

SB
831

PREM 19/281

SECRET.

confidential filing.

The Situation in Northern Ireland.

The Northern Ireland Conference in Belfast.

IRELAND.

Part 1: May 1979

Part 7: June 1980.

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
9-6-80.							
11-6-80							
17-6-80							
20-6-80							
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PREM 19/281

PART

8

ends:-

PART

7

begins:-

CAW to N10

5.8.80

SECRET



held 6

10 DOWNING STREET

From the Principal Private Secretary

5 August 1980

Dear Roy,

You wrote to Michael Alexander on 30 July 1980 reporting Mr. John Hume's account of what Mr. Haughey had told him about his meeting with the Prime Minister in Venice.

I have shown your letter to the Prime Minister, and she has asked me to make it absolutely clear that she said nothing to Mr. Haughey which could have given him the impression that she did not expect the government's initiative in publishing proposals for the Government of Northern Ireland to get anywhere. What she did tell Mr. Haughey was that the Government's proposals would be published within a few weeks and that we would then have to discuss them with the various parties. She offered no view at all on what would happen after that.

Where Mr. Haughey and Mr. Hume between them have reported the Prime Minister accurately is in what she said to Mr. Haughey about spending time this summer thinking about Northern Ireland. She has confirmed that she does propose to spend some time during the next few weeks going over the history of the problem of Ireland in order to put the immediate situation in a wider perspective and to see how, against the background of the Government's present proposals, we might best move ahead. The Prime Minister also wants to look at the history of the problem in the particular context of the relationship between the United Kingdom and the Republic to try and assess what the prospects are of developing that relationship in a way which is in the long term interests of both countries. She believes that Mr. Haughey genuinely wants to improve relations between ourselves and the Republic and that he is expecting far more of the relationship than we are. She has commented that she fears that he will eventually be very disappointed.

I think it would be appropriate if this letter were given only a very restricted circulation.

I am sending copies of this letter to George Walden (FCO) and David Wright (Cabinet Office).

Yours sincerely,

Alan White

KRB

Roy Harrington, Esq.,
Northern Ireland Office.

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From: THE PRIVATE SECRETARY

(re)ad 5



no one saw (said) I sent that. I told him the white paper would be out within a few weeks and then we would have to discuss it. Prime Minister will be present. No comment. don't say anything. would you mind?

NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

What P.S.I.P.

Michael Alexander Esq
10 Downing Street
London SW1

30 July 1980

1 agree

You will want to be aware of A. This incident confirms me in my view, with which I think you agree, that whatever Mr Haughey chooses to do, you should insist on having a second later present next time.

Dear Michael,

Following publication of the Government's proposals for the Government of Northern Ireland we have now opened discussions with the political parties. At an early stage we came across one matter mentioned by John Hume of which you should be aware.

John Hume has told us that he received from Mr Haughey an account of the latter's discussions with the Prime Minister in Venice. We do not suppose it to be true: but according to Mr Haughey, the Prime Minister told him first that she did not expect the Government's initiative to get anywhere, and second that she intended to spend a lot of time this summer thinking about Northern Ireland and what the Government was going to do about it. There are plenty of things within the Government's proposals which the SDLP do not like, and you will appreciate how damaging it would be to our negotiations with his party if Mr Hume believed that the Government were less than serious about them - and from his reaction it was clear that Mr Hume did believe this tale when he heard it. Furthermore, if John Hume were to see his interests served by disclosing this account to Dr Paisley, for example in Strasbourg where they meet quite informally, the consequences could be serious and even dangerous. The relationship which the Secretary of State has built up painstakingly with Dr Paisley would be completely destroyed, in a manner which could have security implications both generally and for those with whom Dr Paisley believes he has been negotiating in good faith.

We weighed in immediately by pointing out to Mr Hume that the Venice meeting occurred before the Prime Minister and her colleagues had even begun to consider in any detail the Government's proposals for further discussion; and that the proposals themselves had been most rigorously worked over by Ministers, including the Prime Minister, and had been approved by Cabinet as a whole. The Secretary of State has left Hume in no doubt, we believe, that the Government is serious in putting forward proposals for further discussion and that he will be conducting discussions and negotiations with the political parties over the next few months with a view to putting to his colleagues in the autumn proposals framed in the light of those discussions. The same message has also been conveyed in the course of our informal contacts

John Hume's description and the words will come out - for him but for the U.U.'s.

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with officials of the Republic, in particular their Ambassador in London.

We think this episode is now disposed of. Certainly we had a useful two hours of discussion with John Hume and Seamus Mallon last week and a further meeting is being arranged. But it is a reminder that the relationships which have been established are fragile, and that their breakdown in an atmosphere which called in question the Government's good faith would wreck not just the present policy but also any alternative - and could have some nasty security implications.

I am copying this letter to George Walden (FCO) and to Sir Robert Armstrong.

*Yours ever,
R. Harrington.*

R A HARRINGTON

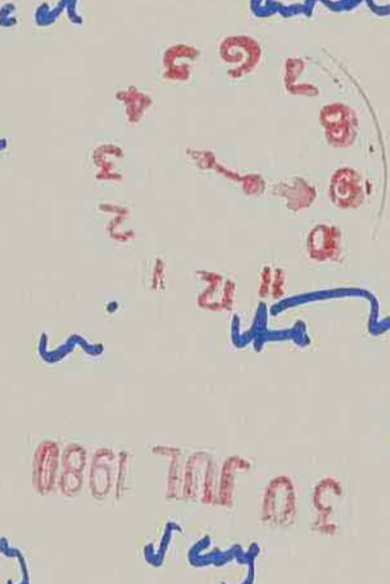
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The reference to the summer news is to the
"unique" relationship between the Irish
Republic and the United Kingdom and whether
it can be developed in any way in the

long term interests of us both. He is quite right
in saying that I personally did intend to
spend some time on going over the history
of the Irish problem to see how we could
best go ahead and do just a little first for

the long term
of the problem - in the context of U.K. / Irish Republic
relations - which he wants to improve.
I may say that was because he is still

in his heart of hearts expecting far more than
we are and is looking forward to the best
outcome or if it will result in a positive
and considerable step forward to a very much
closer relationship. I think he will be disappointed -
very disappointed - because I would not do it later
unless on the specific cases I put to him.
no



NORTHERN IRELAND: ADVANCE COPIES

187

Beland

PS	N IRELAND OFFICE - PS TO SEC OF STATE
PS/LPS	RM 66 A/2 GGS
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HD/NEWS DEPT	CABINET OFFICE - SIR R ARMSTRONG
<i>hd/N.A.D ...</i>	DIO
...	NO 10 DOWNING STREET

~~RESIDENT CLERK~~

GRS 580
UNCLASSIFIED

for [unclear]

FM DUBLIN 28/0850Z JULY 1980

TO IMMEDIATE DESKBY 1000Z F C O

TELEGRAM NUMBER 214 OF 28 JULY

INFO IMMEDIATE THREE POSTS NIO (BELFAST) WASHINGTON BIS NEW YORK

MR HAUGHEY'S CORK SPEECH ON NORTHERN POLICY AND NORAID

IN REPLY TO OPPOSITION ALLEGATIONS THAT HIS POSITION ON VIOLENCE WAS AMBIGUOUS, THE TAOISEACH MADE A LONG SPEECH YESTERDAY IN CORK.

2. THE FOLLOWING ARE THE MOST SIGNIFICANT PASSAGES ON SUSPECT ORGANISATIONS IN THE U S

BEGINS

I BELIEVE THAT IT IS EQUALLY CLEAR THAT THERE FLOWS UNAMBIGUOUSLY FROM OUR TOTAL REJECTION OF VIOLENCE A CORRESPONDING REJECTION OF THE ACTION OF INDIVIDUALS AND ORGANISATIONS AT HOME, IN THE UNITED STATES OR ELSEWHERE, WHO PROVIDE FINANCIAL OR ANY OTHER SUPPORT FOR THE CAUSE OF VIOLENCE.

THAT IS OUR POSITION AND IT HAS BEEN SO FROM THE OUTSET. A RESPONSE

THAT IS OUR POSITION AND IT HAS BEEN SO FROM THE OUTSET. A RESPONSE TO PRESS QUERIES, ISSUED ON MY BEHALF AS FAR BACK AS 20TH DECEMBER LAST, UNDERLINED THAT THE GOVERNMENT WOULD CONTINUE TO ADVOCATE THAT NO SUPPORT OR ENCOURAGEMENT SHOULD BE GIVEN TO ANY ORGANISATION IN THE UNITED STATES WHICH SENDS TO IRELAND FUNDS WHICH MAY BE USED IN THE PROMOTION OF A VIOLENT CAMPAIGN IN THIS COUNTRY.

EXPERIENCE HAS SHOWN THAT REPEATED DENUNCIATIONS BY GOVERNMENT LEADERS OF THE TYPE NOW SOUGHT CAN BE TO SOME EXTENT COUNTER-PRODUCTIVE PARTICULARLY IN A COUNTRY WHERE THE FREEDOM OF THE INDIVIDUAL TO DECIDE FOR HIMSELF IS SO HIGHLY VALUED AND CHERISHED.

I WOULD NOT WISH TO PRESENT ANY ORGANISATION SPONSORING OR SUPPORTING VIOLENCE WITH GRATUITOUS PUBLICITY WHICH, HOWEVER ADVERSE, MAY HAVE THE VERY OPPOSITE EFFECT TO THAT INTENDED. THE THE EFFORTS OF THE GOVERNMENT WILL BE DIRECTED PRIMARILY AT PROMOTING OUR OWN POSITIVE POLICIES ON AS WIDE A FRONT AS POSSIBLE. BY WINNING SUPPORT FOR THEM EVERYWHERE WE CAN ISOLATE THE MEN OF VIOLENCE.

NEVER THE ~~LESS~~ SINCE OPPOSITION SPOKESMEN HAVE PROVIDED THESE PERIPHERAL ORGANISATIONS WITH THE SORT OF FREE PUBLICITY ON WHICH THEY THRIVE

I BELIEVE THAT NOT MUCH MORE HARM CAN BE DONE BY DEALING WITH SPECIFIC ORGANISATIONS ON THIS ONE OCCASION.

THERE IS CLEAR AND CONCLUSIVE EVIDENCE AVAILABLE TO THE GOVERNMENT HERE FROM SECURITY AND OTHER SOURCES THAT NORAID HAS PROVIDED SUPPORT FOR THE CAMPAIGN OF VIOLENCE AND INDEED DIRECT ASSISTANCE IN ITS PURSUIT. ON THE BASIS OF THESE ACTIVITIES IT STANDS CONDEMNED AND I APPEAL TO ALL IN AMERICA WHO HAVE THE INTERESTS OF IRELAND AT HEART NOT TO GIVE THIS BODY ANY SUPPORT, FINANCIAL OR MORAL.

THE EVIDENCE AVAILABLE TO US ALSO OF THE ASSOCIATIONS THAT EXIST BETWEEN NORAID AND THE IRISH NATIONAL CAUCUS CASTS GRAVE SUSPICION ON THE LATTER ORGANISATION. THAT IS ~~NOT TO SAY THAT~~

~~CGHSXPQ~~

THERE ARE

~~WHERE ARE~~

NOT AMONG THE MEMBERS OF THAT BODY OR ITS SUPPORTERS, MANY FINE PEOPLE WHO ARE NOT AWARE OF ITS UNDESIRABLE ASSOCIATIONS. IT IS IMPORTANT THAT THEY SHOULD BE AWARE OF THE REALITIES. THE SITUATION IN IRELAND TODAY IS SUCH THAT NO INDIVIDUAL, WHETHER PRIVATE CITIZEN OR ELECTED MEMBER OF CONGRESS, SHOULD BY ANY STATEMENT OR ASSOCIATION, LEND SUPPORT TO THOSE WHOSE ACTIONS SERVE ONLY TO DELAY IRISH UNITY. I SAY NOW TO ALL SUPPORTERS OF THE BODIES I HAVE MENTIONED THAT THEY SHOULD CONSIDER WHETHER THE CAUSE THEY PROFESS TO SERVE WOULD NOT NOW BEST BE SERVED BY UNITED IN FIRM SUPPORT OF THE POLICY OF THE IRISH GOVERNMENT WHICH IS DIRECTED TOWARDS BRINGING ABOUT THE UNITY AND PROSPERITY

WHICH IS DIRECTED TOWARDS BRINGING ABOUT THE UNITY AND PROSPERITY
OF THE IRISH PEOPLE.

OUR WISH IS TO SEE ALL AMERICANS OF IRISH DESCENT AND THEIR FRIENDS
RALLY BEHIND THE POSITIVE POLICIES OF THE GOVERNMENT, SATISFIED
THAT THEY HAVE AN OBJECTIVE WORTHY OF SUPPORT AND CONVINCED OF
THE REALITY OF OUR PROSPECTS OF SUCCESS THROUGH PEACEFUL, POLITICAL
MEANS . AND I WISH TO SEND THIS MESSAGE TO ALL OUR FRIENDS IN THAT
GREAT DEMOCRACY AND ESPECIALLY TO OUR OWN KIN. WE AT HOME DRAW
GREAT STRENGTH AND ENCOURAGEMENT FROM YOUR CLOSE INTEREST
IN IRELAND AND ARE GRATEFUL FOR YOUR SUPPORT FOR OUR EFFORTS TO
UNITE OUR OUR PEOPLE AND TO PROMOTE THEIR WELFARE. IT IS OUR
DEEPEST WISH THAT YOU WILL ALWAYS CONTINUE.

ENDS

FIGG

NNNN

CCNS LAST WORD THIRD PARA SHOULD BE LEADERS

FIRST WORD FIFTH FIFTH PARA SHOULD BE NEVERTHELESS

SENTAT RECD AT 28/1137Z DH/MJW

GROUPS 330

CONFIDENTIAL

Ireland

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FROM DUBLIN 21/1724Z JULY 1980
TO IMMEDIATE DESKBY F C O
TELEGRAM NUMBER 208 OF 21 JULY 1980
AND TO IMMEDIATE N I O (BELFAST)

MY TELNO 206 : VISIT OF SDLP.

1. DR FITZGERALD TOLD ME THIS AFTERNOON THAT HIS TALKS WITH THE SDLP HAD SHOWN THAT THEY BROADLY SHARED THE IRISH GOVERNMENT'S VIEW THAT THE PROPOSALS IN OUR WHITE PAPER ARE NOT A PROMISING START FOR THE TALKS. THE DIFFICULTY LAY WITH THE OFFICIAL UNIONIST LINE THAT THEY ARE NOT PREPARED TO CONTEMPLATE ANY POWER-SHARING. THE VIEW OF THE SDLP, AND INDEED OF DR FITZGERALD HIMSELF AS WELL AS THE GOVERNMENT, IS THAT THE BRITISH GOVERNMENT'S GUARANTEE ABOUT NOT CHANGING THE STATUS OF NORTHERN IRELAND GIVES THE OFFICIAL UNIONISTS AN IMPREGNABLE POSITION. FOR THEM, DIRECT RULE IS A MUCH BETTER STATE OF AFFAIRS THAN FOR ANYBODY ELSE. SINCE ANY ALTERNATIVE MUST INVOLVE A DEGREE OF POWER-SHARING, THEY ARE BETTER OFF AS THEY ARE.

2. THE INTERESTING POINT WHICH DR FITZGERALD MADE WAS THAT THE SDLP SEE OUR GUARANTEE AS HAVING A SECONDARY AND PERHAPS MORE NEGATIVE EFFECT. THE OBSTINATE LINE WHICH DR PAISLEY FOLLOWS HAS A DIFFERENT ORIGIN THAN THAT OF THE OFFICIAL UNIONISTS. HE HAS MAINTAINED PRIVATELY TO MR HUME THAT THE CONNECTION BETWEEN NORTHERN IRELAND AND GREAT BRITAIN IS SO STRONG BECAUSE OF THE GUARANTEE AND THAT THIS PREVENTS HIM (PAISLEY) FROM NEGOTIATING FREELY. (THIS, CONTINUED DR FITZGERALD, WAS CONSISTENT WITH PAISLEY'S PREVIOUS REFERENCES TO U D I). SO THE SDLP SEE THE GUARANTEE AS EAST/WEST RATHER THAN NORTH/ SOUTH. THEY GO ON TO ARGUE THAT IF ONLY THIS COULD BE MODIFIED IN SOME WAY, NEW POSSIBILITIES FOR NEGOTIATION MIGHT EMERGE.

3. A FINAL POINT DR FITZGERALD MADE WAS THAT THE ORIGINAL DRAFT COMMUNIQUE ISSUED BY THE GOVERNMENT ON THE TALKS WITH THE SDLP HAD A PIECE ABOUT THE IRISH NATIONAL CAUCUS AND NORAID BEING UNACCEPTABLE AND THAT THIS WAS CUT OUT WHEN THE COMMUNIQUE WAS FINALLY ISSUED. HE SAID HE HAD HAD THIS FROM A DELICATE SOURCE, SO PLEASE PROTECT.

FIGG

FILES

RID	SEC D	PS/PUS	ADDITIONAL DISTN.
NAD	PUSD	SIR A ACLAND	NORTHERN IRELAND
OID	PS	CHIEF CLERK	
IPD	PS/LPS	MR ADAMS	
WED	PS/MR HURD	MR FERGUSSON	
MAED	PS/MR RIDLEY	LORD N G LENNOX	
NEWS D	PS/MR BLAKER	MISS BROWN	

CONFIDENTIAL

E.R.

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Ireland (4)

NIOM (80) (5)

NOTE OF A MEETING HELD IN THE NORTHERN IRELAND OFFICE ON FRIDAY 11 JULY 1980

Handwritten initials
17/7

Present

Mr Marshall)	Chairman
Mr Buxton)	
Mr Corbett)	
Mr Ledlie)	
Mr Abbott)	NIO
Mr Blackwell)	
Mr Hall)	
Mr Benger)	
Mr Stephen)	
Mr Stephens)	
Mr Gardner)	MOD
Capt Ramsay)	
Maj Martin)	
Mr Thomas)	FCO

Area Reviews

Mr Ledlie said that, whilst the Review of Londonderry had raised comparatively few issues, a number of points had arisen from the Review of South Armagh and these were still being considered by the persons concerned. It was likely that this review would be used as a foundation document for further consideration of the area. It was hoped that the Review of East Tyrone would be completed in time for the next SPM. At the same time it was hoped that a report could be presented on the relationship between the activities of the civil administration and the security forces. Work on the Review of Belfast was proceeding satisfactorily but Sir Brooks Richards might well wish to consider matters afresh in which case the final report might not be submitted to the next SPM although the fieldwork should be concluded by the end of July.

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E.R.

Mr Stephens thought that a major problem in West Belfast might be the effects of the actions of the security forces and the civilian administration upon each other and the difficulties of dovetailing the two. Mr Ledlie agreed that it should be possible to improve co-ordination but did not think it appropriate for the Planning Staff to make recommendations in this sphere. Mr Stephens also asked whether thought had been given to breaking down consideration of West Belfast into smaller geographical areas. Mr Ledlie replied that the GOC had insisted that all of Belfast should be treated together; in the case of West Belfast it made operational sense to view it as one area.

Irish Named Regiments

3. Mr Stephen said that the press articles appearing on Monday July 7 had been the result of an involuntary leak. The effects had not in fact been serious and it had perhaps been beneficial to deal with such a potentially sensitive issue so far in advance although, of course, no announcement had been planned. The Chairman said that he had been surprised by the level of press interest but no harm had been done. He asked whether interest had been shown in further troop withdrawals. Mr Stephen replied that very little interest had been shown.

Renewal of the Emergency Provisions Act (EPA)

4. The Chairman said that the decision to allow Section 12 of the EPA to lapse had been received very quietly; unfortunately the Social Democratic and Labour Party (SDLP) had not given the Government much credit for the decision. Mr Buxton said that the SDLP favoured the outright repeal of the Section, which would require a Bill. If there were a short Bill giving effect to the recommendations of the Working Party on the Law relating to Terrorism that might provide a suitable vehicle; but it could also lead to the tabling of a large number of undesirable amendments. The Chairman said that the Secretary of State was not minded to introduce such a Bill, and if he subsequently did so the long title would need to be drawn very tightly which would be

popular. Mr Stephen asked whether there had been comment on the link between Sections 11 and 12 of the EPA. Mr Buxton replied that the Standing Advisory Commission on Human Rights (SACHR) had mentioned it but without alluding to the Parliamentary undertakings. The Chairman said that the Attorney-General had given clearance on the legal aspect and the Secretary of State had taken the view that the political commitment was no longer of significance. Mr Buxton mentioned that SACHR had extended its comments to the special powers of arrest in Sections 11 and 14; more might be heard of the alleged abuse of Section 14 to conduct large-scale screening operations.

Yellow Card

5. Mr Stephen said that the Law Officers had finally commented on the MOD proposals on a shorter form for the Yellow Card. Three points had been made; two posed no problems, but the other was somewhat difficult. MOD would write to NIO on the matter.

Constitutional Proposals

6. The Chairman said that the Command Paper "The Government of Northern Ireland: Proposals for Further Discussion" (Cmnd 7905) was published on 2 July and debated in the House of Commons on the 9th. None of the four main Northern Ireland parties had rejected the proposals totally, and the intention was to meet the parties bilaterally in an attempt to work out an acceptable formula; as yet one could not tell whether this was possible. The talks would begin later in the month with Mr Molyneux being seen first. The aim was to meet all the major parties by the end of July.

The North/South Interconnector

7. Mr Thomas said that the Embassy in Dublin had been prodding gently for a directive to be issued to the Garda on co-operation

E.R.

over the restoration of the interconnector. Progress had been unsatisfactory but before proceeding further the Embassy would like more information on progress in the North. The Chairman said that information would be sought from Belfast. Mr Buxton said that the Northern Ireland Electricity Service seemed to have accepted that the interconnector ought to be restored by winter; but there was no decision as to how this should be done.

Security Situation in Fermanagh

8. Mr Ledlie asked what had been the outcome of the meeting between the Prime Minister and the UDR widows from Fermanagh. Mr Blackwell said that the widows had stated that certain local people were giving information to PIRA; they also called for further border road closures. Number 10 had now written to ask for a report on the security position and on the improvement of cross border co-operation. Mr Corbett said that the Prime Minister had also informed Rev Ian Paisley that she would be consulting the Secretary of State. The Chairman said that a report should be provided as soon as possible. Mr Ledlie said that the Planning Staff had done some work on Fermanagh and he would consult with LOB about it.



M 6 JUL 1980

Original - KR



Ireland

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CCN10

10 DOWNING STREET

THE PRIME MINISTER

10 July 1980

Dear Mrs. Rayill,

Thank you for your letter.

