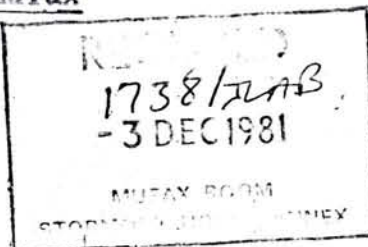


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① Mr Bell 19/12  
② POL 4/12

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cc: PS/SofS (L&B)-M  
PS/Ministers (L&B)-M  
PS/Mr Woodfield (L&B)-M  
PS/Mr Bell-M  
Mr Blelloch -M  
Mr Marshall  
Mr Angel  
Mr Wyatt -M  
Mr Buxton -M  
Mr Doyne Ditmas -M  
Mr Chesterton  
Mr Harrington  
Mr Gilliland -M  
Miss Christopherson  
Mr Blatherwick -M  
Mr Dugdale -M  
Mr Bloomfield -M

MEETING TO DISCUSS CONSTITUTIONAL DEVELOPMENT, STORMONT CASTLE,  
30 NOVEMBER 1981

Present: The Secretary of State  
Lord Gowrie  
Mr Butler  
Mr Mitchell  
Mr Scott  
Mr Bell  
Mr Blelloch  
Mr Bloomfield  
Mr Dugdale  
Mr Angel  
Mr Wyatt  
Mr Chesterton  
Mr Blatherwick  
Miss McGlashan  
Mr Boys Smith

The meeting considered Mr Angel's note of 26 November to Mr Boys Smith and the associated papers, and Mr Shepherd's note of 30 November to Mr Boys Smith.

PRESENT SITUATION IN NORTHERN IRELAND

The Secretary of State said that it would be helpful by way of background to the discussion of the papers to assess the present situation in Northern Ireland. Since he had assumed office the hunger strike had been drawn to a close in a way which placed the Government in a reasonably favourable light with the minority community. The Anglo-

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Irish talks had also on the whole been well received by the minority. But both these events had been viewed less favourably by members of the majority, and they had been followed by a series of PIRA murders culminating in the assassination of Mr Bradford. The result had been an expression of considerable anger on the part of many Protestants. With hindsight he felt that he had not given enough public attention to security questions in the immediate aftermath of Mr Bradford's murder and that this had probably tended to push some unionist opinion in the direction of Dr Paisley. But Dr Paisley had also miscalculated. He had not made Northern Ireland ungovernable, and the signs were that third force would be a considerably more muted affair than had originally been proclaimed. The third force had in its turn caused a number of unionists to react against Dr Paisley, and some were now seeking to take a firmer and more coherent stand.

The Secretary of State noted that Mr Molyneux remained leader of the official unionists largely on sufferance. Despite his honourable and agreeable personal qualities he was excessively under the malign influence of Mr Powell. Thought would now have to be given to whether and to what extent the Government should ease the path of moderate unionists committed to devolution rather than to integration, although care would have to be taken not to give them the impression that they need make no concessions whatsoever. It seemed likely that Mr McCartney would emerge as a force in the official unionist party, and it remained to be seen whether he worked in co-operation with Mr McCusker. Despite the fact that the recent higher security profile might have had little impact on the incidents of terrorist offences there had been useful developments and successes. A continuing consideration would be the need to ensure that moderate unionists were not driven by their frustrations over security too far towards Dr Paisley. The Secretary of State found it difficult to gauge precisely feeling within the Conservative Party although his meeting the previous week with the back bench committee had gone satisfactorily. He believed that he would be able to hold his back-benchers when the time came to make moves on the constitution. Other Westminster



political parties also seemed likely to be generally supportive, and he similarly believed that he would have the co-operation of his Cabinet colleagues. He noted that the Times of 30 November advocated a policy of no substantial constitutional change. For his part, he doubted if this would be wise: the Government would be very weakly placed if, having done nothing, there were further disruptions later in 1982. He wanted thought to be given to how best to take advantage of the developing views of politicians in Northern Ireland.

