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CABINET  
DEFENCE AND OVERSEA POLICY COMMITTEE

NORTHERN IRELAND: POLITICAL DEVELOPMENT  
Memorandum by the Secretary of State for Northern Ireland

Introduction

The political initiative begun last October has now reached a point at which we need to take stock of where we stand and to consider our future policy. Five papers by officials have been circulated to assist the Committee. The first of these (Annex A) sets the scene, suggests the criteria to be observed in considering future policy, and outlines possible options. The remaining papers describe three of these options more fully (Annex B, C & D) and paper OD(80)68 sets out the security background.

Where we Stand

2. The Northern Ireland politicians have failed to respond constructively or in a spirit of compromise to the wide range of possibilities for political advance that we have put before them. The failure is theirs and not ours, and we have no need to be

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defensive about it. I see little or no prospect of reaching an agreement within the framework of Cmnd 7950; nor can we risk imposing those proposals in the absence of agreement. Yet our approach must in my view continue to be positive: we should be universally, and rightly, criticised if we said that we would now abandon all effort to resolve the political stalemate until after the next General Election.

Policy Objectives

3. I see a simple and compelling logic in our present position:
  - a. Our first objective must continue to be the protection of the people of Northern Ireland against terrorism and inter-community violence. Every move, positive or negative, must be weighed against that criterion. The continued commitment of the Government of the Republic of Ireland in our support against terrorism is a sine qua non for this purpose.
  - b. Our second objective must therefore be so to conduct political affairs in Northern Ireland as to sustain Mr Haughey's commitment and this in turn means recognising and developing within the context of a unique relationship the interest of the Republic in a political settlement.
  - c. This can only be accomplished however by a balancing political development within Northern Ireland itself which encourages the NI political parties and especially the Unionists to become involved again in the Government of Northern Ireland as a whole, and that must be our third objective.

Policy Options

4. Of the five options identified in Annex A I see no way ahead

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in seeking to set up in Northern Ireland a new local government structure on the pattern of Great Britain. The proposal would be bitterly divisive because of the discriminatory record of some local authorities and the firm belief in the minority community that there, rather than at Stormont, lay the cause of the discontents that boiled over in 1968-72. Moreover the attempt would encounter the same problem of how executive power should be exercised as has proved intractable at the Province-wide level. We could not hope to obtain the agreement of the two sides; and to seek to impose it without agreement would be to abandon our own principles of "acceptability" and "a role for the minority".

5. Nor do I see any attraction in the positive integration of the Northern Ireland administration into that of Great Britain. It would be regarded as a clear negative signal by all those in Northern Ireland, the Republic and elsewhere who see the people of Northern Ireland as having more in common with those of the South than with Great Britain, and who regard the future of the Province as in some way linked with that of the South. Moreover the Official Unionists are deeply divided on the issue, and the DUP would oppose it bitterly.

6. If these two options are excluded, and we accept that our proposals for devolution cannot be imposed forthwith, then we must accept the continuance, for a substantial further period, of essentially the present form of direct rule of Northern Ireland from Westminster. One option that should be pursued therefore is to improve the quality and efficiency of direct rule. There are two approaches here. The first - which is necessary irrespective of our "political initiative" - is to streamline the structure of central government in the province (which derives from the days of devolved government) so as to make it more efficient. The second is to explore ways - none of them straightforward - of associating local people more closely with the business of government. Annex B gives details of some possibilities.

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7. Apart from the improvement of direct rule we are left, while we remain within the narrow Northern Ireland framework, and unless we decide to close down the political initiative with only the option (considered in Annex C) of a locally-elected body with, initially, advisory functions only but capable of taking on executive and legislative powers if it can agree upon ways of exercising them - the "progressive approach".

8. The "progressive approach" alone would be opposed by the four major parties in NI, three of whom (including the SDLP, whose participation would be essential if the approach is to carry credibility) have effectively rejected it in advance. While they might change their stance if faced with an obvious determination by HMG, supported by Parliament, to pursue this course, the probability of this is low; but the attempt would at least serve the purpose of demonstrating how the Government's reasonableness has once more been thwarted by local intransigence.

9. The prospects of political stability within a purely NI context alone are, however, so poor that we cannot afford to ignore the possibility that a broadening of the framework might open up new avenues. The Dublin Government, which has always held this view, is likely to press it upon us in the context of the newly-recognised "unique relationship"; and this gives us an opportunity to develop a wider framework - within which the progressive approach could find a place. Some forms that such development might take are outlined in Annex D. Mr Haughey's immediate objective is some kind of UK/Republic Conference (or similar consultation) in which the future of NI could be considered within the context of the evolving relationship "within these islands". The sensitivity of the Unionists to such an approach will be obvious especially in view of past statements by the present Government that the future of Northern Ireland is a matter only for the people of Northern Ireland, the UK Government and the Westminster Parliament. The implication of a wider framework will be seen as giving the Dublin Government a say in the future of Northern Ireland. Nevertheless as Annex D suggests (paragraph 8)

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there are areas of common interest between Dublin, Belfast and London which could well provide Mr Haughey with the role (and the electoral advantage) that he seeks without giving him a recognised constitutional position with regard to Northern Ireland.

