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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

POLITICAL PROGRESS IN NORTHERN IRELAND

Memorandum by the Secretary of State for Northern Ireland

1. At our meeting on 3 October, the Committee invited me to set out proposals for a Conference of the main political Parties in Northern Ireland about the political future of the Province.
2. The Committee concluded in favour of a Conference for two reasons. First, it was felt that the proposals in my earlier paper (OD(79)26) were not sufficiently far-reaching in substance; and secondly their timing was too slow - in particular, it was felt that they failed to recognise sufficiently the impact in Northern Ireland of the Pope's visit to the Republic which, it was believed, had created an opportunity for an immediate political initiative by the Government.
3. The appended paper by officials sets out revised proposals for discussion at a Conference, taking full account of security considerations. It presents us with a dilemma on timing. On the one hand, we need to respond to the impact of the Pope's visit and, if we can, use it to bring pressure to bear on the parties in Northern Ireland to negotiate constructively. The beneficial effects of the Pope's visit on the prospects for political progress in Northern Ireland are only slight, but there is still hope and expectation in Great Britain and abroad that it can and should be exploited by the Government. If we take too long, we shall be accused of missing an opportunity.
4. On the other hand we must ensure that our initiative is well-prepared and presented so as to make the most of our chances of securing a positive response. The analysis and proposals set out in the paper suggest that we could do this early in November, but not before.
5. In weighing these conflicting considerations we should not over-emphasise the effects of pressure on Northern Ireland politicians of opinion in Great Britain and elsewhere. They have ignored it before. The Northern Ireland politician who feels closest to political power is Ian Paisley, having vividly demonstrated in the European election the extent of his support. But he is likely to be the least interested in the offer of a

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Conference - particularly if it is to consider the prospects of finding some new and acceptable system of government in the middle ground which he has made his reputation by rejecting. An assessment of the possible effects of a refusal by Paisley to attend a proposed Conference is in paragraphs 3 and 4 of the paper by officials.

6. In the light of this, I take the view that we should work for a Conference with the maximum chance of success. This means that it must be properly prepared and that careful Ministerial consideration be given to the terms of both the substantive proposals to be included in a discussion document to be published and presented to the Conference and to our announcement to Parliament of our intention to convene it. There must also be adequate time for the Parties to consider such matters as representation, the scope for discussion and procedures. Since the SDLP Conference is scheduled for 2-4 November, an announcement before then would run the risk that their delegates to the Conference might be undesirably committed. I recommend therefore that we proceed as follows.

7. Officials should prepare immediately a draft of a discussion paper and a Parliamentary announcement for consideration by Ministers. Concurrently I would have private consultations with the Party leaders about our intention to publish a discussion paper (without reference to a conference as our preferred next step) so that I can judge - reporting to colleagues when we consider the discussion document - whether the proposals in that document would be likely to secure the Parties' attendance at a Conference. If these prior soundings reveal that a Conference would be acceptable to the parties, then the way would be clear for us to proceed as planned. If, on the other hand, it appears that the substance of our proposals would not bring all the parties to the table together, we can then consider whether still to go ahead and call their bluff or to adopt an alternative course.

8. If colleagues agree, I will circulate draft texts of a discussion document and of a Parliamentary announcement for the Committee's consideration as soon as possible and at the same time I will report on my further discussions with party leaders.

H A

Northern Ireland Office

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1. The Pope's visit has, without doubt, created expectations in Great Britain and, perhaps overseas of some kind of "settlement" being achieved in Northern Ireland. There is however, no evidence of any significant general change of attitude in Northern Ireland itself; indeed the Pope's restatement of traditional doctrines has, if anything, reinforced protestant loyalist prejudice. At Annex A is an intelligence assessment of popular and political attitudes in the Province after the Pope's visit: it gives no ground for optimism. Nevertheless, there is still a strong case for the Government to respond to the Pope's visit in such a way as to create the most favourable conditions for making progress and to put maximum pressure on the political parties in Ulster to reach an accommodation with each other.