Mr Wyatt noted that Mr Hume and members of the SDLP traditionally saw direct rule as an extension of unionism because it ensured the continued association between Great Britain and Northern Ireland. It was interesting that some unionists now no longer perceived of direct rule as giving them the protection they once had. Some now believed that devolved government would provide them with a surer protection against Irish unity than did direct rule, given their fear that the British Government had embarked on a policy designed in the end to link Northern Ireland with the Republic. This was why Mr Powell and Mr Molyneaux carried less weight in unionist circles than they had. Many unionists had pulled back from supporting Dr Paisley because they saw the path he had embarked on was tactically unfavourable to them. In these circumstances Mr Wyatt felt that the Government should consider how it might help moderate unionists to behave more responsibly and should examine what pressures it could bring to bear. The Government could not sensibly decide to do nothing. Although such an approach might have been seen as a justifiable policy in 1979 or after the Atkins' Conference it would now be seen as an act of weakness, not as a policy.

Mr Butler had been struck by the strength of feeling, even amongst moderate unionists, that the Government was set on a policy designed to achieve Irish unity. He had originally believed that no constitutional moves should be made. But more recently, in the light of the reaction of the majority community and the risk of militant Protestants opposing the Authorities, together with the increasing sense of frustration in Great Britain, he had come to believe that a move should be made.

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In Mr Scott's view planning for constitutional development could reasonably be undertaken on the assumption that the present Taoiseach might remain in office for some time to come. He noted that, if in the event, the Government decided to make no move it should first have got itself into a position where it could demonstrate that the absence of constitutional development was the fault of intransigence amongst people in Northern Ireland and not the result of its own weakness.

Mr Blatherwick outlined the discussions amongst unionists the previous weekend in Londonderry. The Government might expect to receive their considered views by the middle of January. The meeting had reflected a good deal of suspicion of Dr Paisley and a desire not to become too compromised in the third force. The forthcoming discussions were likely to seek a scheme for devolved government to which all groups would be able to subscribe. There was now a considerable pressure for devolution although the Official Unionist Party was split within itself. Mr Taylor was showing himself more popular at the grass-roots than Mr McCusker or Mr McCartney. The weekend meeting had showed the continued anxiety over terrorist violence, which would no doubt emerge in pressure for the devolved administration to be responsible for security.

Mr Bloomfield noted that anxiety about the British Government's long-term objectives amongst the unionists reflected among other things a tendency to place an interpretation on disparate events which was not justified; some for example saw the Government's stand on the P&O Ferry as part of a coherent policy on Irish unity. Unionists were keen to be in a position to prevent progress towards a united Ireland although they might not have considered views on the powers which a devolved administration should hold. The unionists also noted that the SDLP no longer appeared to be committed to a devolved administration of any kind and there was a feeling that unless moderates worked together they would be overrun by Dr Paisley.

Mr Bell noted that it had been the Secretary of State's intention to exert pressure on unionist opinion. In the event the pressure had



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probably been greater than had been planned. He believed thoughtful unionists were now realising that they should seek to make progress in the lifetime of the present Government, given the current views of other British political parties. One task now was to continue to prompt movement in unionist opinion and also amongst moderate Catholics.

Mr Dugdale did not believe that circumstances had reached a point where a constitutional solution was in sight. At the moment it tended to be assumed that moves by one side could be made only at the expense of the other. The Government had to demonstrate that there could be positive gains in movement. This should be done in the broader context of affairs in the Republic; a demonstrable change on the part of the Republic over extradition would show that there was a willingness to relieve pressure on unionists. It was right to expect movement from unionists, but some effort should be made to ensure the movement was not too difficult for them.

Mr Blelloch pointed out that people might wrongly assume the recent increase in terrorist activity had been the result of a greater effort by the security forces. Those who thought this might have an unrealistic expectation of the capacity of the security forces in any future terrorist campaign. Recent events also showed, when set against the level of terrorism in earlier years and events during the hunger strike, that much of the concern about security was unreal: it was often the perception rather than the reality of security which had changed.

The following points were also made in discussion:

- (1) The vehemence of unionist distrust of the British Government, and the openness with which feelings were expressed, had been striking in recent weeks. So too had been the readiness of unionists to consider devolved government even though schemes had not been coherently thought through. Moderates were keen to have something to show with which to hold their supporters against Dr Paisley. It had to be borne

in mind however that those willing to contemplate safeguards for the minority were usually still a very long way from being ready to agree to power-sharing.

- (ii) It had been noticeable at the recent BIA meeting that Mr Hume and the SDLP representatives appeared more rigid, and less sensitive towards unionist opinion than representatives from the Republic. The Irish Attorney General had emphasised the importance of the Republic doing something on extradition to reassure unionists.
- (iii) It was important, in considering reaction to terrorism, to remember the different interpretations placed on the threat. Ending violence meant to many unionists not simply enforcing the law but ensuring the minority community no longer held the aspirations which terrorists sought to express.
- (iv) Over the last two years there had been increasing pressure on terrorists in both communities. There would in the future be other very violent periods of the kind recently experienced whatever the success and effort of the security forces, but this would not mean that the security position as a whole had necessarily deteriorated. What mattered was to ensure that the security policy and the capacity of the security forces was properly understood by people at large.

