

NOTE OF A MEETING OF THE POLITICAL DEVELOPMENTS GROUP:
WEDNESDAY 2 FEBRUARY 1983 IN GREAT GEORGE STREET

Those present: Mr Brennan - Chairman
Mr Bourn
Mr Angel
Miss Davies
Mr Merifield
Mr Abbott
Mr Blatherwick
Mr Boys Smith
Mr Evers, RID, PCO (for part of meeting)
Mr Blackwell (Item 4)

① Sir E. ...

② POL 8/2

Item 1 - Follow-up to the Secretary of State's meeting with
the Irish Foreign Minister on 1 February

1. The main points of the three meetings which had taken place on 1 February - the tete-a-tete between Mr Prior and Mr Barry, the simultaneous gathering of officials in Sir Philip Woodfield's office, and the afternoon plenary session - were outlined for the benefit of Belfast members who had not yet had the opportunity of reading the records.
2. Mr Boys Smith drew attention to the two main themes which emerged from the tete-a-tete (recorded in his minute of 2 February). The Secretary of State had emphasised the Government's commitment to the Assembly and described the effect it was having on the parties, in particular the UUP. Secondly, Mr Barry expressed the Irish Government's concern that the Government should help bolster the SDLP's position before the general election. The only suggestion he made was that the Government should look favourably on constituency projects for which SDLP candidates might claim credit. He had not, perhaps, understood that the British system differed from the Irish in that respect. Although the Irish Government had not formed a final view on the SDLP proposal for a Council for a new Ireland, the only real reason for pursuing it would be to help the SDLP's electoral chances. (Mr Barry was very surprised at the interest shown by Mr Hume in the idea that a way forward to devolution might be for members of the four parties in the Assembly to act as junior Ministers under the Secretary of State).

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Summarising the plenary discussions, Mr Brennan noted that the Irish had once again stressed that the Government should do all they could to help the SDLP and should keep Sinn Fein at arms length. It was clear that in the short time they had been in office, they had not given any thought to Encounter. We might expect a reaction from them fairly soon. The atmosphere was cordial: neither side had produced a list of problems. The establishment of a Customs presence at Sydenham Airport was the only real worry that the Irish had voiced. The achievement of a satisfactory agreement on Kinsale Gas was our principal concern; any deal had to make economic sense, but failure would be a severe political setback. The Irish made no mention of other cross-border economic projects, or of the Parliamentary tier; and very little was said about the AIIC in general. All this was not surprising, given their concentration on forming a budget in the short time since their election and their recognition that the UK Government was unlikely to take new initiatives before an impending general election.

4. There was some discussion about to what extent the Irish Government identified with SDLP views on current circumstances in Northern Ireland. Last year, Dr FitzGerald had seemed to accept entirely their views about the Northern Ireland Bill. It was generally agreed that most of their information did come from the SDLP and that accordingly they were somewhat naive about some aspects of politics in Northern Ireland. On his recent visit there Mr Barry had talked almost exclusively to the SDLP. The only Protestants he had met were Senator Robb, Mr John Carson and Professor Rea. He had made no attempt to talk to Northern Ireland Office Ministers. The same pattern was evident in visits by DPA officials concerned with Northern Ireland. Part of the problem was that, even if they asked, unionists probably would not talk to them.

5. As for supporting the SDLP's proposal on a Council for a New Ireland, part of the Irish Government's uncertainty, stemmed from their doubts about its effect in Northern Ireland. Neither Fine Gael nor Fianna Fail had anything to gain by pursuing proposals

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on Northern Ireland (criticising the Government was different) because of domestic difficulties. Although they could not disavow the SDLP scheme they might be slow to act. But they knew Mr Hume's view that for them to show no interest in the Council would be disastrous for the future of the SDLP.

6. Summing up the discussion, Mr Brennan said that the previous day's meetings had left us with a number of "positive negatives". There were no awkward commitments - the only action on specific subjects was on Sydenham Airport and Kinsale gas. It was important that both Governments should continue to talk to each other and therefore we needed to identify subjects where movement could helpfully take place; at some stage there would be pressure on both Governments to produce results.

Item 2 - Relations with the SDLP

7. The impression which was current at Christmas that Sinn Fein rather than the SDLP were delivering the goods on certain constituency matters had died away. Sinn Fein had been inactive and not exploited their position. The SDLP had been seen to be readily received by Ministers.

