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Draft paper on:

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Northern Ireland: Political Development

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1. When OD last discussed political development in Northern Ireland last November, it was agreed that the "unique relationship" with the South should be further developed and that I should consider whether political development within Northern Ireland would best be served by the appointment of functional working groups or by an attempt to establish an elected Assembly. The principal object of this memorandum is to seek my colleagues' agreement to my conclusions.

Background

2. First I need to set out the context in which we have to view the political situation:

- (a) Law and Order. This must remain our first priority - both the general task of containing and improving the overall security situation, and the specific problem of the prisons (on which I am circulating a separate paper). Nothing done in the interests of political development must hinder those tasks. Equally, there is a widespread view in the Province, which I share, that our security efforts need now to be balanced by activity on the political front, lest we give the impression that security - and in particular the prisons problem - has become an all-absorbing pre-occupation: that impression could only be helpful to the Provisional IRA.
- (b) Economic and Social Situation. The depressed state of the Northern Ireland economy is a cause for serious concern. Its underlying weaknesses have been exacerbated by the security situation of recent years, while they in turn reinforce the factors making for instability. Levels of unemployment are disquietingly high (21.9% for males and 17.6% overall), and further major closures loom ahead; there is a lack of productive investment; and given investors' perceptions of the special risks and

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uncertainties in Northern Ireland, there is little sign that private enterprise capital will produce an upturn in economic activity (without massive Government help). We shall need to pay special attention, in the allocation of resources, to measures which will assist economic regeneration. Action of this kind could support, and be supported by, new political development.

- (c) Dublin Relationship. This has been actively advanced over the past six months. Following the Prime Minister's meeting with the Taoiseach in December, the programme of joint studies has been set in train. Already two positive gains have resulted: amid wide-spread support for the initiative in Britain and overseas, Unionist complacency has been shaken which may lead to some rethinking of their intransigent attitudes on Northern Ireland's government; and second, the recent attitude of the Taoiseach, even under the acute pressures of the emotions raised by the hunger strike and an election campaign, has undoubtedly been greatly tempered by the importance he attaches to the emerging relationship with us, while the excellent level of security co-operation from the Republic has been maintained. Despite Unionist restiveness, I remain convinced that we were right to open up the London-Dublin axis, indeed that it was essential to do so, and that it will continue to pay dividends, even though the long-term opportunities may still be impossible to define. But we have to tread carefully. The relationship with the South must not assume disproportionate importance: it requires balancing by progress on other fronts.

The Need for Political Movement

3. Since last November interest within Northern Ireland in political development has been low. The Maze hunger strikes have dominated all else. And the political parties have been predictably distracted by the campaign for last month's local elections. It has been no time for a political initiative.
4. However, against the background sketched out above, I am persuaded that it would be wrong to allow the apparent inactivity by Government on the political front to continue much longer. We have always said that direct rule is unsatisfactory in the long-term, and we have consistently urged the minority community to reject violence and instead engage in constitutional politics. Therefore to say that we intend to rely on the present direct rule arrangements for the rest of this Parliament (although that is how it may turn out) is not in my view a viable option. We need to try - and be seen to try - again to move towards its replacement by a system which offers both communities a chance to participate in the political process. With the local elections behind them the political parties in Northern Ireland, our own supporters and the Official Opposition, will expect some new movement.

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5. Already the attention that the prisons situation is receiving makes it important that we make a move on the political front (see paragraph 2(a) above). And the pressure on us is likely to increase at the beginning of July in Parliament when I must ask for approval to renew the statutory provisions for direct rule. I will need then to give some indication of how we see the way ahead.

An Elected Body

6. OD agreed last November that, given the inability of the parties to agree on how to involve the minority in government, it was unrealistic to think in terms of any early move to transfer executive or legislative powers to a new elected body in Northern Ireland; we should instead consider, as we had indicated in paragraph 64 of Command 7950, what we then called a "progressive approach" to the establishment of an elected body. Nothing said since November has challenged that judgement. My proposal therefore is to seek to establish a representative body in the Province that will re-involve local politicians in the political process, and create a forum in which they can demonstrate to their constituents the worth of peaceful, constructive political activity. It should also contain within itself a capacity for developing into a power-exercising body if - against the odds - agreement could be reached on a basis for exercising powers.

7. I should prefer to leave the detail of a scheme flexible until - see below - I have held consultations with the Northern Ireland political parties. I would propose to come back to colleagues with detailed plans in due course. However, in outline the kind of body that I envisage would be elected by PR using the existing constituencies, with a membership of (say) 78. It could have power to divide itself up into committees, whose membership (and chairmanships) could be arranged on a proportional basis thus providing a role for the minority. It would have functions of three kinds:

- (a) advisory/scrutiny: the body would have power to investigate and comment upon, but not to direct, the activities of the Northern Ireland Departments and of the public bodies which provide services such as: housing; education; health and social services; electricity.
- (b) consultative: it would be entitled to be consulted on proposals for legislation (including subordinate legislation) affecting Northern Ireland, and on anything that emerged from the Joint Studies as they affected Northern Ireland - the latter would be a valuable link which would increase the appeal of the elected body to the Northern Ireland political parties.
- (c) "convention": it would have power, and might be specifically enjoined, to consider and make proposals to HMG and Parliament for further constitutional development in Northern Ireland; this would indicate the potential for far more than a talking shop if constructive proposals emerge.