#### MEETING BETWEEN ATTORNEYS GENERAL

Mr Angel said that first reports of the meeting between the British and Irish Attorneys General suggested not a great deal of progress had been made. The Irish Attorney said he might be ready to argue in Court that certain types of murder were not political, although he could not answer for the Court's decision. But even if this move was successful it might have no affect on extradition for those who murdered members of the security forces, and this apart, the Government

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or the Republic had shown no sign of flexibility on extradition. The Irish Attorney was ready to agree to changes on the use of exhibits for trials under extra-territorial law, but had shown great hesitation about offering more facilities to the RUC to conduct interrogations in the South. It remained to be seen how things developed and was possible that the Irish Attorney was simply seeking to stake out his position for subsequent discussions.

#### CONSTITUTIONAL DEVELOPMENT

Introducing the Papers, Mr Angel hoped that the discussion would narrow down options; the present meeting could not expect to reach solutions. The Papers had been designed to point up the difficulties in the available options and had not been drafted to analyse in detail the Secretary of State's latest thoughts. Attention might at the moment usefully be concentrated on the process leading to a devolved administration rather than the details of the eventual scheme. There would be sustained interest in the Government's proposals for devolution only if they were seen to lead to a provincial administration with a significant role to perform. Elections would probably need to be an early stage in the process, which would have to be robust enough to withstand external pressures such as, for example, a deteriorating security situation or a change of government in the Republic. These criteria appeared to rule out the first of the five schemes listed in paragraph 1 of the paper on a new elected body.

The following points were made about the schemes listed in paragraph 1 of the Paper on a new elected body:

- (1) A non-executive body with advisory/consultative powers: notwithstanding Mr Angel's points, it might be possible to combine the advantages of this scheme with aspects of others by, for example, retaining responsibility for government within the hands of the Secretary of State working in conjunction with Northern Ireland junior Ministers who would all be ready to be examined by the Assembly.

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An advisory or scrutinising body of this kind would not be the final aim but it could be a start; in 1973 the Assembly had existed before it assumed powers. Against this background, and bearing in mind the apparently growing wish amongst unionists for devolved government of some kind, it was agreed that progress could be made with an advisory or consultative assembly only if it was combined in some way with another scheme, probably involving separation of powers or rolling devolution.

- (ii) A Body exercising executive but not legislative powers: on its own this scheme did not go far enough. But it had the advantage of not first requiring elections which might polarise opinion, although they could be introduced later. It also allowed the Secretary of State to lead the executive in a way which encouraged moderation. If local politicians did not wish to serve it would be they who prevented the representation of Northern Ireland in the Government, not the Secretary of State.
- (iii) Rolling Devolution: this might well be the first of the schemes listed which was practicable and which went far enough to meet local aspirations.
- (iv) Full devolved Government: it was noted that unionists wanted devolved government on their own terms. There would be no consensus amongst unionists for power-sharing in a fully devolved government and the minority was not likely to settle for less than power-sharing.

In further discussion it was noted that elections for an Assembly would be necessary if people of sufficient merit were to be persuaded to come forward to serve in a devolved government; they would require first to be given democratic legitimacy. Without elections a devolved administration would not be easy to present to opinion overseas.



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It would still be possible in theory to re-enforce the UK Ministerial team with Ulsterman but that did not amount to devolution. It might however be worth considering whether the establishment of an administration should precede elections so that the vote was directed to the system of government rather than to fundamental community issues; PR would not prevent polarisation.

Summing up the discussion, the Secretary of State noted that the first scheme for a non-executive body was not on its own sufficient, although it might be a stage in a process of rolling devolution moving to a fully devolved system. Nor did the second scheme for a Body exercising executive but not legislative powers seem sufficient on its own. Attention should therefore be concentrated on the schemes for the separation of powers, rolling devolution, and a fully devolved government. Bearing in mind that the further one moved from full devolved government the harder it would become to attract adequate interest across both the communities, it would be helpful to concentrate further work on the establishment of the final scheme for a fully devolved administration looking to a process of rolling devolution as an intermediate stage.

S. W. Boyd Smith

3.12.81