8. There was some discussion about what further could be done to help the SDLP and to minimise the chances of Sinn Fein success at the general election. We had little capacity to do so. Diverting money to constituencies where they might win seats was not feasible. We could not offer power sharing. The civil rights objectives which the SDLP had sought in the late 1960s and early 1970s had largely been achieved and were being safeguarded by Direct Rule. What really distinguished the SDLP from Sinn Fein was its rejection of violence and its image as a responsible party committed to the constitutional process. It would therefore be important to build on that. The SDLP themselves said that the only thing the Government could do to help them would be to ensure that the behaviour and operations of the security forces, especially the UDR, gave no cause for complaint or suspicion. The Government's relationship with a new Assembly security committee would also

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be particularly sensitive and would be watched closely by the SDLP and the Catholic community. Care would have to be taken to balance any Ministerial meetings with the security committee and meetings with the SDLP. It helped the SDLP if the Government was seen to be on good terms with the Irish Government, to be talking to it, and for both Governments to be talking to the SDLP. This enhanced their status and lifted them above the street-level of some Sinn Fein politics. However, it was counter-productive to praise the SDLP publicly. We should respond now rather than nearer an election to any representations from them on specific subjects that we could.

9. Drawing the discussion to a close, Mr Brennan said that these conclusions would be fed into follow-up discussions to the Secretary of State's meeting with Mr Barry.

Item 3(a) - The Establishment of an Assembly Security Committee

10. A security committee was likely to be formed the following week; its terms of reference were as yet unclear but might include a whole range of home affairs/normal law and order matters, as well as security. The purpose of the following discussion was further to formulate official views on the questions requiring Ministerial decisions set out in Mr Bourn's note of 26 January to the Private Secretary.

11. The group considered in turn the problems identified in paragraph 4 of Mr Bourn's note.

- (1) It was agreed that meetings with Ministers should take place in Stormont Castle rather than at the Assembly. This would offend the unionists' sense of the importance of the committee, but it would point the difference between its status and that of the departmental committees. It might be best for the Secretary of State to respond personally to the first two or three requests for meetings, but after that and depending on the subject matter, meetings could be taken by either the Secretary of State or Lord Gowrie.

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- (ii) As a general rule, NIO officials should only attend ^{the} committee in support of Ministers, but there might be occasions where it would be in order for officials to explain technical subjects.
- (iii) The preliminary decision that the Chief Constable and GOC should not address the committee except (and then very rarely) by decision of the Secretary of State and after consultation with them was right. It might be advantageous for informal discussions to take place occasionally.
- (iv) Central Secretariat Circular C14/82 provided sufficient basic guidance for officials about appearances before and material for the committee.
- (v) The approach suggested in paragraph 2(d) of Mr Bourn's minute was agreed. It would be sensible if, on receipt of invitations from the committee, the Chairmen of the Police Authority and other similar bodies were to discuss likely areas of debate with NIO in order to avoid potential difficulties. It would be right for such meetings to take place at the premises of the invited bodies rather than at the Assembly. Discussion should be on policy not on individual cases.
- (vi) Since the Government's policy was to help the committee and to encourage it to be responsible, it would be sensible, on request, to try to provide it with written material. This should deal with policy matters within the Secretary of State's responsibility not with security force operational matters falling to the Chief Constable and the GOC. It would be reasonable, as in current meetings and correspondence with Members of Parliament, for the Secretary of State to undertake to draw such matters to the attention

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of the RUC or the Army. The background note attached to Mr Bourn's note should not be released to the committee, unless a request were made for such a document.

12. It would be important to inform the Lord Chancellor and the Attorney-General of the Secretary of State's thinking on how the committee should be handled. These Ministers had responsibilities for the courts and prosecutions which meshed closely with the Secretary of State's security policy; and the Lord Chancellor was also responsible for matters which inter-mingled with transferred issues. For example, the Enforcement of Judgements Office was involved in the eviction of squatters.