Security Considerations

2. A political conference would be a dramatic and immediate response. It - or any other initiative - must, however, be considered against the security background, which is not promising: intelligence indicates that the Provisional IRA intend in any case to step up activity this winter, not excluding attacks in Great Britain; and there has been, if anything, an increase in inter-sectarian tension since the Pope's visit. An immediate political initiative would be likely to have the following results:

- a. PIRA and INLA would probably accelerate and intensify the higher level of violence already planned, in order to impede a settlement which might undercut their own aims. They could well use attacks in Great Britain to foster "Brits Out" sentiment.
- b. Any group which believed that the initiative might produce a solution opposed to its interests might try to apply pressure against it by, eg demonstrations in support of a boycott (for instance by Paisley's supporters), perhaps accompanied by industrial action on the lines of the stoppages of 1974 and 1977. Such action, if it led to failures of essential services such as electricity and sewerage, would pose a serious additional problem for the Security Forces in a situation of already increased terrorist activity.
- c. A hostile reaction from either community could lead to inter-communal strife.

Given the security situation, political leaders on either side have the easy option, if they are faced with an unwelcome political initiative, of saying that it should stand in abeyance until terrorism is better controlled.

3. If the initiative took the form of an announcement of an intention to hold a political conference, and it was followed by a boycott by one Party or another in the face of which we nevertheless went ahead with it, the consequences would be different according to whether the SDLP or the more extreme Protestant party - the DUP - objected. If the SDLP decided on a boycott, a Conference could have no political credibility and it could encourage the minority to increase their support for PIRA; and one could not rule out trouble on the streets. If Paisley decided to boycott a Conference, we might well have to face an unpleasant trial of strength in which industrial action could adversely affect the security situation as in para 2(b) above. The same consequences might flow from a decision to continue a Conference already started after a walk-out by either of them.

4. There is no reason to expect that the setting up of a Conference would, even temporarily, take the heat out of the violence in Northern Ireland. The reverse is more likely to be true. It is necessary therefore to balance proposals for political progress against the over-riding priority of the Government's responsibility for the security of citizens of the UK. Nevertheless the arguments in favour of filling the political vacuum remain valid and strong and they are not in general outweighed by security considerations: indeed a political initiative could be a factor in isolating PIRA. The following proposals are put forward with both political and security considerations in mind.

Proposals for a Conference

5. i. The Conference would be convened of leaders, accompanied by a small delegation, of the four main political Parties: OUP, DUP, SDLP and Alliance. This omits some smaller Parties but the four are well understood as the main Parties in Ulster and it would not assist the negotiations or progress to have more.
- ii. The purpose of the Conference would be to consider proposals from HMG to implement the intention in the Queen's Speech to "seek an acceptable way of restoring to the people of Northern Ireland more control over their own affairs".
- iii. A discussion paper would be put before the Conference covering a range of possibilities for a representative body for the whole Province. The paper would suggest:
 - a. what powers or functions the new body might exercise;
 - b. how it might operate.

The paper would set out in some detail options in various forms for the elected body within a range from a regional council with limited executive powers at one extreme, to a legislative assembly supporting a "Ministerial" Government at the other, but with what HMG would regard as reasonable and appropriate safeguards for the minority in each case.

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- iv. It would be made clear that any of these options, or variants of them, which proved "acceptable" in Northern Ireland, would be acceptable to HMG. Responsibility for law and order would not be transferred, in the near future, under any of the possible arrangements, but would remain the continuing responsibility of HMG.
- v. A Conference convened on this basis would effectively rule out from discussion proposals for either Irish unity or total independence in the short term; and the range of options would establish clearly that neither the old Stormont nor the 1974 power-sharing Executive would suffice, and that progress must therefore lie somewhere in the middle ground.
- vi. No other Agenda would be issued in advance. To pressurise the Parties to respond constructively, the discussion paper should be placed before Parliament before the Conference was convened and preferably when it was announced; and it should be effectively publicised. The Government would thus establish in Northern Ireland and abroad, a public statement of its position in the event of the Conference failing to reach agreement.
- vii. The Conference would meet initially in Northern Ireland under the chairmanship of the Secretary of State for Northern Ireland. Procedures would have to be flexible: it might adjourn after a few days to allow bilateral discussions and negotiations, reconvening in plenary session later.
- viii. The Conference would not be given a terminal date but the Government, on announcement, would express the hope that it would end in time for the proposals embodying the Government's conclusions from the Conference to be presented to Parliament early in the New Year.

