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MEETING WITH PRIME MINISTER AND COLLEAGUES: 5 JUNE

I attach a brief for the above meeting. It assumes that the meeting will wish to discuss:

- i. dissolution of the Assembly;
- ii. handling of direct rule renewal debate;
- iii. progress under the Anglo-Irish Agreement and relations with the Irish.

That is also Cabinet Office's assumption.

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D. CHESTERTON
3 June 1986



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MEETING WITH PRIME MINISTER AND COLLEAGUES: 5 JUNE

Purpose of Meeting

1. The purpose of the meeting is to:
 - i. decide whether (and if so when) to lay an Order in Council dissolving the Assembly;
 - ii. discuss handling of the parliamentary debate on direct rule renewal, which may be combined with the debate on a Dissolution Order;
 - iii. consider progress with the Anglo-Irish Agreement and the general prospects for the marching season and the rest of the year.

The Assembly

2. Unless the Assembly is dissolved prematurely, an election will automatically follow its dissolution at the expiry of its four year term on 20 October. An election at that time is likely to be disruptive, divisive and unproductive:

- i. the Unionists would fight any elections on an out-and-out anti-Agreement platform. Our hope is that, after the marching season, contacts with the Unionists can be gradually re-established. A year-end election would discourage this; and a new Assembly, continuing to be used as a forum for Unionist propaganda, would only serve to perpetuate existing Unionist attitudes;
- ii. the SDLP would have difficulty fighting an election when there was no prospect of any agreement between the parties on devolved government. Too early an election would confirm them in abstentionism.

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Sinn Fein would hope to capitalise on the general inter-communal hostility.

3. Moreover, to continue the life of the Assembly at the present time is pointless. It neglects its statutory functions, foments sectarian bitterness, and seeks to undermine the RUC. Increasingly the Northern Ireland public are puzzled by the Government's willingness to tolerate (and finance) the antics of the Assembly. On the basis that dissolution is a temporary hiatus - and not an abandonment of the search for devolved government - the Alliance party (not a bad barometer on such matters) fully supports its dissolution; the SDLP and the Irish Government accept that it should go; Mr. Peter Archer agrees; and even certain Unionist politicians have privately conceded that there is little case for its continuance.

4. If we are to avoid new elections at the end of the year by dissolving the Assembly, action cannot be delayed. An affirmative procedure Order in Council is necessary. It cannot wait for the rump. It must be approved by Parliament before the recess.

Handling of Dissolution and Direct Rule Renewal

5. If the Assembly is to be dissolved, the first step will be the laying of the Dissolution Order. The Secretary of State will wish to explain to colleagues that at the time of laying he will make clear the reasons for, and implications of, taking such action. Given that he can expect general support, a statement to Parliament on the day of laying might be helpful; alternatively an arranged PQ might suffice.

6. Whatever form the statement takes, the Secretary of State will want to emphasise that:

1. dissolution does not need to be permanent - elections to a new Assembly can be called at anytime by Order;

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- ii. HMG's commitment to devolution is undiminished - we want and will work towards a new Assembly when the political circumstances are right;
- iii. thus dissolution represents neither a change of direction nor the end of the road - merely a breathing space;
- iv. in the absence of an Assembly, HMG will continue to consult the Northern Ireland parties about proposed legislation and important policy matters as part of sensitive and responsive direct rule.

7. In any event, direct rule expires on 16 July and must be renewed through parliamentary approval of the Interim Period Extension Order (which is being laid this week). In fact, to distance it from the height of the marching season on 12 July, the debate is normally arranged for around the end of June. In his speech in that debate (which would seem - as usual - to warrant half a day in the Commons) the Secretary of State will probably wish to re-emphasise and elaborate on the points in paragraph 6 above. He will also wish to stress his determination both to operate the Anglo-Irish Agreement in pursuit of the benefits that the Government remains convinced will flow from it; to work towards resumed dialogue with and between the parties in the search for agreement on devolved government; and to scotch the rumours that the Government is interested in integration rather than devolution as the basis for Northern Ireland's future. The Secretary of State may not wish to close the door to eventual modifications to direct rule procedures - particularly in respect of legislation - if agreement on devolved government continues over a prolonged period to prove elusive. But equally he will not want to give the impression (at this still relatively early stage) of pessimism about the prospects for devolved government.

