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THE NORTHERN IRELAND CONSTITUTIONAL CONVENTION

Background.

Following the collapse of the Northern Ireland Executive in May, 1974, the British Government prorogued the Northern Ireland Assembly, published a White Paper which outlined the British Governments' thinking on Northern Ireland generally, and made some proposals on future arrangements for governing Northern Ireland. These proposals were subsequently carried into effect by legislation. (The Northern Ireland Act 1974).

One of the major proposals contained in the White Paper was the establishment of a Constitutional Convention. The term "Constitutional Convention" is slightly misleading as the Convention described in the White Paper is not a full Constitutional Convention as this term is normally understood. The Convention will not be engaged in drawing up a new Constitution for Northern Ireland and will not have the power to make binding decisions.

The function of the Convention will be to consider what provisions for the Government of Northern Ireland would be likely to command the most widespread acceptance throughout the community there. The Convention will have an independent Chairman and seventy-eight members. The members will be elected under the single transferable vote procedure. The Convention will be essentially a discussion forum of elected representatives. Its only function will be to make recommendations to the British Government on future provisions for governing Northern Ireland. Its recommendations will not be binding on the British Government, but the British Government may decide to hold a Referendum or Referenda on these recommendations.

Fear has been expressed that, if the more extreme elements of the majority community found themselves with an absolute majority within the Convention, minority interests would be ignored and the Convention's recommendations would not have the support of the minority community. There is a danger that this might happen but it should be minimized by the fact that the British Government

will not agree to any proposal by the Convention which is not acceptable to the minority community. (Mr. Stanley Orme stated this during a meeting with the Minister for Foreign Affairs on 18th July, 1974). If the Convention did make recommendations which were not acceptable to the British Government a dangerous situation could be created, especially if these recommendations had the support of the majority community.

There is also the possibility that no agreement at all would be reached in the Convention. This in itself could lead to a dangerous situation, because the British Government would have to make new decisions in an atmosphere of disagreement with the majority community in Northern Ireland. The options which would be open to the British Government in these circumstances would be

- (1) dissolution of the Convention;
- (2) postponement of dissolution for periods of three months;
- (3) the holding of new elections to the Assembly under the terms of the Constitution Act, 1973 which still remains in force.

These options are made possible by the terms of the Act giving effect to the white Paper.

Attitude of SDLP to Convention.

On the occasion of their meeting with members of the Government on 20 August, the SDLP were clearly very reluctant to contemplate participation in the Convention election without having first obtained from the British Government a commitment to power sharing and an Irish dimension. This attitude was revealed at the Party's Bunbeg Conference. They are convinced that Loyalists will reject both power-sharing and the Irish dimension and that in this situation both Governments will have to recognise that such intransigence can no longer be tolerated - in the Party's view this involves military confrontation with the Loyalists.

It is essential therefore that the importance of securing power-sharing and an Irish dimension be impressed on the British Government. Their tactics with the Loyalists in this endeavour should centre to a large extent around the economic and security implications of British disengagement. The extent to which the Dublin Government can press such a tactic on the British might be carefully weighed lest Dublin be seen to be accepting the possibility of withdrawal.