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FUTURE POLICY GROUP

MEETING WITH THE SECRETARY OF STATE HELD IN THE MINISTERIAL CONFERENCE ROOM, STORMONT CASTLE, AT 3 00 PM ON TUESDAY, 19 SEPTEMBER 1972

PRESENT: The Secretary of State for Northern Ireland
 Lord Windlesham, Minister of State
 Sir William Nield, Permanent Under Secretary of State, Northern Ireland Office

 Sir Harold Black, Central Secretariat
 Mr Howard-Drake, Central Secretariat
 Mr Bloomfield, Central Secretariat
 Mr Kidd, Ministry of Finance
 Mr Shimeld, Ministry of Finance
 Mr Hill, Ministry of Home Affairs
 Mr Aiken, Ministry of Health and Social Services
 Mr Young, Ministry of Agriculture
 Mr Brooke, Ministry of Commerce
 Mr Slinger, Ministry of Community Relations
 Mr Leitch, First Parliamentary Draftsman
 Dr Donaldson, Director of Law Reform
 Mr Steele, Special Adviser
 Mr McAllister, Central Secretariat (Secretary)

Sir David Holden, Central Secretariat, Mr Dugdale, Ministry of Health and Social Services and Mr Shea, Ministry of Education, were on leave and Dr Oliver, Ministry of Development, was on sick leave.

1. The Secretary of State thanked the members of the Group for the time and effort which had been devoted to the preparation of the papers submitted to him. The Group agreed that the papers would be submitted as prepared to the Prime Minister and if he so wished to other Members of the United Kingdom Cabinet.

2. The Secretary of State said that after the forthcoming Conference he hoped to publish a Green Paper setting out the ideas which had been presented at the Conference thus giving Parliament and opinion in Northern Ireland an opportunity to consider them. It was then hoped that a White Paper and Bill setting out and providing for the proposed new arrangements for the government of Northern Ireland could be published before March of next year, when the initial operative period of the Temporary Provisions Act was due to expire. In this way proposals for the extension of the Temporary Provisions Act would be seen to be related to the progress in Parliament of the new Bill making more permanent arrangements. The Secretary of State thought that any Bill making provision for more permanent arrangements would take at

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least six months to complete its Parliamentary process at Westminster.

3. The Secretary of State said that his mind was still open as to the precise form the new arrangements might take but that any solution to be successful would have to:-

- (a) command, if at all possible, bi-partisan support at Westminster;
- (b) be regarded as fair by the rest of the United Kingdom and by international opinion generally; and
- (c) be acceptable to the broadest possible spectrum of opinion in Northern Ireland so that the people of the Province would be prepared to co-operate in a real attempt to make it work.

PROVISION FOR A REFERENDUM OR REFERENDA

4. A general discussion on the provision to be made for, and the timing of, a Referendum on the Border issue took place during which the following points were made:-

- (a) That timing had to be related to the security situation, particularly now that it was becoming clear that pressure extending even to violence was possible from both extremes of opinion in Northern Ireland in an attempt to disrupt or affect the outcome of any Plebiscite.
- (b) That while there were apparent advantages in holding a Plebiscite as soon as possible in an attempt to reduce the importance of the Border issue in the forthcoming Local Government Elections before moving on to detailed consideration of the future structure of government in Northern Ireland, there was also the associated danger that the holding of a Plebiscite, particularly a single-question Plebiscite, would raise rather than lower the temperature.
- (c) That the number and form of the question or questions to be included in a Plebiscite was of crucial importance.
- (d) That while a single-question Plebiscite could be mounted more quickly it might well over-simplify the issues involved and would be extremely difficult to answer without knowledge of the possible future structure of government in Northern Ireland. In this context it was noted that the system of Plebiscites proposed in the paper on the "Irish Dimension" was designed to ensure that the final question relating to the unification of Ireland was not posed until the terms of entry would be known.

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- (e) That a three-question Plebiscite would be a more appropriate vehicle for measuring middle-ground opinion and in particular for assessing what proportion of the minority would not wish to see a united Ireland at this point in time. In this context it was noted, however, that provision for a multi-question Plebiscite, particularly if associated with provision for future Plebiscites, would necessitate a complex Constitutional Bill which would require a substantial amount of Parliamentary time at Westminster, which would not easily be made available.
- (f) That the precise wording of the question or questions would have to be carefully considered, particularly in view of recent experience in the field of the Social Sciences, where the wording of questions had been shown to affect answers. It was agreed that there would be advantage when drafting the questions in having recourse to the expertise available to those concerned with the Government Social Surveys.

