have the imprimatur of the party leaders will they represent the "alternative" to the AIA which Allister and Millar have stated to be the next and most logical step in their campaign against the AIA.

The SDLP Response

The thrust of Sean Farren's interview concentrated on the context in which security could be devolved, in what could be seen as an attempt to initiate some dialogue between the SDLP and the unionist bloc - or at least fly a kite that the unionist leadership would not spontaneously shoot down in their usual Pavlovian style.

Farren began from the position that a new devolved government in Northern Ireland should have control over security: "That's the kind of ideal that any democratic community should aspire to anywhere in the world". But any move to devolve security "would have to take into account the actual situation that would exist at the time; the kind of powers that the new administration would be able to exercise and the degree of agreement that would be likely to be achieved within that administration". The devolution of security, in Farren's view, depended on the character of the devolved government. He stressed that he was referring to the "situation that would emerge after an agreement has been reached on the new structures" and not the commitments that might be entered into prior to an agreement being reached. If a tenable structure was agreed, he could envisage a situation where, given the new confidence in the administration,

nationalists "would...be encouraged to join the security forces controlled by the new devolved administration". That was the aim to which the SDLP wanted to commit itself, he stated.

Citing the examples of the Red Army Faction in West Germany and the Red Brigades in Italy, and arguing that terrorism was "a symptom of the basic instability caused by political division", Farren pointed out that the defeat of terrorism could be achieved if the political institutions "enjoyed widespread popular support".

He was, in other words, reversing the unionist demand that control over security was a sine qua non of any devolution talks by arguing that an agreed political structure was both the requirement for devolving power over security and the most effective weapon against terrorism. He termed as the "crude choice" facing Northern Ireland the fact that "unless we come together within the North and create agreed political structures, the instability from which we have suffered and the paramilitary violence which has been the product of that instability, will persist".

Farren referred to two of the principles which should underpin any new devolved administration - power-sharing and an all-Ireland dimension. Power-sharing, he held, was a principle not as of right but out of necessity: "You can't have one side dictating - you've got to have the involvement of both sides. Unless there is this involvement - right to the very heart of the administration - you won't have the confidence of the two communities". That was why, he said, majority rule had not and would not work and why he rejected Allister's views because they were founded on majority rule. Farren "detected a greater openness to explore possibilities from Mr. Millar".

Secondly, the Anglo-Irish Agreement would have to remain in operation. Many unionists, he believed, had a "basic misconception" as to the Agreement's aims. It gives expression to both "the wider British dimension to which the unionists

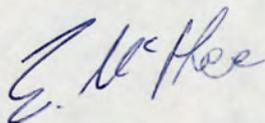
subscribe and the wider Irish dimension to which the nationalists subscribe". Unionists should "look carefully" at Article 1 which gave them a "clear-cut commitment" that there would be no change without the consent of the majority. But "the SDLP would still insist on a Dublin input even if it was offered a place at the negotiating table, because without London and Dublin coming together to provide a wider framework....there would really have been no progress".

A dissident view, in a Newsletter interview with Pascal O'Hare, was that devolution should be rejected outright. O'Hare left the SDLP in a political row over the Anglo-Irish Agreement, but his views may be shared by some SDLP supporters.

Millar Responds to the Response

In a radio interview on 28 April, Millar reacted positively to Farren's comment on devolving security. "What I was attempting to open up on the security issue, was what is devolvable", he said.

In a rather tortuously reticent vein, he explained that the Anglo-Irish Agreement could not be "devolved away" because certain important matters, "namely matters of security and the administration of justice, would, in any event, remain within the purview of the Anglo-Irish Conference". He did not want to close the door upon any movement, however slight, toward the point where such matters were "to be placed on the agenda of what may be devolved in Northern Ireland".



Eamonn McKee,
30 April, 1987.

0418C