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8. This seems the steadiest plank on which to stand throughout the summer. The marching season will not be easy. And the Provisionals may seek to complicate matters further by raising their profile. But the Security Forces are confident that they can cope; and the Government will want to be seen to be proceeding calmly and with determination, showing both the Unionists and nationalists that there is no wavering.

9. On the above basis the immediate timetable might be:

w/b 2 June:	Interim Period Extension Order laid
w/b 9 June:	Dissolution Order laid
w/b 16 June:	Joint Committee on Statutory Instruments considers Orders
w/b 23 June:	Debates on both Orders
w/b 7 July:	Privy Council makes Dissolution Order (if Assemblymen seek to misuse Stormont, a special meeting of the Privy Council could be sought to close down the Assembly earlier).

Anglo-Irish Agreement

10. The Foreign Secretary has indicated that he would like a general discussion of "the situation in the Province and... the way forward between now and the end of the year". No doubt Sir Geoffrey will be specially interested in the Agreement and relations with the Irish.

11. The Secretary of State may wish to indicate that the Agreement is very much in operation. The sixth meeting of the Intergovernmental Conference is scheduled for later this month. Legal affairs working groups meet at regular intervals. And the two police forces are refining their arrangements for enhanced security co-operation. A good working relationship has been established with the Irish through the Secretariat, and

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they appear to recognise our determination to operate the Agreement in a way that is both positive and sensitive to the views of Unionists and nationalists in Northern Ireland.

12. However, there are signs that both the Irish and nationalists are feeling the need to demonstrate to their own supporters that the Agreement is delivering tangible benefits to them. So far the enhanced prestige that nationalists have felt as a result of the Agreement, and the evident discomfiture of the unionists, have sufficed. But pressure is now growing, particularly since the Irish are faced with a general election next year. They are starting to press us hard on measures to increase minority confidence in the security forces and on a number of socio-economic areas (Newry-Dundalk road, Divis Flats). Above all, the Irish are pressing in the administration of justice working group for a concession on three-judge courts.

13. We must clearly seek to offer them something. After all, among the main objectives of the Agreement were improved relations with the Republic and a reduction in minority estrangement. But also we for our part want from the Conference measures that, as well as being valuable in their own right, will help to reassure moderate unionist opinion: these include continued progress on cross-border security (going well, if slowly) and ratification by the Irish of the European Convention on the Suppression of Terrorism.

14. The Secretary of State may wish to confirm that colleagues would agree that, particularly in the light of the views of the Lord Chancellor and the Law Officers, there can be no concession to the Irish over three judge courts. In that event, in seeking to oblige the Irish, we shall have to focus on a range of lesser measures. The Secretary of State may wish to indicate to colleagues that his officials are currently working up a package that might include some or all of the following measures:

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- i. issue of an RUC Code of Conduct;
- ii. demonstrable increase in the number of army (and especially UDR) patrols likely to come into contact with the public which have a police presence;
- iii. repeal of the Flags and Emblems Act;
- iv. enfranchisement of 'I' voters (certain Irish non-Commonwealth citizens who cannot vote in local or Assembly elections);
- v. limited moves on the Irish language.

Summary

15. The Secretary of State may wish to seek his colleagues' agreement that he should:

- i. lay an Order in Council to dissolve the Assembly next week;
- ii. seek a combined debate in late June on that Order and the direct rule renewal Order;
- iii. in presenting dissolution, emphasise that HMG will work to revive the Assembly as soon as possible;
- iv. in renewing direct rule, make clear that HMG continues to seek devolution on an acceptable basis and does not regard integration as a viable answer to Northern Ireland's problems;
- v. continue operating the Anglo-Irish Agreement with determination but sensitivity to both communities' views;

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- vi. reject the Irish demand for three judge courts, and instead seek a package of lesser matters that would be welcomed by nationalists;

- vii. maintain course through the marching season in the hope that the temperature will fall in the autumn and that more productive discussion of political development can then resume.

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