Proposals and Timing

6. The Conference would be a natural outcome of the Secretary of State for Northern Ireland's private talks with the Northern Ireland political leaders. Its proper preparation will be very important if it is not to lead to a failure, whether by boycott, by a walk-out by one of the major parties, or by irreconcilable differences resulting in stalemate. If the Government committed itself to a Conference before it knew whether the parties would participate it would run a severe risk that the announcement might be followed by an early, or immediate, refusal to participate. The Conference might get by without the DUP alone; but a refusal from either the SDLP or the UUP and the DUP together would mean that one community or the other would not be represented. To retreat from a declared intention to hold a Conference in the face of a refusal from

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NI party to participate would seriously damage the Government's credibility and control of events in the Province. The Government would need, therefore, so to time the preparations and sequence of events that, if it became clear that the Conference was a non-starter on any terms which HMG would be willing to accept, the Conference device could be dropped before the discussion paper was presented to Parliament and a public announcement made about the Conference.

Contingent Planning

7. If the Conference were successful, ie if significant common ground emerged, a White Paper could be presented to Parliament early in the New Year setting out the Government's proposals to implement the Conference conclusions. If it remains the case that the gap between the main Parties is unbridgeable, Ministers would then need to consider whether to continue with Direct Rule as it is, at least for a breathing space, or whether to make some positive proposal of their own to Parliament: they might, for example, conclude that the right course would be nevertheless to establish an elected representative body which could itself take on the issues which were before the Conference, as well as an advisory or consultative role relating to the Government of the Province. The security aspect will be of critical importance in reaching a judgement on this and it would be imprudent to reach any view about it at this stage.

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POLITICAL CONSEQUENCES OF THE POPE'S VISIT

While the Pope's visit to Ireland had a profound emotional impact both in the Republic and in Northern Ireland, its political effects, particularly on the prospects for a constitutional initiative, have been more mixed.

2. The Pope's message at Drogheda had two main themes:
 - a. his vigorous condemnation of violence;
 - b. his appeal to political leaders to face their responsibilities, to work for reconciliation and to fill the "political vacuum".

Terrorism

3. While intelligence suggests some differences over tactics among the leadership, both the PIRA and Provisional Sinn Fein publicly rejected the Pope's appeal for an end to violence and appear united on the continuation of the campaign. All the signs are that HMG's political moves will have to be conducted over the next few months against a background of continuing terrorist activity with the possibility of an increase in intersectarian violence. There is no indication that the Provisionals will make any genuine ceasefire moves, although there is the possibility of attempts to obtain concessions on the Special Category issue. The Pope's appeal to parents and young people could further erode Catholic support for the terrorists in some factors, but there is unlikely to be any significant effect on their operational capability.

Political ResponseSDLP and the Government of the Republic

4. There is a secret report that the Irish authorities believe that the Pope's visit makes it easier for them to adopt tougher policies against terrorism. At the same time there have been indications, also from secret sources, that the Irish intend to use their own moves on the security front to obtain a quid pro quo in the form of an early political initiative by HMG. Their line at the meeting between SOSNI and Irish Ministers on 5 October bears this out. Among the SDLP also the visit has increased pressure for action. Gerry FITT has endorsed the Pope's comment about a political vacuum and has pledged himself to the search for a settlement. However neither Dublin nor the SDLP have given any sign of a shift in their aims, in which some form of participation for the minority remains the cardinal point. Both Mr Lynch and John Hume had already introduced their "soft pedal" line on the Irish dimension before the Pope's visit (although they will certainly point to that as a sign of their flexibility in any discussion).

Unionist Parties

5. There have been no concessions on the Unionist side. Although several leading figures welcomed the Pope's condemnation of violence, a number, notably Enoch Powell, saw in his reference to a political vacuum the implication that this should be filled by institutions leading to a united Ireland. Paisley claimed that

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the Pope's speech gave "fuel to the IRA". He has since continued to adopt a tough line, threatening to pull out of further discussions with the Secretary of State on the political situation until he gets "assurances" on security. Martin Smyth, a prominent member of the Ulster Unionist Party, signed, in his capacity as head of the Orange Order, an open letter attacking the Pope's visit

Grass Roots Opinion

6. There was initially a favourable response to the visit in many Protestant circles as well as the Catholic community. A general push has undoubtedly been given to the idea of reconciliation. This could grow if carefully fostered, but as the immediate impact of the visit fades a reaction could set in. Intelligence does not indicate any fundamental shift in the attitude of the Protestant paramilitaries, who are continuing attacks on Republican terrorists and associates. There are no signs of grass roots opinion pressing the political parties to make concessions. As time goes on the Protestants are likely to place more emphasis on the negative aspects of the visit (eg the Pope's stress on traditional Catholic values and the apparent linking of the Republic with the Catholic church).