The Way Forward

10. Against this complex and unpromising background the way forward must in my view consist of a package of elements each of which taken alone would be inadequate but which seen together could provide mutual support. Thus:

a. Because of the poor prospects of political stability within the NI framework, and the need to assure the South's continued security co-operation, we should prepare and be ready to discuss with Mr Haughey a "wider framework" for approaching NI's problems. But to maintain the interest (and to avoid arousing the worst suspicions) of the Unionists we should do so in combination with some move on (b) and (c).

b. Because we face a continued period of direct rule, we need to improve its efficiency and responsiveness. Increased efficiency in the governmental machine I shall want to pursue in any case for its own sake, but such forms of Ulsterisation as may prove practicable would be attractive to the Unionists.

c. Despite the difficulties of bringing the parties to participate we should proceed to work out detailed proposals for an elected assembly with limited initial tasks but able to assume wider responsibilities later. This as much as anything would help to persuade our own backbenchers that progress was still being made; and in a wider framework it might come to seem more attractive to the NI parties.

11. There is an obvious mis-match in the effort and, therefore, the time required for these elements of a package. Improvement of

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direct rule will be relatively straightforward and can be initiated this winter; the "progressive approach" needs more work and the "wider framework" entails a major policy and diplomatic initiative. It will nevertheless be extremely important to strike and maintain a continuing balance between the elements listed above in an evolving situation. The risks to security - both of acting and of not acting - will need to be continuously re-assessed as we go along.

12. I would welcome the views of my colleagues on this approach. If they agree, I will prepare more detailed proposals on the options at 10(b) and (c) and, in consultation with the Foreign and Commonwealth Office and other Ministers concerned, on the approach to a wider framework at 10(a).

13. The immediate next step in such a programme is, of course, the Queen's Speech. The reference to NI, designed to preserve the maximum freedom, reads as follows:

"In Northern Ireland my Government will continue in its efforts to protect all members of the community against violence and terrorism, to foster its economic recovery, and to create arrangements for the government of Northern Ireland that will better meet the needs of all its people."

Those words will be carefully scrutinised in the present time of uncertainty, and I therefore think it essential that they should be elaborated in the debate on the Address. A possible line of approach is at Appendix I. I should need to take a similar line when pressed in Questions on Northern Ireland on November 27. As will be seen, I foresee that, not too far into 1981, we shall need to give an account of our position and future thinking to Parliament, either in a full oral statement or by publishing a document, but this will need further consideration after the Prime Minister's meeting with the Taoiseach.

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14. I invite my colleagues to agree that we should proceed on the lines set out above.

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POINTS TO BE MADE IN THE DEBATE ON THE ADDRESS

1. For Northern Ireland, the Government had hoped that, following the discussions which SOSNI has been conducting in Northern Ireland this year with the political parties, it would have been possible to bring forward proposals for a substantial transfer of responsibilities to elected representatives of the people of Northern Ireland on a basis which would have been largely agreed with the political leaders in Northern Ireland.
2. Such agreement has not been forthcoming. The Government is not prepared to impose such responsibilities upon an elected body in Northern Ireland unless and until they are satisfied that the will is there to exercise them in accordance with the principles set out in the two white papers Cmnd. 7763 and Cmnd. 7950 - principles which have been widely welcomed.
3. As was indicated when we published our proposals for further discussion last July we will now - in the absence of any substantial agreement - explore other ways of making the Government of Northern Ireland more responsive to the wishes of the people of Northern Ireland. The Government hopes to complete its consideration of these matters so that my Rt. Hon. Friend can report its conclusions to the House early in the New Year.
4. Meanwhile our immediate concern must continue to be the protection of the people of Northern Ireland from the threat of terrorism and violence.
5. An attempt is now being made to justify that threat by the hunger strike of those prisoners in Northern Ireland who are seeking political status for themselves. The Government has made its position on this clear beyond any doubt; there can be no political justification for the crimes of murder and violence which have been committed in Northern Ireland any more than in the rest of the civilised world. We appeal to all sections of the community in Northern Ireland and to their leaders and clergy, of all denominations, to use all their efforts to convince hunger strikers that they have chosen the wrong path.



6. The Government will not shirk its responsibilities, including the responsibility to provide as humanitarian a regime as possible for those committed to prison in Northern Ireland by the courts. The Government has already published the full facts about the so called protest, i.e the campaign for political status. SOSNI is placing in the Library of the House today a fully detailed account of the regime in the prisons in Northern Ireland which amply demonstrates our concern for the custody care and rehabilitation of all those in prison in Northern Ireland.

