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PRIME MINISTER

Northern Ireland: Prisons and Politics
(C(81) 36)

BACKGROUND

The Secretary of State for Northern Ireland has circulated this memorandum in accordance with the conclusions reached by OD at their meeting on 18th June. Since that discussion he has consulted the Home Secretary about his proposal for an advisory body on the special problems of Northern Irish prisons and I understand that the Home Secretary is content that he should defer the establishment of the Committee for the time being, but continue with the preparatory work so as to be in a position to move quickly if and when the opportunity arises.

2. Although the Cabinet have received regular oral reports from the Secretary of State for Northern Ireland about the developing situation in Ulster, these reports have mainly concerned day-to-day events. This memorandum offers non-OD members of the Cabinet an opportunity to consider the political problems in Northern Ireland against a wider perspective.

3. When OD discussed the proposed advisory body on Northern Irish prisons, they agreed that it was important that the body should not be given terms of reference which would suggest any weakening in the Government's resolve to resist the demands of IRA prisoners for political status. The Secretary of State for Northern Ireland has now taken this thinking a stage further in C(81) 36 and proposes not to set up the advisory body at all at the present time; to set it up with terms of reference that covered the problems of the hunger strikers could be interpreted as weakness and could encourage the PIRA and alienate the Protestants, while to set it up with terms of reference that excluded the problems of the hunger strikers could exacerbate moderate opinion in the world generally, and increase the alienation of Catholics in Northern Ireland. There is still a need for the advisory body in the longer term, and preparatory work will go ahead to establish it.

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4. In his minute to you of 12th June, which was circulated to OD, the Secretary of State for Northern Ireland argued that there had to be a parallel move on both the prison situation and the question of a more general political initiative. Following the OD discussion on 18th June, only the more general political initiative is proposed for immediate action. The essential question for the Cabinet is whether this is better or worse than nothing.

5. There is a real possibility that the Advisory Council for Northern Ireland may turn out to be a "talking shop" which would be a source of damaging criticism of Government policy but would accept no responsibility for constructive action. Some Northern Irish political parties may refuse to take part in it, and if the SDLP is one of them, there is a risk that the Advisory Council may simply become a sounding board for Protestant opinion in Northern Ireland.

6. On the other hand an announcement to establish an Advisory Council would certainly be regarded by most international opinion as an indication that the Government was trying to make progress, and if the announcement was made on 2nd July before any further hunger strike deaths have taken place, it would not appear to have been wrung out of the Government under duress. There is also the possibility that, if the Government announces a decision to set up an Advisory Council, the Northern Irish political parties will be afraid to refuse to join it in case it turns out to be a significant political development.

7. If the Cabinet agrees in principle with the proposed initiative, there remains the question of timing: is it imperative to be seen to do something before the new wave of hunger strike deaths begin (but also just before the marching season), or could it and should it wait until late summer or early autumn?

HANDLING

8. The Secretary of State for Northern Ireland should introduce his paper. You will wish in the subsequent discussion to take this opportunity to allow non-OD Cabinet members to express their views on the Government's policy towards Northern Ireland. You may yourself wish to remind the Cabinet that the Anglo-Irish Joint Studies remain a potentially useful link with Dublin, but

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that they are temporarily in limbo while the Republic sorts out the political problems created by the results of the last election. Other points to cover in discussion are:-

- (a) Does the Home Secretary confirm that he is content with the line proposed in C(81) 36 on the establishment of an independent Advisory Body in relation to Northern Irish prisons?
- (b) Does the Cabinet agree with the proposal to set up an Advisory Council for Northern Ireland? Is the timing envisaged right, in terms of Northern Ireland, of Westminster and of world opinion?
- (c) Does the proposed Council raise any particular problems for the Secretaries of State for Scotland and Wales?
- (d) How does the Chief Whip expect the Government's supporters and Ulster Unionist MPs to react to the Advisory Council proposal? Should there be some preliminary discussion with the latter before an announcement is made? Would it be sold to them as a step towards the re-establishment of the Stormont Parliament?
- (e) Does the Chief Whip, the Chancellor of the Duchy of Lancaster and the Lord President agree in relation to the Houses of Commons and Lords that it would be best to announce the establishment of the proposed Advisory Council for Northern Ireland during the course of the debate on the renewal of powers for direct rule on 2nd July?
- (f) What impact does the Foreign and Commonwealth Secretary consider that the proposed announcement will have on international opinion? Are there any particular aspects of the proposal which should be emphasised to maximise its impact abroad, particularly in the United States and the Republic of Ireland? I attach a copy of telegram 207 of 22nd June for our Ambassador in Dublin, which is relevant.

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- (g) Are there any points of detail on the proposals for the Advisory Council on Northern Ireland set out in Annex A to C(81) 36? These proposals have the advantage that they avoid the need for any further immediate legislation or elections. But a number of obvious questions are left unanswered. For example, are all the members to advise on questions as they affect Northern Ireland as a whole, or will they be expected to pursue specific district or constituency interests according to the nature of their original election? How far can such a body be trusted to make its own rules up as it goes along?

CONCLUSION

9. Subject to points made in discussion, you may like to guide the Cabinet to agree to invite the Secretary of State for Northern Ireland -

- (i) to set up by administrative means an Advisory Council for Northern Ireland on the basis described in C(81) 36 and to announce this intention in the debate on the renewal of powers for direct rule;
- (ii) to continue with the necessary preparatory work on composition and terms of reference for an advisory body on Northern Irish prisons, but not to announce its establishment at the present time.

RA

(Robert Armstrong)

24th June 1981