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PERSONAL MESSAGE FROM THE RT.HON. EDWARD HEATH MP
TO MR LIAM COSGRAVE TD

As you know, Mr Whitelaw has been talking for some weeks with the parties at Stormont. He was able to give Dr Fitzgerald an account of progress, which has been surprisingly good, when they met on 8 November. Mr Whitelaw explained the need for a Unionist majority on the Executive, and for Mr Faulkner to be Chief Executive member. There was, I understand, general agreement on the need for swift action.

2. This week Mr Whitelaw has continued his talks. It is evident we have now reached the stage when these matters must be brought to a conclusion. If we miss this moment it may not recur. Mr Whitelaw has two responsibilities to Parliament - first to be satisfied that the Assembly has the appropriate standing orders, and second to see that "a Northern Ireland Executive can be formed which, having regard to the support it commands in the Assembly and to the electorate on which that support is based, is likely to be widely accepted through the community". This means an Executive with a Unionist majority. Mr Faulkner and those other responsible Unionists who are anxious to work the new settlement in cooperation with the SDLP could not survive without that majority, and without their participation there will be no Executive.

3. Therefore, on Monday, 19 November, Mr Whitelaw will confirm to Mr Faulkner and Mr Fitt that they are to be Chief Executive Member and Deputy Chief Executive Member respectively. To Mr Faulkner he will say that from within his party Mr Faulkner may choose a further five Executive members who will be responsible

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for Commerce, Environment, Education, Agriculture, and Community Relations. Through Mr Fitt he will offer the SDLP a further three Executive members, responsible for Finance, Manpower, Health and Social Security. The SDLP will also be offered the post of Chief Whip; though outside the Executive. Thus there will be six Unionist Executive members, and five others, four SDLP and, it is hoped, one Alliance. There may be some change in the allocation of Departments, but this is the best indication I can give you at the moment.

4. The SDLP already have some idea of this outcome, and indeed the press have carried leaks. They may complain but the immense gains that have been obtained, and, we must hope, their own sense of the political realities in Northern Ireland, should persuade them that this is not only a reasonable settlement but moreover opens the way to a totally new situation giving them a major say and real influence in the affairs of Northern Ireland.

5. We recognise the importance of ensuring that the package as a whole offers sufficient attractions to all. I am asking Sir Arthur Galsworthy to visit Belfast next Monday, so that he may be fully briefed by Mr Whitelaw on the situation, and be in a position to provide you with any additional information on his return to Dublin. I would, however, like to indicate to you the way in which our minds are working.

6. First, we think the Council of Ireland should figure prominently in Mr Whitelaw's statement. There is obviously a limit to the decisions that can be taken in advance of consultations. But
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we, for example, reaffirm publicly that a bilateral North-South Council would be acceptable to HMG as regards devolved subjects, though arrangements will be necessary to safeguard our interests in the area of finance. We can also announce our agreement to the proposition (which we understand is favoured by the SDLP and also by your own Government) that there should be two tiers, with a separate and advisory level involving members of the Dail and the Assembly in addition to the Government-Executive level. This puts pressure on Mr Faulkner to move towards his SDLP colleagues. Similarly we would agree to the proposition that the Council should have some executive functions: and, finally, we would again publicly state that we envisage that the Council could play a useful role in relation to certain subjects reserved for the time being to the United Kingdom Government, and on which HMG would need to be represented. How this might be done would need agreement between the two Governments and the Northern Ireland Executive.

7. This leads naturally to the concept of a common law enforcement area. This, if achieved, could offer reassurance to those especially amongst the majority community in the North who want to see terrorism tackled on an all-Ireland basis, and at the same time it would encourage those in the minority and in the Republic who seek a Council of Ireland with significant duties. We must recognise that a common law enforcement area is a proposal of very considerable complexity, certainly involving legislation, and almost certainly an adjustment in the traditional concept of domestic jurisdiction that has hitherto governed all our law. This is not something we can arrange over-night by administrative

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fiat, and it is important, if together we agree to try to bring this about, that we make a success of it. At the same time it is important to maintain the political momentum. We shall need to reconsider with you how best this important matter can be urgently examined, possibly by means of a joint study.

8. There remains the hurdle of whether the Tripartite Conference should precede or follow the formation of the Executive. The SDLP and the Unionists, whose cooperation as fellow members of an Executive we are so near to achieving, remain obstinately divided on this issue, and it is absurd that success should be frustrated on an essentially procedural point. We are still considering this and I think we may be able to draw upon some of the ideas you put forward at Baldonnell, modified to take account of progress since achieved in the Stormont talks.

9. I hope Sir Arthur Galsworthy will early next week after his visit to Belfast, be able to give you additional information on other relevant matters. Meanwhile, may I most earnestly request that you keep these matters wholly confidential. The package will most probably be presented to the Parties on 19 November, and Parliament will be told soon afterwards, most probably in the Debate on 22 November. Whatever the Parties' reactions, we feel we must present a package on these lines to Parliament.

16 November 1973

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