

Ref. A07908

PRIME MINISTER

Northern Ireland: Constitutional Development

(OD(82) 13 and 14)

BACKGROUND

When the Secretary of State for Northern Ireland brought his proposals for constitutional development to OD on 16th February, opinion in the Committee was less than enthusiastic on their merits and clearly against the Secretary of State on the timing of their introduction.

2. On their merits, some Ministers feared that the proposals would divide the Conservative Party, because they would be seen as a step towards separation of Northern Ireland from the United Kingdom. Devolution to Northern Ireland was regarded as inconsistent with the decision to increase the Province's representation at Westminster from 12 to 17 MPs. The creation of a Northern Ireland Assembly was seen as raising again the "West Lothian Question" - the problem of a class of MPs able to vote on questions affecting Great Britain where the relevant powers for Northern Ireland had been devolved. Doubts were also expressed about the willingness of the Northern Ireland parties to participate in elections and in an Assembly.

3. Since then, as the Secretary of State for Northern Ireland reports in OD(82) 13, he has continued his consultations with the main Northern Ireland political parties and has had mixed reactions. After a meeting with Mr. Prior on 8th March, the Ulster Unionist Party (UUP) have refused to have further discussion with him until the White Paper is published. Dr. Paisley's Democratic Unionist Party (DUP) is licking its wounds after defeat in the South Belfast by-election. The Social Democratic and Labour Party (SDLP) would strongly prefer to concentrate on institutionalising the Anglo-Irish relationship. But the UUP have said that they will participate in an Assembly; the DUP seem keen to contest the proposed elections; and the Secretary of State judges that the SDLP will also take part.

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4. The Secretary of State's paper also attempts to deal with the concern expressed at the Committee's later meeting on the effect of introducing a Bill this Session on the Government's legislative programme this Session and the possibility of holding elections under the existing legislation pending a Bill next Session. He concludes that only a Bill this Session will give the Government a real chance of political progress this side of the General Election. A draft Bill has been circulated as OD(82) 14, and a draft White Paper is attached to OD(82) 13. He wishes to publish both before Easter.

5. Mr. Haughey has returned to power in Dublin since the Committee's earlier discussion. The Secretary of State does not now expect this to affect the SDLP's attitude, though he was gloomier about it in February. Mr. Haughey's initially strident (but latterly more cautious) calls for Irish unity, and his emphasis in that context on the proposed "Parliamentary tier" of the newly institutionalised Anglo-Irish relationship, have increased Unionist fears that the establishment of a Belfast Assembly is primarily intended as a step towards the creation of such a tier, and thereby towards the loosening of the Union. Such fears are natural enough but hardly well-founded; no-one could force either a Belfast Assembly or the Westminster Parliament to send representatives to an Anglo-Irish institution if they did not choose to do so.

6. Press reports following OD's February meeting suggested that the Secretary of State had won his colleagues' broad approval for his proposals. His personal position will be very difficult if they are now rejected. The Committee will need to weigh the danger of the proposals proving divisive within the Conservative Party, if they are endorsed, against the danger of a damaging split in the Cabinet if they are not.

7. The Secretary of State for Scotland and the Chief Whip have been invited to the meeting. The Lord Chancellor, who missed the discussion on 16th February, will be present, but the Attorney General will be abroad. The Secretary of State for Defence will be abroad.

HANDLING

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

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- (a) Do the Committee 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 present deadlock there which is damaging the security situation, the economy and international confidence? Or do they regard such movement as too dangerous to the Union, and the status quo as therefore the lesser evil? The Home Secretary and most other members of the Committee will have views on this fundamental point.
- (b) If the Committee do favour movement, do they agree that the Secretary of State's proposals are right in substance? Or can any alternative form of movement be envisaged? Specifically, can the "West Lothian" implications be accepted? In February the Secretary of State for Scotland thought they just could; is that still his view?
- (c) How is Mr. Haughey to be handled? Is he right to see the proposed "Parliamentary tier" of the new Anglo-Irish relationship as the key to his declared aim of breaking the Union? If so, is that a barrier to our establishing any form of Assembly in Northern Ireland? Or can we use his "Parliamentary tier" ambitions as a lever for securing his support for our devolution plans, while leaving both the Westminster Parliament and the Belfast Assembly wholly free (if they so wish) to decline to participate in any Anglo-Irish institution? The Foreign and Commonwealth Secretary and others will have views on this.
- (d) If substance is agreed, are the Committee prepared to endorse the Secretary of State's views on timing? Do they agree that momentum will be lost unless the new initiative is launched now? Do they accept the Secretary of State's reasons (paragraph 13 of OD(82) 13) for rejecting the compromise over the Parliamentary timetable suggested by the Home Secretary at the previous meeting? If so, and the Bill has to be passed this Session, what do the Business Managers see as the penalty, in terms of sitting into August and/or resuming earlier in October? And do they agree that the Bill should be introduced before Easter?

9. When the Committee has taken a view on the merits of the proposals, you should direct their attention to the draft White Paper and Bill. Points to establish in discussion are:

- (i) Does the White Paper sufficiently stress the uniqueness of Northern Ireland in having had, from the 1922 partition of Ireland to 1972, a system of devolved government? This argument is important both to counter the criticism that the proposal for an Assembly is a step towards breaking the Union and to deal with demands for separate Assemblies for Scotland and Wales. Excessive criticism of direct rule, such as the statement "The direct rule arrangements rely entirely upon Westminster to provide democratic safeguards on executive authority" from paragraph 2.1 of the draft White Paper, could be used out of context to support devolution elsewhere in the United Kingdom. The Home Secretary and the Secretary of State for Scotland will wish to comment.
- (ii) The White Paper has to be carefully drafted to meet the requirements imposed by a variety of readers - not just the various factions in Northern Ireland, but also public opinion in Great Britain, including the Government's supporters in Parliament, and overseas opinion, notably in the Republic of Ireland and the United States. Is the balance right? The Home Secretary, the Lord President and the Foreign and Commonwealth Secretary should comment.
- (iii) Is the form of the draft Bill best designed to achieve a reasonably swift passage through Parliament? The Lord President, the Chief Whip and the Chancellor of the Duchy should comment.

CONCLUSION

10. This is likely to be an exceptionally difficult meeting to sum up. You will need to judge whether a reluctant consensus is emerging that, for all their snags, the Secretary of State's proposals represent the only way forward. If so, you could ask him to put a brief paper to the Cabinet for their consideration on 1st April. If they agree, the way would then be clear for the White Paper and Bill to be published before Easter.

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11. If there is a clear consensus against the Secretary of State, he will no doubt still wish the matter to be referred to the Cabinet. In that case he should be asked to provide a somewhat fuller paper, explaining why he feels unable to accept OD's objections to his proposals.

12. If there is no consensus either way, your best course may be to suggest that you and the Home Secretary should be authorised to explore further with the Secretary of State for Northern Ireland whether any possible basis could be found for a compromise. The Lord President and the Foreign and Commonwealth Secretary would need to be involved in, or at least kept informed of, this process. Publication by Easter would presumably be impossible.

RAA

ROBERT ARMSTRONG

24th March, 1982

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