

CONFERENCE ON THE GOVERNMENT OF NORTHERN IRELAND 1980SECOND AND THIRD SESSIONS: TUESDAY MORNING AND AFTERNOON: 8 JANUARY 1980Present:OFFICIAL DELEGATION

Secretary of State
Mr Stowe
Mr Bell
Mr Marshall
Mr Wyatt
Mr Chesterton

ALLIANCE

Mr Napier
Mr Cushnahan
Mr Loretto
Mr Boyd
Mr Cook
Mr Cousins

SDLP

Mr Hume
Mr Mallon
Mr McGrady
Mr Currie
Mr Feely
Mr Logue

UDUP

Rev I Paisley
Mr Robinson
Mr Allister
Mr Beggs*
Mr Calvert/
Mr McClure
Rev W McCrea/
Mr Proctor*

SECRETARIAT

Mr Moriarty
Mr Coulson
Mr Cowling
Mr Huckle

PARTY NOTE-TAKERS

Mr Close - Alliance
Mr McAreavey* } SDLP
Mr O'Donoghue }
Rev W Beattie* } UDUP
Mrs Paisley* }

* Morning only

/ Afternoon only

Second Session

After an apology from Mr Hume for leaks to the Press on the previous day by members of his delegation in contravention of the Conference members' understanding regarding a "self denying ordinance", the Secretary of State opened the second session of the Conference at 10.30 am by inviting Party Leaders to introduce their policy documents. It was agreed that each Party could release its paper to the Press without comment after presentation. There would be no Conference Press Statement after the morning session. Publication of papers laid on the table by parties or individuals not represented at the Conference would be a matter for authors.

- 2 Mr Napier then read out the Alliance Party's paper without additional comment. The paper stressed the party's commitment to substituting for direct rule devolvment of powers of Government on at least the scale of the 1973 devolution. The aim should be partnership in administration and safeguards for minority interests, with full support from all who participated for the security forces. As regards the Irish Dimension, the question of the future status of the Province was taken care of by the provision for periodic referenda. In its other sense, cross-border co-operation, the Alliance party favoured an empirical approach but not its

institutionalisation. The party favoured the enactment of a Bill of Rights for Northern Ireland based on the European Human Rights Convention; a right of appeal on legislative and administrative matters to Parliament at Westminster; and weighted majority votes for key issues. The paper concluded with suggested summary answers to the Working Paper's twelve questions.

- 3 Mr Hume, introducing the SDLP document, said he would not read it out but speak about it. The SDLP welcomed the opportunity provided by the Conference to exchange views, but did not consider the Conference Working Paper to be wide enough in its scope. Northern Ireland's problems could only be solved in a much wider context than provided for in the working paper. Fundamental differences about the nature of the problem led to different approaches to its solution.
- 4 Referring to the violence over the last 10 years - the worst decade in Northern Ireland's history - Mr Hume said that traditional attitudes would not provide a solution. He argued that HMG should recognise that it had a prominent part to play and should not merely seek to place the responsibility on NI politicians and parties.
- 5 HMG's approach since 1920 had been consistent in underwriting and guaranteeing one political tradition. This had neither given satisfactory reassurance to those who benefited from that guarantee nor had it achieved a willingness on their part to accept United Kingdom standards. The constitutional basis of Northern Ireland was no more than an Act of Parliament: this was an inadequate basis because it was always subject to party political dispute, and so was a cause of instability.
- 6 Loyalists too had adopted a consistent approach. The Protestant tradition in Ireland had always sought - and rightly so - to protect its separate identity. The means by which it had sought to do so - by the exclusive use of power - had, however, led to conflict. There were no signs in the district councils - the only current elected bodies - that loyalists had changed their attitude. The SDLP were therefore asking them to re-examine their whole approach.
- 7 The nationalist tradition too had adopted a consistent approach. Their narrow sectional, even sectarian, vision of Ireland had excluded any real understanding of the rights and aspirations of the Protestant community in Ireland. In its extreme form, this attitude had given birth to violence. The SDLP strongly believed that such traditional attitudes should be questioned.

CONFIDENTIAL

- 8 Two such exclusive approaches were bound to lead to conflict. There had to be another way without sacrificing objectives. The SDLP did not believe that one Conference would solve the problem. It could, however, provide the basis on which mutual confidence and trust could grow which would lead to stability and peace. For this, there had to be partnership between the 2 traditions in Ireland. Partnership was not an end in itself; it was not a natural form of Government but a period of partnership was necessary in an unnatural situation, and as a means of moving away from recourse to violence. It was foolish to suggest that partnership should be confined to one part of Ireland. Instead the SDLP believed that freely agreed partnership between North and South on matters of common concern would create an atmosphere of trust and mutual confidence.
- 9 The SDLP also believed that both HMG and the Irish Government had a joint responsibility to rid Ireland of violence and seek to establish mutually agreed means by which people in both parts of Ireland could live together. There should be no unconditional guarantee to one side; instead there should be an agreed system in which there were guarantees for all.
- 10 The first step towards this was the creation of a partnership administration in NI. A further step would be the establishment of machinery which would examine, on an on-going basis, the differences between people in Ireland and between Ireland and GB.
- 11 The SDLP did not advocate traditional Irish unity; instead they believed that Northern Ireland should negotiate with the Republic arrangements whereby people on both sides of the border could live in harmony. The SDLP believed that HMG should encourage this. There had to be a role for all and all rights and traditions should be protected. The SDLP's ultimate objective was peace and stability.
- 12 Dr Paisley then read out the UDUP's paper without additional comment. The paper began by underlining the seriousness of the security situation and the need for a military defeat of terrorism. No political solution would defeat the IRA. Nevertheless the UDUP believed in the need to move away from direct rule to a system which gave real political power to locally elected people, to the maximum possible extent. There could not be a return to the pre-1972 Stormont system, and the Working Paper realistically ruled out discussion of it. Equally it must be accepted that the Working Paper ruled out discussion of other unattainable solutions - Irish unity and a return to the 1973 power-sharing executive. The UDUP supported

