

NATIONAL ARCHIVES

IRELAND



Reference Code:	2010/53/853
Creation Date(s):	[March] 1980
Extent and medium:	7 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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Text already circulated in telex form
Addition to Section 3 of Brief

ATKINS CONFERENCE ON THE GOVERNMENT OF NORTHERN IRELAND

EVALUATION OF CONFERENCE Report from London Embassy

1. British Ministers are at present considering further procedure in connection with the talks that have been going on at Storemont. Mr. Atkins will transmit his formal report to Mr. Whitelaw's Cabinet Committee before the end of April and that Committee will in turn report to the full Cabinet early in May. Decisions will then be taken on whether or not to publish a new White Paper on the basis of which the Conference might be reconvened before the summer. (There is already a draft of such a Paper.) This process would then lead on to a suitable mention in the Queen's speech and draft legislation of quite extensive scope in the autumn.
2. Alternatively, it might be decided to publish only a Green Consultative Paper at this stage, thus implying a somewhat more deliberate rate of progress. However, even on this basis, the hope would remain of enacting new constitutional legislation in the autumn. There would also be before the summer a further process of consultation either in a reconvened conference (possibly in London) or bilaterally. Whether the Paper to be published at this stage is White or Green, the intention of British Ministers is to draft something much tighter than has been achieved in Atkins' previous paper. They wish to limit more narrowly the range of solution on offer with a view to focussing further discussions, without necessarily at this stage attempting to isolate a single formula which they would attempt to impose. Indeed it is unlikely that they have yet determined in detail the elements of such a formula as they do not yet see any solution to the fundamental problem of bridging the gap on "power-sharing" between the DUP and the SDLP.

EVALUATION OF CONFERENCE

3. The British authorities have no doubt that the Conference thus far had been a useful exercise although they have difficulty in spelling out the precise advances that have been made. The British also say that the SDLP and the DUP share in this evaluation. According to the Foreign and Commonwealth Office "even Seamus Mallon" thought that the discussion between the SDLP and the DUP had been extremely useful.

4. The British regard the parties to the Conference as having agreed on the need for devolved Government, that that Government should have both legislative and administrative responsibility (but apparently excluding responsibility for security) and that none of the available models for the revision of Local Government would be adequate. What the parties are not agreed on is a suitable mechanism for the protection of the minority under a devolved Government, although the British claim that Paisley admits the need for such a mechanism and, they say, would be prepared to be quite open about the mechanism or mechanisms to be adopted, short of power-sharing.

5. The DUP and the other Unionist parties completely rule out any power-sharing mechanism on the 1974 model or any similar

7. While the public image of the Official Unionists is depressed they continue to have considerable reserves of influence with the Conservative Party, particularly on the back-benchers. If they cannot be involved in a solution, or if Atkins cannot maintain momentum towards devolved Government, the only

provision assuring as of right to representatives of the of the minority seats in a future Northern Ireland Cabinet. Atkins accepts that this refusal is absolute and that there is no prospect of progress towards devolved Government on that basis. He also maintains that in the absence, (in contrast to the situation in 1973) of any significant Unionist Party prepared to support or even to accept a power-sharing arrangement, there would be no point in the British Government attempting to impose such an arrangement.

6. In the event of agreement on devolved Government being achieved, it is far from certain that Paisley, rather than an OUP nominee, would be Prime Minister. Consequently, the prospect of agreement is not sufficient to tempt Paisley to break with any of the fundamentals of Unionist belief since 1974. He is most conscious of the way in which successive Northern Unionist Leaders were overthrown because of concessions they had made and he is determined not to be bullied or seduced into following them. At the Conference table, Paisley's attitude has been significantly different from his earlier image of a dictatorial leader of his party. He has been very careful to consult with Alister, Robinson and his other lieutenants as the Conference proceeded and is now projecting the idea that the DUP has its own internal debate. It is also true of course that Paisley has by no means won the battle with the OUP for possession of the Unionist soul. There remains a large number of middle-of-the-road Unionists who could not bring themselves to vote for Paisley and he must therefore remain vigilant so that he is not out-flanked or otherwise out-manoeuvred.

7. While the public image of the Official Unionists is depressed they continue to have considerable reserves of influence with the Conservative Party, particularly on the back-benchers. If they cannot be involved in a solution, or if Atkins cannot maintain momentum towards devolved Government, the OUP may become a dangerous source of mischief. A considerable number of Conservative back-benchers continue to look favourably on Local Government reform (which was a principal fall-back position mentioned in the Conservative Party manifesto) as a vehicle for restoring to Northern Ireland control over its own affairs. The similarity of views between the OUP and right wing Conservative back-benchers might lead at some stage to an alliance between them and even a possible back-bench revolt.