Conclusion

7. So far the visit appears to have had the following effects on the political scene:
- a. There is increased pressure from the minority and from the Irish Government for an initiative to be accelerated, but there is no real change in their political stance;
 - b. There is no indication of flexibility on the part of the Unionist parties;
 - c. There is a wave of public opinion (likely to be short lived) which could be favourable towards Government attempts to break the deadlock although some Unionist opinion could be suspicious of anything that appeared to be a direct response to the Pope. It is not however reflected in the attitudes of the political parties.

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ANNEX B TO APPENDIX

1. These five 'model' systems of government are illustrations of the arrangements which could be made for the exercise of substantial executive or legislative powers by elected representatives of the Northern Ireland people. They include examples of safeguards which could be adopted to protect the interests of minority or opposition parties, as well as examples of different ways in which minority parties could exercise some influence upon decision-taking. None of these models is immutable. The basic framework of each of them could be modified. Moreover, within each framework the extent of legislative and/or executive powers to be exercised by elected representatives could also be varied, as could the arrangements for securing greater or less minority influence on decision-taking.

2. It should be noted that in relation to none of these models is it proposed that the present responsibilities of Westminster in relation to law and order in the province should be transferred to a locally elected body.

MODEL A

FULL DEVOLVED GOVERNMENT ON A BASIS OF MAJORITY RULE WITH SAFEGUARDS

- (i) From an Assembly elected by PR/STV the leader of the largest party or group of parties would form an Executive on Westminster lines.
- (ii) The Assembly could be empowered to pass legislation by straight majority vote. It could set up Select Committees to cover each NI Department. The opposition could be given the chairmanships of half the Committees and 50% representation on each. These Committees could hold hearings on Assembly Bills before second reading and would conduct the Committee stage of all Bills. They could report to the Secretary of State as well as to the Assembly on the Executive's legislative proposals and general conduct of policy.
- (iii) The Secretary of State could be empowered to override legislation and executive policy, or could demand that legislation or policy proposals should be endorsed by a weighted majority in the Assembly large enough to ensure minority agreement. In addition, there might be a Bill of Rights with judicial arrangements for enforcement.
- (iv) This system would place decision-taking powers in the hands of the majority. However, it would give the minority a strong role in the powerful Select Committees. It would also give them a form of appeal to the Secretary of State who might have a wide-ranging interventionist role. As an alternative, the role of the Secretary of State could, to a large degree, be filled by a Second Chamber, provided that such a Chamber was not merely a reflection of party strengths in the Assembly. Limiting the opportunities for central government intervention in this way would reduce the scope for conflict with Westminster and increase the degree of local devolved control.

- N.B. (a) The precise nature of the safeguards in a 'majority-rule' system is almost infinitely variable. Strong Select Committees are only one example.
- (b) A system of majority rule with safeguards could also be used within the format of a regional government without legislative powers - see Model D.

MODEL B

FULL DEVOLVED GOVERNMENT ON A BICAMERAL BASIS

- (i) A lower chamber would be elected by PR/STV. An Executive would be formed by the leader of the largest party or group of parties in the chamber on Westminster lines.
- (ii) Members of the lower chamber could be organised into Select Committees covering the NI Departments similar to the new Select Committees at Westminster. The Opposition could have 50% of the chairmanships and of the members of each committee.
- (iii) A Senate might be formed with equal representation from Executive and Opposition nominees. The Senate Chairman might be an appointee of the Secretary of State. The main task of the Senate would be to review legislation passed by straight majority vote in the Lower Chamber. Bills would become law only after submission by Senate majority to Her Majesty in Council. In the event of a tied vote, the Senate Chairman would refer proposed legislation to the Secretary of State who would have to lay it at Westminster so that Parliament could decide whether it should go to Her Majesty.
- (iv) This system uses a second chamber to give the minority a strong blocking power over legislation but little or no say (except indirectly through Select Committees) in executive decision-taking. The Senate could be removed altogether and its blocking powers transferred to the lower chamber - perhaps by use of weighted majority voting requirements. Alternatively the powers of the Senate could be expanded to enable them to suspend or "call-in" the actions of the executive.