CONFIDENTIAL

the empirical approach to the "Irish Dimension" set out in paragraphs 143-4 of the Constitutional Convention report. Within the framework of the Working Paper there was much to discuss, and the refusal of the UUP to take part was much to be deplored. The UDUP approach was based on the recognition of majority rights - as regards both the constitutional position of NI within the UK, and the composition of a devolved government; but the UDUP would be bringing forward substantial proposals to give a role to the minority - whomever that might be. Finally, a devolved administration would have to be given some say in the law and order field, even though initially that might fall short of responsibility for it; and any agreement reached at the Conference should be put to the electorate in a referendum.

- 13 The Secretary of State then adjourned the Conference and said that he would meet the 3 Party Leaders at 2.30 pm to decide when the Conference should reconvene in the afternoon.

Third Session

- 14 The Secretary of State reconvened the Conference at 4.15 pm (after a period of private talks with the 3 Party Leaders) and laid before it a suggested revised
/. programme of work, drawn up by the Secretariat (copy attached). He expressed the
(CGNI/4) hope that this would form a basis on which the Conference could agree to proceed. He explained that the document was based upon the questions on page 11 of the Working Paper but included additional points, comments and views culled from the presentation of papers by the parties in the morning's session.
- 15 In reply to a question from Dr Paisley, Mr Moriarty explained that the items on the programme were intended to cover the ground covered by the questions on page 11 of the Working Paper but not in all cases in the same form or order. The suggested programme was merely an attempt to devise an order in which the items could conveniently be discussed.
- 16 In response to a further comment by Dr Paisley the Conference agreed to delete from the programme the last sentence under item 2 of the programme which attributed views to the UUP. It was agreed that until these views were formally put to the Conference no reference should be made to them.
- 17 The Secretary of State then proposed that the meeting should adjourn until 10.30 am on Wednesday morning in order to allow the parties to give further consideration to the agenda. The Conference agreed to the attached press-statement and adjourned
/.
(CGNI/
P/2) at 4.30 pm.

AGENDA ITEMS/PROGRAMME OF WORK1. Permanence of Arrangements (alternatively this could come at the end of the list)

Should we view the form of government that might be set up as permanent or essentially temporary? (The SDLP suggested that any new arrangements should operate only for a limited period of time; that partnership, which might have some unnatural or artificial elements, should not necessarily be permanent.)

2. One, or more, elected Bodies

Should there be a single, province-wide elected body, thus allowing for, in the UDUP's words "the highest possible degree of devolution"? Alliance agrees with this. Or should there be smaller regional bodies with lesser power? UUP's views on regional councils are relevant.

3. Subjects to be Transferred

What should be the range of subjects to be transferred?

4. Power to Legislate

Both Alliance and UDUP called for legislative powers to be devolved. Is that the unanimous view?

5. Method of Election

Alliance advocated PR(STV). UDUP referred to the Convention recommendation that PR should be used.

6. Bicameral or unicameral

UDUP indicated that proposals for a structure including a second chamber might be worth considering - though reminding us that the Convention Report abandoned the Stormont bicameral structure. Alliance favoured a unicameral system.

7. The Administration's Modus Operandi

Should there be executive committees or a traditional Cabinet?

8. Role of Minorities

How might the Alliance concept of "proportionality" work? Can it - or any of the various arrangements suggested in the Working Paper such as the weighted votes also favoured by Alliance - be reconciled with the UDUP's views as set out in their paper? How do the SDLP envisage their "partnership administration" being formed?

9. Rights of Appeal

On what occasions and through what mechanisms might such rights be executed. Alliance suggested rights of appeal based upon "substantial minority objections".

10. Override Powers

Is it necessary to spell out explicit powers of legislative override for Westminster? How can override be made to apply to administrative acts as suggested by Alliance?

11. Bill of Rights

What are the other parties' reactions to the Alliance proposal? How might it be framed? Should it apply only to Northern Ireland?

12. Financial Arrangements

What revenue-raising power should be transferred and how much freedom to allocate resources should a new administration have?

13. Acceptability of Proposals

What are the views on the UDUP proposal to put any new arrangements to a referendum? At what stage (before or after consideration by Parliament) should a referendum be held? How much help would a referendum result be in judging the level of support in the two communities?