I can imagine the grief which you feel for the loss of your son William and I send you my deepest sympathy. Your son was playing a vital part in the difficult and dangerous work of enforcing law and order in Northern Ireland. He met his death while fulfilling the most fundamental role of a policeman - answering a plea for help. I know that words are a poor consolation for his death. But I assure you that his colleagues in the police will pursue those who murdered him with the utmost determination. As you no doubt know, one man has already been charged with the crime and is in custody awaiting trial.

The Government are full of admiration for the policemen and soldiers who are helping us to achieve our objective - the end of terrorism and the return of normal peaceful conditions throughout Northern Ireland. We have repeatedly pledged our full support to them; and I do so again to you. We encourage them to use whatever methods will be most effective, so long as they are within the law, to thwart terrorist attacks and to arrest those who are responsible for these crimes. Slowly but surely they are making progress.

/I am

JS

I am so sorry that you feel personally affected by the cuts in public expenditure which are necessary if we are to get the economy right once more and so look forward to a better future. Economic conditions are serious not only in the United Kingdom but worldwide; and the Government is obliged to take many difficult decisions in the best interests of all our citizens. We realise that these will cause hardship for people and we are taking special measures where we can to try to minimise this. And we have gone a long way towards protecting the police and the Army against the financial cutbacks because of the importance which we attach to the maintenance of law and order.

Thank you once more for writing to me. I repeat that my colleagues and I are determined that the people of Northern Ireland will live free from the fear, suffering and destruction caused by terrorists, which they have borne so courageously for so long. We will maintain our support for the policemen and soldiers, who, like your son, are making possible the realisation of this goal.

Yours sincerely

Raymond Doherty

Mrs F M Magill



10 DOWNING STREET

From the Private Secretary

10 July, 1980.

The Prime Minister has seen your letter to me of 7 July about the two members of the UDR whose medals were returned to the Prime Minister by Mr. Paisley last November. She agrees with the course of action proposed by your Secretary of State. Mr. Gow will have a word with Mr. Paisley to tell him what has happened.

I am sending a copy of this letter to David Omand (Ministry of Defence), together with the medals themselves.

M. O'D. B. ALEXANDER

M.W. Hopkins, Esq.,
Northern Ireland Office.

CONFIDENTIAL

B

From: THE PRIVATE SECRETARY

cc Mr Gow



NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

Michael Alexander Esq
10 Downing Street
London SW1

Prime Minister

(1)

7 July 1980

Yes

You will recall the occasion (+ the histonics) when Dr Paisley handed over the two medals. It was seven minutes (+ several reminders) before he produced the addresses. Do you agree that we should proceed as at A - that Mr Gow should have a word with Dr Paisley?

Dear Michael,

And 8/7

You told me last week that Dr Paisley had finally given you the names of the two members of the UDR whose medals he returned to the Prime Minister on 14 November 1979. You asked for a draft of a letter which the Prime Minister could send to the two men about their medals.

We have made some enquiries about both men. They were discharged from the UDR on 20 July 1977, two years and four months before Dr Paisley's meeting with the Prime Minister, either because they had committed a civil offence, or for conduct likely to bring the Regiment into disrepute: the medal concerned in each case is the General Service Medal for Northern Ireland awarded to all those who have completed 30 operational duties; it is not for any particular act of bravery.

A.

Against this background, and the manner in which Dr Paisley first presented the medals, and then pursued the matter, my Secretary of State feels that the Prime Minister may now think it inappropriate for her to write to either person. Mr Atkins feels that it would be best to follow the normal practice in these cases, which is for the medals to be sent (through the MOD Private Office) to the Army Medal Office, who would inform the holders that their awards were being held available should they wish to have them back.

I am sending a copy of this letter to David Omand (MOD).

Yours sincerely
Mike Hopkins
M W HOPKINS

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Ireland 3



10 DOWNING STREET

From the Principal Private Secretary

7 July 1980

PROSPECTS IN IRELAND

Thank you very much for your letter of 2 July 1980. I have shown this to the Prime Minister who has read it with interest.

I am sending a copy of this letter to Robert Armstrong.

[C. A. WHITMORE

Sir Kenneth Stowe, KCB CVO

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Permanent Under Secretary
Sir Kenneth Stowe, KCB, CVO

NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

2 July, 1980

2756/PUS/L/

Clive Whitmore, Esq.,
No. 10 Downing Street,
LONDON SW1

Prime Minister.

A unique piece of scene-setting
as Northern Ireland enters a
new phase.

AWS.

2 vii

Dear Mr. Whitmore,

PROSPECTS IN IRELAND

Government policy towards Northern Ireland is about to "go critical" in several respects, the principal cause being the publication of the White Paper today. You might find it helpful to have for your personal information the following analysis of affairs in the Province which is derived from meetings with Party leaders with the Secretary of State and from official and unofficial contacts over a wide spectrum.

On the political front, the Government will be told that their proposals for further discussion (dependent upon the critics' standpoint) are: biased in favour of the majority/the minority, too hasty/too slow, devoid of content/too complicated, backed by insufficient resources/prolonging the excessive subsidies for the Protestant intransigents. But there is going to be pressure on the Northern Ireland Parties as well as on the Government. From our discussions with the three Conference-attending Parties last week, it is clear that the leadership of each Party are very apprehensive about what the Government are going to do to them. They fear that we are going to ask them to move farther and faster than their supporters will tolerate. Equally they are, I believe, aware that we may have the support of public opinion at large. The SDLP and DUP leaders are each looking over their shoulders. The former look to Dublin and Mr. Haughey's power to influence events, as they fondly suppose in their favour. The latter look to the OUP whose votes they aspire to capture.

There are three aspects which are favourable.

- i) The first, which is to the credit of the Government (and will I judge be increasingly recognised as such),

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- 2 -

is that political discussion has been re-established in the Province by the process which began with the calling of the Conference last autumn. It was carried forward by the Secretary of State's conduct of it, and of the subsequent political talks, with quiet patience. It must be an objective of our further conduct of affairs to ensure by the same style that the upsurge of political activity does/aggravate community unrest (on which see para. 7 below).

/not

ii) Second, there is a real awareness of the Government's (this means the Prime Minister's personal) determination to make the people of Northern Ireland carry some responsibility for their own affairs. This, as you will be aware, is putting pressure on Dr. Paisley and the DUP; they continually seek reassurance that the Government are not weakening in their resolve, because that resolve is their justification for entering into discussions with the Government and for indicating privately that they would be ready to live with a lot less than they are bidding for. Contrary-wise, this sense of determination worries the SDLP. Their leader at least (and their ex-leader Gerry Fitt) are aware that the Government's determination to proceed can never embrace the kind of institutions (for absolute power-sharing and for Irish unity) which their tradition requires. So they turn to Mr. Haughey for support. The lesson to be drawn from this is that we must keep up the sense of determination concurrently with encouraging the Republic, and through them of the SDLP, to recognise and develop the "unique relationship" between Dublin and London. The Prime Minister secured the base for this development in her talks with Mr. Haughey. John Hume personally (though not necessarily his Party) now recognises that in the development of the Dublin/London axis lies part of the solution to his problem.

iii) Third, we have established, at least in the minds of the parties who attended the Conference, that the Government take seriously their discussions with them. This paid off in the meetings which the Secretary of State had with them last Friday. They were each apprehensive that the immediate popular reaction to the Government's White Paper would be that this initiative would now "fail". But we were able to persuade them that it would only fail if they refused to continue their discussions with us about the proposals, and that it was in their interest to enter into such discussions. In fact, we have contingently agreed dates with all three parties for meetings at the end of July.

4. A fourth and complicating aspect is the confused leadership among the Official Unionists. Mr. Molyneux, in his private

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Contd.....

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- 3 -

meeting with Mr. Atkins, has indicated readiness in principle to engage in bilateral discussions with the Secretary of State. This is where the sense of determination on the Government's part to make progress must again be maintained. As long as Messrs. Molyneaux and Powell believed that the Government would be so foolish as to initiate political discussions in Northern Ireland only as a facade behind which a quite different policy was to be pursued, then they were bound to be hostile or at least aloof. They now have an opportunity to come in from the cold and we shall woo them.

We are now preparing for 2-3 months of political discussion and negotiation in the Province with the twin aims of enlisting popular support for consideration of the Government's proposals and identifying what next steps we might safely take. You will recall how helpful it was that BBC Panorama were able to publish a Marplan Poll showing 84% of the adult population of Northern Ireland in favour of political participation in the Conference - a similar reaction to our proposals for further discussion, similarly publicised in, say, September, would obviously be helpful and we are doing what we can to bring that about. The Secretary of State will, I think, want to give his MISC 24 colleagues an assessment and a prospectus towards the end of September so that proposals can then be formulated for consideration by OD and Cabinet before the Queen's speech.

I turn now to economic affairs, which are no more comforting in Northern Ireland than elsewhere. For the first time in two decades we have brought public expenditure programmes in Northern Ireland under constraint. Budgeting had been so generous hitherto that funds were never lacking for any project and indeed special efforts had often to be made to ensure that the money available was spent. As you may have seen, we have just put out a moratorium on all spending plans to ensure that the resources available are spent to the best effect. This is, in my judgement, a long overdue dose of realism and, interestingly, it is seen as such by the more perceptive people here. The less perceptive continue to plead the poverty of Northern Ireland, its unique problems and its entitlement to all the help it needs from a benevolent British Government. We regard this need to take a realistic view of priorities within a constrained budget as a powerful support, which we shall want to exploit, for the establishment of institutions within which locally elected representatives can take decisions about priorities. The other side of the economic coin is, of course, that the revival of the private sector is going to be even more difficult in Northern Ireland than in Great Britain. It has in the past been the aim in Northern Ireland to attract inward investment overseas by various kinds of regional aid, but the Republic can offer as good if not better terms for much the same location within the same Community market; both parts of the island are now competing for inward investment in a world recession. The prospects are not good.

On security there are, as always, possibilities of unforeseen and dangerous setbacks. At the moment our main concerns are the risk of intersectarian violence provoked by Protestant/Unionist

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paramilitaries; and the prospect of PIRA attacks timed to coincide with publication and immediate consideration of the White Paper. A quite different problem we have to cope with are Unionist rivals exploiting particular incidents to further their own ends (the Paisley/Brookeborough tussle for influence in South Fermanagh is a case in point, of which you will be aware). We are handicapped in replying to a lot of nonsense that is uttered. Maurice Oldfield in one of his first Reports to the Secretary of State opined that "intelligence will be the match winner". There is increasing evidence and results to support this view. Even Ministers in Northern Ireland would not wish to know the full (and impressive) extent of our delicate sources and their successes, and of course, still less can we exploit this progress publicly beyond saying, as we do, that the security forces are engaged in both covert and overt operations with increasing success. This means that the Brookeboroughs have the easy option of attacking the Government whenever the security forces fail to prevent a terrorist incident, especially near the border. Enoch Powell is one of the few politicians locally who is experienced and perceptive enough to understand what is going on. It is significant that he stands back from the disreputable exploitation of security incidents. Our stance is essentially to back the GOC and Chief Constable in their conduct of operations while stressing both our determination and confidence that terrorism will be defeated.

What is now required of us is patience, cool nerves and a hard slog, but with sensitivity on all three fronts - politics, economic affairs and security. We are in for a bumpy ride, with a lot of ground to cover. Off we go!

I am copying this to Robert Armstrong for his personal information.

Yours sincerely

Enoch Powell

P.P. K.R. STOWE

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2 - JUL 1980

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons Hansard,

2 July 1980, columns 1525 - 1538

"Northern Ireland (Government)"

Signed Wayland Date 23 September 2010

PREM Records Team



Ireland ✓✓ CAW
MODBA
NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

N Sanders Esq
10 Downing Street
London SW1

PA
MS

2 July 1980

Dear Nick

GOVERNMENT OF NORTHERN IRELAND. PROPOSALS
FOR FURTHER DISCUSSION

Thank you for your letter of 30 June. I
now enclose a copy of the statement which
the Secretary of State proposes to make
in the House of Commons this afternoon.

I am sending copies of this letter and
enclosure to Murdo Maclean (Chief Whip's
Office), Petra Laidlaw (Office of the
Chancellor of the Duchy of Lancaster) and
Richard Prescott (Paymaster General's
Office).

Yours sincerely
Julie Wright
J M WRIGHT (Miss)

E.F.
GOVERNMENT OF NORTHERN IRELAND:

STATEMENT BY SECRETARY OF STATE FOR NORTHERN IRELAND

1. With permission Mr Speaker, I propose to make a statement on Northern Ireland.
2. The Government has today published a Command Paper entitled "The Government of Northern Ireland - Proposals for Further Discussion". Copies are available in the Vote Office.
3. Publication of this paper is the latest stage in a process that began with the resolve expressed in the Gracious Speech to :
"seek an acceptable way of restoring to the people of Northern Ireland more control over their own affairs."
4. Last summer I held talks with the leaders of the principal political parties in Northern Ireland. And in October last I announced the Government's intention to hold a political Conference to identify the highest level of agreement on how powers might be transferred to locally elected representatives. To assist that Conference we published a Working Paper (Cmnd 7763). That Working Paper set out certain principles to which the Government believe any transfer of responsibility should conform; and it gave a number of illustrations of ways in which transferred powers might be exercised.
5. The Conference met in Belfast between January and March, and was attended by three of the four main Northern Ireland parties. It did valuable work. It identified a substantial number of issues on which very little seemed to divide the parties. It enabled the parties to describe in detail to me and to each other what their views were and the reasons for them. And it explored very fully the key questions which still have to be resolved if we are to establish any kind of acceptable local administration in Northern Ireland. In addition, we have had the benefit of submissions and views expressed by parties and individuals not represented at the Conference, including the paper submitted to the Prime Minister by the Ulster Unionist Party.
6. The document published today has two principal aims.

F.R:

7. First, it describes those areas where it is now possible to see fairly clearly how powers might be transferred. For example, there is a clear desire for the transfer of both legislative and executive powers over a range of subjects similar to that transferred in 1973; and for the establishment of a single elected Assembly for Northern Ireland with about 80 members. As was made clear in the Working Paper, the Government at Westminster would need to continue to be responsible for certain functions, especially law and order and the determination of Northern Ireland's share of the total of public expenditure; and some arrangements would be needed whereby elected representatives were able to give advice to the Secretary of State on the exercise of those functions.

8. Second, the document analyses and puts forward for discussion proposals on those aspects where, as is well known, there is disagreement between the parties, namely, how the executive powers of government in Northern Ireland are to be exercised so as to "take account of the interests of both parts of the community", as the principles in the Working Paper put it.

9. On the one hand, some wish to see the Executive formed by the leader of the party or parties commanding a simple majority in the Assembly. On the other, some believe that an adequate role for representatives of the minority community could only be assured if executive powers are exercised by a more broadly-based body.

10. It is clear that further discussion and negotiation is needed in Northern Ireland on this issue; and the Government has set out in the White Paper specific proposals, on two somewhat different approaches, as a basis for further talks with and between the parties.

11. I do not need to tell the House the importance of this subject to the people of Northern Ireland and to the people of the United Kingdom as a whole. For that reason I ask, and I believe that the House would expect, that all concerned study this document with great care. I do not intend this afternoon to summarise the content of the document. It deserves more extended consideration, and my Rt Hon Friend, the Leader of the House, has already promised an early debate, when I look forward to hearing the considered views of Hon Members.

12. Following that debate, I and my colleagues will be discussing the proposals as widely as possible in Northern Ireland. I hope also to embark upon bilateral discussions with the Northern Ireland parties, and I shall of course welcome any views or ideas they may put forward for our consideration.

13. I envisage these talks taking place in confidence and, to begin with at least, with the parties separately. It is not my intention for the time being to reconvene the Conference.

14. For my part I approach these talks determined to make progress. I must emphasise that to make progress a constructive approach is needed from the people of NI and their political representatives. It is my hope to complete this further stage by the end of the summer recess. The Government can then reach its own conclusions on what proposals it would be appropriate to put before the House.

15. The document published today refers to the need for peace and stability in Northern Ireland as a basis for economic reconstruction. The present economic situation in the Province is a telling reminder of how urgent that task is and how desirable it is for the elected representatives of Northern Ireland to be directly involved in it.

16. I would say one final thing. The House will be aware, Mr Speaker, that the men of criminal violence will, if they can, disrupt the progress of political discussion and reconciliation; and Hon Members on all sides will, I hope, join with me in appealing to the people of Northern Ireland to support the security forces who are committed against terrorism, so that these further discussions about their future can take place quietly and with confidence.

beginner - " If we can get a high level
of acceptance "

STATEMENT BY
THE SECRETARY OF STATE
FOR NORTHERN IRELAND:
THE GOVERNMENT
OF NORTHERN IRELAND

HOUSE OF COMMONS: 2 JULY 1980

Tim Doherty - Any attempt to resume rejected executive
rejected.

- Two level cabinet - wouldn't work.

Paisley - Greatly concerned with security.
35 IRA murders.

→ Any new assembly - some solid role
in security field.

- Any job so rejected that members can have
a majority will be rejected.

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JUNE 1980

PA

MS

REPORT TO MINISTERS
ON
NORTH/SOUTH
ECONOMIC CO-OPERATION

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INTRODUCTION

1. The agreed communique following the meeting on 15 April 1980 between the Minister for Foreign Affairs, Mr Brian Lenihan TD and the Northern Ireland Secretary of State, the Rt Hon Humphrey Atkins MP stated:

“In discussing North/South economic co-operation, both sides reviewed progress and noted in particular that reports on the Newry/Dundalk and Erne Catchment areas will shortly be published. Ministers called for an early progress report on the action to be taken in relation to these reports and other cross-border economic projects”.

This present joint document, which has been prepared by officials from Belfast and Dublin, provides in Section I a comprehensive review of cross-border economic projects and the progress being made in the completion and implementation of the various cross-border economic studies.

2. In a document produced by the Irish and British Governments in June 1978 entitled “Reports on Economic Co-operation” a detailed review of the co-operation between various Government Departments and organisations North and South was provided. An opportunity has been taken in Section II of this present document to review this co-operation and to provide a comprehensive account of the developments that have taken place at this level.

3. Ministers have noted the contents of this document and have agreed that it should be publicly available.

JUNE 1980

SECTION 1

PROGRESS REPORTS ON NORTH/SOUTH ECONOMIC STUDIES AND CROSS-BORDER ECONOMIC PROJECTS

I. To date four studies of the border areas have been carried out jointly by the two Governments. In three of these cases the European Commission has also participated and contributed half of the cost of undertaking the studies. Taken together these studies span almost the entire length of the border and a significant proportion of the Irish Sea adjacent to the Newry/Dundalk area. All of these studies have now been published. The following table illustrates the studies that have been undertaken, the areas covered, the costs that have been involved and the date of completion in each case.

Study	Areas involved	Sponsors	Approx Costs	Date of Completion
Londonderry/ Donegal Communications Study	Londonderry/ Strabane/Donegal	Irish & British Governments & European Commission	£75,000	Nov 1977
Erne Catchment Study	Fermanagh/Omagh/ Cavan/Donegal/Leitrim/ Longford/Monaghan	"	£80,000	June 1980
Mourne Herring Fishery Study	Irish Sea	"	£130,000	March 1980
Newry/Dundalk area Study	Newry/Monaghan/ Louth	Irish and British Governments	—	April 1980

With the exception of the study on the Newry/Dundalk area which was carried out by officials from Belfast and Dublin all the studies have been undertaken by independent consultants employed by the two Governments and the European Commission. Of the total approximate cost incurred of £285,000 an amount of approximately £142,500 has been paid by the European Commission and £71,250 each by the Irish and British Governments.

II. The following is a progress report on each of the studies listed above:

A. LONDONDERRY/DONEGAL COMMUNICATIONS STUDY

1. INTRODUCTION

1.1 In 1976 the British and Irish Governments appointed consultants to carry out a study on cross-border communications with the following terms of reference:—

“To examine communications, including transportation (eg roads, railways, ports, airports, telecommunications) in the Londonderry and Donegal area in the light of existing projects and plans in order to determine their adequacy and to make recommendations for future development, having regard to financial constraints”.

The consultants' report, half the cost of which was financed from the EC Regional Fund, was published in December 1977. Subsequently the main recommendations of the report were endorsed in a separate study carried out by the EC Economic and Social Committee which was published in June 1978.

1.2 The implementation of the recommendations in the consultants' report is being monitored at official level by representatives from the respective government Departments. Meetings at both ministerial and official level have also taken place with local interests, including local councillors. Deputations from the three councils in the area had meetings with Mr Don Concannon, then Minister of State at the Northern Ireland Office, and with Mr Michael O'Kennedy, then Minister for Foreign Affairs, in February 1979. Both Ministers emphasised to the deputations their appreciation of the work done by the councils in relation to the report and their desire to keep the councils briefed fully and regularly on the measure of implementation proposed. They undertook to communicate to the councils a progress report on the implementation of the report which they did in April 1979. The information now attached provides a further updating on progress.

1.3 The Irish Government completed the first stages of its examination of the report in June 1978 and at that time the Government reached agreement in principle on a programme of implementation covering the main area of the consultants' recommendations. In Northern Ireland action on the three main areas of expenditure — roads, telecommunications and ports — is progressing well and broadly on the lines recommended by the consultants. The following are the principal measures envisaged:—

2. ROADS

Co Donegal

2.1 As recommended by the consultants the first stage of the road programme for North Donegal will be implemented in full.

2.2 1979 Financing (updating of April 1979 Progress Report).

Road grants allocated for work in the Donegal section of the study area in 1979 included £265,000 for schemes on the Letterkenny/Londonderry Road (National Primary N 13):, £50,000 for the completion of the Lifford by-pass part 1: £30,000 for the Letterkenny by-pass and £88,000 for the Stranorlar/Letterkenny route (including Kilmacrennan Bridge section). In addition to the above grants totalling £433,900 a general block grant of £781,000 was allocated to Donegal County Council for 1979 for work at the discretion of the Council on roads other than national roads.

2.3 1980 Financing

Road grants allocated for work in the Donegal section of the study in 1980 include £263,000 on the Letterkenny/Londonderry Road, (National Primary N 13):, £20,000 for the completion of the Lifford by-pass, and £67,000 for the Stranorlar/Letterkenny route. In addition to the above grants totalling £350,000 a general block grant of £824,000 has been allocated to Donegal County Council for 1980 for work on roads at the discretion of the Council, on roads other than national roads.

