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CONSTITUTIONAL DEVELOPMENT: ATTITUDES OF THE MAJOR PARTIES

1. Wednesday's meeting briefly discussed the likely approaches of the major parties to the ideas put to them by the Secretary of State. I attach a paper which seeks to assess their attitudes more fully.

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CONSTITUTIONAL DEVELOPMENT: ATTITUDES OF THE MAJOR PARTIES

1. Following the meetings the Secretary of State has recently had with the SDLP, UUP and DUP, it is a little easier to assess where we stand and where we might hope to go from here. A summary of the major parties' views and likely attitudes may be a useful starting point.

DUP

2. Dr Paisley and Mr Robinson listened carefully to the Secretary of State's exposition, asked several questions and took copious notes. Dr Paisley said that he would need to clear his lines on the Devolutionist Forum proposals before responding, but would like another meeting as soon as he was able, in order to put the Forum's position to the Secretary of State and respond to the Secretary of State's ideas.

3. The DUP will almost certainly press the merits of the 1975 Convention Report, with the one or two modifications the Forum has reportedly been discussing. They will object to the concept of "shared responsibility" through weighted majorities as a thinly disguised variant of institutionalised power-sharing. They will also make it clear that the party will remain totally opposed to the Anglo-Irish talks and any proposal that the Assembly might have a role to play in them. Mr Paisley may nevertheless be attracted to the concept of an elected Assembly. He would certainly welcome elections, which he would expect to demonstrate that the DUP now had greater support in the Province than any other party. An Assembly could give the DUP a useful platform to make known its views and disparage Government policies. With perhaps some 25% to 30% of Assembly members, the DUP would be in a strong position to control the level and pace of political debate, to bring the Assembly to a standstill, or to bring it down if things developed in a way the party did not like. In the last resort, an Assembly could give the DUP a launching pad for a demand for simple majority rule or even UDI.

4. Dr Paisley will have to decide whether his personal style of politics is likely to be given more scope by going along with the plans for an Assembly, or seeking to wreck them. This choice will be open to him after as well as before the Assembly is established. But his

rashness may be tempered by associates, such as Mr Robinson, who take a less destructive line. My guess is that Dr Paisley will press hard for the Devolutionist Forum line, not least in order to give himself some leverage over the Government and an election platform, but that unless a major upset occurs on the security or Anglo/Irish fronts, for example, he will go along with the establishment of an Assembly. Alone of the major parties, the DUP is self-confident and ready to face new challenges.

5. The weighted majority question presents a problem for the DUP. They would presumably see merit in a lowish figure (say 65% which would give them some hope of forming a unionist coalition executive. On the other hand, a highish figure (70%) would give the party a blocking capability if it managed to get over 30% of the seats in the Assembly, which is reckoned not impossible.

#### UUP

6. The UUP is in a sorry state, deeply divided over personalities and policy, with badly shaken morale and mesmerised by Dr Paisley's publicity successes. The Executive has formally decided that the Party will go no further than the 1975 Convention Report as regards minority participation. Nevertheless, the group which saw the Secretary of State on 1 February was ready to discuss his ideas on devolution and plan to discuss them again once Cabinet approval has been given and proposals can be firmed up preferably in writing. A sizeable group inside the Party, with Mr McCusker as its spokesman, is privately willing to consider paying a price in terms of minority participation in order to secure devolved powers. The "pure" integrationists, led by Mr Powell, are very few. However, they have the support of many party members who ideally would like Stormont back but are prepared to go no further than the Convention Report. Mr Molyneaux is hoping that he can retain the support of the last group by portraying McCusker and his supporters as Government dupes who are misguidedly selling the pass on majority rule - though the "progressive" nature of the Government's proposals, in which the crucial problem of establishing an Executive can be deferred, may make this difficult for him. The 'devolutionists', on the other hand, believe that the party grass-roots can be persuaded to pay a price, and that unless the UUP adopts positive policies it will continue to lose ground to the DUP.