6. The Secretary of State said that the form and timing of the Plebiscite were difficult matters which would require further consideration and in this context he invited the Future Policy Group to submit a further paper on the whole question of the Plebiscite.

ACCEPTANCE BY THE REPUBLIC OF THE PROPOSED SETTLEMENT

7. It was noted that while in reality the Government of the Republic appreciated that a united Ireland in the immediate future was neither practical nor desirable from their own point of view they could not state this publicly. It was suggested, however, that the Republic's Government might, while retaining the nationalistic aspiration, be prepared to relinquish the territorial jurisdiction currently enshrined in their country's constitution. It was considered that even this would be a major step forward and a substantial contribution to any proposed settlement for Northern Ireland.

DEVOLUTION

8. A general discussion of the application of Proportional Representation to elections for a Regional Assembly took place during which the following points were made:-

- (a) That while it was by no means certain that the introduction of Proportional Representation would make a substantial difference, at least in the initial stages, in the voting behaviour of the electorate or in the composition of the Regional Assembly, at the very least it would do no harm and might do some good.

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- (b) That there were difficulties associated with the introduction of Proportional Representation for a Regional Assembly while retaining the simple majority system for the Westminster Parliament.
- (c) That despite the difficulties it was accepted that the introduction of PR was a necessary prerequisite for the retention of a bi-partisan approach to Northern Ireland at Westminster.
- (d) That a beneficial by-product of the introduction of Proportional Representation would be the removal of Northern Ireland electoral boundaries from among the potentially contentious factors in local politics.

9. The Secretary of State said that he had become increasingly concerned about the small number of people in Northern Ireland who were prepared to become involved in and take responsibility for the problems of the Province. He therefore accepted the importance of giving careful consideration to the inclusion of non-political interests in any new devolved Assembly. He said that he would not, however, be attracted by the suggestion that non-political interests might be included in a unicameral Assembly but with limited voting rights. The Members of the Group agreed that the real choice was between adoption of a bi-cameral approach or co-option of the non-political interests to the Functional Committees of a unicameral Assembly.

10. Whatever the form of the Assembly in a devolutionary solution it was accepted that the salaries of the Members would require to be substantially higher than those paid to Members of the Stormont Parliament if people of real capacity were to be attracted to stand for election. The Secretary of State said that this problem had been faced at Westminster and would, he thought, be sympathetically considered by the Boyle Committee if a devolutionary solution were to be proposed.

11. The relative merits of Committee Government and the requirement that an appointed executive must receive the support of 75 per cent of the Members of the Assembly to take office were discussed. It was accepted that there were difficulties associated with both.

12. In the case of the Committee System it was noted that there would be administrative difficulties in having a Committee responsible for a Department and that there would be presentational difficulties in getting majority opinion inside Northern Ireland to accept a Committee structure, because of its similarity to Local Authority administration. It was also pointed out that even with a Committee structure some kind of weighted majority might be required in relation to the exercise of legislative functions by the Assembly.

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13. It was pointed out on the other hand that the requirement of 75 per cent support for any administration could give too much power to minority groups in the Assembly who would wish to obstruct the whole system. It was suggested, however, that the functional nature of the work of the Assembly and in particular the introduction of a system of Functional Committees would facilitate co-operation between parties in the detailed work on services. It was also noted that there would be reserve powers which could be exercised if agreement could not be reached within the Assembly and that the existence of these powers would be a strong incentive for the Members of the Assembly to operate the system effectively.

14. It was agreed that for any devolutionary system to be a success there would have to be a consensus of opinion within the Assembly which was in favour of making the new system work.

15. The Secretary of State said that he agreed with the proposal that legislation providing for emergency situations should be on a United Kingdom basis as this would make the exercise of Special Powers more acceptable if such Powers continued to be, or again became, necessary.

16. It was agreed that the major difficulty in any devolutionary solution would be the allocation of responsibility for law and order and particularly the relationship between the Army and the Police in the context of a continuing substantial Army presence in Northern Ireland.

INTEGRATION

17. The Secretary of State accepted that if the future solution was to be on the lines of integration the Scottish Model presented a useful precedent on which to base consideration of detailed proposals. He pointed out, however, that from his own experience the amount of travel involved for Ministers responsible for Northern Ireland in an integration solution constituted a very substantial strain and a real disadvantage.

CONCLUSION

18. The Secretary of State said that he welcomed the opportunity to discuss the papers submitted by the Group and that he would like to look again at some of the difficult areas which had been discussed after the Darlington Conference.

J B McALLISTER

21 September 1972

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