2.4 The detailed position regarding the road improvements in Donegal is as follows:

Inter-Urban Roads

I. Letterkenny/Pluck Cross, N 13 National Primary

Outline design has been completed, and a detailed ground survey has been carried out to enable the detailed road design to proceed.

At the present rate of progress it is expected that it will be possible for work to begin on the scheme towards the end of 1980. The design involved a detour from the existing route at Pluck Cross, connecting back at Manorcunningham on the Londonderry side.

II. Brigend/Pluck Cross, N 13 National Primary

Two remaining sections of this route are included in current improvement programmes:

- a. One mile at Manorcunningham adjoining Letterkenny/Pluck Cross route
- b. Newtowncunningham by-pass

Scheme a. Construction of the scheme has commenced. Prospects are that it will take a further year to complete the scheme.

Scheme b. Outline design stage for this scheme has been completed.

III. Letterkenny/Kilmacrennan, N 56 National Secondary

Detailed design has been completed for a 1½ mile section of this route adjoining Letterkenny. Improvement work at a bridge on the route, south of Kilmacrennan, is in progress, and will be completed in 1980.

IV. Strabane/Lifford, N 14 National Primary

The proposal involves a through-pass at Lifford and includes two schemes.

a. The Strabane/Letterkenny link

b. The Strabane/Ballybofey link

Scheme a. is at an advanced stage of completion and is open to traffic.

Scheme b. was not included in the programme drawn up by the consultants but is however scheduled in the County Programme for the second half of the 1980s. Detailed design has been completed and land acquisition by CPO confirmed.

V. Urban through routes

Letterkenny

A scheme linking the Letterkenny/Pluck Cross and Letterkenny/Kilmacrennan Roads has been in progress since 1977 and was opened to traffic early in 1979.

Londonderry

2.5 The details of road improvements in the Londonderry area are as follows:—

I. Foyle Bridge

The Northern Ireland Department of the Environment is pressing ahead with the new Foyle Bridge which, at a revised estimated cost of £16.0m, is the largest single project in the Report. The bridge will have a major impact on traffic movement in Londonderry City. Work is nearing completion on the construction of the Eastern Approach Road embankment with tenders received for the Western Approach. The estimated cost of these approach roads is £1.5m. A design and build contract was let for the bridge structure in December 1979 with a view to starting work in the late Autumn of 1980.

II. Strabane By-pass

The Department's preferred solution to the traffic problems in Strabane was a throughpass but there were objections to this proposal and the report on the subsequent public inquiry came down in favour of a full by-pass instead of the throughpass. Consequently a new scheme has to be designed and again subjected to public participation. The earliest start date is now seen as being 1984/85 and there may be difficulties in finding the additional finance required.

III. Newtownstewart By-pass

IV. Dungiven By-pass

V. Randalstown/Castledawson Road

Design work is continuing on these three schemes. It is still hoped that construction work will start within the next five year period but in the present financial climate no target dates can be given.

VI. Londonderry/Strabane Road

While, as the Consultants agreed, major improvement for this road will not be required until after 1985, fairly extensive minor improvement works are proposed in the near future south of Newbuildings.

VII.

The proposed schemes for the **Sion Mills By-pass**, **Londonderry/Bridgend** and **Strabane/Lifford** are not regarded as urgent by the Northern Ireland Department of the Environment and consequently are not included in the current 5-year programme. They will, however, be kept under constant review and consideration will be given to bringing these schemes into the programme as the need arises.

VIII

It is considered by the Northern Ireland Department of the Environment that the improvements to the **Ballygawley/Aughnacloy** and the **Londonderry/Muff** routes do not merit high priority and they remain on the Department's long-term programme.

3. FREIGHT TRANSPORT

3.1 The Republic's legislation governing the operation of Freight Transport Services has been considerably liberalized and amended in the direction recommended by the consultants by the passing of the Road Transport Act 1978.

3.2 In relation to customs facilities, in September 1979, customs officials from both the United Kingdom and Irish Governments completed an examination of customs requirements in relation to traffic between the two countries. This study took as its starting point the cross-border customs procedures and documentation. The implementation in due course of recommendations arising from this stage of the review should facilitate speedier completion of formalities and movement of goods across the border. An initial simplification of documentation took place from the beginning of April 1980 with the introduction of an aligned set of just two folios comprising, respectively, customs manifest at exportation and customs report at importation.

4. PUBLIC PASSENGER TRANSPORT

The two Governments have been jointly considering the problems relating to the operation in the area of the Lough Swilly Bus Company, and to this end commissioned a report by industrial consultants costing all aspects of the company's operations. This report was submitted in April 1979 but before decisions could be taken on the report it was found necessary to provide, with the agreement of the Irish Government, short-term support for the company through CIE. The Irish Government has since agreed to an extension for a further period of the existing arrangement between CIE and the company whereby CIE would supply buses and financial support to the company in consideration of the continued provisions of road passenger services in the North Donegal area by the company. Discussions are continuing between the authorities in Dublin and Belfast regarding the possibility of some Northern Ireland involvement in support of the company's cross-border services.

5. PORTS

5.1 The Consultants' Report indicated that, for the foreseeable future, Londonderry would continue to provide port facilities for the bulk of commercial shipping, service industry and commerce in the North West. The Londonderry Harbour Commissioners have embarked on a major scheme for the improvement of the city docks complex. The work involves in-filling of the dry dock area, the sheet piling and construction of an additional 185 metres of quay, the construction of 2 new transit sheds, one of which will be a dual-purpose building capable of being used for the transshipping of livestock, and the renovation of an existing shed. Work is at an advanced stage and it is hoped to complete the construction of the quay in 1980. The entire project should be finished by 1982. The final cost is estimated at £2½m.

5.2 Approval has been given for the carrying out of the second stage of the development programme at Greencastle Harbour at an estimated cost of £1.12m. The scheme will include the extension of the existing pier and the construction of a new pier to provide additional berthage accommodation, deepening of the existing berthage area, reclamation of an area of 8,250 square yards and the provision of an auction hall and other ancillary facilities. It is estimated the the works will take about 4 years to complete. Contract documents are at present being prepared for County Council approval prior to going to tender.

6. AIR TRANSPORT

6.1 In the cross-border communications study for the Londonderry/Donegal area it was recommended that the Irish and UK Government should jointly examine the possibility of establishing a Dublin/Londonderry air link "initially with financial support made available to the selected operator for a trial period of say 2/3 years until the prospects for longer term viability could be clearly assessed".

6.2 In February 1979 the UK Civil Aviation Authority was jointly commissioned to carry out an economic analysis of a proposed scheduled air service linking Londonderry and Dublin. The study was designed to assess the possible level of demand for an air link, the cost of providing the service and the level of subsidy required to get the project off the ground.

6.3 Broadly speaking the study, having examined the question from the point of view of type of company (entirely new, existing taxi operator etc), type of aircraft, frequency of service, price levels and levels of demand and using a number of economic analytical methods, found that any service would be loss making, with very little prospects that the service could ever be viable. In the light of this finding, while discussions continue, no positive action to set up such a service has been agreed.

7. TELECOMMUNICATIONS AND POSTAL SERVICES

7.1 Telecommunications – Londonderry

i. Letterkenny/Londonderry/Belfast route

The proposed new cable between Londonderry and Bridgend was brought into service in October 1979 in conjunction with conversion of Letterkenny Exchange to automatic working. Provision of this cable enabled the opening of a Letterkenny/Belfast route with direct dialling between Letterkenny and the Belfast area. It also facilitated the introduction of direct dialling between Letterkenny and the Londonderry and Limavady Charge Groups.

ii. Londonderry/Waterside Exchange

This exchange was brought into service in May 1979.

iii. New Londonderry Exchange

This exchange building should be completed by early Summer '80 and the equipment completion and service is due in April 1982.

iv. Dungiven Exchange

The new exchange should be brought into service in the Spring of 1980.

v. Limavady Exchange

The new building is progressing well and is programmed for completion by December 1980 with equipment in service by April 1983. The estimated cost is £6m.

7.2 Telecommunications – Donegal

i.

The conversion to automatic working of the 57 telephone exchanges in North Donegal is going ahead as part of a £6.5m development programme for the improvement of telecommunications in the area. Letterkenny exchange was converted to automatic in October, 1979 and a main trunk switching exchange and a new operator assistance exchange were brought into service there at the same time. The latter exchanges will serve the entire North Donegal area under automatic conditions. Automatic working will be introduced at Bridgend on 28 March 1980. Contracts have already been placed for the supply and installation of the automatic equipment for conversion of 36

exchanges and it is expected that conversion of these will be effected progressively later this year and through 1981. Quotations have been also sought for conversion of a further 7 exchanges.

ii.

Industrial problems have caused a set-back to progress with the Dublin/Sligo/Letterkenny radio links which were previously expected in service in 1979. It is not now expected that the links will be in service before mid-1980.

iii.

In addition to the direct dialling already introduced (as at i. above) the same facilities will be extended to the other North Donegal exchanges on conversion to automatic. Discussions are continuing between the two authorities on the possibilities of extending cross border direct dialling facilities to a greater number of centres on both sides of the border.

7.3 Postal Services

i.

Agreement in principle has been reached between the respective postal authorities to restore the routing of mails to and from County Donegal through Northern Ireland. The operational implications are at present under discussion with the staffs concerned. A final costing of the proposals must await the outcome of these discussions. Provided the cost is not prohibitive and suitable arrangements can be made, the aim is to restore the mail link through Northern Ireland as early as possible this year.

ii.

With regard to the late collection of mail in the North West being processed through Aldergrove, it is now clear that flight times are such that there is no case at present for accelerating the service in this manner.

8. TOURISM

8.1 The recommendation by the Consultants that there should be an integrated approach to the development of tourism in the region has led to the establishment of the North West Tourism Co-operation Group, consisting of 2 officers from each of the Tourist Boards. The Group held an Open Forum session in Londonderry on 3 October when delegates from interested organisations had an opportunity to put forward their ideas. A further Open Forum Session took place in Donegal Town on 28 March.

8.2 Already the Group has under consideration a number of projects. These include a cross border tourist brochure, which is due to be published this summer and other joint publicity projects. The Group is also examining the feasibility of a car-ferry link with the West of Scotland and is seeking to maximise the potential of the American Heritage Trail concept, and the introduction by Loganair of air services to Eglinton and Enniskillen from Scotland.

9. EUROPEAN COMMUNITY FINANCIAL AID

9.1 A number of the infrastructure projects envisaged in the Consultants Report have already been submitted for assistance under the European Regional Development Fund (ERDF) by the Governments. The position in relation to individual projects is as follows:—

9.2 Londonderry

i. Londonderry Harbour project

The total cost of the major improvement scheme currently being undertaken by Londonderry Harbour Commissioners is expected to be £2½m. The ERDF has already allocated £0.434m on an investment of £1.447m. A further allocation of £306,000 was announced in May 1980.

ii. Telecommunications

The cost of constructing the new six-storey telephone exchange at Londonderry is estimated at £1.5m of which £0.45m will be provided from the ERDF.

iii. Roads

The cost of roads projects, including approach roads to the new Foyle Bridge, is estimated at £1.97m of which £0.59m will be provided from the ERDF. An ERDF allocation of £6.3m towards the cost of the construction of the Foyle Bridge was announced in May 1980.

9.3 Donegal

i.

A grant of £1.5m is being made by the ERDF towards the cost of converting Letterkenny and other smaller exchanges in North Donegal to automatic working. ERDF assistance towards the Dublin/Sligo/Letterkenny radio links has also been agreed in the amount of £135,000.

ii.

As regards roads, schemes costing £423,000 were accepted in 1978 for assistance from the ERDF involving receipts of approximately £127,000. The routes involved included Bridgend/Pluck Cross (N 13), Letterkenny/Kilmacrennan (N 56), Stabane/Lifford (N 14) and the Letterkenny through route.

iii.

An application in respect of road schemes for which payments totalling £195,000 were made in 1979, and for which payments in 1980 are expected to reach £177,000 has been submitted for approval for assistance from the European Regional Development Fund and will if approved, be in receipt of a grant of approximately £111,000. The routes involved include Letterkenny/Pluck Cross (N 13), Bridgend/Pluck Cross (N 13) and Stranorlar/Letterkenny (N 56).

9.4 There is every reason to believe that future applications from both Governments will also be favourably considered within the resources of the Fund and that the area as a whole will continue to benefit from EC assistance. Detailed proposals have been put forward by the Commission on measures for inclusion under the Non-Quota section of the Regional Fund but as yet these have not been agreed.

B. THE ERNE CATCHMENT STUDY:

1. This Study which was commenced in early 1979 was launched publicly on 9 June of this year. The Consultants employed for the project by the two Governments and the European Community worked under the following terms of reference:

“To assess and report on the development potential of the Erne Catchment Area with reference to the development of tourist amenities and tourism requirements in matters such as accommodation, access and marketing and the development of land resources through arterial drainage and to make recommendations for the area as a whole”.

2. The Consultants' brief called for examination of aspects of two of the main economic activities in the catchment, mainly agriculture and tourism and the study sought not to treat the two main elements as independent entities but rather to clarify the extent of their interdependence and a degree of conflict/harmony between them in the important and common sphere of water resource use and management. In addition the study referred to other land uses and activities in the catchment so that while it was less than a comprehensive regional development programme its analysis of the contribution through investment in arterial drainage and tourism will point to the nature and scale of projects which could be undertaken in other sectors (eg manufacturing industry) to further the economic development of the area as a whole.

3. Some of the main recommendations in the report included:

i. **Arterial Drainage** – the Consultants recommended that a comprehensive drainage scheme should be designed for the southern reaches of the Catchment taking account of the effect on land drainage, tourism, boating, angling, environmental and electricity generating interests in other parts of the Catchment.

ii. **Extension to waterway** – the Consultants supported the proposal to restore the Ballinamore - Ballyconnell Canal, which links the Erne to the Shannon, subject to feasibility and cost studies.

iii. **Accommodation** – the Consultants recommended a modest growth in hotels and the development of farmhouse and self-catering accommodation and more hostels.

iv. **Product development** – the Report put forward a variety of proposals for activity centres developing the forest parks, a golf course, an interpretative centre, intensive recreation zone, evening and wet weather facilities etc.

v. **Cruiser bases** – the Report recommended the development of more mooring spaces and cruiser bases with a more even distribution between the two main Loughs.

vi. **Promotion and marketing** – the Report emphasised the need to promote the Catchment Area as a whole.

vii. **Communications and Transport** – the Report said that considerable road improvements were needed to allow for easier access to the area and within it to points of tourism interest, and also recommended a maintenance programme at St Angelo Airport.

viii. **Telecommunications** – the Report said that there was need for substantial improvements in the parts of the Catchment Area South of the border.

4. Both Governments are looking at the Consultants' recommendations and it would be the intention that follow-up action on the recommendations in the Report should be monitored and reported on at regular intervals.

C. MOURNE HERRING FISHERY STUDY

1. This (very technical) study was jointly commissioned and financed by the British and Irish Governments and the EC as a cross-border project. The objective was to gather basic scientific data on this small, discrete herring fishery with a view to establishing a future management regime which would ensure the maximum sustained benefits to the local coastal communities which have depended upon the fishery for income and employment over several centuries. This study was considered to be particularly timely in view of the rapid decline of the Mourne herring stock during the 1970s which culminated in complete closure in 1979.
2. The main recommendation made by the Consultants can be briefly summarised as follows:—
 - i. The Mourne Herring Fishery should remain closed until the fishery has re-established a sufficiently broad base of adult year classes to safely withstand a series of poor recruitment years.
 - ii. Additional scientific data should be collected in order to provide a basis for efficient long-term management control of future Mourne herring stock which would maximise the yield on a sustainable basis.
 - iii. An Irish Sea Regional Management Group should be established to collect data and develop management programmes for all the fish stocks of the Irish Sea with a view to optimising their contribution to the economic development of the adjacent coastal fishing communities.
 - iv. An investigation should be undertaken to identify the dependence of individual coastal communities of the region on the living marine resources of the Irish Sea with a view to maximising the economic and social benefits which can be derived from these.
3. The considerable amount of information which has been gathered and recorded by the Consultants in their comprehensive report will undoubtedly be of great value to those concerned with the future management of the Mourne Herring Stock since this supplements and updates that which has been gathered by fisheries scientists over many years. This data and the conclusions drawn from it – including the need for a gathering and analysis of additional meteorological and hydrographic data on a regular basis – are currently being studied by officials.
4. Action has already been taken in accordance with the recommendation that additional scientific data should be collected. Stock assessment on the Mourne herring is being intensified immediately and consideration is being given to investigating the annual strength of the recruit year class to the fishery by the Department of Agriculture (Belfast) in co-operation with the Ministry of Fisheries (Dublin). In addition the possibility of developing new techniques to identify the individual members of the several discrete herring stocks in the Irish Sea is being actively pursued.

D. NEWRY/DUNDALK STUDY:

1. In the Reports on Economic Co-operation published by the British and Irish Governments in June 1978, it was agreed that an ad-hoc committee of officials from the relevant Departments should jointly examine existing co-ordination in various aspects of infrastructure, planning and development in the Newry/Dundalk area with the objective of:

- i. determining whether there were areas in which there was scope for improvement in cross-border co-ordination, and
- ii. to identify where further specific studies by Consultants would be of mutual benefit

2. Following discussions between officials and correspondence with representatives from local councils on both sides of the border, through the joint East Border Region Committee, it was agreed that the studies should concentrate on the following areas:

- | | |
|--|-----------------------|
| a. Industrial Development and Training | f. Electricity supply |
| b. Roads | g. Customs facilities |
| c. Ports | h. Telecommunications |
| d. Water supply | i. Planning |
| e. Tourism | j. Drainage |
| | k. Fisheries |

3. The report, which was jointly launched in Dundalk on 17 April 1980 by Ministers from Dublin and Belfast, acknowledges that cross-border co-ordination and co-operation has been good in most of the functional areas studied, but also makes a number of recommendations of which the most important are:—

- That a joint study by Consultants involving a detailed engineering, financial and environmental examination of the alternative routes for Newry/Dundalk section of the Belfast/Dublin road should be carried out. Related to this proposal is the need to consider possible European Community aid in context of transport infrastructure and the implications of any re-routing on Customs facilities.
- That a detailed study of tourism resources and potential of the area should be undertaken. It is proposed that this investigation should be carried out by the Northern Ireland Tourist Board and Bord Failte in close consultation with local representatives and interests.

4. Follow-up action relating to the recommendations in the report is at present in hand with particular reference to the questions of roads and tourism. Close contact is being maintained by officials with local interests through the joint cross-border East Border Region Committee which includes representatives from Newry and Mourne and Down District Councils and Louth and Monaghan County Councils.

EUROPEAN REGIONAL DEVELOPMENT FUND – NON QUOTA SECTION PROPOSALS

One of the principal innovations introduced under amending Regulation 214/79 of 6 February 1979 was the creation of a special section – Non Quota Section – of the European Regional Development Fund to finance specific Community regional development measures. In adopting the amending regulation, the Council stated that it was prepared to examine, on a proposal from the Commission, any requests for aid relating to border problems in the most deserving regions of the Community submitted by two or more member-States concerned. In October 1979 the Commission submitted to the Council proposals for regulations instituting five Non Quota Section measures relating to a five-year programme period 1980–84. Areas on the border between Northern Ireland and the Republic of Ireland are included in these measures. In the case of the Republic the amount of money involved will be 16 million units of account (£9.84m as at 17 March 1980) and in the case of Northern Ireland the amount involved in respect of the Border area measures is 8 million units of account (£4.92m as at 17 March 1980). The proposals for the Irish border areas, North and South, involve a programme of action in the fields of tourism and artisan activities.

Counties Donegal, Leitrim, Cavan, Monaghan and Louth and the District Councils areas of Londonderry, Strabane, Omagh, Fermanagh, Dungannon, Armagh and Newry and Mourne would be eligible for assistance under these measures and the projects envisaged include tourist accommodation, tourism promotion, amenities and tourism linked infrastructure.

The non-quota proposals are still being discussed at Council level.

SECTION II

NORTH/SOUTH ECONOMIC CO-OPERATION: CONTACTS AND DEVELOPMENTS

1. North/South Trade Promotion (5.1)*

A significant development in this area was the decision by the Board of C  ras Tr  chtala in mid 1979 to appoint a Manager in CTT with special responsibility for Northern Ireland. This appointment became effective at the beginning of November and the Manager appointed will be based at C  ras Tr  chtala's head office in Dublin. His task will be to assist firms in the Republic to develop their exports to Northern Ireland but he will also be assisting Northern Ireland buyers visiting firms and trade shows in the South.

The Northern Ireland authorities have sponsored attendance by Northern Ireland firms at several major trade promotion events in the Republic of Ireland (the most recent being the stand organised by the Department of Commerce for 20 Northern Ireland engineering firms at the Enquip Engineering Exhibition in Dublin in February 1980).

The Kilkenny Design Workshops are currently involved with a number of Northern Ireland firms in design development work.

2. Joint promotion of Irish Products Abroad (5.2)

Irish promotions organised where the stores included products from Northern Ireland, included the Irish promotion at Garfinkels, Washington, in Autumn 1978 and Mitsukoshi Store, Tokyo, in Autumn 1979.

Occasional and ad hoc informal contact continues to be maintained between C  ras Tr  chtala and officials of the Department of Commerce, the Ulster Office in London, Northern Ireland Development Agency, the Northern Ireland Agricultural Trust, the CBI, the Belfast Chamber of Commerce, and the Belfast Chamber of Trade. Contact between the staff of CTT and officials of these organisations arise as and when matters of mutual interest require discussion.

3. Industrial Development (5.3)

In line with previous informal contacts a meeting was held in November 1979 between officials of the Industrial Development Authority and the Department of Commerce, Northern Ireland. General information about advertising and promotional and marketing programmes in various countries was exchanged. It was agreed that a further meeting to exchange general information should take place this year.

* The numbers in brackets refer to the relevant sections in "Reports on Economic Co-operation".

4. Electricity Supply (5.4)

A meeting between the Northern Ireland Authorities, the NIES and appropriate Dublin Departments and the ESB to review the situation regarding North-South interconnection was held in November 1979. Following this meeting arrangements were made to begin work on restoration of the interconnector. However because of further terrorist activity it has not yet been possible to complete the work. Restoration of the link would result in substantial benefit not only to Northern Ireland but also to the Republic of Ireland as well. Both Governments have publicly stated their determination to restore and maintain the interconnector.

5. Servicing of Off-shore Oil Industry (5.5)

Section 62 of the Off-shore Licensing Terms laid down by the Irish Government stipulates that licensees "should use goods and services of Irish origin in his activity as far as they are competitive in regard to quality, service, delivery period and price".