7. It is difficult to judge which way the UUP will go. At present, the 'devolutionists' are probably making ground, but the Executive decision to stick closely to the Convention Report is a powerful card in Mr Molyneaux's hands. It will become more powerful if, as expected, Devolutionist Forum announces proposals in about mid-February which are close to the Convention Report's position.
8. The position of Mr Molyneaux is crucial. While he remains leader, the UUP will continue to prevaricate. Though he has little support in the party, there is as yet no concerted attack on his position; and so long as he stays, alternative leaders cannot easily emerge. In any case, there is no easy alternative to him; and it is hard to exaggerate the inertia, indecisiveness and despair in Glengall Street at the moment. Nor can one predict the timing of a possible coup against Mr Molyneaux. The Devolution Group inside the Party could mount one at any time. If Martin Smyth, the party candidate, were to lose the South Belfast by election, it could precipitate a change in leadership; but Smyth is more likely to win.
9. Like the DUP, UUP members will be watching carefully for signs that the proposed Assembly is designed to play a role in a North-South process. They will be sensitive to accusations that they are willing to share power with rebels. We must hope that enough party members can be persuaded that unless the UUP adopts a positive attitude to the Government's proposals, it is doomed. Unfortunately, many are ready to point to the fate of predecessors who, in unionist terms, compromised.
10. The most one can say is perhaps that if the DUP fight elections and take part in an Assembly, the UUP is likely to follow suit (even Mr Molyneaux is said to accept that he was wrong to boycott the Atkins Conference). But even then the party could suffer a sudden attack of nerves, and stay away. Conversely, if the DUP were to boycott the Assembly, the UUP would have to find unexpected reserves of courage to take part.

SDLP

11. The SDLP look at proposals against two criteria: the institutionalised power-sharing of the 1974 Executive and the Sunningdale agreement. They

have expressed extreme disappointment that the Secretary of State's current ideas meet neither criterion, and claim to be at a loss how to fight an election to an Assembly in such circumstances. They say that at their first meeting with the Secretary of State they were led to believe that there was a prospect of an appointed executive (which might circumvent the power-sharing/majority rule dilemma) and that Ministers were ready to look at ideas for giving a joint Westminster/Dail body responsibility for some aspects of Northern Ireland administration. Mr Mallon, in particular, has publicly criticised the Secretary of State's proposals as based on the Convention Report, and failing to give heed to the Irish dimension.

12. While the proposal for 'shared responsibility' through a weighted majority falls short of the 1973 Act, it is difficult to imagine that the SDLP will regard this as a sticking point. The purpose of the weighted majority is precisely to ensure minority participation on terms acceptable to the minority, a point which will presumably be emphasised in the White Paper. The more difficult question is the Irish Dimension. The Government have stated their intention to press on with the Anglo-Irish process, but the pace at which this process goes on is not entirely in the Government's hands. There are serious political constraints - in terms of unionist opposition - in going too fast, and these constraints will grow if Fianna Fail win the election in the South. There may be gestures Government could make towards the Irish identity which could help the SDLP's position: this is being examined separately.

13. The SDLP have probably not yet decided what position to adopt towards the proposals. A fair proportion of the party - notably those like Mr Mallon who live in the border areas of Fermanagh, Tyrone and Armagh - are sensitive to pressure from Republicanism and traditional Irish nationalism in the shape of the IIP. They share these sentiments themselves. Other SDLP leaders, while subject to the same pressures and aspirations, place more emphasis than do their colleagues on the need for the party to exercise, and to be seen to exercise, responsibility. Moreover, the taste of power gained in 1974 lingers.

14. It is unlikely that the SDLP would boycott elections: the party was severely criticised, and deeply split, over their decision not to confront Sands and Carron in the Fermanagh/South Tyrone by elections last

spring. Once elected, they are unlikely to boycott the Assembly, in which we are in effect giving them a blocking position and an excellent bargaining hand. If they find the Assembly developing in a direction they do not like, or if the Irish dimension fails to grow fast enough for them, they will have the option of throwing a large spanner in the works (or of threatening to do so) and taking their complaint to Dublin.

15. However, in the meantime they will continue to argue hard for a significant Irish dimension: the need for one, and the Government's unwillingness to grant enough of one, will probably be a main plank of their election manifesto. We should not take their pleas always at face value. However, the more we are able to satisfy them in advance, the better they are likely to do in elections against IIP, PSF etc, and the more freedom of manoeuvre they will feel in reaching agreements on devolving powers in the Assembly.

#### Alliance

16. The Alliance Party have said they will take part in elections and an Assembly. They always do take part.

#### Conclusions

17. It is likely that all the major parties will be prepared to fight an election to an Assembly; and there is a good chance that they will subsequently take part in the Assembly. However, their motives and goals remain very different, and differ from the Government's. Even if an Assembly is successfully convened, there will be rocks ahead. The three biggest parties will no doubt be impaled on electoral commitments which are mutually irreconcilable, and at difficult moments they will wonder whether their best interests would be served by withdrawal from the Assembly (or worse) rather than by continued participation.