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TO ALL MEMBERS OF THE LEADER'S CONSULTATIVE COMMITTEE

I attach a paper on Northern Ireland for the meeting of the Leader's Consultative Committee at 5.00 p.m. on Tuesday 6th January.

The minutes of the 89th Meeting are also attached.

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DEBATE ON NORTHERN IRELAND: January 12th(A Paper by Airey Neave)

(1) A Sub-committee of the Parliamentary Northern Ireland Committee has met regularly since June to keep in touch with the developing political situation in Ulster, and discuss future party policy. All the main Northern Ireland parties have been met several times, and written submissions have been received.

REPORT

(2) The Convention is now in the hands of the Government, but at the time of writing, their response had not been decided, nor are their views expected to be known by the time this paper is considered. It is expected that they will reject many of the Report's recommendations, particularly those concerning simple majority rule, and present a formula for a Northern Ireland assembly with an executive representative of the two communities. It is not yet known what powers the executive would have, nor how long the Convention would be given to seek agreement.

(3) Northern Ireland is a special case in the context of the devolution debate. It has a unique tradition of devolved institutions, a uniquely difficult political and security situation, and a land frontier involving an historically sensitive political relationship with the Republic of Ireland.

(4) The following is a summary of the Convention Report, which is in fact a Report of the United Ulster Unionist Coalition majority. It was passed by 42 votes to 31, and all other parties have submitted dissenting Reports.

- (i) Devolved parliament and government.
- (ii) Restoration of the Office of Governor, and the Northern Ireland Privy Council.
- (iii) Increased Northern Ireland representation at Westminster (20-24 MP's); and a Secretary of State for the devolved regions.
- (iv) Devolution of powers as in the 1920 Act.
- (v) A Bill of Constitutional Rights (to entrench the powers of the devolved parliament).
- (vi) A Bill of Rights and Duties (to protect individual rights).
- (vii) Freedom for Northern Ireland parliament to determine social and economic priorities.
- (viii) Finance from attributed revenue, certain regional taxes, and a supplementary grant-in-aid.
- (ix) Appointment of the executive by the majority leader, on the British model, with no place in government for any who are "opposed to the very existence of the State".

- (x) Powerful committee system to provide for participation by opposition parties.
- (xi) A draft Bill which includes devolution of the power to call out the Army in emergencies.

(5) All Convention parties were agreed on many of these points: in particular a strong and almost unanimous desire for a devolved assembly was evident. This seems to reflect strong public feeling throughout Northern Ireland. Disagreement centred on (ix) and (x). On (iv) it is noteworthy that all parties thought the proposed Northern Ireland executive must have responsibility for police matters. It must also be remembered that Kilbrandon recommended 17 MP's for Northern Ireland with devolution: the UUUC demand for 20-24 MP's (iii) is based on comparison with the existing level of Scottish representation.

(6) Options open to Parliament can be divided into long-term and short-term:

SHORT-TERM OPTIONS:

1. Accept the majority Report.
2. Reject the Report and wind up the Convention as a failure, moving on to options other than devolution.
3. Accept sections of the Report and ask the Convention to meet again for further consideration of other sections.

Option 1: There are sections of the Report which should not be accepted. These include a semi-federal status for the Northern Ireland assembly, one "Secretary of State for the Devolved Regions", devolution of the "sole right to request the armed forces to give such assistance as may be required to ensure the maintenance of public order in Northern Ireland", and the devolution of responsibility for all international relations between Northern Ireland and the Irish Republic. It seems unlikely that this option could secure widespread support within the Party.

Option 2: Outright rejection, in spite of areas of agreement among the parties, would throw away the progress which has been made, reinforce entrenched positions, and would be considered a provocation which would unnecessarily raise tension in Northern Ireland. There is sufficient agreement to make further exploration worthwhile. / →

Option 3: The central, and most delicate, issue is the composition and formation of a Northern Ireland executive, and this must be handled with special care. To have any chance of success, it must be based on "widespread consent" in both sections of the Northern Ireland community, as referred to in the 1973 Constitution Act. Whatever the objective merits of particular schemes, this is the only system which offers a chance of long-term stability. The UUUC proposals for simple majority rule do not meet this condition. It is worth noting that no party in the Convention insisted on writing 'power-sharing' into a new constitution, and this leaves room for manoeuvre.

Here the personal position of the Convention Chairman, Sir Robert Lowry (the Lord Chief Justice of Northern Ireland) may be significant. We have been impressed by the general respect which he has gained from all parties.

Option 3 seems to have substantial support in the Conservative Party and is broadly similar to the approach expected from the Government, though much depends on the precise formula which they present during the debate.

#### LONG-TERM OPTIONS:

It is anticipated that Parliament will be chiefly concerned with short-term options at present. But should the Convention parties refuse to renew discussions, or further discussions produce no agreement, devolution within the United Kingdom will have failed, for a time at least, and there is no alternative to the continuation of direct rule. A number of long-term possibilities would then arise. These are briefly mentioned in the Appendix.

#### (6) RECOMMENDATIONS

While we do not yet know the Government line, it is recommended that in the debate we should:

1. Support the acceptable parts of the Report and the recall of the Convention.
2. Support a message from the Secretary of State to the Convention, underlining the need to find a system enjoying the widespread consent of both sections of the community. This could involve favourable mention of the temporary coalition idea.
3. State clearly that without such widespread agreement on the system of government, there is no alternative to Direct Rule.
4. Emphasise that no political solution can endure unless it is firmly based on the rule of law. This calls for more positive and visible security measures from the Government.

A. N.



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*Govt + P.C.  
Q. Rep.*

A. N.

~~Hollander 17 APR~~

Poke under the Assembly.

APPENDIX

LONG-TERM OPTIONS

a. Direct Rule: This is not attractive as a permanent solution. It was unanimously opposed by the Convention parties, but may prove to be the only medium-term alternative.

b. Integration: This would involve full representation for Northern Ireland at Westminster, government by a Secretary of State and Ministers, and all Northern Ireland legislation dealt with in Parliament by normal procedures. A possible advantage would be constitutional security for Northern Ireland and an end to uncertainty. But it would increase the burden at Westminster at a time when devolution for Scotland and Wales is contemplated. It would worsen relations with the minority and the Republic.

c. Boundary Revision: This is impractical in the immediate future. It would not solve the problem of Belfast, where a large proportion of Catholics live.

d. Independence: Without the British Army, Northern Ireland is unlikely to avoid a civil war, involving all of Ireland. Fighting could spread to cities in Britain. National morale would suffer a blow from an apparent defeat by terrorists. Britain would face international opprobrium for creating a "Congo" situation, and a militant extremist state could appear on our doorstep, with serious consequences for our social order, possibly endangering our strategic interests. In view of the clearly expressed wishes of the majority in the Border Poll of 1973, it would be unprecedented for us to abandon this part of the United Kingdom. On the other hand, it can be argued that Northern Ireland is a military and financial burden, but the risks of withdrawal are too great.

e. Federal Ireland: Proposed in 1974 by the chairman of Paisley's DUP, but has drawn no significant political support.