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POLITICAL DEVELOPMENT IN NORTHERN IRELAND

ANNEX A

Introduction

With the publication of Cmnd 7763 last November and the convening of the Political Conference in January, the Government embarked on an initiative in Northern Ireland to identify the highest level of agreement on how powers of government could be transferred to locally elected representatives. Following the Conference, Cmnd 7950 set out what the Government considered might be an agreed framework for devolution and put forward alternative approaches to the unresolved issue of how the minority could be given a role in government.

2. The Government's initiative has produced certain positive results. It has re-opened a constructive dialogue with the parties; the Secretary of State has established a relationship with them; the Government is widely seen to have made honest endeavours to break the deadlock; the principles enunciated in both Cmnd papers have come to be widely accepted by public opinion at large; and, most important, the initiative has been conducted with no adverse impact on security.

3. A satisfactory role for the minority was among the principles that both Cmnd papers insisted should be met before powers could be transferred. In bilateral talks on the basis of Cmnd 7950 the parties have taken up opposing positions on this issue from which they will not budge. The SDLP and Alliance insist that, in the exercise of executive powers of any kind, minority representatives must have seats at the top table; and the SDLP are becoming increasingly critical of any attempt to tackle Northern Ireland's political problems within a Northern Ireland framework, without the involvement (in some way unspecified) of Dublin. The DUP, however, insist that any Executive must be formed from the elected majority alone, while recognising the need for substantial safeguards. The UUP, despite occasional restlessness within the party, refuse to discuss devolved government and follow publicly an "integrationist" line which seeks a new tier of

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local government (operating under normal majority rule) as a first priority.

4. It is now necessary to decide how to proceed with the Government's initiative. This paper reviews the options after setting out some criteria against which they need to be judged.

#### Criteria

5. The overriding requirement is to maintain the progress that has been made on the security front. The prize of a sustained improvement in security is slowly but surely coming within reach, and with it the prospect of further reducing the army's involvement and of relieving the Rhine Army of the burden of Northern Ireland duties. Political proposals should do nothing, therefore, to impede the security effort, particularly in the coming weeks with the H-block hunger strike raising sensitivities and tensions. Proposals which are seen as a threat to the fundamental beliefs or interests of either community could rapidly undermine our achievements on security.

6. The key factor in the recent improvement in security has been the co-operation received from the Irish Republic which, supported perhaps by Dublin's perception of HMG's sincerity and determination to proceed by agreement taking account of the interests of the minority community, has undoubtedly been strengthened by Mr Haughey's clear wish to achieve recognition of the "unique relationship" between the United Kingdom and the Republic, which was jointly registered when he and the Prime Minister met in May. We do not yet know the nature of the proposals which he seems certain to make in the near future and which could be of a fundamental nature. But they will demand careful and sympathetic attention as our security policy is best served by sustaining that relationship, which means recognising within it the interest of Dublin in the well-being of the minority community in Northern Ireland, whose "legitimate aspiration" to Irish unity has been acknowledged by successive governments. The Prime Minister's meeting with Mr Haughey will be usefully timed to complement what is said by HMG in The Queen's Speech.

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7. The development of the "unique relationship" in general and the Dublin Summit in particular will be viewed with great suspicion by the Unionists. A positive attitude towards Dublin - however cautiously expressed - will need to be matched by the continuation of some form of political initiative in the North, in which HMG can demonstrate its commitment both to the majority to protect the constitutional status of the North in accordance with the wishes of the majority and to the principle of acceptability for new institutions. It may be that the failure of Northern Ireland political leaders to agree specific measures for a transfer of responsibility will mean that little development can be achieved in the immediate future but progress on security depends not only on the co-operation of Dublin but also on maintaining in the North (particularly among the Catholic community) a sense that there is a future for political development. We cannot simply set politics aside and concentrate on security; and the interests of security will be best served by a political process that avoids sudden and unexpected shifts of political direction which could throw people off balance. The Government has committed itself to a policy of restoring responsibility to locally elected representatives; they have invested much political capital in arguing the case - which is a good one - for that policy; and they have aroused expectations in the Province. This too argues in favour of continuing the process started last November.

8. Other factors to be taken into account are:

a) the economic situation is a major worry for most people in Northern Ireland - with no local political base, the Government enjoys little support and faces widespread hostility to its economic policies;

b) the unique two-community problem in Northern Ireland, and the tradition of self-government there, must continue to be the basis on which the Government differentiates its policy for the Province from the issue of devolution in Scotland;

c) it is desirable to bring the local parties to negotiate with each other rather than allowing them the easy of bilateral

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exchanges with the Secretary of State.

Options

9. It would seem futile to continue the bilateral discussions with the political parties indefinitely in the hope of reaching an accommodation; and dangerous to attempt to impose a scheme derived from Cmnd 7950 in the hope that the local politicians would in practice make it work.