It was indicated in "Reports on Economic Co-operation" that in October 1977 the Minister for Industry, Commerce and Energy (Dublin) met a delegation of Northern businessmen, headed by officials of the Department of Commerce (Belfast). The delegation asked that Northern firms be given "second preference" treatment in the interpretation of Section 62, ie that, in the event of Southern firms not being in a position to supply certain goods or services, Northern firms in that particular field be regarded as "Irish" under the Section. The Minister replied in that discussion that, in fact, Section 62 had been applied on this basis in an informal way. He subsequently informed the off-shore licensees that Northern companies should be accorded "second preference" treatment in future.

Subsequently a number of meetings took place between officials of the Department of Industry, Commerce and Energy and the Department of Commerce to discuss mechanisms to monitor the operation of the "second preference" system. Some proposals were considered but none have been adopted.

To date three Northern Irish companies have been involved in the supplying of goods and services to the off-shore industry in the Republic.

6. Agriculture (5.6)

a. Animal Health:

Regular consultations continue to take place between the Departments of Agriculture on matters relating to animal health so as to ensure a common defence against the introduction of disease from abroad and a common policy on preventing the spread of diseases.

On the eradication of bovine tuberculosis and brucellosis excellent co-operation exists between the administrative and veterinary staffs on both sides of the border with a regular exchange of information, particularly in relation to dealers and exports engaged in cross-border trade, and occasional meetings, usually at Veterinary inspector level. There is also full co-operation as regards relevant EC aspects.

(b) Livestock Breeding:

An agreement was signed on 19 July 1979 by Bord na gCapall and the Northern Ireland Department of Agriculture for the inclusion of Northern non-thoroughbred horses in the Irish Horse Register which is maintained by the Board. The following arrangements are included:

- i. the agreement will run for an initial period of 5 years and yearly thereafter unless terminated by either party on giving 12 months' notice;
- ii. both parties will co-operate in maintaining the Irish Horse Register for horses in both the Republic and Northern Ireland;
- iii. the Northern Ireland Department will be responsible for applications from Northern Ireland breeders, arrangements for inspections and issue of documents, while the Board will be responsible for similar activities in the Republic;
- iv. both parties will liaise for inspections, including exchange of personnel, to ensure that common agreed standards and documents apply for horses to be registered or approved;
- v. the Board will use its existing computerised system to process data supplied by the Northern Ireland Department pertaining to horses in Northern Ireland,
- vi. the Northern Ireland Department will pay an annual fee and per capita charges to the Board for these services. These charges are to be reviewed from time to time following joint discussions.

Since 1978 meetings of officials of both Departments have been held at which various matters of mutual interest in relation to livestock breeding (eg milk recording, bull licensing, embryo transplants etc) were discussed.

In addition, in relation to the importation of high class pedigree cattle and other stock from the United Kingdom and the Continent, arrangements exist whereby official quarantine facilities in one area may be availed of by breeders in the other area.

7. Forestry: (5.7)

There is reciprocal representation at Forestry research conferences, North and South. Forest and Wildlife Service (FWS) in Dublin was also represented at a British Forestry Commission (BFC) research meeting on tree nutrition.

Following experimental work by FWS, tunnel ploughing techniques have now been adopted by the forest services North and South. BFC is also interested in these developments.

There was FWS representation at Lodgepole Pine symposium and joint tour of FWS Lodgepole Pine plantations.

There is joint representation with both Northern Ireland and Great Britain on informal research groups dealing with such matters as forest soils, pathology, entomology and weed control. The possibility of further co-operation in certain aspects of amenity development in State forests North and South is being considered.

8. Wildlife Conservation: (5.8)

Two people from Northern Ireland have been appointed members of the Wildlife Advisory Council in the South.

A joint visit by a Forest and Wildlife Service/Wildlife Advisory Council group, to Northern Ireland nature reserves, took place in May 1980;

In framing falconry regulations under the Republic's Wildlife Act 1976, consultation with Department of the Environment officials in Northern Ireland is being arranged.

9. Fisheries: (5.9)

In addition to the **Foyle Fisheries Commission** (referred to in "Reports on Economic Co-operation"), the **River Erne Joint Protection Committee** has been in existence on an informal non-statutory basis since the 1950s with a membership of 20 representatives of interests on both sides of the border. The Committee membership is representative of the Department of Fisheries and Forestry, Dublin, the Ballyshannon Board of Conservators, the ESB, Dublin, the Department of Agriculture, Belfast, and the Fisheries Conservancy Board for Northern Ireland. The secretariat for the Committee is supplied by the Fisheries Conservancy Board for Northern Ireland.

10. Drainage and Inland Navigation: (5.10)

a. Drainage

The EC has decided (EC Directive 4315/79 of 29 January 1979) that expenditure by the Governments of Ireland and the United Kingdom on cross-border drainage between Ireland and Northern Ireland shall be eligible for aid from the EC to the extent of a 50% reimbursement on an expenditure up to a maximum of 15.1 million units of account. The two Governments are required to submit a joint programme of works for approval by the EC. The duration of the programme would be for a period of 5 years commencing not later than 1 July 1981.

By agreement between the Office of Public Works, Dublin and Department of Agriculture, Belfast the cross-border drainage catchments of the Blackwater (Counties Monaghan, Tyrone and Armagh) and the Finn-Lacky (Counties Monaghan, Cavan and Fermanagh) have been selected for treatment under the proposal.

The necessary surveys are at present being carried out for the preparation of the schemes of drainage works, estimates of costs etc, by the Office of Public Works, Dublin and Department of Agriculture, Belfast. A close liaison between these two bodies is maintained. In the context of the North/South discussions on the Report on the Newry/Dundalk area officials agreed that further consideration might be given to the desirability of drawing up an agreed priority programme for cross-border drainage schemes particularly should there be a prospect of further funds being made available from EC sources for the drainage of such rivers.

b. Inland Navigation

In regard to the restoration of the Ballinamore/Ballyconnell Canal, the Office of Public Works (Dublin) is continuing with the collection of hydrometric and hydrological data and consultations have taken place with the Geological Survey Office. Because of shortage of engineering staff, however, it has not yet been possible to make any significant progress with the field survey of the border section. This work will be undertaken as soon as staff resources permit.

11. Local Authorities: (5.11)

There is a considerable amount of contact between local authorities on either side of the border both generally and on specific matters eg liaison between Public Health Inspectors of District Councils in the North and their opposite numbers in the South. Many of the functions of local authorities in the South are however now the direct responsibilities of Government Departments in the North. The Department of the Environment (Belfast) is responsible for roads, town and country planning and water and sewerage. Each of these Services has a Headquarters and is organised on a Divisonal basis.

12. Roads: (5.12)

On operational road matters there are informal arrangements in border areas about maintenance of roads, bridges, etc, and there are contacts between the Department of the Environment (Belfast HQ), Roads Services Engineers, Engineering officials of the Department of the Environment (Dublin) and officers of the local road authorities in the South. On more major matters of road planning and construction, particularly for strategic routes, contacts are made and information exchanged as required between the Roads Service Headquarters of DOE(NI) and the Department of the Environment (Dublin).

13. Driving Licences: (—)

There has been a significant change recently in relation to driver licencing in that the Minister for the Environment (Dublin) made regulations under the Road Traffic Acts, effective from 11 October 1979 in which, inter alia, provision was made to enable any person taking up residence in the Republic and holding the driving licence of another member State of the European Communities — which, of course, included Northern Ireland — to obtain an Irish driving licence covering the corresponding vehicle class(es) without having to undergo a driving test.

14. Town and Country Planning: (5.13)

Those Divisional Planning Officers of the Department of the Environment (Belfast) Planning Service whose areas adjoin the border have contacts with officials of neighbouring planning authorities in the Republic and are able to consult with these officers if the preparation of a development plan or scheme makes this desirable.

The Headquarters of the Department of the Environment (Belfast) Planning Service has contacts with the Department of the Environment (Dublin) and is able to exchange information and views on planning with officers of the Department. There is also some contact between the Service and An Foras Forbartha (National Institute for Physical Planning and Construction Research) and An Bord Pleanála (Planning Board).

15. Water Supply: (5.14)

There is a day-to-day contact at operational level between the Divisions of the Department of the Environment (Belfast) Water Service and the County Engineers in the Republic. The Southern and Western Divisions supply some 50 services across the border into Counties Louth, Cavan, Monaghan and Donegal. In addition to the contacts at local level, there are periodic meetings between North/South Departmental officials in regard to policies for water charges. There does not appear to be much scope for joint water and sewerage projects of any scale because of the sparse populations close to the border. There is, however, a continuing need for liaison on projects to ensure water management, particularly where a common source is involved; a recent example relates to Lough Ross, which supplies South Armagh but which could be affected by a scheme to supply the Dundalk and Monaghan area, on which recent discussions have taken place between water authorities North and South.

16. Historic Monuments: (5.15)

Archaeologically, North and South cover common ground and there have always been various forms of co-operation at personal levels. The Northern Ireland Historic Monuments Council (which advises the Department of the Environment (Belfast)) has a member from the Republic and the Chairman is a member of the corresponding body – the National Monuments Advisory Council – in the Republic.

There has been much exchange of information between the two bodies, mainly in the area of works organisation and of the effectiveness and implementation of certain aspects of Northern legislation, (this in connection with proposals in the South for new legislation).

17. Fire Service (5.16)

There is a long-standing co-operation between fire services in regard to the border area. The Fire Authority for Northern Ireland provides the prime fire cover for Eastern Donegal, on contractual terms of financial recoupment. By more informal arrangements in other border areas, units will respond to fires on either side of the border, either alone or in association with each other. There are reciprocal arrangements for recoupment in appropriate cases.

18. Environmental Protection: (5.17)

Informal contacts are maintained between officials of the two Departments of the Environment on general administrative and technical matters relating to pollution control, and there have been a number of meetings. Emergency plans for combating oil pollution incidents have been exchanged and certain understandings have been reached on mutual co-operation in the event of an oil spill. There is exchange of information between the Northern Ireland Alkali and Radiochemical Inspectorate and its counterpart in the South on pollution matters. Information is also exchanged on disposal of solid waste to land. There is a growing amount of contact between the Department of the Environment (Belfast) and Councils in the Republic in border areas on pollution matters. The whole field of environmental protection is likely to grow in importance, inter alia because of EC initiatives, but it is thought that the existing form of contact can cope with any need for increased liaison.

19. Road Safety: (5.18)

The Department of the Environment (Belfast) Road Safety advisers have regular contact with the National Road Safety Association in the South on all aspects of road safety education, training and publicity, exchange visits at Road Safety Officers level are common. Contacts are also maintained by the Department of the Environment (Belfast) with the Department of the Environment (Dublin) and An Foras Forbartha (National Institute for Physical Planning and Construction Research) and also by the Police authorities on both sides. Liaison has been established between the Department of the Environment (Belfast) and the Department of Labour (Dublin) on the practical implications of EC Social Regulations 543/69, where it relates to drivers' hours and rest periods for goods vehicles and buses.

20. Housing: (5.19)

Regular contacts have been maintained between senior public officials involved in housing in the North and in the South. There have been a number of useful meetings held at official level in both Belfast and Dublin and in addition the Minister for the Environment visited Belfast in January, 1979 to meet his then counterpart (Mr Carter) who in March 1977 had met in Dublin with the then Minister for Local Government.

21. Transport: (5.20)

Co-operation at all levels on transport matters continues to be satisfactory. There have been frequent meetings at official level on matters of common interest relating to the EC and other transport items. Examples are: –

- i. Discussions on implementation of the recommendations of the Cross-Border Communications Study viz road improvements, future options for the Londonderry and Lough Swilly bus undertaking and the possibility of a Dublin/Londonderry airlink.
- ii. Discussions on the ATP Agreement, bilateral road haulage agreement, EC proposal for aid to transport infrastructure, EC Study of Transport Bottlenecks.

CIE and its counterparts in Northern Ireland ie Northern Ireland Carriers, Northern Ireland Railways and Ulsterbus continue to maintain close co-operation with a view to improvement of cross-border services. An improvement of note has been the expansion of CIE's Interlink expressway bus system in July 1978 to provide daily links between both Londonderry and Belfast and other Northern Ireland towns with approximately thirty centres in the South including Cork, Galway, Limerick and Waterford and the introduction of through booking of passengers between all points in the Interlink System. Another improvement was the provision of an extra bus service since May 1979 between Londonderry and Dublin on week-days giving three services in all daily in each direction.

CIE and Northern Ireland Railways participated in a rail freight forum discussion with business interests in Londonderry in June 1979 on the question of increased usage of the rail freight service via Londonderry.

The United Nations Agreement on the International Transport of Perishable Foodstuffs (ATP) has been ratified by the United Kingdom and came into force there on 1 October 1979. The Agreement has not yet been ratified by the Republic. Implementation of the Agreement has been discussed at a meeting held in Dublin on 23 July 1979 between representatives of the Department of Transport, London, the Department of the Environment, Northern Ireland and the Department of Tourism and Transport, Dublin. It was generally agreed that major difficulties were not likely to arise.

Individual areas

a. Road Haulage

Negotiations on a draft bilateral road transport agreement between Ireland and the United Kingdom have been completed and the agreement was signed in Dublin in April of this year to take effect from 1 July 1980. This Agreement enshrines, with some minor modifications, the arrangements that have existed between North and South since 1966.

b. Ports

Methods of resolving the problem of the non-payment of dues by Greenore Ferry Services to the Carlingford Lough Commissioners have been discussed (eg in the context of the Newry/Dundalk report) by officials of both Administrations and the possibility of reconstitution of that Body to provide for joint North/South representation is among the options being considered.

Transport questions are also discussed by the Anglo-Irish Steering Group on economic co-operation.

22. Tourism: (5;21)

Close contact between tourism organisations North and South of the Border continues at both national and regional level.

In January 1979 Bord Failte and the Northern Ireland Tourist Board in conjunction with the Newry and Mourne and Down District Councils and the Eastern Regional Tourism Organisation produced a joint brochure entitled "From the Mourne to the Boyne". The brochure was officially launched at Newry by Mr P Faulkner TD, Minister for Tourism and Transport and Mr Ray Carter MP, then Parliamentary Under-Secretary at the Northern Ireland Office.

The setting up of the North-West Tourism Co-operation Group was announced in August 1979, by Government Departments responsible for tourism North and South of the Border. This was a direct result of a recommendation contained in the EC Study on Cross-Border Communications which underlined the need to develop a co-ordinated approach to tourism in the Donegal/Londonderry cross-border area. The function of the Group whose members are drawn from Bord Failte and the Northern Ireland Tourist Board is to identify the Tourism development and promotional needs of the North West area and to make recommendations to the appropriate authorities. It has already identified a number of special projects for consideration including publication of a tourist brochure for the area. On 3 October 1979 a forum discussion by the Group was launched in Londonderry by Mr Padraig Faulkner TD, Minister for Tourism and Transport and Mr Giles Shaw MP, Parliamentary Under-Secretary responsible for tourism in Northern Ireland. A further forum discussion was held by the Group in Donegal town on 28 March 1980.

23. Education: (5.22)

a. Training Education

Contacts regarding the education and care of delinquent children have been continued. This has included visits from the South to training schools such as Lisnevin and Rathgael in Northern Ireland and visits by personnel from these schools to similar schools in the South. It is envisaged that these contacts will be continued, especially in relation to the "secure" school for serious delinquents to be opened in the Republic late in 1981. Visits have been made by the authorities in Dublin to "secure" schools at a number of centres in Britain and liaison has been established with the British Department of Health and Social Security.

A group from the British Institute for the Study and Treatment of Delinquency visited Ireland in 1979 to study facilities for the care and education of young offenders.

Students from the Child-Care Course in Kilkenny were sent on placement, as part of their practical training, to training schools and residential homes in Britain and Northern Ireland.

b. Special Schools

Groups from Britain and Northern Ireland visit the Republic from time to time to see facilities for the education of the handicapped.

There is contact between the school inspectors of the Irish, Northern Irish and British administrations who deal with special education.

c. Post-Primary Education

The National Council for Educational Awards was constituted in the Republic in 1972 for the purpose of awarding Certificates, Diplomas and degrees in particular areas of study. Boards of Study were set up under the Council, composed of eminent educationalists and industrialists, for the purpose of validating course submissions and examinations. Educationalists from Universities and Colleges of Technology in Northern Ireland have been members of these Boards of Studies or have acted as assessors. This voluntary co-operation continues and is regarded as a very valuable input from a different system of education.

The Royal Irish Academy's National Commission for the Teaching of Modern Continental Languages, is constituted on an all-Ireland basis: there are representatives of various educational bodies in Northern Ireland, as well as of second and third level educational institutions in the Republic of Ireland. At a recent meeting (November 1979) this cross-border co-operation was specifically adverted to: all present considered it a most worthwhile arrangement and expressed the hope that in the event of the Commission being re-constituted, Northern Ireland representation would be guaranteed.

d. Youth and Sport

In December 1978 Mr Jim Tunney TD, Minister of State at the Department of Education (Dublin) visited his then counterpart Lord Melchett in Stormont and discussed matters of mutual interest in the area of youth and sport, including cross-border exchanges.

Following the above, officers of the two Departments have met once in Northern Ireland and twice in the Republic during the past twelve months. In addition a reciprocal visit by Lord Elton to meet Mr Tunney in Dublin for further discussions took place recently.

There have been regular meetings between the executive staffs of the two Sports Councils at official level and on social occasions eg Sports Show, Belfast, All-Ireland Finals in Croke Park. Phone contact is also frequent and a member of the Northern Ireland Sports Council Executive attends meetings of the Sub-Committee on Long Distance Walks.

Members of COSPÓIR, the National Sports Council, met members of the Northern Ireland Sports Council in Newcastle in March 1979 when matters of common interest were discussed. A reciprocal meeting took place in Dublin in January 1980.

A senior executive from the British Sports Council came to Dublin in November 1979 to discuss with COSPÓIR representatives an agenda for a proposed meeting in Dublin between COSPÓIR and the British Sports Council. Arrangements were made, with the British Sports Council, to hold a second meeting and representatives of COSPÓIR visited London in May 1980.

e. Irish National Commission for UNESCO

The 4th Irish National Commission for UNESCO has extended an invitation to the Chairman and some members of the Northern Ireland UNESCO Committee with a view to providing each

side with the opportunity to become familiar with the activities of the other. This could lead to co-operation on some UNESCO projects. The question of similar contact with the United Kingdom National Committee is being considered.

24. Arts Council: (5.23)

Co-operation with the Arts Council of Northern Ireland was formalised for the first time in 1978, when both Councils met in joint session, once in Belfast, and once in Dublin. Among the matters discussed at these joint meetings were proposals regarding the extension of touring by the Irish Ballet Company and the Irish Theatre Company in Northern Ireland and joint projects under the sponsorship of UNESCO. In addition, a writers-in-schools scheme embracing second-level schools both North and South was established and detailed plans for the administration of Annaghmakerrig House, Co Monaghan, were drawn up. This was the home of the late Sir Tyrone Guthrie and the property passed into the Council's possession from the Minister for Finance on 1 November 1978. The two Councils have jointly appointed a management board to oversee the affairs of the house. The house will be available for artists in residence from both parts of Ireland. The cost of the scheme will be met partly by the income from investments provided by Sir Tyrone Guthrie and partly by grants from the two Arts Councils.

25. Health Services: (5.24)

Co-operation and contacts in relation to health services continue on a satisfactory basis.

There is free exchange of information on matters of mutual interest. Contact is maintained between medical officers of two Departments on mutual problems of an epidemiological nature (mainly infectious diseases) and regular epidemiological information is exchanged. There is also close co-operation at health board level and between other bodies in the health field. Health personnel on either side of the border exchange visits to hospitals and health institutions and co-operate in providing mutual assistance as required.

Assistance from Northern Ireland was also offered when the Bantry Bay disaster occurred but, as events turned out, this was not required.

Officers from the respective Departments of Health have had several contacts in the past year. Discussions have covered proposals in regard to mental health legislation and development of mental handicap services. In August 1979 last joint discussions took place in Dublin in relation to rehabilitation services.

- i. The members of the Task Force on Child Care Services in Dublin have visited Belfast in recent months and had discussions with the equivalent committee (Black Committee) about their mutual tasks.
- ii. A meeting took place in September between the Steering Committee for the International Year of the Child and its counterpart in Northern Ireland. It is probable that a further meeting will take place this year in which representatives of both committees will evaluate the

impact of the Year both North and South and will exchange ideas and information with regard to the way in which ideas arising out of the Year are to be carried forward.

iii. The Department of Health in Dublin (Welfare Division) is now commencing a review of the organisation of community care services. It is likely that the Steering Committee overseeing the review will make contact with suitable officers in both the Department and in the Health and Social Service Boards in Northern Ireland to enable information to be obtained with regard to how their particular system is working.

26. Social Security: (5.25)

Prior to accession to the European Community cross-border contact resulted from formal reciprocal agreements with the United Kingdom in relation to social security. The implementation of these agreements gave rise to regular communication with the Northern Ireland Department which has continued under the EC Regulations on Social Security for Migrant Workers.

Regular contact is maintained between officials of the Department of Social Welfare and the Department of Health and Social Services for Northern Ireland. Since 1978, meetings between officials of the two Departments were held in February and October 1979. These meetings, which were held alternately in Belfast and Dublin, covered a range of social security matters, including liaison on the prevention of cross-border fraud and exchange of information on computer developments. They have also led to the establishment of useful contacts on both sides on the administrative, inspectorate and local levels, and officials from the Republic recently attended a training course on fraud investigation run by DHSS in Belfast.

27. Public Service Training: (5.26)

In October 1978 in response to an invitation from the Research and Intelligence Unit of the Northern Ireland Department of Health and Social Services, an official of Management Services and the Head of the Central Data Processing Services of the Department of the Public Service, Dublin visited the Department of Health and Social Services, Belfast. The purpose of the meeting was to discuss computing in the Health Services. A number of centres were visited to see practical demonstrations of medical computing.

The occasion was also availed of to have discussions with a Senior Officer of the Northern Ireland Department of the Civil Service. The discussions ranged over the broad area of management services and central control of staff numbers.

Discussions were resumed on an ongoing basis in October 1979 in Dublin when the Department of the Public Service were hosts to senior representatives from the Northern Ireland Department of the Civil Service. The discussions covered management services (including computerisation), machinery of government, staff control etc.

Such discussions will be renewed from time to time as they have proved interesting and fruitful, particularly since the scale of operations on both sides makes the discussions quite meaningful.