8. To date, informal sessions of the conference, the SDLP has held firmly to its demand for power-sharing as an unnegotiable element in any agreement. The British Representatives have been unable to persuade the SDLP that there is no prospect of an agreement involving power-sharing. The British say they do not know whether the objective of the SDLP is to wreck the Atkins initiative on this issue or whether they are merely practising brinkmanship with a view to achieving the best possible bargain. Possibly, the SDLP themselves do not know or have not been able to reconcile the different tendencies within their party. Some British Officials believe that the SDLP are pinning their hopes on the Dublin Government 'pulling their chestnuts out of the fire'.

9. British officials are at present attempting to design a mechanism which would offer to representatives of the minority some control and, indeed, influence over the activities of a future Government of Northern Ireland without automatic representation in the Cabinet. One idea at present apparently under consideration is some sort of financial committee which would give the minority or opposition a power to block the allocation of funds to areas or proposals they disapproved of, and thus to bargain for proposals they favoured. No doubt consideration is also being given to some form of qualified majority voting.

10. British Government strategy at this stage seems to be based on the realisation that the parties to the Conference cannot negotiate an agreement because there is no formula which would cover the mandates of all of the participants. The British imply that there is an understanding that what they must now do is to design, on the basis of the Conference proceedings and their bilateral contacts, a compromise formula which they would then put firmly to the participants (without much scope for re-negotiation) and that the participants would then, if possible, recommend this formula to their constituencies on the basis that, while it was not perfect, it was the best available and offered considerable progress to all those who supported the need for a return to a devolved administration. It would appear from contacts in London that this much is now accepted British Government policy and that the questions still outstanding are questions of tactics, of timing, and of the content of the formula which the British Government will in time propose.

11. In the event of this procedure breaking down, British officials point to the likelihood that Conservative back benchers will insist on the letter of the Conservative Party manifesto, that is to say, that in the absence of agreement on devolved Government, increased powers will have to be given to the Northern Ireland local authorities.

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Consultations between Irish and British Governments

12. Recent contacts with British officials tend to confirm that the British Government will be quite happy, indeed anxious, to have consultations with the Irish Government for the whole range of mutual interests arising from the Northern Ireland situation. They also tend to confirm that there will be no problem in principle with the idea of a full-scale prepared meeting between the Taoiseach and Mrs. Thatcher after their Luxembourg meeting. Where the British Government would have a difficulty, however, would be in seeming to give a formal right of consultation or seeming publically to negotiate with the Irish Government on the future of Northern Ireland. These considerations will obviously influence Atkins in his approach to the communique and the presentation of the meeting, but they also are relevant in a more fundamental way.

13. The British would welcome our advice and indeed any influence we might choose to exert with a view to achieving agreement on devolved Government but not at the price of public references which would undermine the basis on which Paisley and the DUP participate in the Conference.

14. Mr. Atkins now anticipates that he will be asked by Irish Ministers to express a view on the common interest of the two countries in reaching a solution to the Northern Ireland problem based on Irish unity and also the possibility of a declaration by the British Government of its interest in such a solution. Atkins will almost certainly reiterate the formal British Government position that a change in the status of Northern Ireland within the United Kingdom can be made only with the consent of a majority of the people of Northern Ireland. He would clearly not be prepared to commit himself in any public manner to any expression of interest or of hope that such a development should take place or should be encouraged. It is the view of the British establishment that any such expression at this stage would wreck the Conference process and it is, therefore, likely that any insistence by us on the primacy of such a declaration or statement would be regarded by the British Government as

mischievous and hostile.

15. Current British thinking on the package which they will have to prepare for a further stage in the Conference does not appear to offer much satisfaction to the SDLP either on the formula for the protection of the minority community under a devolved administration or on progress towards an agreed Ireland, as proposed by the SDLP. There is a possibility that, in consultation with the SDLP, we may be able to influence the British authorities towards an attitude more favourable to SDLP wishes on the former point. There does not appear to be any reason to believe that we could influence the British Government towards a more favourable position on the latter point, at least until the Conference process has terminated, one way or the other. In effect, if the Conference breaks down and the British do not succeed in establishing devolved Government, they may decide to attempt a more radical departure from the system established in 1922, whether that departure takes the form of a reform of Northern Ireland Local Government and further integration within the UK or steps towards a solution based on Irish unity. However, at this stage, it is very doubtful that pressure by us to push them in the direction of Irish unity would in fact have that effect.