10. A balance of advantage might best be sought, therefore, in the light of criteria suggested in paragraphs 5-8 above, from the following range of options all of which require the continuation of direct rule for some time to come and in any event for the greater part of the remainder of this Parliament.

i) it would be possible to seek to improve direct rule, both by improving its efficiency and by exploring ways of "Ulsterizing" it. Studies are already in hand of ways of streamlining the structure of NI government, covering both the Northern Ireland Office and the Northern Ireland Departments. Among the possibilities of "Ulsterization", one would be to devise a greater role for NI MPs, eg by enlarging the role of the Northern Ireland Committee. Another would be to appoint one or more Ulstermen as junior ministers in the NIO. A third would be to appoint local men or women drawn from both communities, as Commissioners in place of some junior ministers. Such Commissioners could, formally, only be advisers appointed by the Secretary of State and subject to his direction. It is questionable whether local politicians (or leading non-political figures) would find such posts attractive, and Parliament might itself balk at a political function being conferred on appointed persons unless the proposal was plainly intended to be transitional. A further possibility would be to add modest powers (eg local planning and minor roads) to those already exercised by the 26 District Councils.

ii) Short of devolution, an attempt could be made to set up a new local government structure in Northern Ireland on the pattern of Great Britain. The central issue of how to involve minority representatives in the exercise of the powers to be discharged remains no less intractable, however, in the context of local government: if anything, it is even more difficult to resolve since the minority have vivid memories of how local authorities in Northern Ireland have abused the powers they were given in the past and they see how they continue to do so even now on occasions. For this reason the move would be bitterly resented in the minority community; it would therefore be unpopular in Dublin; and it would have adverse security implications. Moreover the legislation needed would be contentious and complex, especially since it would entail either the abolition of existing appointed boards eg the Northern Ireland Housing Executive, which are representative of both sides of the community, or their retention, to the detriment of the new local body or bodies.

iii) A further option is the positive integration of the Northern Ireland administration into that of Great Britain. This would involve abolishing the separate Northern Ireland Civil Service, extending the remit of all the Whitehall Departments to Northern Ireland (on the Inland Revenue, Customs and Excise model) and giving Northern Ireland the same legislative provisions in general as Great Britain by means of common Bills. It would logically lead on of course to the introduction of British-style local government, encountering the problems outlined in the preceding paragraph. It would be seen, immediately, as a rejection both of Nationalist aspirations and of what many Northern Ireland Unionists (especially the DUP) regard as their rightful heritage of self-rule.

iv) A more evolutionary option would be to recognise that there was no sufficient base for a transfer of substantial powers but to provide (by modest legislation) for an elected body to be established, initially without executive or legislative powers, which would however have the specific tasks of advising the

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Secretary of State on matters referred to it, of examining draft Northern Ireland legislation before enactment at Westminster, and of examining and reporting on the work of the Northern Ireland Departments. It would be a "progressive approach" in that its elected body could, either as a specific requirement or simply in its consultative role, consider how an acceptable means of transferring real power could be achieved, and could take on powers in the event of agreement on that exercise. Even with the bait of a firm assurance of a transfer of powers once agreement was reached, however, it is possible that any or all of the parties would condemn the proposal and boycott elections or the Assembly itself. All the local parties, and the SDLP in particular, have condemned a local assembly without powers. There is little ground for expecting that such a body would resolve the issue of minority participation; the majority might insist on dominating the proceedings; the Assembly could become an irresponsible critic of all the Government's policies, for there would be no supporters in it. Nevertheless, this "progressive" approach would be a logical and straightforward extension of the Government's initiative; it would give local politicians a positive function however limited; and would provide the political market place in Northern Ireland which is now missing.

v) The present impasse could be used as the opportunity to develop the "unique relationship" with the Republic accepting that a solution is not to be found exclusively within a narrow Northern Ireland framework. This would mean exploring ideas of the kind which it is expected the Taoiseach will put to the Prime Minister in December eg for a Conference between the two Governments, with perhaps representative politicians from the North, to discuss, inter alia, ideas for a new constitutional relationship between the two sovereign States with a special place for the Province (which John Hume and John Biggs-Davison have each, in their different ways, been canvassing). This is new territory and much work would need to be done before the practicalities and political implications could be clear. It is

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apparent that such a widening of the framework (unless carefully handled) carries the risk of an explosive unionist reaction but that any refusal to widen it could jeopardise Mr Haughey's vital co-operation over border security. Furthermore, on a more narrow tactical point, an outcome of the meeting between the Prime Minister and Mr Haughey which suggested that there were real signs that the present impasse was intended to be broken could do a lot to reduce the impact of the H block hunger strike on public opinion (if not on the prisoners themselves), since it may well be designed to reach its climax in the period immediately before Christmas.

These options are not, of course, all mutually exclusive.