28. Manpower Services: (5.27)

Contact has been maintained between ANCO (the Industrial Training Authority) and the Department of Manpower Services and Northern Ireland Training Executive. These have mainly involved exchange of information and reciprocal attendance at seminars, workshops etc. There has also been increased interaction between manpower and training interests North and South in the Irish section of the Association of Teachers of Management. Similar contacts have been made between the bodies responsible for training in the hotel industry, and in the area of management training.

Information and visits have also been exchanged with groups of officials interested in the employment and training of the disabled and in careers services for all young people.

In the area of occupational health and safety, reciprocal visits and exchanges of information have taken place between officials in this area. Membership of the National Industrial Safety Organisation includes two trade unions and a protective clothing firm based in Northern Ireland.

Exchanges have also taken place in the area of sexual discrimination in employment and on matters dealing with the ILO. Information on the operation of the European Social Fund has also been requested from Northern sources.

29. Statistics: (5.28)

In the context of the implementation of the EC Directive (546/78) on national and international road freight statistics three meetings have taken place (two in Dublin and one in London) involving officials from London, Belfast and Dublin. Specific aspects discussed included the coverage of roll-on roll-off freight activity and cross-border traffic (including transit movements either through Northern Ireland or the Republic of Ireland). Discussions have also taken place at official level in regard to the forthcoming 1981 Census of Population in the Republic.

30. Ordnance Survey: (5.29)

Regular contacts and meetings at various levels of seniority take place between both Survey Departments on matters relating to mapping and tasks of joint interest. Co-operation on mapping and Survey projects continues. Four-quarter inch holiday maps for the whole island of Ireland are to be published shortly. The sheet for the North of Ireland will be the first sheet to be published in the series.

31. Geological Survey: (5.30)

Close contact is maintained between the two Geological Surveys based mainly on interchanges of information and geological materials. There could possibly be scope in the future (particularly in border areas) for co-operation and exchange of information in scientific areas of Geological Survey work eg:

geological surveys including geophysics, geochemical and drift surveys, both ground and airborne;

- hydrogeological surveys;
- study and research into branches of Geological Sciences such as Palaeontology, Petrology and Mineralogy;
- marine surveys eg seabed sampling, sand and gravel studies, shallow geophysics.

Both Geological Surveys and the two Universities in Northern Ireland are represented on the National Committee for Geology which is under the aegis of the Royal Irish Academy.

32. Companies Offices: (5.31)

The Companies Offices in Dublin and Belfast exchange on a regular basis lists of all companies incorporated in either centre. Likewise, the two offices readily exchange information, on request, about companies incorporated in one jurisdiction wishing to open branch offices in the other.

The Registrar of Companies and the Registrar of Friendly Societies in Dublin and Belfast exchange visits from time to time.

33. Public Records: (5.32)

The Public Record Offices in Dublin and Belfast are exchanging copies of the Tithe Applotment Books so that both will have a complete set for the province of Ulster. The office in Belfast has purchased microfilms of the census returns for 1901 for the Six Counties in the North, held in Dublin, and has ordered microfilms of records of the Commissioner for National Education and the Valuation Office, also held in Dublin. The professional staffs of both offices have co-operated with other Irish archivists in setting up an Irish Region of the Society of Archivists.

Close contact on matters of mutual interest is maintained with the Registry of Deeds, Henrietta Street, Dublin, as a result of which there is now available in the Public Record Office in Belfast, in microfilm and hard copy form the total archive of the Registry of Deeds, Dublin for the period from 1708. This is a uniquely comprehensive collection by comparison with what is available elsewhere in the British Isles and possibly even in Western Europe.

34. Charities: (5.33)

Contacts continue to be maintained on an informal basis between the Office of the Commissioners of Charitable Donations and Bequests for Ireland and the Charities Branch of the Department of Finance in Belfast.

Copies of Annual Reports are exchanged.

35. Economic Matters: ()

Officials from Dublin visited HM Treasury in November 1978 for an exchange of views on the approach to economic planning in Ireland and the UK. The same officials also visited the Department of Industry (UK) to discuss the development and operation of the UK's industrial strategy.

A return visit took place in April 1978 when officials from the Treasury and from the Department of Industry (London) and the Northern Ireland Department of Finance visited Dublin. The discussions centred on arrangements for planning and economic management, including the regional dimension, and industrial policy.

Financial and economic planning matters are also discussed in the content of the Anglo-Irish Steering Group on economic co-operation.

36. Customs: ()

Certain Irish procedures in regard to imports from the United Kingdom have been eased since 1978. For textile goods subject to import controls, simple invoice declarations have taken the place of separate certificates of origin. On the initiative of Irish Customs, textiles imports subject to national surveillance now go through a simpler form of documentary processing preliminary to issue of the relevant import authorisations.

The procedures for goods which pass through the other country's territory on their way to a destination in the country of departure have been modified. Control procedures for such "State-to-State" traffic have been simplified and the carrier is now relieved from the need to present the goods to the UK Customs at the point of re-export from Northern Ireland.

As regards approval of routes across the land boundary for Customs purposes limited approval as a concession road has been granted, under an agreement reached with the UK Customs authorities, in respect of the Ballyconnell/Derrylin road. This road is now open, for the conveyance of certain categories of goods, to residents on both sides of the frontier who hold special passes issued jointly by the Irish and UK Customs authorities.

On co-operation in general, further high-level bilateral talks between the two Customs administrations were held in February 1979. On the basis of improvements already achieved, both administrations felt encouraged to give further study to simplification of cross-border procedures, in the context of Anglo-Irish trade generally, not ruling out quite radical approaches to the possibilities for common documentation. In September 1979 customs officials from the UK and Irish Governments completed an examination of customs requirements in relation to traffic between the two countries. This study took as its starting point the cross-border customs procedures and documentation. The implementation, in due course, of recommendations arising from this stage of the review should facilitate speedier completion of formalities and movement of goods across the border. An initial simplification of documentation took place from April 1980 with the introduction of an aligned set of just two folios comprising, respectively, Custom manifest at exportation and Customs Report at importation.

HM Customs and Excise, through the Property Services Agency, is preparing a scheme for offices and a lorry park on the East side of the road opposite the existing Customs Station at Drumalane — south of Newry. This should relieve very considerably the congestion which occurs on the road in the vicinity of the existing station.

The Anglo-Irish Steering Group on economic co-operation also discussed matters relating to Customs and Excise.

File

Ireland - sub



10 DOWNING STREET

From the Private Secretary

30 June 1980

GOVERNMENT OF NORTHERN IRELAND:
PROPOSALS FOR FURTHER DISCUSSION

The Prime Minister has seen your letter to me of 27 June. She is content that your Secretary of State should make an oral statement in the House of Commons on Wednesday 2 July. We look forward to seeing the draft of that statement as soon as it is available.

I am copying this letter to Murdo Maclean (Chief Whip's Office), Petra Laidlaw (Office of the Chancellor of the Duchy of Lancaster) and Richard Prescott (Paymaster General's Office).

N. J. SANDERS

Miss J.M. Wright,
Northern Ireland Office.

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NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

N Sanders Esq
10 Downing Street
LONDON SW1

27 June 1980

Dear Mr Sanders

GOVERNMENT OF NORTHERN IRELAND: PROPOSALS FOR
FURTHER DISCUSSION

The Secretary of State for Northern Ireland proposes to make an oral statement on the above document in the House of Commons on Wednesday 2 July. I should be grateful if you would confirm that there are no objections to this. I hope to be able to let you have a draft of the statement by Tuesday morning.

Copies of this letter go to Murdo MacLean, Richard Prescott and Petra Laidlaw.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Julie Wright'.

J M WRIGHT (MISS)
Parliamentary Clerk



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30 JUN 1980

COVERING CONFIDENTIAL

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

25 June 1980

Michael Alexander Esq
10 Downing Street
LONDON SW1

Dear Michael

You spoke to Roy Harrington after OD about the need for a paper setting out fall-back positions should our present plans founder. I attach a first draft of such a paper in case you need to know, in the next day or two, the sort of options we have been considering. But I should point out that, because of Mr Atkins's unavailability at present (through the visit of the Duke and Duchess of Kent), he has not cleared this draft himself.

*Yours sincerely
Mike Hopkins*

M W Hopkins

COVERING CONFIDENTIAL

NI POLITICAL INITIATIVE: FALL-BACK OPTIONS

Introduction

1. This paper considers the situation should it become clear (either shortly after publication of the forthcoming proposals document, or after an extended period of consultation) that the present proposals do not provide a basis for agreement on a form of devolved government in Northern Ireland. It reviews the options and sets out the main arguments for and against each. It does not seek to reach any conclusion - for one thing, the choice of 'fall-back' would be much influenced by what was said or done by the parties in rejecting the present proposals.

2. The options fall under four headings:

- A Continuing with Direct Rule
- B Integration
- C Consultative Assembly, with gradually developing functions
- D Development of Local Government

3. Before they are considered in turn, it is worth noting that in the event of rejection of the proposals by the NI political parties one recourse available to HMG, though it is not a "fall-back option" as such, ^{would be} "appeal direct to the people" by way of a referendum. This would involve putting forward a particular scheme and inviting a YES or NO vote, or possibly presenting a series of options and asking voters to list them in order of preference.

4. This sort of approach constitutes something of a last card: a negative vote could place HMG in a very difficult position.

Moreover, there would be considerable scope for argument over whether a "YES" vote demonstrated acceptance on the part of both parts of the community. It would be necessary for as many as 83% of the electorate to vote in favour, if it were to be mathematically certain that a scheme had the support of a majority of both parts of the community. Although in practice a lower threshold of acceptability than that could be set, there would be a very strong likelihood of an inconclusive result open to totally different interpretations by different interest groups. Equally, an apparently conclusive result could be awkward. For example, if there were a low turnout on the part of the minority community, while the majority turned out in force to vote overwhelmingly in favour of a particular proposal, there would be very strong pressure to implement the proposition, even though the minority were against. In short, if the political parties cannot agree on a settlement, it is most unlikely that a referendum will produce an acceptable one. And it could increase the pressure on HMG to impose an unacceptable one.

A. Continuing with Direct Rule

5. One option is simply to give up the attempt to transfer powers to locally elected representatives, at least for the time being. Direct rule, in its present form, works well from an administrative point of view, is stable and does not arouse violent opposition from any part of the community. However, HMG has made it clear in numerous contexts, not the least being the present Document, that it regards direct rule as an unsatisfactory basis for governing Northern Ireland. Under present arrangements there is no tier of administration between district councils, which have few powers, and Westminster; the result is that responsibility for many essentially local services lies with central government,

decisions are taken by Ministers with no local political base, and there are insufficient opportunities for local politicians. The Order in Council procedure for legislating on Northern Ireland matters is unsatisfactory in that it does not allow for the degree of scrutiny that could be afforded by a devolved legislature and, of course, it takes up valuable Parliamentary time. To maintain direct rule, with no prospect of change, may well be represented as weakness and an admission of failure. Another cogent point is the Government's Manifesto pledge. If the search for full devolution is abandoned, it would be difficult to resist pressure from the UUP, and probably also from some of the Government's backbenchers, for changes in local government (see below).

B. Integration

6. A variation on continuing with direct rule would be full-scale integration. In its most extreme form this would involve doing away with the separate Northern Ireland statute book, extending English legislation to cover the Province, integrating the Northern Ireland Civil Service with the United Kingdom Civil Service and combining the NI departments with their GB counterparts. In effect, Northern Ireland's position vis à vis Westminster would be exactly comparable to that of an English region. Alternatively an arrangement similar to that which exists at present for either Scotland or Wales would be theoretically possible.

7. There are serious disadvantages in pursuing any form of integration. Given that Northern Ireland for so long had its own administrative set-up and responsibility for its own laws, which reflect the mores of the people there, integration and uniformity with the rest of the UK would be unpopular on both sides of the

community. All the main parties in Northern Ireland favour some form of devolution; and only the Official Unionists would look upon integration with any favour if an acceptable method of transferring responsibilities into local hands could not be found. Because it appears to close the door finally on closer links with the South and the hope of eventual Irish unity it would be hotly opposed by representatives of the minority community and those who sympathise with them - in particular in the Republic and the US.

8. Any move towards integration would have to be accompanied by some increase in the powers of local government both to bring Northern Ireland into line with Britain in local democracy terms and to avoid Whitehall departments directly administering local services in the Province. This also would be unacceptable to the minority community for reasons that will be discussed later.

C. A Consultative Assembly, with gradually developing functions

9. An assembly could be elected with, initially at least, only a consultative role rather than legislative or executive powers. It would work against the backcloth of continuing direct rule, but members of the assembly would be free to concern themselves with the full range of what were in 1973 "transferred" matters. They would have the opportunity to scrutinise legislative proposals and executive action, as well as make proposals of their own. Indeed, instead of the present practice of publishing legislative proposals well in advance of enactment as a means of consulting local interests, it would be possible to place the proposals before the Assembly; members of the assembly would then be in a position to comment on the merits of the proposed legislation and suggest amendments, before Parliament was asked to approve it. There could be a system of committees, for detailed work on different

functional areas, service on which might bring members to see the advantage of working together in the common interest.

10. If the arrangements were seen to be working, it would be possible to increase the assembly's responsibilities, for instance by giving it a role in the making of subordinate legislation.

All the time we would be continuing discussions on how it might be possible to transfer a fuller range of devolved powers to the Assembly. One idea that was floated earlier in the year by Dr. B. Mawhinney MP was that power might be devolved "function by function", beginning with the less controversial issues, as and when it was established - by some suitable means - that sufficient consensus existed among the parties as to how a particular function should be administered. This approach would involve much administrative complication.

11. One variant of this step-by-step approach that has been suggested is that some of the functions of political supervision of NI government departments, at present carried out by NIO Junior Ministers under the direction of the Secretary of State, might instead be entrusted to "commissioners" appointed by the Secretary of State from suitable people in NI, probably but not necessarily those active in NI political life. This would give NI administration a local political thrust which is at present lacking, and would give some NI personalities an opportunity of exercising some political authority. It would however be for further consideration who in NI would accept hybrid appointments of this kind; and what would be the basis of their accountability both to the consultative assembly and, through the Secretary of State, to Parliament at Westminster

12. A consultative assembly would give Northern Ireland an

elected body to fill the gap between district councils and Westminster and enable the elected representatives to become used to working together, before they took on executive and legislative responsibilities. Thus a consultative assembly could be presented as a logical step along the road towards devolved government. There are however dangers. The assembly might well indulge in irresponsible criticism and make life for HMG (which would continue to be responsible for direct rule) much more difficult. A majority of assembly members might use it as a forum for making a case for full-scale devolution on a basis that would be unacceptable to the minority; we might be faced with a repeat of the majority Convention Report. All the main parties have indicated their dislike for a non-executive body and a boycott on the part of one party or another is always a possibility: quite recently Mr. Molyneaux said that the Irish Republic and the SDLP wanted a devolved assembly as a step on the way to Irish unity - "A consultative assembly would do the work for them even better still". There is no doubt that it would be an uphill task to promote the idea of a consultative assembly; it would have to be represented as a positive step forward towards transferring real responsibilities into local hands. At the same time it would have to be recognised that a consultative assembly would not in itself solve the problem of securing agreement on a form of devolution; it could merely provide the forum for frustrating and acrimonious stalemate, with the assembly issuing a flow of irresponsible and unconstructive advice and criticism of HMG.

D. Local Government

13. Another approach would be to build up elected local government in NI by creating bodies with powers analogous to those of English county councils or Scottish regional councils.

R.

In NI this approach is favoured by the Molyneaux/Powell wing of the UUP. It also enjoys a measure of support in GB as a 'commonsense' solution and was presumably envisaged in the reference in the 1979 Conservative Election Manifesto to "one or more elected regional councils".

14. At present the 26 district councils in Northern Ireland have very few responsibilities: refuse collection, the provision of recreation facilities and burials, but little else. In the continued absence of devolved government it is argued that more functions should be given to local government both to attract better quality councillors and to fill the gap that exists between district councils and central government. This might be done by increasing the powers of district councils, creating an upper tier of local government, or a combination of both.

15. A "local government solution" would attract little support from the majority community in NI, and would be strongly resisted by the minority community. The minority find it objectionable on two grounds. First, while giving a limited role to local politicians it would keep the government of Northern Ireland firmly and - as they would see it - permanently in the hands of Westminster. Second, and at least as important, there is the well-founded conviction of the minority that discrimination against them was in the past most rife at the local government level under "majority rule" councils (exercising major local government functions - e.g. housing - which have since been removed from them). Even today, with the limited powers available to district councils, the minority point to examples such as the reluctance of Lisburn Borough Council to provide recreational facilities and a refuse collection service for the Poleglass estate, a new housing development mainly for

Catholics on the outskirts of Belfast, and the controversy over Cookstown District Council's alleged bias against employing Catholics. If the Unionists cannot be persuaded to accept a satisfactory degree of minority participation in devolved government, there is no reason to think that they will accept it in local government. 17 of the 26 councils have an overall Unionist majority (many of these have substantial catholic populations), while 3 have a clear non-Unionist majority; experience suggests that it is only where the SDLP predominate that genuine attempts at "power-sharing" are made - for example Newry and Londonderry.

16. Thus unless, as can hardly be supposed, the Government in pursuing a local government solution were to abandon its commitment to "take account of the needs and anxieties of both sides of the community" and provide "reasonable and appropriate arrangements to take account of the interests of the minority", this approach would run into precisely the same problems as the attempt to secure agreement on the sharing of power at the provincial level - which ex hypothesi would have failed by the time a local government solution was being explored.

Sectarian local authority areas?

17. If then power-sharing between the communities cannot be achieved at the local government level, the question may be asked whether boundaries can be drawn in a way that will produce local authority areas, and therefore councils, where one or other community predominates to such an extent that the problem of how to share power does not arise. This again seems a first sight a commonsense approach: if discrimination at local authority level is a problem, why not try to separate the opposed factions? But, first, the demographic facts of NI are against it. There are some pockets

here nearly everyone belongs to the same community. For example, Catholics account for over 80% of the population in part of West Belfast, Londonderry west of the Foyle, South Armagh, and a few other small areas. Because the Protestant community is overall twice the size of the Catholic, areas of Protestant concentration are larger; for example, North Down, Ballymena and much of East Belfast. But the more normal situation, in any area of viable local government size, is for members of the two communities to be mixed up, albeit in varying proportions. To attempt to draw boundaries so as to produce sets of viable Catholic (or for that matter Protestant) local authority areas would not be practicable - particularly when it is remembered that what is under consideration is local authorities adequate in geographical size, population and resources to provide major local government service. Belfast itself is an instructive example: the city as a whole can be regarded as a viable local government unit, comparable in size etc. with a London (or Metropolitan) Borough Council; the predominantly Catholic part of West Belfast is far from being so.

18. Moreover the attempt to redraw local government boundaries to this end would be represented as blatant gerrymandering. Nor would such a course assist the large number of Catholics who live in areas where the two communities are evenly divided or where the Protestants form the majority, and it would be bitterly resented by the Protestants in the Catholic-dominated areas. Finally, it would encourage all councils, whatever their complexion, to regard themselves as legitimately sectarian bodies, and so would run counter to the long-term objective of removing barriers between the two communities.

Another way that has been suggested of using local government organisation as a way out of the dilemma about the distribution of power would be to create regional councils in which majority rule would prevail, but with Catholics forming the majority in at least one of them. Thus one might consider having three Councils - East of the Bann, West of the Bann, and Belfast - which could take on functions such as education, social services and roads. On the basis of 1977 figures, the distribution between the communities would be:

	<u>West</u>	<u>East</u>	<u>Belfast</u>	<u>Total</u>
Catholic	263,000	160,000	138,000	561,000
Protestant	<u>187,000</u>	<u>502,000</u>	<u>273,000</u>	<u>962,000</u>
TOTAL	450,000	662,000	411,000	1,523,000

Thus while the Catholics would have a narrow majority West of the Bann, over half the minority community in Northern Ireland would be living in regional council areas where Protestants had the majority. Such a system would therefore be unlikely to commend itself to the minority community and would also run up against the fears of discrimination mentioned in para. 15. It would thus bring little political advantage while having all the practical administrative disadvantages of creating more than one elected body referred to in the Government's original Working Paper.

Conclusion

20. This paper sets out various fall-back options that might be considered in the event of failure to reach agreement on the basis of the Proposals Document. None is free from considerable drawbacks and uncertainties. A choice among them would to some extent depend upon the circumstances, in which consultations with

the parties had broken down. Before any option could be recommended, a good deal more work would be required in order to work it up into a viable proposition.

CONFIDENTIAL

Ref A02428

PRIME MINISTER

The Government of Northern Ireland: Proposals for
Further Discussion

(C(80) 31)

BACKGROUND

This draft document for publication attached to a memorandum by the Secretary of State for Northern Ireland has been extensively revised following OD's discussion on 10 June and my submission of it to you on 17 June. At OD there was considerable support for the paper's general approach to the problem of further political progress in Northern Ireland. Nobody was particularly optimistic, but there was no absence of alternative proposals, and there was a general feeling that the Government had committed itself publicly to this course of action and could not be seen to abandon it unless and until it had obviously failed. The basic problem of substance remains the gap between the Social Democratic and Labour Party (SDLP), who want power sharing in some form, and the majority community, who want majority rule. The basic problem of presentation in the draft proposals is to say enough to encourage both the majority and the minority communities in Northern Ireland to believe it is worth their while to go on negotiating, without at the same time either raising false hopes or fears, either at home or abroad. This is obviously a difficult tightrope along which to walk.

2. The heart of the "Proposals for further Discussion" is the proposed Assembly, elected by proportional representation and hence reflecting the views of the majority community, whose powers might be checked by a Council of the Assembly which would be equally divided between the majority and the minority. During the OD discussion you were particularly concerned that the paper should be amended in order to remove its negative features and avoid the impression that the Government's longer term policy was to give Northern Ireland away. You were also concerned about the possible effects of the



proposals in the paper on the situation in Scotland. You raised the question of reconsidering the level of Northern Ireland representation at Westminster if the proposals were agreed. The view was also expressed that the acceptance of proportional representation in the draft proposals could make it more difficult to resist this concept in relation to Westminster. Finally the question whether the draft proposals should be published before or after the Renewal Debate which must take place before 16 July appeared to present a difficult choice. The Secretary of State for Northern Ireland now expresses a clear preference for the early publication date of 1 July.

