

E. 20/6
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NI Assembly - separate vote
re: + elections, NI
still on

MR SPENCE - MUFAX

- cc PS/PUS (L&B) - M
- PS/Mr Bloomfield - M
- Mr Brennan
- Mr Chesterton
- Mr Gilliland - M
- Mr Bell
- Mr G Hewitt - M
- Mr McConnell - M

BS156/13

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1305
18 MAR 1986
MUNICIPAL
STORMONT HOUSE ANNEX

DRAFT DEVOLUTION DISCUSSION PAPER

Which the J of J
requested at his
Physical Development
Meeting on 12 March.
Because of the

M

1. I attach a possible outline for this paper. I should welcome comments from you and copy recipients. Because of our instructions to proceed at top speed, drafting is already under way.

M

2. You will notice that there is no mention of the Anglo-Irish Agreement; this is because I thought that to include a specific reference to the compatibility of devolution with the Agreement in the Paper might be used as a pretext by some unionists to refuse to discuss the paper. The conclusion is very vague. I found it impossible to draft, without knowing the political context in which the document might be made public.³ I also attach a note on matters to consider in establishing a full-blooded conference such as that held by Mr Atkins in 1979. We are working on ways of reducing the lead-in timescale of a month against the necessity to move faster. Again, I should welcome your views on the possibilities.

Francis H. H.

MISS D F E ELLIOTT
CPL

18 March 1986

PBD

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DRAFT DEVOLUTION DISCUSSION PAPER: OUTLINE

Introduction

The reasons why the Government believes that devolved government would be desirable:

- a vehicle and force for reconciling the two parts of the community; *to build on the areas free work of the Joint Assembly*
- to overcome the political remoteness of direct rule;
- to give expression to the separate party political system;
- to meet the wishes of the main political parties, which after over sixty years experience of it, want to exercise more responsibility themselves. *and influence over matters of local interest*

Basic conditions for a new devolved government

a) New structures should provide for the ultimate responsibility of the UK Parliament and Government.

b) Division of powers between central and regional authorities should be clearly spelled out.

c) New arrangements must allow participation of constitutional representation, of both parts of the community in ways which secure support for new administration. *- not "undesired acceptance of the country" as before.*

d) New institutions should permit efficient delivery of devolved services.

e) Fairness and equality for all in law and governmental action should be ensured.

Present structure of Government in Northern Ireland

Brief description of framework provided by Northern Ireland Constitution Act 1973, Northern Ireland Act 1974 and Northern Ireland Act 1982

- categorisation of powers
- NI Departments
- Area Boards
- District Councils.

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Main issues involved in deciding a new devolved scheme

- a) should legislative and executive powers be devolved?
- b) which functions should be transferred (GB local government or the more wide-ranging of the NI Parliament and Assembly)?
- c) through what sort of procedures should powers be exercised? (Heads of department forming an administration; executive committees).
- d) how should minority representatives be involved in the taking of decisions? (By appointment (recognising certain criteria); in proportion to party strength in the elected body; by election by the elected body; through "weighted" votes on certain matters).

Possible patterns of devolved government

A number of ideas have been put forward by the NI parties, the Devolution Report Committee of the Northern Ireland Assembly, and academics. The proposals in the Government's 1982 White Paper, "Northern Ireland: A framework for Devolution", remain relevant. These include the following schemes.

- (a) Devolution of legislative and executive powers in respect of the six Northern Ireland Departments as provided for in the Northern Ireland Act 1982; [include supporting advisory committee system]
- (b) devolution of those powers for one or more of the Northern Ireland Departments (partial devolution); *(draft DFP)*
- (c) devolution of some or all of the executive powers of the Northern Ireland Departments to a regional Assembly; legislation would be passed by Parliament; [based on WUP scheme];
- (d) devolution of legislative power in respect of the NI Departments to a regional Assembly; executive responsibility would continue to be vested in the Secretary of State for Northern Ireland; [use description in 1985 draft Green Paper]

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(e) devolution of some or all of the legislative and executive powers of the NI Departments to an Assembly which exercised its responsibilities through Committees. (Use Alliance Party proposals).

They are described more fully in Annexes A - E.

Conclusion

This will depend on political context of discussion paper

- bilateral talks
- round table conference
- any particular timetable.

will govt take a neutral role (ie has no preference for a particular island) or should it point to one as being most acceptable?

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MATTERS TO CONSIDER IN ESTABLISHING A CONFERENCE

1. Decide date and duration of Conference:

necessary to have sufficient time to make arrangements (at least 1 month). Duration of Conference - fixed or flexible?

my default on R1 considerations

2. Appointment of "Convening Officer" to coordinate all action:

what level? Under Secretary? Any merit in a working group, including representatives from Estabs., Finance, Security Divs?

3. Finance:

Analyze into already in existence - enough to cover?

who bears the cost? Need Treasury approval? What would be paid? - travel; overnight accommodation; expenses. Need advice from Finance officer at early stage.

4. Investigate possible venues:

PB

no firm decision until know what accommodation is required.

5. Decide who would attend:

tell advice for officials at early conference

→ small team

how many delegates from each political party? Fixed number or leave it up to them to choose; Secretary of State and Junior Ministers? NIO officials - if so, how many and what grades.

6. What support will be required:

all at PB

Secretariat support; clerical support - how many, what grades; from NIO or NICS; messengerial for escorting and messenger duties; security staff; information officers, catering staff if none provided?

7. Agenda:

agreed before/after the issue of invitations, how would parties be consulted on matters for agenda?

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8. Security: physical security of building; security of delegates; any special security measures required? secure telephones; passes; liaison with local police
9. Accommodation: how many rooms required? what size and for what purpose? Committee meetings; for party delegates; administrative staff; press/public; Secretary of State and Ministers;
10. Services: car parking; visual aids; catering facilities; stationery; telephones; postage; reprographic; furniture;
11. Record of Proceedings: verbatim? summary? recording (tape or video)? recording of activities in committees;
12. Press support: required in Conference Building or separate; number of correspondents to be catered for; adequate facilities for live broadcasts on premises.
13. Final decision on venue: dependent on above factors ie: cost, number of people to be accommodated, security; accessibility. Options include Parliament Buildings, NIO Building, other Government Building, private hotel, conference centre. To be held in Northern Ireland, London or elsewhere?
14. Issue Invitations: from Secretary of State? PM?
15. Appoint administrative team: to implement decisions taken on the above matters and to make necessary arrangements? How many? which grades? From which Department - NICS/NIO?
- IB but may be what's in getting published any for NI but and what support + something out of the PM Press Unit PM*
- same team as at 6.*