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8. Legislation for such a body, and the subsequent elections, would obviously take time. It could be well over a year before the assembly was operational. To fill that gap, and to show our determination to move quickly and positively, it would be possible to establish a body that was, initially at least, not directly elected. I should welcome my colleagues' views on whether we might provide in legislation that immediately after enactment of the Bill an assembly could gather, made up of eg the 12 Westminster MPs, the three MEPs and a number of District Councillors. They could sit, up to a prescribed maximum period, until elections were held and a directly elected body were constituted. In this way we would obtain the new body sooner, and put off the renewed tension that an election might bring until after the body had been established.

Response in Northern Ireland

9. I do not pretend that setting up a body of this kind will be other than uphill work. On past form the Northern Ireland parties will not view it with enthusiasm; they could even take up from the outset positions of intransigent opposition - eg a commitment to boycott or disrupt. Some of them may seek to upstage HMG by publishing their own unrealistic proposals. Thus when we put before Parliament a Bill to set up the elected body, we are unlikely to be able to say that we have the local parties' support for our proposals. That, however, is unavoidable. For nine years successive governments have sought cross-communal agreement on political development. It has not been forthcoming. And the recent polarisation of attitudes in the Province demonstrates that there is no prospect of inter-party agreement on a way forward in the foreseeable future.

10. Thus, to make agreement a precondition of action (as we have done up to now) is a certain recipe for indefinite stagnation. We cannot afford that. If the local parties will not support us, we must mobilise support in a different way. Our case will have to rest on HMG's own assessment of the continued need for political development in Northern Ireland (for the reasons I have elaborated) and our conviction that an elected body of this kind is the best - indeed the only feasible - way forward in present circumstances. We shall need to work hard to win support among the people of Northern Ireland (whatever their political leaders may say), abroad, and above all in Parliament (where I see a White Paper and major debate having a key role). We must be able to show that, if the local parties persist in resisting our proposals, they are flying in the face of the considered judgement of Parliament. I believe that proposals of this kind could attract support from both sides at Westminster. In that case, if one of the local parties refuses to co-operate we can still press ahead. While it is impracticable to impose in the face of local opposition a body that exercises powers, we can impose an advisory/consultative body. If a party refuses to participate, we can proceed without it, listening to the views of those who are ready to give them.

Long Term Prospects

11. We must not over-state the prospects of success for the elected body I have described. It will draw from a limited pool of talent.

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The scope of its activity will be restricted - with the Province's economic dependence supplying an additional limitation: this may engender frustration. It will make demands and place constraints on government. We may at best hope that it might develop into an institution that engages the participation of both communities in Northern Ireland; but we cannot be confident.

12. Nevertheless I believe that some action is imperative; that it is right to go down this road; that there is no other preferable course; and that given patience and determination we can offer the people of Northern Ireland a real opportunity to make a start towards a greater role in managing their own affairs.

Tactics

13. I see the next steps as follows:

- (i) Invitations to the main Northern Ireland political parties to meet me separately for discussions about political development. At these talks I would not put HMG's proposals "on the table"; but I would listen to anything that they had to say and would also indicate routes that are barred. I would announce in the Renewal Debate that these discussions were in train. They would probably not be completed until about September. My next step then would be to draw up firm proposals and publish them in the Autumn, probably in the form of a White Paper.
- (ii) Publication of this White Paper and subsequent legislation would be promised in The Queen's Speech and enacted in the 1981/2 Session, opening the way to elections to the new body in late 1982 or early 1983.
- (iii) To fill the gap before then, we might convene the body from existing elected representatives, pending subsequent direct elections to it, thus enabling it to start work as early as spring of 1982.

Some Other Issues

14. As well as an elected Assembly I have considered other possibilities: for example, proposing the appointment of Ulstermen as Ministers, the establishment of a Northern Ireland Select Committee, and the appointment of Commissioners. All these, however, would fail to involve the minority in any meaningful way and would represent in most eyes a perpetuation of direct rule rather than a move away from it. I have given special consideration to the Lord Chancellor's suggestion of appointed functional working groups. But I see here both political and practical difficulties. I fear that the groups would not carry the weight to gain acceptance from the political parties; and the creation of new non-governmental organisations would make for embarrassment and even confusion in

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seeking a clear relationship with the many executive and advisory bodies already in existence. An elected body of the kind proposed above is in my view to be preferred.

15. I have examined the scope for increasing the range of duties - at present minimal - performed by the 26 District Councils. It is important here to remember that neither the councillors nor their staff are of the highest calibre, and that most of the councils serve a very small area (almost two-thirds of them have populations of less than 50,000). This rules out any question of transferring major services such as education or personal social services to them. The sort of powers that, in administrative terms, it would make sense to devolve are minor road works and local development control. Even these might well prove controversial, because of the emotions aroused by perceptions of local government in Northern Ireland as discriminatory. Such a meagre package would anyway not stand up alone; at best it would serve as a make-weight to other elements. I propose to raise the question of district council powers in my discussions with the parties, and to keep an open mind on the possibility of including some proposals in this area in my eventual "package". But I see no advantage in mentioning this option, except in the most general terms, in the Renewal Debate.

Conclusion

16. I invite my colleagues to agree that -

- (i) developing the "unique relationship" with the Republic remains an important part of our policy for Northern Ireland;
- (ii) to complement it (and our other policies) we should seek to establish an elected body for Northern Ireland with advisory, consultative and "convention" powers, beginning with bilateral discussions with the parties to be announced in the Renewal Debate;
- (iii) I should continue to explore the scope for modest and agreed devolution of powers to district councils.

Northern Ireland Office

H.A.

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