MODEL C

FULL DEVOLVED GOVERNMENT ON A "SHARED COMMITTEE" BASIS

- (i) An Assembly elected by PR/STV would have power to pass legislation by simple majority vote on all matters "transferred" in 1973 - though Westminster would retain override powers. However, it could be provided that proposed legislation could only be introduced into the Assembly by the chairman of the appropriate committee (see below) after it had received the approval of a weighted majority of committee members.
- (ii) The Committees would be established on functional lines - one for each Northern Ireland Department. The chairmanships could be allocated to the parties in proportion to the parties' representation in the Assembly and the membership of each Committee might be on the same basis. The Chairman could exercise the day-to-day direction and control of the Department, but in so doing, he would be subject to the general policy guidelines laid down by straight majority vote of the Committee.

(iii) This system would devolve full executive and legislative powers. It would give minority representatives positions of influence as committee chairmen, but it would empower the majority to set the broad outlines of policy through guidelines to the chairman. The minority would have the power to block projected legislation by use of weighted majority vote in the committees. Alternatively legislative proposals which were not agreeable to a weighted majority in Committee might be passed automatically to the Assembly, but might then only become law after a weighted majority vote in the Assembly.

N.B. (a) These arrangements could be adapted to suit a system in which there was no exercise of legislative powers. The Assembly would then bear more resemblance to a Regional Council, with executive committees (constituted as in para (ii) above) and committee chairmen directing and controlling the NI Departments. Legislative powers would rest with Westminster (but could be transferred, if desired, at a later date).

(b) Any such system would have to provide for the executive committees to be responsible for all the activities of the existing NI Government Departments (which combine some responsibilities of central government with those which, in Britain, are usually exercised by upper tier local authorities). Any other arrangement would take a long time to set up, since it would be necessary to break up most of the NI Departments into separate 'central' and 'local government' administrations and the necessary legislation would be both complex and controversial.

(c) It would be possible, under the arrangements envisaged for this 'model', for legislative powers to be exercised at a later date.

MODEL D

EXECUTIVE GOVERNMENT SIMILAR TO BRITISH UPPER TIER AUTHORITY

(i) A province-wide elected Council would appoint functional committees whose proposals would require endorsement by the full Council. The Council would have no legislative powers but would - through its committees - direct and control the NI Departments in the discharge of their executive functions.

(ii) The Council would be responsible for all the executive functions of the NI Government Departments (and not just those which in Great Britain are discharged by local government authorities). This will allow the existing administrative structure in Northern Ireland to be transferred en bloc to the new Council, thus avoiding what would be a complex and lengthy process of splitting the Departments between central government and the new authority. (This arrangement would also allow for subsequent progression to full devolution of all matters transferred in 1973.)

(iii) The minority could be given a greater or lesser role in the system. It could be restricted solely to minority membership of the committees (as in Great Britain). It could be bolstered by the need for a weighted majority vote in certain circumstances (perhaps even regular votes of confidence on that basis) or by Secretary of State's powers of default, intervention and direction - on appeal from the minority. Or, the minority might be given a share of the committee chairmanships as well as just seats on the committees.

MODEL E

EXECUTIVE GOVERNMENT WITH A COUNCIL CHAIRMAN ELECTED BY WEIGHTED MAJORITY

(i) A Council, elected by PR/STV, might elect a Chairman by weighted majority vote big enough to demand inter-communal agreement. The Chairman would then form an Executive, the members of which would direct and control the various NI Departments.

(ii) Each member of the Executive might act as Chairman of a Committee of ten members drawn, relative to party strengths, from the Assembly. The Committees could have an advisory role, and could also be responsible for laying down general policy guidelines.

(iii) The Council would have no legislative powers (except perhaps in relation to certain subordinate legislation). It would essentially be a forum for general political debate; and it would give the opportunity to all members to question the activities/policies of the Executive. Select Committees might be appointed from the Assembly with full investigative powers. Membership might be weighted to include a greater proportion of minority party representatives.

(iv) The provision of a weighted majority for the Council Chairman would require the majority to gain minority agreement to the appointment. In return the minority might be expected to secure a number of places on the Executive. However, through the Committee system, the majority parties could still have overall control of policy. Although the Council would have no significant legislative powers, these could be included at a later stage with minimum modifications to the basic structure.

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