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IMPROVEMENTS TO DIRECT RULE

ANNEX B

1. It is not possible for Westminster Ministers to administer local services with the degree of sensitivity that could be expected from Northern Ireland politicians and consequently Direct Rule suffers from a degree of remoteness. With the Province's District Councils having few functions of any significance, the lack of any elected body between the District Councils and Westminster represents a major weakness in the democratic institutions of Northern Ireland.
2. However, with the parties unable to agree on a transfer of powers, Direct Rule seems certain to have to continue for the foreseeable future. If so, how can the weaknesses of the system be improved? Changes have to be judged against certain clear criteria: they should not pre-empt progress towards long term objectives, impair efficiency or significantly increase the cost of administration, while they should bring government closer to the people.
3. A greater role for Northern Ireland MPs: it might be possible for NI MPs to play a greater role in the scrutiny of legislation and of executive acts. At present the only specialised outlet is the Northern Ireland Committee, a standing Commons Committee which can consider (but no more) any matter relating exclusively to Northern Ireland. The NIC is made up of all Northern Ireland MPs and up to 20 others. It would be possible to boost the status of the NIC by referring more matters to it, or by allowing it to meet in Northern Ireland. Alternatively, it would be possible to establish a Northern Ireland Select Committee to consider the activities of the NI Departments and perhaps the NIO. However there would be severe problems of composition: it would be impossible to ensure a Government majority while giving full representation to NI Members; and no member of the SDLP or Alliance currently sits in the Commons. Moreover Ministers might not unreservedly welcome investigation into sensitive political and security matters.
4. Ulstermen as Ministers: a somewhat different approach would be to appoint Ulstermen as junior Ministers in the NIO. This could

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be achieved by appointing a Government supporter in the Commons (Dr Brian Mawhinney is the only one available); or by appointing a Peer who takes the Government Whip (eg Duke of Abercorn); or by giving a life peerage to a suitable candidate from Northern Ireland. Such a move could bring an authentic Ulster voice into the Government and therefore be of some value in making Direct Rule more responsive. It would not of course satisfy the demands of local politicians who would probably seek to argue that only the local parties represented the "true" feelings of Northern Ireland.

5. The appointment of Commissioners: a further option would be to involve local non-parliamentarians in the business of government by giving them ministerial office. Local people (who might be politicians or other public figures) might be appointed as Northern Ireland Commissioners to head NI Departments in place of junior Ministers. They would be answerable to the Secretary of State who, with perhaps two junior Ministers to assist him, would remain answerable to Parliament for the activities of the Departments and of the Commissioners. Care would have to be taken to devise a satisfactory relationship between the Commissioners, the Secretary of State and Parliament that reconciled the conflicting demands of public accountability and a degree of independence for the Commissioners. Strains could well develop, with the Commissioners being required to work strictly within the constraints of Government policy (including eg public expenditure) which they could find unacceptable. Nor would the choice of Commissioners be easy: it might be that figures of any political standing would refuse to accept appointments that tied them closely into Government policy.

6. More powers for District Councils: certain matters currently the responsibility of NI Departments could be transferred to the 26 District Councils. These might include development control and various aspects of environmental and other services (but not contentious functions such as housing). Their transfer would enhance the role of local councillors while easing the burden on NI MPs and would be welcomed by the UUP (though the DUP would not be greatly impressed). It could be a way of filling the vacuum if no other action is possible, and in balancing any move on the "wider framework" (see Annex D) that might otherwise seem unduly to favour the minority. However a

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transfer of powers to District Councils, if implemented on its own, would be vehemently resisted by the SDLP and probably also Alliance. They would argue that the most innocuous responsibilities eg refuse collection, are capable of being - and sometimes are - exercised in a discriminatory fashion. Unless they formed part of a balanced package, moves in this direction could be highly controversial. They would also result in some administrative disruption including transfer of staff, and in some additional expense with existing economics of scale being lost.

7. An Advisory Council: the Secretary of State could appoint a Council to advise him on his legislative and executive functions. Such a body might consist of local politicians, representatives of interest groups such as the CBI and trade union movement, or both. Its purpose would be to assist Ministers in developing a "feel" for the community and gearing policy accordingly. An Advisory Commission along these lines but operating on a confidential basis existed in the early days of Direct Rule in 1972; but it was not outstandingly successful with nothing of significance emerging from it which could not have come up through other established consultative processes. Any new Council would have to be given more of a public role. There are three difficulties: first, it would be resented by Northern Ireland MPs who would see it as cutting across their own responsibilities (and some parties might boycott it); secondly, with no responsibilities of its own it could all too easily engage in negative criticism and increase alienation from Government rather than reduce it; thirdly, it might be incompatible with existing advisory bodies.

