

Ref. A07979

PRIME MINISTERNorthern Ireland: A Framework for Devolution

(C(82)6)

BACKGROUND

On 25 March OD invited the Secretary of State for Northern Ireland to bring his proposals for constitutional development to the Cabinet, together with his draft White Paper revised in the light of the discussion. The discussion suggested that, since the last discussion in OD, the balance in the Committee had swung in favour of accepting that the Secretary of State should be authorised to proceed with his proposals, but you in particular still had considerable misgivings. The Committee thought that the Cabinet paper should address the handling of the 'West Lothian' question, in view of the decision to end the under-representation of Northern Ireland at Westminster; and that Part 6 of the White Paper, on relations between the United Kingdom and the Republic of Ireland, should if possible be omitted or essential points from it included elsewhere.

2. The Secretary of State's Cabinet paper deals with the implications for Scotland and the West Lothian question (paragraphs 14 and 15), and he has amended the White Paper to omit Part 6, including elements from it in Part 3 (paragraphs 3.9, 3.10 and 3.11). The rest of the White Paper is virtually identical with that considered by OD except that:

- (a) a change has been made in paragraph 2.1 to sharpen up the point about the uniqueness of Northern Ireland;
- (b) there has been some re-arrangement in paragraphs 2.4 and 2.5 and a reference to flexibility taken out of paragraph 2.7;
- (c) some consequential amendments have been made in the summary and conclusions.

3. The Foreign and Commonwealth Secretary and the Secretary of State for Industry will not be present as both will be abroad.

HANDLING

4. You will wish to invite the Secretary of State for Northern Ireland to introduce his memorandum. Discussion should then cover the following points:

- (a) Do the Cabinet accept the Secretary of State's view that some movement towards devolution in Northern Ireland needs to be made in the lifetime of the present Parliament, in order to break the deadlock there which is damaging the security situation, the economy and international confidence? Or do they regard such movement as likely to fail, to damage the Union and therefore not to be worth trying? This is the fundamental question on which members of the Cabinet who were not present at the earlier OD discussions will wish to comment.
- (b) If the Cabinet do favour the Secretary of State's proposals, are they prepared to agree that legislation should be introduced now, with the aim of passing the Bill into law before the Summer Recess in order to enable elections to an Assembly to be held in the autumn? Do the Cabinet agree that momentum will be lost unless the new initiative is launched now? Do they accept the Secretary of State's reason for rejecting holding elections to the Assembly on the basis of existing legislation pending a Bill next session (paragraph 13 of C(82)6)?
- (c) Do the Cabinet consider that any consequential constitutional problems, particularly for Scotland and Wales, could be contained? The Secretaries of State for Scotland and Wales should be invited to comment.
- (d) Is the balance of the White Paper now about right, in particular on the references to relations between the United Kingdom and the Republic, Northern Ireland and the Republic and Parliamentary links? Do the Cabinet accept the Secretary of State's view that some reference to relations with the Republic must be included if the document is not to be rejected by the Catholic minority? If so, are relations with the Republic must be included if the document is not to be rejected by the Catholic minority?



paragraphs 3.9 to 3.11 about right, or are they still too "green"? If you feel that they still go too far, you may like to consider the attached draft of a single paragraph 3.9, to replace the existing paragraphs 3.9 to 3.11: it consists even more severely of a recital of facts and existing statements.

CONCLUSION

5. You will need to judge whether there is a consensus in the Cabinet that, despite the risks and the possibility of failure, the Secretary of State's proposals are better than doing nothing. If there is, the Cabinet conclusions should record their acceptance of the proposals, and should invite the Secretary of State for Northern Ireland to take account of any proposals for drafting changes which have been agreed in the lack of discussion, and to introduce a Bill in the current session of Parliament.

ROBERT ARMSTRONG

*(approved by Sir R. Armstrong
and signed on his behalf).*

31st March 1982

DRAFT REVISION OF PARAGRAPH 3.9

3.9 Relations between both sides of the Northern Ireland community inevitably influence and are affected by relations between the United Kingdom and the Republic of Ireland. At governmental level these relations are now in general conducted within the ambit of the Anglo-Irish Intergovernmental Council established at the meeting between the Prime Minister and the then Taoiseach on 6 November 1981. If a devolved government came into being in Northern Ireland, it would under existing statutory provisions be able to make with the Government of the Republic such bilateral arrangements and agreements within the field of transferred functions as it might consider appropriate and in the interests of Northern Ireland. The joint communiqué issued after the meeting of 6 November 1981 recorded the agreement of the Prime Minister and the then Taoiseach "that it would be for the Parliaments to consider at an appropriate time whether there should be an Anglo-Irish body at parliamentary level comprising members to be drawn from the British and Irish Parliaments, the European Parliament and any elected assembly that may be established for Northern Ireland" None of these arrangements pose any threat whatsoever to the position of Northern Ireland as a constituent part of the United Kingdom.