HANDLING

3. You will wish to ask the Secretary of State for Northern Ireland to introduce the paper and to explain the basis of the thinking underlying the proposals. The points to establish in subsequent discussion are -

a. Is there general agreement with the broad thrust of the draft proposals? The Paymaster General wrote to the Home Secretary on 9 June copying his letter to other OD members, to suggest that any proposal involving power sharing in some form will never be acceptable to the Unionist majority in Northern Ireland and will break down sooner rather than later. You may wish to ask him to amplify his views. Since he expressed them, he has visited Northern Ireland. Are his opinions widely shared in the Cabinet? To what conclusion do they lead in regard to further political progress?

b. Do the proposals present a potential difficulty in relation to the situation in Scotland? The draft has been revised in consultation with the Secretary of State for Scotland since the OD discussion and even at that stage he considered that the risk was a minor one provided reference to economic considerations was avoided. Does he remain of the same view? Does the Secretary of State for Wales hold the same view (he was not at the OD)?

c. What are the implications of the proposals for Westminster both in regard to proportional representation and the number of MPs from Northern Ireland (paragraph 3.39 of the draft proposals)? On proportional representation can it be successfully argued that Northern Ireland is different? On the number of Northern Irish MPs at Westminster, is it felt that to propose a reduction at this stage might be well received by the SDLP and the Republic of Ireland but so badly received by the Opposition in Westminster and the Official Unionists that it would kill any chance of constructive further discussions on these proposals? It is perhaps relevant that, even when Northern Ireland has 17 MPs, its constituencies will still be larger on average than those in Scotland or Wales, and that the increase was strongly supported in 1978 by the then Opposition (extracts from Hansard attached). The question for decision is whether paragraph 3.39 should be deleted from the published document.

d. Is the reference to the 'principle of consent' (paragraph 2.11 of the paper) the best way to allay Unionist fears without shattering SDLP hopes? Is the Foreign and Commonwealth Secretary content with this approach? His officials suggested that the document should emphasise that the existing guarantee applies to the whole community in Northern Ireland, not just the Protestants, but it seems unlikely that such emphasis will do anything for the minority community or the Irish Government.

e. Is the general tone of the whole paper now sufficiently positive? As you know it has been extensively revised with this aim in view.

f. How will these proposals be regarded by the Government's supporters in the House? Will it be understood why the Government is now proposing a different line to the "one or more elected regional councils with a wide range of powers over local services" which was proposed in the 1979 Manifesto?



g. What is the best time to publish the proposals? At the OD meeting on 10 June because of the recent interest in the whole issue in the media, the Home Secretary considered that the balance of advantage had swung towards an earlier, rather than a later publication date. At an earlier stage MISC 24 favoured the later date. The Secretary of State for Northern Ireland now proposes Tuesday 1 July. Does the Chancellor of the Duchy of Lancaster have any views from the point of view of the Parliamentary timetable?

CONCLUSION

4. Subject to the discussion, the Cabinet might be guided -
 - i. to approve the proposals circulated by the Secretary of State for Northern Ireland
 - ii. to agree to their early publication - if possible on Tuesday 1 July, subject to the deletion of paragraph 3.39.

ROBERT ARMSTRONG

24 June 1980

ANNEX - HANSARD EXTRACTS

The then leader of the Opposition, speaking on 19 April 1978 in response to the Prime Minister's announcement of the results of the Speaker's Conference:-

"We welcome the decision of Mr Speaker's Conference to increase the number of seats for Northern Ireland to 17 As this Bill (giving effect to the Conference recommendations) is a very short one - I believe two clauses - as it was an overwhelming decision of Mr Speaker's Conference and as we Conservatives will do our best to ensure that the Bill has a speedy passage, may we assume that the phrase "as parliamentary circumstances permit" includes the probability that the Bill will be introduced and passed through all its stages before the House rises for the summer recess?" - col 448.

The following quotes come from speeches made during the second reading of the House of Commons (Redistribution of Seats) Bill on 28 November 1978, after the Secretary of State (Mr Mason) has made it clear that the provisions of the Bill would apply, whether or not there was devolution in Northern Ireland:-

Mr Airey Neave - "As my right hon Friend the leader of the Opposition made clear in April, we shall give our fullest support to the second reading of this Bill. We have for some time past acknowledged the inadequate representation of Northern Ireland in this House This position (ie Northern Ireland's electoral quota, compared with GB) led to a sense of unfairness in the Province, and there was even talk of second class citizenship.

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It also created some huge constituencies in a relatively small geographical area. I believe that the hon Member for Antrim South has a huge constituency of over 120,000." - cols 252-253.

Mr St John Stevas - "The Bill is opposed by a minority* in the House, but that is a small minority. It is supported by all shades of opinion in the House and all shades of opinion within the Unionist Party. Given the premise of the argument, the retention of the unity of the United Kingdom and our electoral system, it is difficult to understand how the Bill can rationally be opposed We have heard various points; first there was the devolution issue. It was said that this issue justified under-representation. That certainly was the argument used at one time, that because Northern Ireland had a devolved legislature it was not entitled to full representation at Westminster. That was rejected by the Kilbrandon Commission. The idea does not of course stand up in logic or in practice It is out of concord with the situation which may well be created by the emergence of local assemblies in Scotland and Wales ... The fact that one devolves responsibilities on certain issues does not entail, in consequence, that there should be under-representation in an Assembly which is discussing differing issues. The two events are not connected in logic. There is no contradiction between devolution and centralisation, nor is there any justification for under-representation in the main legislature because one has a devolved legislature at the same time" - cols 343-344.

*a score or so of Labour MPs

Have not been through in quite the same detail as last time - but it seems much better.

Prime Minister
before
After that amended draft

Ref: A02365
Have marked out a two detailed items but they are not very significant.

CONFIDENTIAL Should be circulated to Cabinet?
Prime Minister.

Para 3.39
Then amended
AM

PRIME MINISTER

If you think that the points set out in paragraph 4 below will lead to a Cabinet regarding the idea of not increasing Northern Ireland representation at Westminster, you may prefer paragraph 3.39 to be dropped from the paper and the question to be raised orally: if the paper goes round with this paragraph in, I fear there is a real risk of it leading. AM 18/6

Government of Northern Ireland:
Proposals for further Discussion

In your summing up of the OD discussion on 10th June, you said that the draft document for publication, setting out the Government's proposals for future discussion regarding the future government of Northern Ireland, "required amendment in order to remove its negative features and avoid the impression that the Government's longer term policy was to give Northern Ireland away". You went on to say that it was important "that the paper should be considered very carefully in relation to its possible effects on the situation in Scotland." You also said that "reference should also be included to the need to reconsider the level of Northern Ireland representation at Westminster if the proposals were agreed."

2. On the first point, the Cabinet Office and the Northern Ireland Office have gone through the paper line by line, and Sir Kenneth Stowe and I have ourselves gone over it together. I hope and believe that the redraft which I attach deals with the difficulties which you had over the earlier version and removes the grounds for the objections which you saw to it.

3. The paper has also been reviewed for its possible effects in relation to Scotland. I understand that the Scottish Office is content with it in its new form; I have gone through it again with this consideration in mind, and I think that it minimises the hostages to fortune on that front.

4. The draft includes, at paragraph 3.39, a paragraph in square brackets about the implications of the proposals for Northern Ireland representation at Westminster. This is in square brackets for consideration by the Cabinet. The Secretary of State for Northern Ireland will want to argue that neither this paragraph nor the thought should be included in the published document. He believes that it would have devastating effects upon the reception of the Government's proposals: the Opposition at Westminster would denounce it; some Leaders of the official Unionists would use it as an argument for opposing

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the Government's proposals on the ground that it was representation at Westminster they preferred; the DUP would see it as treachery; and all the worries of the Unionists might be compounded if it was greeted by the SDLP and the Government of the Republic of Ireland as a constructive proposal indicating that the ties between Northern Ireland and Great Britain were to be loosened rather than strengthened.

5. Apart from this one point, the Secretary of State for Northern Ireland is content with this draft. Subject to any comments you may have on the revised draft, the Secretary of State will now circulate it to the Cabinet for consideration on 26th June, under cover of a note which will explain in general terms the changes that have been made and will deal in particular with the difficulties he sees about including a paragraph on Northern Ireland representation at Westminster on the lines suggested.

6. I am sending copies of this minute and of the revised draft to the Home Secretary and the Secretary of State for Northern Ireland.



(Robert Armstrong)

17th June 1980

THE GOVERNMENT OF NORTHERN IRELAND:
PROPOSALS FOR FURTHER DISCUSSION

1. INTRODUCTION

1.1 In this Document HMG sets out proposals for the government of Northern Ireland in the light of recent discussions, in particular at the Conference of Northern Ireland political parties earlier this year, to which detailed reference is made below. The Government would hope, following further discussion and consultation with all the parties, to put forward specific proposals for legislation in the next session of Parliament.

1.2 As a first step towards the development of these proposals the Government announced in October 1979 its intention to convene a Conference of representatives of the four main political parties in Northern Ireland - the Alliance Party, Social Democratic and Labour Party, Ulster Democratic Unionist Party, and Ulster Unionist Party (who did not accept the invitation but instead submitted a paper to HMG setting out their considered views). To prepare the ground for this Conference the Government published in November 1979, a Working Paper (Cmnd 7763) which set out the principles within which, in HMG's view, new arrangements should be sought, and put forward for discussion a number of possible approaches to, and illustrative models of, new governmental arrangements.

1.3 The principles set out in the Working Paper were:

- "(i) The powers should be transferred to elected representatives of the people of Northern Ireland and the overriding authority of Parliament will (as elsewhere in the United Kingdom) be preserved;

- (ii) In the words of the Statement of 25 October*, there will have to be "reasonable and appropriate arrangements to take account of the interests of the minority". Those arrangements will have to be acceptable to both sides of the community and also to Her Majesty's Government. The political divisions of the people of Northern Ireland are such that the alternation of the parties in government which is so important a feature of the Westminster system is unlikely to take place. In the Government's view it is essential for a transfer of powers to be made in a way which will take account of the interests of both parts of the community.
- (iii) Under any new arrangements, existing safeguards and remedies against discrimination on religious or political grounds should be at least maintained, and, if possible, improved.
- (iv) Responsibility for defence and foreign affairs (including relations with the European Community) will remain with the United Kingdom Government and Parliament, as will responsibility for the courts and electoral matters.
- (v) In the foreseeable future, given the Government's overriding commitment to combat terrorism, responsibility for law and order will also remain with Westminster.
- (vi) The general power to raise revenue by taxation will remain with Westminster; but this would not rule out the possibility of a local power to levy a rate.
- (vii) Public expenditure in Northern Ireland will continue as at present to be assessed on the basis of need, and to be financed with support as necessary from the United Kingdom Exchequer."

1.4 The Conference met in Parliament Buildings at Stormont under the Chairmanship of the Secretary of State for 34 half-day sessions between 7 January and 24 March; it then agreed to adjourn in order to allow the Government to prepare proposals for further discussion in the light of the Conference. The Conference began with submissions in which the three party leaders in turn set out their views on the question of the future government of Northern Ireland. Those submissions were published by the parties. Thereafter the Conference worked through an agenda based on the questions listed on page 11

* Statement by the Secretary of State for Northern Ireland in the House of Commons on 25 October 1979 announcing the Government's intention to convene a conference of the principal political parties in Northern Ireland (Official Report, Cols 625-6).

of the Working Paper.

1.5 The Secretary of State has also had separate but parallel discussions with some of the Northern Ireland political parties on matters outside, but relevant to, the subject matter of the Conference. These talks enabled the parties who took part in them to inform the Secretary of State, and through him the Government, of their views on security and economic (including EEC) issues.

1.6 The Conference had the merit of bringing together, for the first time for some years, leading members of all but one of the main Northern Ireland political parties for detailed and sustained discussion of the problems in establishing a new administration in Northern Ireland. These exchanges were of value to the Government and, we believe, to the parties. They did not lead to a negotiated agreement for a future pattern of government. That was never expected: the Conference was aimed at establishing the highest level of agreement between the parties rather than identifying a single detailed scheme of government to which all would subscribe. But the parties made clearer to one another, and to HMG, where they stand on the various issues that arise, what would be acceptable to them, and what would not.

1.7 Part II of this Document outlines certain important considerations which in HMG's view should influence the form of any new arrangements. Part III sets out, in the light of the conclusions which HMG has drawn from the Conference, its proposals for further discussion.

E.R.

II NEW ARRANGEMENTS: THE WIDER CONTEXT

2.1 The needs of the people of Northern Ireland, which go deeper than any particular set of political institutions, are:

peace, in particular from terrorist violence; and
reconciliation;

stability, in the sense of a settled framework of government, to provide a base for
economic reconstruction.

2.2 These needs interlock. One shortcoming can reinforce another; and conversely progress in one direction enhances the prospects for overall advance. Any new arrangements must recognise that the need to counter terrorism and to regenerate the Northern Ireland economy are matters of overriding concern to the people of Northern Ireland, and that each interacts with the need for political advance.

The Security Background

2.3 It is HMG's policy to combat terrorism within the framework of the law, with the lead taken by the police, and the Army in a vital but supporting role. In recent years the security forces have achieved considerable success against terrorism, but it is apparent that much remains to be done.

2.4 The security situation has a direct bearing on one aspect of any new arrangements for the government of Northern Ireland. The involvement of the UK Government in the fight against terrorism - in terms of manpower, equipment and installations,

and their operational use - is such that it is not realistic to envisage conferring on a Northern Ireland administration full responsibility for the criminal law, and the police and prison services. Equally, that administration should not conduct its business either isolated or excluded from the concern for security which is pervasive. The locally elected representatives responsible for important provincial services therefore need to have a sense of identification with the forces of law and order and to be able to discuss security matters with the Secretary of State, who will retain responsibility for them. Arrangements will thus be needed to give those representatives a voice in security matters while the responsibility remains, as it must for the present, with HMG.

The Financial and Economic Background

2.5 The social and economic difficulties of Northern Ireland are already recognised by the Government. Public expenditure per head is 35 per cent above that in Great Britain, placing a considerable and rising cost on the taxpayer. In 1979/80 public spending in Northern Ireland was some £2,600 m., of which only about 56 per cent was financed from local sources.

2.6 There are implications here for the form of new arrangements for government in Northern Ireland. There is as yet no prospect of a Northern Ireland administration self-sufficient in financial resources. A new administration in Northern Ireland will have to be involved in deciding how best the public funds available to Northern Ireland shall be spent. At the same time the Secretary of State will continue to play a prominent part in determining Northern

Ireland's share of UK resources. The precise relationship with the Secretary of State will be determined by whether or not spending on transferred matters is to be funded by a block grant from Westminster; whether such a grant should cover those services administered on the basis of strict parity with Great Britain; and by the kind of guidelines or controls that would be required over the administration's spending or resource allocation.

Reconciliation and Stability

2.7 To underpin peace, reconciliation and reconstruction, Northern Ireland needs workable and stable political institutions. For over a decade now the province has suffered uncertainty about the future. For much of that time it has been administered by a temporary system of "direct rule" from Westminster, which has made the Secretary of State directly responsible for virtually all the functions of central and local government. Though "direct rule" has performed a vital task over the past 8 years and has achieved general acceptance in the province, it leaves no incentive for people in Northern Ireland to seek responsibility through politics and generally stifles local political initiative. Moreover for a part of the UK which has had a recent tradition of its own legislature and separate administration linked to it, it is only second best and not a permanent answer.

2.8 The key to stability in Northern Ireland is the healing of the divisions between the two communities. New institutions of government which the minority community cannot accept as its institutions will not bring stability and so will not be worth having. It must therefore be in the interests of the majority community, desiring as it does stability and the fruits that this

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7

can bring, to accept institutions that offer opportunities of participation to the minority. Equally it must be in the interests of the minority community, given institutions which afford its members opportunities of participation and safeguards against discrimination, to join wholeheartedly in making those institutions work.

2.9 What Her Majesty's Government can do in this is limited. It can create, with the help of representatives of the two communities, fair and workable institutions. But governments cannot create the will to make the institutions work: that will to work together must come from the people of Northern Ireland themselves. In asking themselves whether they are prepared to make that effort, they should weigh carefully all that is at stake.

2.10 Political stability in Northern Ireland has in the past been impaired by the difference in view among many members of the two communities regarding the long-term future of Northern Ireland: whether the link with the United Kingdom should be preserved or the Province be united with the Republic of Ireland.

2.11 In accordance with section 1 of the Northern Ireland Constitution Act 1973, Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom and in no event will Northern Ireland or any part of it cease to be part of the United Kingdom without the consent of the majority of the people of Northern Ireland. The principle of consent is the only possible framework within which both those who wish to maintain Northern Ireland's present status within the United Kingdom and those who aspire to Irish unity can pursue their own objectives by legitimate and peaceful means.

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Statutory provision exists for the wishes of the Northern Ireland electorate to be tested at intervals by a "border poll", and successive Governments have made it clear that those wishes, whether to remain part of the UK or to cease so to be, will be respected. A substantial majority of the people of Northern Ireland at present ^(evidently) wish it to remain part of the UK.

2.12 It follows that the continued position of Northern Ireland within the United Kingdom is not something which the Government could use as a bargaining counter in order to secure agreement to a particular form of political institution. New arrangements for transferring some responsibility to the people of Northern Ireland for the conduct of their own affairs must be sought on the basis of the shared interest of both communities in developing a stable, peaceful and prosperous country.

2.13 Thus the development of new political arrangements in Northern Ireland must rest on these foundations: the majority community should be confident that Northern Ireland cannot be separated from the rest of the United Kingdom without the consent of a majority of its people: the minority community should accept and respect that fact; and in response the majority should ensure a positive role for the minority community in arrangements for the government of Northern Ireland. And it is in the interests of both communities to recognise and develop the links that exist between Northern Ireland and the Republic of Ireland.

2.14 In the words of the communique issued after the meeting on 21 May between the Prime Minister and the Taoiseach, there is a

unique relationship between the peoples of the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland, and a need to further this relationship in the interests of peace and reconciliation. We share bonds of history, culture and language; there is a mutual economic and trading interest, enhanced by our common membership of the European Community; and there is a close geographical inter-relationship, recognised in the existence of a common travel area and illustrated by many centuries of the movement of people and of trade across the Irish Sea. The ties between us are close. And with those ties comes a mutuality of interest. Each territory is inescapably affected by events and developments in the other.

2.15 Division and dissent in Northern Ireland put all these relationships between the United Kingdom and the Republic of Ireland under strain. New arrangements for the government of Northern Ireland which secured the support of both communities for a system in which both communities fully participated would benefit us all and encourage the growth of a new and deeper relationship between the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland.

III PROPOSALS FOR FURTHER DISCUSSION

3.1 In this part of the Paper the Government sets out in detail proposals for transferring to locally elected representatives some of the powers of government now exercised from Westminster under the arrangements for direct rule. The proposals are summarised in paragraphs 3.40-42.

3.2 In a number of respects it is now, in the Government's view, clear what form of locally elected administration would be most appropriate for the exceptional circumstances of Northern Ireland and most likely to command acceptance. But this is not true as regards one crucial issue - how provision should be made for the participation in government of representatives of the minority community: and on this aspect rests the acceptability of any scheme as a whole. The features which would be appropriate whatever the arrangements made for the participation of the minority community - the outer framework - are described in paragraphs 3.3 to 3.13. The options which might meet the requirement as regards the participation of the minority community are described in paragraphs 3.14 et seq.

The Outer Framework

3.3 First, there should be a transfer of powers of government in Northern Ireland to an administration based on a single province-wide elected Assembly. The desire for a transfer of powers comparable in scope (though not necessarily identical in detailed arrangement) with the 1920 and 1973 constitutions is widely expressed. There was general opposition among the parties who took part in the Conference to a transfer of powers and functions on the lines of local government in Great Britain.

The creation of more than one sub-provincial assembly would entail expense, disruption and confusion. Northern Ireland can and should be regarded for governmental purposes above the level of the district councils as a single entity. The restructuring of local government consequent upon the Report of the Review Body on Local Government in Northern Ireland 1970 (the Macrory Report) took place in 1973. It was an inherent part of the post-Macrory structure that a Northern Ireland Assembly would constitute a single top tier authority of democratic scrutiny and control of services to be managed henceforth on a province-wide basis. Local differences and needs can be catered for where appropriate by special arrangements in the administration of particular services. As regards the size of a provincial Assembly, past experience in NI and the needs of adequate representation suggest that it could appropriately contain about 80 members.

3.4 Second, in the light of the special political considerations that apply in Northern Ireland, the method of election to the Assembly should be the single transferable vote form of proportional representation. This method is familiar and well-established in Northern Ireland, having been used since 1973 for all elections except those to Westminster. There is no sufficient reason to depart from it now.

3.5 Third, a new Assembly and the Executive body derived from it should have responsibility over a range of subjects broadly similar to that transferred in 1973 (ie principally agriculture, commerce, education, employment, environmental matters including housing, health and social services) although there might be a

need for some changes to take account of subsequent developments. A transfer on this scale would enable the existing administrative machinery of the Northern Ireland Departments now under the direct control of the Secretary of State to come under the control of the new body, which would thus be able to make a concerted effort to tackle the distinctive problems afflicting the province after years of unrest.

3.6 Fourth, the Secretary of State for Northern Ireland would continue to be wholly accountable to Parliament at Westminster for the responsibilities and functions which he will continue to exercise. These would be those reserved and excepted matters, notably law and order, for which he would be directly responsible; and the **consideration** of the total Northern Ireland public expenditure requirement, in consultation with members of the Northern Ireland Executive and in the context of United Kingdom expenditure programmes. The Secretary of State would need means to ensure that actions of the administration in the transferred field did not jeopardise the exercise of the Government's responsibilities in the reserved or excepted fields (eg to ensure that the UK's international obligations were observed).

3.7 Fifth, the Secretary of State would convene under his Chairmanship representative leading members of the Assembly as an advisory council for consultation on those matters for which he will remain ministerially responsible and accountable to Parliament.

3.8 Sixth, the Assembly should have power as in 1973/74 to legislate on transferred matters. The political parties in Northern Ireland have expressed a desire for legislative powers to be exercised again locally rather than at Westminster. Past tradition and practice and present needs point in the direction of transferring legislative power. From 1921 to 1972 (and again during the short life of the 1973/74 NI Executive) there was a separate legislature at Stormont. For the past eight years the practice of separate NI legislation has been maintained through an Order in Council procedure under the 1974 Act precisely to enable a local legislature to resume the function as soon as devolved government was restored. Thus over a wide range of subject-matter there is a separate corpus of statute law for NI.

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3.9 Moreover the existing administrative institutions in NI are designed to service a local system of government with corresponding legislative powers. For all these reasons the Government concludes that it would be appropriate to confer legislative as well as executive powers on a NI Assembly.