8. The machinery of government: the suggestions made above are concerned with "Ulsterisation" ie bringing local people into the business of Government in the absence of locally elected political institutions. However, regardless of whether Direct Rule is modified in any of these ways, consideration is being given to streamlining and improving the structure of government in the Province - making it more efficient and cost effective. The study being undertaken covers both the Northern Ireland Office and the Northern Ireland Departments, and the relationship between them.

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Conclusion

9. Come what may it will be desirable to rationalise and increase the efficiency of the machinery of the NI government. But with Direct Rule likely to continue into the foreseeable future, additional changes may be necessary, particularly in view of HMG's own admission of the inadequacies of Direct Rule in its present form. However it has to be recognised that any of the changes discussed above would inevitably result in a degree of administrative disruption and would also have political repercussions. While the drawbacks on either score are unlikely to render any of these changes wholly impracticable, there would have to be a strong expectation of political gain before any firm decision to proceed were taken - and an acceptance that the price was worth paying.

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A PROGRESSIVE APPROACH TO DEVOLUTION

Introduction

1. The exhaustive dialogue with the Northern Ireland parties over the past 18 months has revealed a high level of agreement on many aspects of how Northern Ireland should be governed, but none on how power should be exercised so as to provide a role for the minority. This note considers how the search for agreement on that crucial question might be taken forward through an elected Assembly that, initially, had purely consultative and advisory functions, but also had the capacity to "progress" ie to take on a full range of executive and legislative powers (as described in paras 25-34 of Cmnd 7950) once its members could agree on how those powers should be exercised and what role minority representatives should have. The possibility of a progressive approach was alluded to in both Cmnd 7763 and Cmnd 7950, and two Conservative backbenchers - Dr Brian Mawhinney and Michael Mates - have come up with suggestions for progressive Assemblies.

2. The Mawhinney approach would involve a number of graduated steps with the less contentious subjects being transferred to local control first and the more controversial following in stages. Quite apart from the serious administrative difficulties that would arise, the transfer of any powers, however apparently uncontentious, to an Assembly would have to confront the principle of whether the minority should be involved in the exercise of those powers. It seems therefore that the progressive approach can entail only two Assembly stages - an initial stage where the Assembly is a purely consultative adjunct to direct rule, and a second stage in which a full range of powers is transferred. That is the scenario suggested by Michael Mates.

Functions

3. The Assembly would be elected by PR(STV) with either 78 seats (as before) or 85 (with the 17 new parliamentary constituencies each returning five members). Apart from its Convention role, the

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Assembly would have two principal functions carried out through a system of committees covering the Northern Ireland Departments:

(i) Consultation on legislation

primary legislation for Northern Ireland would continue to be enacted at Westminster principally by means of Orders in Council. The Assembly would comment on and suggest amendments to Proposals for draft Orders in Council. Amendments acceptable to HMG could be incorporated before the draft Orders in Council were laid at Westminster.

(ii) Scrutiny/advisory

Assembly committees would examine and report on the executive acts of the Northern Ireland Departments in much the same way as Westminster Select Committees now cover Whitehall Departments.

The Assembly could also debate matters of general concern, including matters outside the "transferred" field such as security. And Assemblymen would have appropriate status and privileges in representing their constituents' grievances to authority.

Procedures

4. The Assembly's procedures would have to take account of the majority/minority divide. Thus seats on the Departmental Committees, including chairmanships, would be allocated on a proportional basis; and there would have to be provision for reflecting the opinions of the minority as well as the majority in advice to the Secretary of State. Procedures would be required to enable the Committees to carry out their scrutinising role by taking evidence about Departments' activities and proposals.

5. Such an Assembly would pose problems for HMG. It could become a focal point for criticism of HMG, united in its discontent and indulging in irresponsible demands for unavailable resources. These would not be new phenomena but would be given greater force by an Assembly, particularly an Assembly of our own creation.

Convention Role

6. The Assembly would also have a "Convention" role: viz to seek a generally acceptable basis on which it could assume executive and legislative powers. The prospect of success in this respect would not be great. There is nothing in the attitudes of the parties to suggest that they would reach agreement, particularly when members would probably be elected on rigid "not an inch" mandates. However there is just a slim chance that the restoration of a political market place, combined with the encouragement to focus their minds on bread-and-butter issues in their advisory role, might achieve a compromise.

Political Aspects

7. In the absence of inter-party agreement, a progressive approach has the merits of being a logical continuation of the initiative begun last year; allowing an elected Assembly to provide a channel for political activity while avoiding the dilemma of power-sharing; and filling a vacuum that might otherwise be filled by pressures for extreme "orange" or "green" solutions that could have far-reaching security implications.

8. However it now faces severe political opposition from the local parties. The UUP condemn any body without actual powers as a "talking shop" which would threaten the Union by emphasising the different treatment given to Northern Ireland compared with the rest of the UK. The DUP are also opposed to anything less than the real devolution of powers. The SDLP dismiss it as irrelevant and have said they would boycott elections. Of the major parties only Alliance might be willing to entertain it.