13. The SDLP's alarm at the Assembly's decision to establish this committee accurately reflected Catholic concern at any possibility of responsibility for security returning to unionist hands. In order to reassure the Catholic community, it would be important in future statements about security to keep stressing that responsibility rested with Westminster. At the same time as paying attention to the committee, the Government should also be seen to talk to a wide range of different groups about security issues. The Secretary of State might invite the SDLP to discuss security policy. Although in the past they had rejected such offers, the very fact of the invitation would be important.

Item 3(b) - Ministerial and Official appearances before Departmental Committees

14. The group agreed that there was nothing to add to the discussion which took place at the Secretary of State's meeting on 31 January.

Item 3(c) - The Government's response to the Assembly's views on proposals for draft Orders in Council or other subjects

15. There was some concern that the Government might appear to be offering for consultation proposals for draft Orders, only to ignore the Assembly's representations. However, it was pointed out

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that the Assembly had been considering proposals for draft Orders which had been in train and through the public consultative process before it was set up. Any problems should be greatly reduced in future when it became involved at the beginning of the consultative process. Departments had been asked to invite the Assembly to consider discussion papers or comment on working group reports on particular subjects, and the SDLP could be brought into this consultative process. This would give an opportunity for the Assembly to comment before policy crystallised. A proposal for a draft Order was itself a very flexible document and in future could even include square-bracketed alternatives. However it would always be necessary to make sure that Parliamentary proprieties were not infringed and that accusations that the Assembly was being given a legislative rather than a consultative role could not be made.

16. In general, the Government had reacted favourably to the Assembly's views: the proposal for a draft General Consumer Council order had been withdrawn; and the proposal for a draft Rates order had been slightly amended. It would be important for Ministers to meet from time to time to take an overall view of the Government's response of the Assembly.

Item 4 - Electoral Malpractice - draft report of the Study Group on personation and the abuse of postal voting

17. In summary, the study group had concluded that restrictions on postal voting introduced for the Assembly election had worked satisfactorily; that personation could have a real impact at the next general election, although its effects had been marginal in the Assembly election; that ideally this called for a legal requirement to be made in time for the general election for the production of identification at polling stations in order to obtain a ballot paper; and that since this would require primary legislation, there was little prospect of achieving it. (The requirement could be introduced for the next Assembly election and for local government elections by Order in Council).

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18. After discussion, the Group concluded that it would be unrealistic to recommend to the Secretary of State that he should seek his colleagues' agreement to primary legislation on this matter before the next election. (Even if separate arrangements for Northern Ireland and Great Britain were proposed, in a departure from the present legislative principle, Home Office Ministers would have views). However the need to take action to prevent personation remained. The SDLP, as their recent conference showed, felt very strongly that the practice - and its apparent tolerance by Government - discredited constitutional politics. If it were not possible to move on identification, then it was important to look at alternative measures.

19. There was some discussion about changing the statutory powers of electoral staff. At present only a polling agent could challenge an individual. Electoral staff could only put statutory questions laid down in the election regulations. The Study Group felt strongly that the impartiality of electoral staff had to be protected; once an element of discretion were given to them, their position would be undermined.

20. It was agreed that CPL should pursue with the Chief Electoral Officer and the Chief Constable's Office the possibility of introducing other safeguards, such as an increase in the number of polling stations and, perhaps, giving to the police powers to question voters about identity. (The Working Group had rejected this option, again because of the potential for accusations of partiality). The submission to the Secretary of State on the Study Group's report would explore these alternatives to legislative action on identification.

Item 5 - Any Other Business

21 There was a brief discussion of the Assembly's request that the Secretary of State should relinquish Stormont House to the Speaker. Although pressure was likely to be maintained, with Mr Robinson making the running, the legal position was plain; the Assembly had no powers to take possession of the property.

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Next Meeting

22. It was agreed that the next meeting would be held two or three weeks hence; the venue would be settled later.

Frances Elliott

MISS D P E ELLIOTT
CPL

7th February 1983

Distribution:-

- Mr Brennan
- Sir E Bell - M
- Mr Bourn - M
- Mr Angel
- Miss Davies - M
- Mr Doyne-Ditmas - M
- Mr Gilliland - M
- Mr Merifield - M
- Mr Abbott
- Mr Blatherwick - M
- Mr Boys Smith
- Mr Evers, RID, PCO
- PS/SofS (L&B) - M
- PS/PUS (L&B) - M

Mr. Blackwell.