3.10 Seventh, the executive direction of the Northern Ireland Departments would be the responsibility of individual members of the Assembly, acting as Heads of the Northern Ireland Departments. (The form of the Executive, comprising the individual Heads of Departments and the Chief Executive is considered in paras 3.14 et seq).

3.11 Eighth, there should be Departmental Committees of the Assembly. Irrespective of the form which the Executive may take; there will be an important role for Committees formed of elected representatives of all significant parties to scrutinise the actions of the Executive and offer advice to the administration. The powers of the Committees, which could between them cover all the NI Departments, could include: calling for papers and persons; scrutinising Departmental policy including the Departmental estimates; holding hearings on proposed legislation; and taking the committee stage of measures not taken on the floor of the Assembly. They might also have allotted time in the Assembly for debating their

own proposals for legislation. Their Chairmen (and perhaps Deputy Chairmen) might be salaried and, together with the members, could be either proportionately representative of the Assembly as a whole or equally distributed between the parties supporting the Executive and the opposition. The choice would be determined by the method of selecting the Executive (see paras. 3.14 et seq).

3.12 Ninth, the existing safeguards and remedies against discrimination on religious or political grounds should be maintained. There may in addition need to be some form of appeal to the Secretary of State, or to Westminster, against discriminatory acts on the part of the Assembly, or Executive. The form that this might best take would depend on the shape of the arrangements adopted for the formation of the executive.

3.13 In the nine aspects outlined above the requirements and interests of both communities appear to HMG to coincide, and moreover to be capable of being accommodated in a system of efficient and responsive government. The Government also believes that the policies of the ^{four} main parties are broadly compatible with a system containing these nine features (although there would be differences of view on some matters of detail) provided that agreement could be reached on a system of government as a whole, including the question of formation of the Executive. It is on this that the differences among the major parties are most clearly and significantly displayed, as the following paragraphs make clear.

How should the Executive be formed?

3.14 The Alliance Party draw attention to the fundamental community division which they say is at the root of the political problem and can be resolved only by the creation of political institutions based upon the principle of partnership. The Alliance Party say that an administration drawn from all substantial elected groupings on the principle of proportionality would create political structures which both sections of the community would support. At the Conference they made detailed proposals for an executive committee system of government based on proportionality.

3.15 The SDLP say that the essential requirement is to create a political process which will allow mutual confidence and trust to develop in Northern Ireland, leading to lasting peace and stability; this can only be achieved through a period of partnership between the two communities. At the Conference the SDLP, while not regarding partnership as a natural end in itself, advocated a Cabinet-type partnership administration reflecting proportionately the strength in the Assembly of all parties willing to participate in such an administration.

3.16 The UDUP say that if any system is to be acceptable it must not seek to deny to an elected majority the rights which democracy bestows on the majority; the Executive should be formed by that party or group of parties which has been placed in the majority in the elected forum. The UDUP accordingly proposed at the Conference a Cabinet-style administration formed by a majority grouping in the Assembly.

3.17 In their proposals sent to the Prime Minister in December 1979, the UUP advocated a form of devolved government with a Cabinet system of administration formed by the leader of the largest group of members returned to the Assembly.

3.18 Thus the 4 parties are far from agreeing on the crucial question how arrangements are to be made in a new system of administration for the involvement of representatives of the minority community. They will need significantly to narrow the difference between them if the Government is to be able to introduce in the next session of Parliament legislation which would transfer substantial powers back to elected representatives of the people of Northern Ireland. The Government is resolved to pursue its efforts to find a basis on which a generally acceptable system could be established, and in this paper offers suggestions for the involvement of the representatives of the minority community for further discussion and negotiation.

Provision for Minority Participation

3.19 The announcement (25 October 1979) of the Government's intention to prepare proposals for transferring powers of government in Northern Ireland to locally elected representatives spoke of the need for "reasonable and appropriate arrangements to take account of the interest of the minority".

Enlarging on this theme para 5(ii) of the Working Paper said:

"Those arrangements will have to be acceptable to both sides of the community and also to Her Majesty's Government. The political divisions of the people of Northern Ireland are such that the alternation of the parties in Government which is so important a feature of the Westminster system is unlikely to take place. In the Government's view it is essential for a transfer of powers to be made in a way which will take account of the interests of both parts of the community."

3.20 Everything said at the Conference, and elsewhere since the Government published the Working Paper, has confirmed the prime importance of that principle. Unless the minority community feels able to accept, and identify with, the institutions of government in Northern Ireland, there is little prospect of political stability in the Province and hopes of peace and prosperity will be impaired. It is in the interest of the majority community as much as of the minority that the form of institutions adopted should meet that criterion. The Government believes that there is a wide measure of agreement among people in both communities regarding that objective, though there are differences of view expressed in the political parties as to how it can be achieved. The issue arises essentially in the question how the Executive in a new system is formed: for either the minority gains its involvement through membership of the Executive; or other, equally effective, means have to be devised.

3.21 The Westminster model of forming the Executive which is favoured by some NI parties is the classic form of democracy - majority rule. It is based on the premise that a majority can enforce its will and that a political system should reflect that reality by institutionalising the predominance of the will of the majority. It is the natural concomitant of the development of a political party system in which the parties reflect and advocate distinct approaches to the matters - eg management of the economy, provision of public services - for which the Executive is responsible. It favours the development of a responsible Opposition, challenging the Government and ready to take over from it. The prevailing view is

that this system meets the political needs of GB well, and it is common to many political systems elsewhere in the world.

3.22 The special features of political life in Northern Ireland mean that application there of the majority rule system would be almost certain to put control of the administration in the hands of representatives of the majority community permanently. This is not inevitable; in certain circumstances representatives of the minority community could gain places in the administration - a party or parties representing elements in the majority community might choose to form a coalition administration with minority representatives. But given the present basis of political party allegiance in Northern Ireland, that is an unlikely outcome of any election. It is far more probable that the representatives of the minority community would be, as they were between 1920 and 1972, in the minority in any elected Assembly with representatives of the majority community unwilling to form a coalition with them. The majority rule system would therefore in practice exclude them from the Executive.

3.23 This consequence of applying the Westminster system in the NI context makes it vital, in HMG's view, that any scheme for the Government of Northern Ireland should, while retaining the support of the majority community, depart substantially from the Westminster model. Two alternative approaches to the involvement of the minority in government are set out below. Each is intended to

secure the responsible participation of the minority community in the Administration of NI. The first would achieve this aim by ensuring that any party represented in the Assembly which won a certain proportion of the popular vote had a seat or seats in the Executive. The second would achieve the same aim by securing that, while minority representatives had no guaranteed place in the Executive, the power of the Executive was balanced against that of another institution within the Assembly in which the minority, being in Opposition, was assured a prominent place.

3.24 Either of these methods of securing minority participation in government will seem strange judged by conventional Westminster criteria. But the political situation in Northern Ireland is itself unconventional in some crucial respects. First, there is the absence already referred to of the normal prospect of alternation of parties in power; the likelihood is that the parties representing the minority community will constitute a permanent political minority in permanent opposition. Next, what chiefly distinguishes the Northern Ireland political parties from one another is their attitudes to the question of the constitutional status of Northern Ireland - a matter which will be outside the competence of a devolved administration. The range of responsibilities likely to be transferred at the outset to a Northern Ireland administration, though of substantial extent (see para 3.5 above), has not in the past given rise to great ideological differences on socio-economic

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grounds among the main parties; and this may well prove to be the future pattern also, especially when account is taken of the extent of Northern Ireland financial dependence on the UK government and the constraints placed upon the freedom of action of a Northern Ireland administration by the expectations of 'parity' of services. Indeed, there will be a strong managerial element in the primary task of a Northern Ireland executive: the allocation of resources among contending socio-economic priorities within a total sum determined by Westminster. These considerations lead HMG to the conclusion that a system of government markedly different from the Westminster model is justified not only by the political circumstances of NI but also by reference to the nature of the task of government.

Responsibility Shared within the Executive

3.25 The first alternative course to Westminster-style majority rule which HMG puts forward is a system which guarantees any party winning a certain proportion of the popular vote a seat in the Executive. Thus a party with, say, 25% of the popular vote would be assured of a quarter of the Executive seats.

3.26 There are various ways of providing for an Executive along these lines to be formed. One way would be by direct popular election, thus preserving the primacy of the ballot box. Simultaneously with the election of the Assembly the electorate would be asked to vote separately (and by a system of proportional representation on a province-wide basis) for candidates for the Executive. Direct election in this way would ensure that each member of the Executive owed his place to support in the province as a whole.

3.27 Another way would be to have a single (PR) election to the Assembly and then form the Executive by reference to the strengths of the parties elected to the Assembly. This would not (as did the 1973 Constitution) require any external intervention. Either the Assembly members could elect the Executive from their own midst, using an appropriate mechanism to allocate portfolios to the successful candidates; or a simple mathematical formula could be used to allocate Executive portfolios to those parties which obtained a qualifying number of members in the Assembly. In either case faith would be kept with the ballot box, since the composition of the Executive would reflect the views of the electorate who had determined the make-up of the Assembly.

3.28 These are means of achieving an Executive in which all significant viewpoints are reflected and which, therefore, should be capable of undertaking its tasks with the support of both communities. The key consideration is this. If, as HMG is disposed to believe, adoption of a system which ensured that the minority community had places on the Executive would crucially affect the attitude of the minority towards acceptance of the political institutions of Northern Ireland, then that constitutes a powerful reason why the majority community should put aside its misgivings - understandable though these are - and accept a system of a proportionately constituted Executive. The prize to be gained, in terms of the cohesion of Northern Ireland and the prospects for reconciliation and reconstruction, could be a rich one. All sections of opinion in Northern Ireland should therefore consider carefully and with an open mind whether a proportional system of government would not be the best way to unite both sides of the community in support of new political institutions.

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3.29 That said, HMG must also acknowledge and indeed stress that no system of this kind could work without the clear support of the two communities in Northern Ireland, agreeing to its establishment and voting in elections for candidates ready to observe the spirit of reconciliation in a common task. It could not be imposed if a majority of the members of the new Assembly were opposed to the very essence of the system.

3.30 The reasons for this are simple. Any political system based on democratic lines depends on the majority of elected members supporting the existence of the system. For suppose a proportional system were established but a majority of members in the new Assembly were committed to opposing that system. Members of the minority parties would, under the constitution, be entitled to seats on the Executive, and to take charge of Northern Ireland Departments. But they could be rendered powerless. The majority would control the Assembly and would be in a position to vote down all proposals from minority members of the Executive. Indeed in the last resort the majority might even be able to use their power to transfer all significant functions from the Departments under the control of the minority members to those controlled by themselves.

3.31 The circumstances described above illustrate the extreme to which matters could come, if and when strains were to develop. But it is self-evident that any political body is shaped by the will of the majority of its members. For a system of the kind described above to work, there would need to be a willingness on the part of the majority to join in working the system, and a general spirit of give-and-take within the Executive. Otherwise the minority members of the Executive could find themselves no more than prisoners of the majority.

Responsibility Shared within the Assembly

3.32 An alternative approach, while not giving the minority community any guarantee of seats in the Executive, would involve them in government by some other equally adequate means. For the minority community, seats in the Executive have come to assume a symbolic importance and they are understandably reluctant to acquiesce in a system which they fear would place their representatives in a position of permanent and powerless opposition in the Assembly. Nevertheless, HMG believes that the holding of Executive seats is not the only way for minority representatives to participate in and influence the process of government in both the legislative and executive forms. Genuine opportunities for such participation are provided in the following very different approach to the decision-taking process in government.

3.33 The suggestions in the following paragraphs are designed to deal with the situation in which, for lack of agreement on a proportional system, the Executive is to be formed from the party (or parties) commanding a majority in the Assembly, and in consequence an effective degree of involvement of the minority must be guaranteed at other points in the system.

3.34 One possibility sometimes mooted would be to require that the Chief Executive, when he had appointed the members of his team, should obtain the support not merely of a simple, but of a weighted, majority in the Assembly. This would oblige him to obtain some support from minority representatives. However, if such support could only be obtained at the price of allowing the minority to participate in the Executive, then either stalemate would result (because the majority parties declined to share power in that way) or (if the majority parties did agree) the problem of minority participation in government would have been

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solved - in which case the proportional Executive system set out in paras 3.25 to 3.31 above would probably have been acceptable. Either way this possibility does not appear relevant for the present purpose.

3.35 The problem is to devise a way in which, without the minority parties being represented directly in the Executive, they can, while formally in "opposition", share responsibility for the administration sufficiently to satisfy themselves that the interests of the minority community are adequately reflected in the decisions of government. To achieve this it becomes necessary to create a novel institution in which powers may be vested in order to serve as a balance against those to be exercised by the Executive; but to do so in a way which would secure a constructive relationship and avoid deadlock.

3.36 It has already been suggested (in paragraph 3.11 above) that there should be Departmental Committees of the Assembly with a range of powers. These Committees would not themselves be appropriate bodies to fulfil the role of the new institution now needed; but if the chairmanships and deputy chairmanships of those Committees were allocated equally between Assembly members of those parties supporting the Executive and those opposing it (as would be desirable anyway since these Committees would be designed to scrutinise critically the activities of the Executive and the Departments) then those chairmen and deputy chairmen could together form a new body, the Council of the Assembly, with a chairman drawn from its membership but with no additional voting power. Composed in this way it would thus be equally divided between those Assembly members supporting and opposing the Executive, and to be effective any proposition on which it had to decide would have to attract 50% + 1 votes.

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3.37 The precise powers of the Council of the Assembly are for discussion. As a minimum it would have an advisory role, with the Executive required to consult it on certain occasions or topics, but with no requirement that the Executive accept that advice. This, however, would not be enough to bring about that involvement of the minority community in the task of government which is the objective, and if the minority is to possess real influence through their presence on it, it would need to have some or all of the following powers:

- (a) A power whereby the Council could delay legislation (though not Appropriation measures) for a certain period. Though of limited effect, this would focus public attention on anything to which the minority objected.
- (b) A power to refer proposed legislation back to the Assembly, or to refer proposed legislation or executive decisions, if considered to be discriminatory, to an outside appeals body of a judicial or political nature.
- (c) A provision requiring that, before being passed by the Assembly, all legislation and the public expenditure programme would require the Council's approval. This would give the Council a blocking power (since the 50% membership of the parties supporting the Executive would be insufficient to give approval). It is to be hoped that in practice such a power would never be used, but that the possibility that it might be used would be sufficient to lead the two sides to an accommodation of any issue between them. However, in order to ensure that deadlock did not bring government to an unacceptable halt, this power would have to be made subject in the last resort to override by Order made by the Secretary of State, which could perhaps be subject to Parliamentary approval at

3.38 The existence of such a Council would be an incentive to the Executive to frame and implement its policies by consultation and discussion among the principal parties in the Assembly and in the Committees of the Assembly so as to minimize intervention from the Council and avoid confrontation. The members of the Assembly, those holding office in the Executive and those holding office in the Departmental Committees, would have an interest in consulting together so as to achieve a high level of accommodation and co-operation. The salaried status of the Chairmen (and deputy Chairmen) of the Departmental Committees, the representation within their ranks of the minority community, and the formal powers of the Council of the Assembly composing all the Chairmen, and Deputies, should mark the effective involvement of the minority and secure it a powerful voice in the formulation of policy decisions about the government of the Province and in day-to-day administration. The Secretary of State might initially be required to act as arbiter and would have the formal powers to do so; but it would be in all the local parties' interests to develop conventions and procedures to avoid having to involve Westminster in the settlement of disputes.

Implications for Northern Ireland Representation at Westminster

3.39 There is one further question that is prompted by the proposals set out above. Ever since 1920 Northern Ireland has been represented at Westminster by twelve[#] Members of Parliament. Over most of this period many aspects of the government of Northern Ireland were the responsibility of locally elected representatives at Stormont. In 1978 a Conference under the Chairmanship of the Speaker of the House of Commons

[#] Additionally, until 1948 there was one University Member.

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1972(?)
Stormont was
dissolved & devol
was assumed

recommended that the number of Northern Ireland Parliamentary Constituencies should be increased to seventeen (with some discretion given to the Boundary Commission to vary the number to either 18 or 16). Effect was given to the recommendations of the Speaker's Conference in the House of Commons (Re-distribution of Seats) Act 1979, and the Boundary Commission is currently at work revising the Northern Ireland constituencies.

It would be for consideration whether, ^{one year} if an elected assembly were established in Northern Ireland with ^{legislative and some} wide-ranging powers, ^{would be reasonable to consider} ~~it remained appropriate for Northern Ireland representation at Westminster~~ to be increased from 12 to 17 Members. 7

Summary of Proposals for a Locally Elected Administration

3.40 The proposals for the outer framework (paras 3.3 - 3.12) and the options (paras 3.19 - 3.38) may be summarised as follows.

3.41 The outer framework would consist of:

- (1) a province-wide administration based on a single elected body of about 80 members;
- (2) PR(STV) would be the method of election;
- (3) the range of subjects to be transferred would be broadly similar to that transferred in 1973;
- (4) the Secretary of State for Northern Ireland would retain responsibility for reserved matters, such as law and order, and for the consideration of Northern Ireland's public expenditure programme in the overall UK context;
- (5) an advisory council would provide a forum for general discussion and consultation with the Secretary of State on those matters on which he remained responsible to Parliament;

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- (6) the Assembly would be empowered to legislate on transferred matters;
- (7) individual Assembly members would be responsible for the executive direction of the NI Departments;
- (8) there should be representative Departmental Committees with extensive investigatory, scrutinising, advisory and legislative powers;
- (9) existing safeguards against discrimination would be at least maintained.

3.42 The options arise in relation to the crucial question of the formation of the Executive. Conventional approaches will not meet the essential requirement which is a fair and responsible position for both communities in the administration of Northern Ireland's affairs. The first option would meet the requirement by ensuring that any party represented in the Assembly and winning a certain proportion of the popular vote had a seat or seats in the Executive. The Executive could be formed by direct election by the electorate at large, or by election from within the Assembly or by the allocation of seats to all parties in proportion to their strength in the Assembly. However the Executive was formed it would need to command and retain the support of at least 50% + 1 in the Assembly. The second option would achieve the requirement by balancing the power of the Executive, which would have no guaranteed places for minority representatives, against the power of another institution within the Assembly, the Council of the Assembly, on which minority representatives through constituting the Opposition would have a prominent place. The Council of the Assembly would need to have certain formal powers as the source of its influence on the overall

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administration of Northern Ireland. These might include powers to delay, refer back, or block the Executive's legislative and public expenditure proposals, and to refer discriminatory actions to an outside appeals body. To prevent exercise of these powers from bringing the process of government to a halt the Secretary of State would have a referee function with powers to override by Order.

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CONCLUSIONS

4.1 It is not desirable to continue indefinitely with the system of "direct rule" as the means of governing Northern Ireland. The Government seeks therefore to bring about a transfer of responsibility for some of the powers at present exercised from Westminster to locally elected representatives, in accordance with the principles set out in its Working Paper for the Conference on the Government of Northern Ireland (reproduced in paragraph 1.3 above). The Government believes that the proposals set out in this document could secure such a transfer in a way calculated to meet the special needs of the people of Northern Ireland.

4.2 The Government now intends to embark on the fullest possible programme of consultation and discussion. If, in the event, it concludes that proposals along these lines would secure the acceptance of the people of Northern Ireland and the participation of their political leaders in their operation, it will bring forward legislative proposals before Parliament. In the absence of such acceptance, the Government would then explore other ways of making the Government of Northern Ireland more responsive to the wishes of the people of Northern Ireland. Such alternatives could involve the more progressive approach to the transfer of a range of powers to a locally elected Assembly, such as was mentioned in paragraph 6 of the original working paper for the Conference.

4.3 Her Majesty's Government urges all sections of the Northern Ireland community to give serious consideration to the proposals in this document bearing in mind the urgent need of the Province for institutions which will assist in the task of reconciliation and reconstruction. It is the Government's firm hope that thereby can be achieved a system of Government which the people of Northern Ireland will support.

PAISLEY, A.P.

To: Michael Alexander

16th June, 1980

Thank you so much for your letter of
12th June.

We have since spoken on the telephone,
when you explained that the word "refused"
in the second line should have been
"requested".

Ian Gow

The Rev. Ian Paisley, MP.



The National Archives

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Ireland



Foreign and Commonwealth Office

London SW1A 2AH

11 June 1980

Dear Michael,

Anglo/Irish Relations

The Irish Ambassador rang the Department this afternoon to say that the Taoiseach had just telephoned him to say that he was disturbed by reports that his Panorama interview (broadcast on 9 June) had occasioned some dissatisfaction in London. He had been concerned about two points in particular:

- (a) the suggestion that the timing of the broadcast had been related to yesterday's Cabinet Committee discussion about Northern Ireland. In fact he had given the interview shortly after his return to Ireland from his meeting with the Prime Minister on 21 May; the timing had been entirely a matter for the BBC;
- (b) the fact that a good deal of what he had actually said in the interview had not been broadcast. He had for example been asked by the interviewer whether he was turning down the British Government's political initiative for Northern Ireland. He had replied that it would be totally irresponsible for him to reject an initiative he had not yet seen. He feared that by omitting this and one or two other passages the BBC might have represented his position as being more negative than was in fact the case.

The Ambassador said the Taoiseach had asked him to do his best to see that the Prime Minister was informed of the above before she left for Venice.

I am sending a copy of this letter to Roy Harrington at the Northern Ireland Office.

Yours aw

Paul

(P Lever)
Private Secretary

M O'D B Alexander Esq
10 Downing Street

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11 JUN 1980



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SECRETARY OF STATE
FOR
NORTHERN IRELAND

Original on Ewo PA,
Venice Summit Pt-3

NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

11th June 1980

Michael Alexander Esq
10 Downing Street
LONDON SW1

Dear Michael

EEC SUMMIT MEETING, VENICE: NORTHERN IRELAND

Mr Haughey has asked for a short meeting with the Prime Minister during the Venice meeting, perhaps to discuss possible dates for the next Anglo-Irish Summit; Mr Haughey seems to be thinking in terms of the autumn. From the Northern Ireland viewpoint it would be best if the Prime Minister were to avoid any firm commitment at this stage.

More generally, there are some points which the Prime Minister could usefully put across to him:

a. We noted with approval the Taoiseach's repetition in his Panorama interview of commitment to deal firmly with the IRA and to cooperate fully on border security measures. The Taoiseach will be aware, however, that the question of prosecution of suspected terrorists in the Republic for crimes committed in the North, under the extra-territorial legislation, remains a sensitive issue in Northern Ireland. The Prime Minister might mention, while not wishing to encroach on to the judicial domain, that in one case (O'Hare and McNamee) the RUC passed papers to the Garda last summer, and we understand that they have been with the DPP in Dublin for some months now. In another more recent one (McNally and others), papers are still believed to be with the Garda, having been transmitted by the RUC in April. Positive action in these cases would be the best possible proof, in the absence of extradition, that the agreed procedures can be effective. All the men involved in both cases are still at large, except O'Hare (now in prison for a crime committed in the Republic).