9. These attitudes might moderate if faced with a firm proposal: the parties may be merely posturing to discourage HMG from taking the progressive escape route. However it seems more likely at present that the opposition will persist. In that case, even if an Assembly were established, it could find itself launched in an atmosphere of such ill-will that the dangers referred to in paragraph 5 would be increased and all chance of actual "progression" eliminated. More immediately, one or more of the parties (notably

the SDLP might refuse to participate in elections to the Assembly. It could then prove counter-productive to press ahead with the Assembly when it would be unrepresentative of the community at large, would increase sectarian tensions and harm security and would be incapable of achieving the wide degree of agreement that was its objective. It could also prove difficult to persuade Parliament that legislation for an Assembly in those circumstances was desirable.

10. The progressive approach therefore carries the risk for HMG of having to back-track in the face of intransigent local opposition with all that might entail for the Government's credibility. If the Assembly is to hold any attraction as a policy option, there would need to be a change of attitude towards it on the part of the Northern Ireland parties.

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ANNEX DNORTHERN IRELAND: DEVELOPING A WIDER FRAMEWORKNote by Officials

Until 1921 the 'Irish question' was always seen as embracing the whole of Ireland. And indeed the 1920 Government of Ireland Act that established separate Parliaments for North and South envisaged that the two parts of the island would soon be reunited, within the United Kingdom. But the 1920 partition persisted, and the problems of Northern Ireland have come to be regarded by successive UK Governments as matters to be settled in the context solely of how Northern Ireland should be governed. Yet it can be argued that this narrow Northern Ireland framework sets attitudes in the North into moulds that have not only caused the failure of all previous attempts to achieve a durable settlement (including Stormont, the power-sharing Assembly and the 1975 Convention) but guarantee the failure of any further attempts that persist with that narrow framework. The exhaustive consultations and negotiations of the past 18 months - within and outside the Stormont Conference - support this analysis.

2. The history of Northern Ireland has been a conflict between the majority and minority communities there. The narrow Northern Ireland framework perpetuates an adversarial approach to the issues in which every issue is treated as a matter for victory or defeat rather than compromise. To Protestant Unionists it guarantees their dominant position (whatever their minority status in a United Kingdom or all-Ireland context) and encourages them to demand to control the reins of any power that is being exercised in Northern Ireland. To Catholic Republicans it emphasises their minority position (denying them any status as part of an all-Ireland majority) and forces them to conclude that, if they are not to risk relegation back to the perpetual opposition of pre-1972, they cannot accept any local exercise of powers on the majority's terms.

3. In these circumstances there is no prospect of achieving a locally-based administration (whether at a devolved or local government level) that has the cross-communal support that is vital

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if it is to survive. For political stability to be achieved, attitudes have to change. In order for them to change it seems necessary to establish a wider framework in which to approach the questions of how Northern Ireland is to be governed and what its constitutional relationship with both Great Britain and the Irish Republic might be.

4. To adopt such a wider framework points to a need to recognise that the security, economic, cultural and geographical ties between the two parts of Ireland form an Irish dimension that must be given some political expression. It would also require the Irish Government to be drawn into the process of seeking practicable solutions to the problem. It cannot yet be seen precisely where this approach might lead - whether to a devolved government in the North that recognised the North-South dimension, or some new relationship between the constituent parts of the British Isles (or both). However the adoption of a wider framework could change attitudes in certain helpful ways:

- 1) the involvement of the Republic could ease the minority's fear of being at the mercy of stronger forces in the North and encourage them to be more flexible in considering local systems of government;
- ii) it could open the way to a settlement that Dublin could positively support rather than (as is more likely at present) seek to undermine by fomenting minority opposition; and
- iii) it could oblige the majority to become more flexible in considering systems for Northern Ireland's government, by shaking their conviction that, however uncompromising the are, their dominance is assured. Long-term trends in Northern Ireland - social, economic, demographic - are anyway tending to undermine that dominance, as the more thoughtful members of the majority community realise.

5. The development of the wider framework would require careful thought. It would have to take account of reactions from the two communities in the North, of the ongoing security situation and of

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the response from Dublin. It would need to emerge slowly, with both its substance and its timing capable of adaptation in the light of prevailing circumstances. Particular attention would have to be paid to presenting it to the Unionists, since a sudden switch of direction could precipitate violent reactions with grave repercussions on the security situation: the fundamental failing of the narrow framework to date has been that it has perpetuated a disaffected Catholic community too large to allow for stable government; it would be equally if not more impossible to achieve stable government if there were a disaffected Protestant community in the North.

