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2. POL 2.MEETING TO DISCUSS POLITICAL DEVELOPMENTS HELD ON 29 JANUARYPresent

Secretary of State

Mr Scott

Mr Needham

PUS

Mr Bloomfield

Mr Brennan

Mr Stephens

Mr Stephens

Mr Barry

Mr Erskine

Mr Chesterton

Mr Ferneyhough

Mr Elliott

Mr Gilliland

Miss Elliott

Mr Spence

Mr McConnell

Mr Ehrman

Mr Daniell

RECEIVED
1454
30 JAN 1980
HOUSE OF COMMONS
STORMONT HOUSE

1. This note records the decisions taken and main points made at yesterday's meeting.

Meeting between the PM and NI party leaders

2. Through their statement made on returning to the House after the by-elections the unionists had made it clear that they envisaged a meeting with the Prime Minister. The Secretary of State would recommend that she agreed to see them and that all of the MPs, including Mr Kilfedder, could be seen together; the meeting would probably take place towards the end of next week. There might be advantage in the Prime Minister taking the initiative and issuing the invitations before they put in a formal request to see her; she could also invite John Hume and Seamus Mallon to a meeting which would take place after a suitable interval, as well as John Cushman. It would be made clear in the invitations that the Secretary of State would also be present. The Secretary of State intends to discuss this at his meeting with the Prime Minister today.

Line to take with the unionists

3. The MPs could be encouraged to think positively; they wanted to scrap the Agreement but they had not suggested anything in its place. They should be taken through the Agreement point by point and

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and invited to spell out their objections, perhaps on the basis of the Assembly Grand Committee report, which would give HMG the opportunity to explain why some of their misconceptions were ill-founded. While we could not expect to shift them from their fundamental objection to the Irish being given the opportunity to talk about security and other matters in the North, it might be possible to go some way towards meeting them on their specific worry that the Irish had been given something which they had never had - formal consultation on security matters and access to the Chief Constable. The unionists could be offered monthly meetings with the Secretary of State who might be accompanied by the Chief Constable. It was agreed that Mr Stephens would as a matter of urgency sound out the Chief Constable on whether he would be content with such an arrangement.

4. At a meeting with the Prime Minister, devolution would be raised and the point made that to the extent that powers were devolved they would be taken out of the ambit of the Agreement. The issue would be linked with the future of the Assembly. While the unionists should be encouraged to be positive, care would have to be taken at this stage not to force them into a corner where they would adopt a negative stance; for example it was unrealistic to expect them immediately to sit down to talk with the SDLP or to endorse particular models suggested by HMG. All options could be kept open, including the idea of continuing with the Assembly on a consultative basis. The approach would be exploratory, aimed at drawing the unionists out, rather than putting forward ideas which might be rebutted. At the same time more efforts could be made to persuade the SDLP to think positively about moving some way towards meeting the unionists on devolution.

5. In order to deal with the argument about existing channels of communication with unionists and others, it was agreed that briefing should be prepared showing how the Government had paid careful attention to the views of the Assembly (action Miss Elliott).

The Assembly

6. There were two areas of difficulty being created within the Assembly. First, if it did not resume its scrutiny functions, action

● would soon have to be taken in respect of the staff allocated to assist the Assembly in this work. The time for decision on this could not be long delayed. Second, if it were to become a platform for propounding unconstitutional activity or for provocative strident speech-making, then it would have to be brought to an end. The Secretary of State endorsed these approaches while making it clear that he wanted the Assembly kept in business if at all possible. At this stage the Assembly could be given a "warning shot" about the need to get back to normal business, but not an ultimatum.

7. The Assembly was about to authorise its committees to examine the impact of the Agreement on each department. This was a device by which the departmental committees could be kept in being in a manner consistent with the unionists' current stance. The Alliance Party regarded it as an illegitimate extension of the committees' role and the HMG's response should be made with this in mind. In particular, the Secretary of State endorsed the view that Assembly committees should not be permitted to call officials to give evidence about matters relating to the Agreement. If members of the Assembly wanted to discuss the Agreement and the work of the Conference, then they could be offered a meeting with the Secretary of State.

8. As for the future of the Assembly, the attitude of the SDLP would be critical, as well as the behaviour of the unionists. While ideally we would like to see the SDLP take their seats in the existing Assembly, the most critical point was to persuade them to participate in the next Assembly elections without preconditions; in particular they should not necessarily expect agreement on devolution before the Assembly elections. They might accept this provided that the Anglo-Irish Agreement had been seen to be working. The critical time for seeking a gesture from the SDLP would be May/June; in the current atmosphere any move on their part would be rebuffed by the unionists while July/August was not a good time to seek rational discussion.

9. The Secretary of State agreed that work should be set in hand on a contingency basis in preparation for Assembly elections in the autumn, including the Order on '1' voters, updating

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electoral regulations and revising the list of identification documents (Miss Elliott to note). A decision on the future of the Assembly would be required by early summer. The Secretary of State asked for a note on the arrangements for paying Assembly members who took their seats late; this note should compare their position with that of MPs and address any possible tax implications (action Miss Elliott).

District Council Rates

10. DOE contacts suggested that there was considerable disagreement amongst unionists at district council level over future tactics; the last thing that they wanted was the appointment of Commissioners. The Secretary of State endorsed the view that councillors should be given maximum opportunity voluntarily to strike a rate but that they should be given clear signals that the Government meant business over the appointment of Commissioners if councils persisted in their present course. This pointed to an urgent Order in Council being taken at the Privy Council meeting on 12 February, with attendant publicity; indeed the Government's intentions could be announced a little earlier. If some district councils failed to strike a rate by 15 February, then the Government could appoint an Inspector who would formally determine whether the councils concerned were in default. If the councils were found in default, then they would be given 7 days to remedy it. Then, probably around 3 March, the decision would have to be taken on whether DOE should simply remedy the default or put Commissioners in. The Secretary of State has asked to be kept in close touch with developments on this front (PS/Mr Needham and Mr Barry to note).

Provisional Sinn Fein

10. There was some discussion over PSF's likely tactics if faced with a requirement to make a declaration; the possibility could not be ruled out that, however a declaration were worded, PSF candidates and councillors would be prepared to make it and to temper their words in a way that kept them on the right side of the law. They would no doubt find a way of rationalising such a position. If action were required quickly it would be possible to make an order

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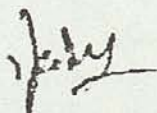
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containing the declaration requirements; this could be followed up by primary legislation containing enforcement provisions. However this would leave the Assembly uncovered in that both the declaration and enforcement provisions would have to be passed by Bill. This would be serious given the Assembly elections were due in the autumn; it might even be necessary to consider postponing the Assembly elections until after the necessary legislation had been passed. The Emergency Provisions Amendment Bill would be the legislative vehicle.

12. Accepting that there were difficulties over enforcement, the Secretary of State nevertheless agreed that we have to be seen to be taking action on this front. It would be necessary to consult colleagues, in particular the Lord Chancellor; and the Lord Chancellor should be encouraged to consult the Northern Ireland judiciary. It was agreed that the Secretary of State would write to the Lord Chancellor setting out the proposals and including both of the options for enforcement set out in Mr Chesterton's minute of 24 January (action Mr Chesterton please for a draft by 5.00pm on 31 January). The papers sent to the Lord Chancellor should include reference to the two recent High Court judgements in which judicial notice was taken of the nature of Sinn Fein and their presence on district councils.



J A DANIELL

Private Secretary

30 January 1986

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