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b. We remain determined to make political progress in Northern Ireland, and are moving towards the publication shortly of proposals for new political institutions. We are making a considerable effort to take full account of the legitimate interests of both communities in Northern Ireland; and we shall be looking to all concerned to show a spirit of compromise in the further discussions which will follow publication.

c. A negotiated arrangement based on our proposals would be as much in the Irish interest as ours; and would be a major step towards the new Anglo-Irish relationship foreshadowed at the two Prime Ministers' recent meeting.

Mr Haughey may suggest that it would be useful if his government were consulted on our proposals before they are published. While recognising the Irish interest, the Prime Minister will no doubt remind him that any hint that the Republic had been involved in the formulation of our proposals would destroy any chance of acceptance in Northern Ireland.

I am sending a copy of this letter to Paul Lever in the FCO.

Yours sincerely

Mike Hopkins

M W Hopkins



The National Archives

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Press Office are under extremely heavy pressure from London, N. Ireland and Dublin.

May they take the following line?-

"Ministers reviewed the text of the draft discussion paper on Northern Ireland. They agreed that the text should be further revised with a view to submission to Cabinet at an appropriate moment."

cleared by PM

-PA

MS

10/6



Ireland

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Prime Minister

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Phud 7/6

Prime Minister

NORTHERN IRELAND: PROPOSALS FOR FURTHER DISCUSSION

The Home Secretary sent me a copy of his minute of 28 May reporting on the discussion in MISC 24 on 22 May.

I have no comments on the timing of publication. There will no doubt be some attempt in Scotland to contrast the comprehensive discussion of fundamental issues in the consultative document with the very limited proposals on which agreement has been reached in the inter-party talks on improving the arrangements for the conduct of Commons business affecting Scotland. But I do not see the timing of the publication of the report of the inter-party talks as having much relevance to the issue you are to consider in OD.

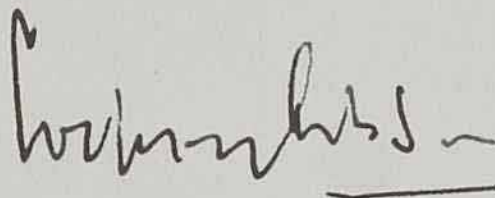
Obviously, if the consultative document appears in anything like its present form - suggesting the creation of an Assembly directly elected by proportional representation, an Executive responsible to the Assembly and legislative powers over a wide field - it will attract attention in Scotland. In my view, however, the great mass of Scottish opinion is not interested in a Scottish Assembly at the present time, or at most regards the issue as a very minor one in comparison with employment, rate levels, education, etc, etc. Moreover, I believe that there is wide acceptance in Scotland of the view that "Northern Ireland is different".

I should add, however, that I find the paradox to which the Home Secretary refers rather misleading. The Scottish Nationalists are, at least for the moment, completely committed to total independence; and arrangements confined to the devolving of executive tasks would have no attraction for them at all. The Labour and Liberal Parties in Scotland might, however, seek to point up the contrast between our attitude to a Scottish Assembly - that the issue is for the moment dead - and what we have in mind for Northern Ireland. I believe, however, that the Labour Party in Scotland is less than wholehearted in its declared commitment to a Scottish Assembly and is well aware that such a commitment is highly unlikely to be accepted by the Party as a whole.

There are one or two points in the draft consultative paper which I think could be amended without weakening its force but which would remove some potential hostages to fortune in Scotland. I am sending a note of these separately to the Home Secretary and the Secretary of State for Northern Ireland.

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Copies of this minute are being sent to the members of MISC 24, to the Chancellor of the Duchy of Lancaster and to Sir Robert Armstrong.



(Approved by the Secretary of State and signed in his absence.)

9 June 1980

GOVERNMENT OF NORTHERN IRELAND: PROPOSALS FOR FURTHER DISCUSSION
COMMENTS ON PASSAGES HAVING RELEVANCE TO SCOTTISH CONDITIONS

Paragraph 3.5

It has to be recognised that the characteristics of Northern Ireland listed in the second sentence are, with the exception of high energy costs and below-average incomes, also true of Scotland. But the point has to be made about Northern Ireland, and it would not be desirable to try to distinguish the circumstances there from the circumstances in Scotland.

Paragraph 3.6

The statement that:

"Northern Ireland's pattern of needs is not in all respects the same as Great Britain's and it is right that locally elected representatives should have the responsibility - as they do not now - for determining and meeting those needs."

is likely to attract attention in Scotland because the statement is equally applicable there. The point is made, though less directly, elsewhere in the draft; and it is for consideration whether this passage could be deleted without doing damage to the draft. From the point of view of the Scottish Office it would certainly be desirable to drop it.

Paragraph 3.8

Again, Scotland "has characteristics different from those from the rest of the UK, a long tradition of separate institutions of government". It would certainly be preferable from the Scottish Office point of view if the sentence simply said that there is overwhelming evidence that direct rule is not a permanent answer and cannot bring lasting stability. But if it is thought necessary to stress physical separateness and different characteristics, it is still for consideration whether the statement that Northern Ireland "never in its history /has/ been administered as an integral part of the UK" is strictly accurate.

Paragraph 4.6

It is for consideration (the point also arises on paragraph 4.8) whether it is desirable to refer to Scotland at all. From the point of view of the Scottish Office the significant statement in this paragraph is that there is a general wish in Northern Ireland for a transfer of powers. So far as can be judged from the results of last year's referendum, there is no such general wish in Scotland. The meaning of the last three lines of the paragraph is far from clear. If these lines are intended to disarm criticism in Scotland, they are unlikely to serve such a purpose: indeed they seem likely to stimulate argument there. On balance it would be preferable to delete this sentence.

Paragraph 4.8

The fifth sentence might be better rendered as:

"Unlike any other part of the United Kingdom - even Scotland - there is a virtually separate corpus of statute law for Northern Ireland".

Paragraph 4.8A

It is arguable whether the legislative process affecting Scottish legislation is in fact largely entrusted to MPs representing Scotland. The reference in this paragraph is likely to draw attention to the fact that in Scotland, irrespective of the balance of parties there, the Party holding the majority in the House of Commons determines the programme of Scottish legislation. With a directly elected assembly, the position will be different in Northern Ireland. It would be preferable to delete the sentence beginning:

"Because of the small number

and add to the previous sentence the words:

"and the small number of NI Members of Parliament".

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PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

9 June 1980

The Rt Hon William Whitelaw CH MC MP
Home Secretary
The Home Office
Queen Ann's Gate
London
SW1

Dear Willie,

I have studied very carefully your memorandum of 5 June (OD(80)44) to OD on a proposed discussion paper on the future government of Northern Ireland.

As you know, I have always taken a close interest in Northern Ireland affairs and know most of the people involved; but I have hitherto refrained from expressing an opinion about current or future policy. However, the proposal to publish a consultative document along these lines involves a critical political decision - one which will attract a great deal of press attention and require careful presentation.

Regretfully, I have to say that I do not think the proposals will prove acceptable, and I can see strong reasons why the Government should not court an inevitable rebuff.

Do we really, in the light of past experience, want to set off down the power-sharing road again? If it proved unworkable with a Brian Faulkner around, is it likely to work with Paisley and Enoch Powell in the lead?

What power-sharing means - whether under the previous system or the new ones proposed - is that we purport to introduce a democratic elective system but give the minority a built-in veto over the will of the elected majority.

I do not know of anywhere else in the world where such a system operates or where it would be acceptable to a majority.

In my view it will never be acceptable to the Unionist majority in Northern Ireland, and if it is forced on them it will break down sooner rather than later.

I fully understand the yearning of those who are faced with an impossible situation to believe that there is a solution to it. But there is not - at least in the short run and along these lines.

Is it not better to accept this and soldier on, rather than to stir up fresh controversy and confrontation in this troubled Province?

I am copying this to members of OD and to Humphrey Atkins.

*Yours ever,
Angus*

ANGUS MAUDE

19 JUN 1980



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Ref. A02295

PRIME MINISTER

The Government of Northern Ireland: Proposals for Further
Discussion
(OD(80) 44)

BACKGROUND

This paper by the Home Secretary is written in his capacity as Chairman of the Ministerial Group (MISC 24) which was set up following the OD discussion on Northern Ireland on 17th October last year. The other members of the Group are the Lord Chancellor, Secretary of State for Defence, Lord Privy Seal and Secretary of State for Northern Ireland. The Conference with the Northern Irish political parties, which the Ulster Unionist Party refused to attend, adjourned on 24th March after 34 sessions over a period of 2½ months. The basic problem remains the gap between the Social Democratic and Labour Party (SDLP), who want power sharing in some form, and the majority community who want majority rule. The proposals for further discussion attempt to provide a solution in the form of an Assembly elected by proportional representation and hence reflecting the views of the majority community, whose powers might be checked by a Council of the Assembly (paragraph 3.38 of the Annex) which would be equally divided between the majority and the minority. This is really the heart of the "proposals for further discussion".

2. What is now suggested can be faulted on a number of grounds, both on timetable and on substance:

- (a) We are still talking only about "proposals for further discussion" in the Secretary of State's conference. That further discussion could hardly begin in any serious sense before the autumn. Thus even if the parties to the conference agreed - itself very uncertain - we are still a long time away from definite proposals and legislation.

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(b) The proposals themselves would represent only a gingerly development in the political evolution of Northern Ireland: they are not dramatic, and they are suspiciously complex - perhaps it is unfair to say that they are more like a theoretical blueprint than a practical construction of a workable system.

3. The difficulty is to think of any alternative proposals which might steer clear of these objections and have any chance of success. We are committed to discussions with the political parties in the Secretary of State's conference. Admittedly one of the reasons why that has got as far as it has is because there has been a belief that Westminster was ready to come forward with a definite proposal of its own, if the conference broke down. The conference is going very slowly, but it has not broken down. To produce now a definitive proposal which bore little or no relationship to the discussion would bring the discussions to a full stop - at any rate for the time being - and alienate some or all of the participants. If it is accepted that we are still at a stage when we should work within the framework of the constitutional discussions upon which we embarked last autumn, it is difficult to see an alternative proposal, or choice of proposals, which would be preferable to what is on offer in these papers.

4. The Secretary of State for Scotland has been invited to the meeting because of the implications for Scotland of these devolutionary proposals. The Chancellor of the Duchy of Lancaster will be present because of the Parliamentary timetable implications of the problem over the date of possible publication. The Chief Whip has been invited to advise on the views of the Government supporters on the new proposals.

HANDLING

5. You will wish to ask the Home Secretary to introduce his paper. He will probably wish the Secretary of State for Northern Ireland to explain the basis for the thinking underlying the proposals for further discussion. In the ensuing discussion you will wish to cover the points in paragraph 4a - e. These are:

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- (a) Transfer of powers? The Conference clearly indicated that the Northern Ireland political parties (excluding the Ulster Unionist Party who were not there) will not be satisfied by the transfer of powers only at local government level. There is also a good deal of evidence of discrimination against the minority community even now, over such matters like refuse collection and the provision of recreational facilities. Will Government supporters be satisfied by proposals which go beyond the Manifesto commitment to establish "one or more elected regional councils with a wide range of powers over local services"?
- (b) Power to legislate? Without such power it will be difficult to give the proposed Council of Assembly any means of checking the executive. What are the implications of the proposal for Scotland?
- (c) The publication date? Paragraph 4e of the Home Secretary's note sets out the problem. Is there a risk that even if the Proposals are not published before the renewal debate they will still form the main subject for discussion during it and that Northern Ireland MPs may be tempted to take up a more extreme attitude because they do not know exactly what will be proposed? Is there a risk that, as the Conference adjourned on 24th March, such a delay will have ensued before publication at the end of July that by then something very much more definite and clear cut than the existing proposals will be expected? Is there a risk that a substantial delay in publication after your meeting with Mr. Haughey on 21st May may be interpreted as meaning his visit has had a substantial impact on the nature of the further proposals? What are the implications for the Parliamentary timetable of an early or late publication date?
- (d) Are the length, tone and substance of the proposals right? MISC 24 were generally content with them. How are they likely to strike the Government's supporters? The Opposition? The country generally? The Americans and the Irish?

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- (e) The next action after publication? Presumably this will take the form of further private negotiations and a resumption of the Conference which at this stage needs to bring in the Ulster Unionist Party. How will this be achieved? How will they regard the new proposals particularly in view of Mr. Enoch Powell's preference for integration rather than devolution?
- (f) The need for a fall-back position? These proposals may fail to gain acceptance. They represent a more ambitious course of action than the Secretary of State for Northern Ireland's original suggestion last year for a merely consultative assembly. Does that still remain the best fall-back position? Is it proposed that the passage in square brackets in paragraph 4.3 on the last page of the annex should be included or excluded?

CONCLUSION

6. Subject to the points made in discussion, if the Committee is content with the proposals, you will wish to sum up to the effect that the Committee approves the draft paper for publication, subject to final reference to the Cabinet, and decides on an earlier, rather than later, date of publication. If the Committee concludes that the draft requires substantial amendment, you may decide that OD should have another look at it: this will mean a later publication date.

RfA

(Robert Armstrong)

9th June, 1980

LEGISLATION FOR NORTHERN IRELAND

History

1. In legislative terms, Northern Ireland has for several centuries (first as part of Ireland and since 1921 as a separate entity) been treated differently from the rest of the UK. There is a separate corpus of NI statute law which consists of Acts of the Irish Parliament prior to the Act of Union, Acts passed at Westminster, Acts of the Stormont Parliament, Measures of the NI Assembly and Orders-in-Council enacted under direct rule.
2. Much of the NI law is different from the law in the rest of the UK. Some is related to the different administrative structures in NI, for example, on local government, health, education and housing. Some reflects different political approaches to problems like industrial development and housing and to social issues (like abortion).
3. Over the last 15 years, around 20% of NI Acts and Orders-in-Council have been purely parity measures. About 40% have been distinctive NI legislation. The rest have either largely followed GB measures (but with some, often important and substantial, modifications) or consisted of technical legislation dealing with appropriation and other financial matters.

Extent of Legislative Devolution

4. It is assumed that, if legislative devolution is granted, the UK Parliament would retain its overriding authority and continue to exercise its legislative powers with respect to law and order, national and sovereign matters, securing compliance with the UK's international responsibilities (including EEC), and safeguarding its overall national economic policies.

Practical considerations

5. If legislative devolution is not granted, legislation for NI would have to be dealt with at Westminster, either through substantial variations to GB Bills or by separate NI Bills.
6. This would impose a further sizable burden on the already congested Westminster timetable. (Since 1973, there have been on average 22 NI Orders-in-Council per annum). One of the original arguments for legislative devolution for Ireland in the late 19th and early 20th centuries was that Westminster was being clogged up with Irish affairs.
7. In fact, it has proved difficult in the recent past for Westminster to find adequate time, even for a few important Bills applying to NI (eg the Northern Ireland Act 1962, which took about 5 years from conception to enactment, and the Fair Employment Act 1976 which took 3 years). Westminster would have great difficulty in dealing with a sizable programme of NI measures or in coping with legislation which may be needed quickly to facilitate a devolved administration.
8. Even where it would be practical to do so, the addition of NI provisions to a GB Bill can produce major complications in the drafting of Bills and confusing and unsatisfactory results.
9. The Commission on the Constitution considered that "it would be

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theoretically possible for the United Kingdom Parliament to legislate for Northern Ireland on all matters ...". However, it also took the view that "the volume of such legislation would necessarily be large, even if variations of policy were kept to the minimum". Accordingly, it found that "if other business were not to suffer to a greater extent, Northern Ireland affairs would be bound to receive considerably less attention than they would at a separate legislature". It concluded that the return to Westminster, as a permanent measure, of full legislative responsibility for Northern Ireland would be a retrograde and highly unwelcome step (Cmd. 5460 para 1263). (The Commission reported in October 1973 and was aware of the developments which led to the Northern Ireland Constitution Act 1973).

10. There would also be problems in dealing with the very large volume of subordinate legislation concerning NI, some of which would require parliamentary time.
11. Any special procedures to involve the NI Assembly in an advisory or promotional role in relation to UK legislation being applied to NI, as an alternative to legislative devolution, could prove to be cumbersome, time-consuming and likely to lead to political disagreements.

Political considerations

12. Northern Ireland is widely accepted as being different from other parts of the UK in important respects; it has a separate corpus of law; many of its administrative structures and its party political structure are unlike those in GB; the political issues as perceived by the electorate are not the same and the community pressures are fundamentally different from those in GB. These circumstances help to justify special treatment in terms of both executive and legislative devolution. On the other hand, devolution does not, in itself, undermine the Union; it encourages NI politicians to resolve NI problems within NI and reduces some of the pressure on Westminster.
13. Without legislative devolution, Westminster would have to pass the legislation which a NI Executive required to implement its policies or to respond quickly to emergencies. Also, Westminster could come under pressure to tailor its own legislation in the light of NI opinion. The UK Parliament might want legislation (eg on divorce) which was unacceptable to the NI Assembly; the NI Assembly might want legislation on a matter (eg secondary school organisation) which would not be in line with majority opinion in the UK Parliament. There could also be constant friction over the amount of parliamentary time devoted to NI.
14. Legislative devolution would, given the establishment of an appropriate political framework, enable both communities in NI to be involved in the formulation and consideration of law for NI. This would be less likely to happen if NI measures were dealt with at Westminster since the 12 (or 17) NI Members might not give NI minority opinion a strong voice. Moreover, the NI Members could only have a limited influence on legislation affecting NI since Committees of the Commons reflect the strength of the parties in the whole House.
15. Legislative devolution would leave the NI Members of Parliament in the same position as they had during the half century of the existence of the NI Parliament. They would continue to have a role in debating national issues and in relation to those aspects of NI affairs which were the responsibility of the UK Government.

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16. The absence of legislative devolution could be criticised as a step towards integration by the Labour Party and by various political interests in NI and the Republic of Ireland.
17. The Working Paper for the Constitutional Conference placed legislative devolution on offer and the parties at the Conference supported legislative as well as executive devolution. The Government could be accused of bad faith if the offer of legislative devolution was withdrawn.

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ULSTER UNIONISM IN 1980

1. From 1920 to 1970 the Unionist tradition in Ulster was represented by a single monolithic Unionist Party. Throughout the 1970s the tendency has been for this unity to fragment. There is now a spectrum of Unionist groupings. The twin centres of this spectrum is formed by the Ulster Unionist Party and the Democratic Unionist Party. At one end it shades away into the Alliance Party (non-sectarian but standing fully for the union) and at the other into the various Protestant paramilitary groupings whose influence under extreme conditions, as in 1974, can exceed that of the conventional political parties.

*What is
new about
way of
pulling it*

2. The strong common bond between the various Unionist groupings remains their aversion to incorporation into a united Ireland. But they disagree about how best to ensure this objective and about how the Province should be governed within the union. The changing face of Unionism since 1970 has not now settled into a new fixed pattern. The situation remains dynamic and the fortunes of the various groupings may continue to rise and fall as they have done over the last 10 years, not excluding the possibility of the eclipse of particular parties as happened to Mr. Faulkner's Unionist Party of Northern Ireland. As of June 1978 45% of the population of the Province were estimated as under 25, and no adults in that group have lived under the dominance of one single Unionist party. It is perhaps significant that the average age of the dozen leading members of the DUP, whose star at the moment seems to be waxing, is 10 years lower than the average of their counterparts at the head of the Ulster Unionist Party.

*After the
proposed
lower price?*

3. The extreme wing of Unionism represented by the paramilitary organisations is currently quiescent, lacking an issue on which to bring mobs on the street. According to intelligence sources the UDA's flirtation with ideas of independence for Ulster may be coming to an end in favour of a demand for at least interim devolution. The Alliance Party holds its share of the vote, but with no Westminster or European MPs cannot play the role it would hope to do under a devolved government. There are a number of minor Unionist parties,

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two of which have an MP at Westminster (Mr Dunlop and Mr Kilfedder) and three others with representatives in local politics in the Province. They are all broadly devolutionist rather than integrationist but their personal and political antagonisms continue to prevent cooperation. The UUP and the DUP are thus the most significant parties and the rest of this paper concentrates on them.

4. The UUP remain notionally committed to the restoration of a devolved majority-rule government, devoid of any concessions to the minority. They do not expect to attain this and Mr Powell, the dominant figure in the essentially Westminster-based leadership of the Party, does not want it. The leadership's strategy is integrationist. They hope to proceed down this path via the failure of the Government's initiative to restore devolved government, followed by implementation of the Government's manifesto commitment to strengthen local government which they would hope to dominate as they did before 1970. But there are clear indications from both open and secret sources that there is considerable support among traditional UUP voters in the Province for a firm devolution line. (It is noteworthy that a public opinion poll taken in December 1979 showed 84% of the population of the Province to be in favour of the Government's conference on devolved government.) Various senior figures in the UUP would almost certainly be prepared to break the Party's fragile unity to represent the devolutionist cause. All 5 UUP Westminster MPs must be acutely aware of the implications for them at the next election of the sharp rise in the DUP vote at the European Assembly Election

5. Dr. Paisley's ambitions have changed sharply since his remarkable success at the European Elections. Formerly essentially a wrecker, he now sees a prospect of attaining power as the only strong Unionist voice making the traditional Unionist case for a devolved Parliament and Government. His immediate ambition is to supplant the Ulster Unionist Party as the main voice of the Unionist tradition, using this platform to do so. He has his two colleagues in Parliament as well as the Party in the Province solidly behind him. Both from secret and overt sources there is evidence that the DUP is making some in-roads into UUP support, partly as a consequence

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of the greater efficiency of their party machine which is now being geared up in preparation for the District Council Elections in May 1981.

CONCLUSION

6. There is no united Unionist view on the future government of the Province, nor any sense of common purpose except of resistance to unity with the Republic. The various parties are preoccupied with securing their own position within the Unionist community. The fortunes of each will wax and wane as circumstances dictate. This means that there is at present no Unionist party leader who can be regarded as speaking for the whole spectrum of Unionist opinion or who could guarantee to deliver solid Unionist support for any of the conflicting views on how the Province should be governed.

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- 6 JUN 1980

PART 6 ends:-

Record of meeting held in N10 of 30.5.80.

PART 7 begins:-

N10 to CAW of 5.6.80.