6. The occasion for a first step is presented by the forthcoming meeting between the Prime Minister and the Taoiseach. We expect Mr. Haughey, at that meeting, to expound his idea of an Anglo-Irish Conference at which the future of Northern Ireland could be considered in the context of an evolving relationship within "these islands". If pressed as to his long-term aim, he would no doubt say he looked for a growing acceptance of the concept of an "agreed Ireland" (possibly a loose North/South federation or confederation) in some kind of special relationship with Great Britain. But he may be less concerned with fundamental aims than with the short-term impact. It is a fair assumption that his immediate and perhaps overriding interest is to show that his special relationship with the Prime Minister has won him a real role in helping to resolve the Northern Ireland problem; he may have been encouraged in this by the Donegal bye-election result. Timing is a key consideration for him: he may well call an election in 1981. He would like movement in time to present it to his electorate as some kind of breakthrough, achieved by his personal efforts, in giving Dublin real influence in the formulation of policy on the North.

7. A formal Conference, of the kind favoured by Mr. Haughey, would risk raising expectations (which would not be fulfilled) and provoking unjustified fears on the part of Unionists in the North. However at the forthcoming meeting the Taoiseach might be satisfied with a commitment simply to consider his proposal - or to move initially via closer, more formalised ministerial consultations towards identifying means of giving substance to the unique relationship.

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What no doubt he would like - but would be difficult for us - would be communiqué language which would enable him to demonstrate to his electorate that he has secured some measure of acceptance by HMG that we cannot go on hoping to resolve the problems of NI within its narrow framework; and that the two Governments have a shared interest in devising novel and perhaps unique constitutional relationships within "these islands" which give expression to both the "Britishness" and the "Irishness" of the people of Northern Ireland.

8. This process will not be easy. British and Irish interests (in the European Community and in broader international affairs) do not necessarily coincide. And while Mr. Haughey will be pressing to attain a visible role in political development in the North, our own interests, initially at least, will lie in emphasising the UK - Republic dimension of the relationship. At this level it is possible to identify certain areas that might be explored:

- i) parliamentary links: the creation of a consultative body of parliamentarians from both countries (as exists in the Nordic Council); it might deal with general "current problems", allowing consideration of the North, or have a more specialised remit (e.g. to develop the existing manifestations of the unique relationship - common travel area, voting rights, citizenship, etc);
- ii) inter-governmental relations: arrangements for regular meetings and consultation on matters of mutual concern at all levels including heads of government (cf Franco-German relations) either on a broad front - allowing for discussion of the North - or with particular reference to the international scene and joint membership of EC and the Security Council;
- iii) cross-border co-operation: a review of the present arrangements whereby the official Anglo-Irish Economic Committee (AIEC) discusses economic matters of mutual interest, and consideration of whether the status of the AIEC might be raised, (either by providing a permanent secretariat or by putting it on a

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Ministerial level), whether the meetings might be regularised, and

- iv) economic co-operation: In addition to the AIEC machinery, consideration of closer economic ties between the UK and Ireland.

9. Exploration of these areas might be of assistance to Mr. Haughey in relation to his immediate electoral aim, but would not alone satisfy his more fundamental objectives as outlined above. We must frankly admit that, as of now, it is not easy to see ways of giving concrete expression to the unique relationship which would contribute to progress in Northern Ireland. There are severe practical and political limitations on the scope for a closer alignment between the Republic and the UK. Much would be possible if there were a prospect of a united Ireland (Irish membership of NATO, possibly even of the Commonwealth) but so long as partition remains any Irish government is bound to be deeply concerned to retain and demonstrate its full sovereignty and independence from the UK. Nevertheless it would be right to make it clear to the Irish that if there is to be any change of developing a new relationship which would be helpful in the NI context, they too will need to contribute to the evolution of Northern opinion, for example by taking much greater account than hitherto of Protestant concerns and susceptibilities.

10. Meanwhile, we have an interest in a formula which -
- a) does not rebuff Mr Haughey and cause him to withdraw security co-operation;
  - b) offers the minority community an escape from being a permanent political minority locked into a political entity devised (as they see it) to perpetuate their minority position;
  - c) recognises the desire of members of the minority community to identify with the community in the South of which, but for partition, they would form a contented part;

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- d) guarantees to the majority community in the North that they will not lose their separate identity or be swallowed up in the political and cultural entity of the South which they successfully resisted in 1920.

If any formula could be devised that would secure these objectives it would have to be novel and unconventional. There are no obvious precedents. Mr Haughey has spoken, in general terms, of his readiness to be bold and imaginative; it remains to be seen what that means in practice. We for our part will need to exercise our ingenuity.

11. At this stage, all one can say with confidence is that any change in the political framework for Northern Ireland would need to be approached with extreme caution: there is no prospect of an Anglo/Irish conference in 1981, or any other form of consultation, making any kind of dramatic progress. On the other hand acceptance by HMG of the approach could be a valuable bargaining card in securing a degree of support from Mr Haughey for such changes as the Government decide to make in the way Northern Ireland is governed. And, equally important, it would make it easier for him to maintain the present level of security co-operation.

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