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From 5/9/76 under M Keating
24/2/76

ht hally
Misc
F. 2.

ROINN AN TAOISIGH

ht hally
About the
Taoiseach
at the bottom
of page 24/2/76

Uimhir.....

NORTHERN IRELAND

Taoiseach

I attended the meeting on Saturday between ^{the} Minister for Foreign Affairs and the Secretary of State, Mr. Rees. The Secretary of State was accompanied by his Private Secretary and by the Secretary to the Northern Ireland Office, Sir Frank Cooper. The Minister was accompanied by Messrs. Keating, Donlon and McColgan.

The Minister raised with the Secretary of State the question of a referendum on power-sharing in Northern Ireland. The Secretary said that this had not been ruled out but he was obviously reluctant to commit himself one way or the other. Sir Frank Cooper made the point that with conditions as they are in the North, it would be impossible to say if a referendum would be successful. The indications they had were that there could well be a small majority in favour of power-sharing. This type of result was obviously useless. There would of course be the other difficulty if this type of result emerged that an election held at or after a referendum could well get a different result from the referendum itself. Thus, you might get a referendum in favour of power-sharing, by a small margin, but elected representatives who would not operate it, in practice. The Secretary of State said that they would consider the whole question further - it was one of a number of questions now facing them. The Minister said that if there was anything we could do to help we would certainly consider it.

The Secretary of State then went on to discuss the general question of the Convention. Should it terminate on 3rd March, as was now proposed? It could be that the UUUC and Alliance, or some other grouping, would come up with yet another set of proposals which, in the end, would be found unacceptable. The discussion on these could go on, with the same air of futility, as at present. The advice he was getting was that the Convention should be terminated definitely, as was now proposed. Brian Faulkner, in particular, was of this view. He saw no purpose in the prolongation of meaningless discussions. The Minister replied that obviously the Secretary of State who knew conditions on the ground better than we did would be in the best position to judge whether the Convention should be terminated suddenly or allowed to continue, if that seemed to be the wish of a substantial group in it. He mentioned the possibility that if, in fact, the Secretary of State did decide to terminate the Convention it could well set all Northern groups against him. The Secretary's comment on this was that anything which could unite people of Northern Ireland might well be to the good!

The Secretary of State then raised the general question of what was to happen when the Convention was terminated. This was the basic question which was exercising their minds at present. He would be glad to have our advice on it. Obviously, direct rule as it operated now, could not continue. Similarly, any form of general advisory committee or committees would be ruled out. This would give elected representatives a platform on which to air grievances, but no real responsibility. It would be a very bad solution for Northern Ireland. They were thinking in a very preliminary way of a form of County Council for the entire area, which would have no real legislative powers and would depend, to a great extent, for its finance, on Westminster. This "County Council" for the entire area would exercise the executive powers given to it, and might have some powers of subsidiary legislation - like the powers of making byelaws, which local authorities generally had. The Secretary of State emphasised more than once that all the real powers,

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including security, the power of the purse and of legislation, would, under this arrangement, remain in Westminster. He did not deal with the question of how the Council would operate - in particular whether power-sharing, participation or partnership (however it is called) would apply.

The comment was made on this proposal that it would immediately raise the question of Northern Ireland representation in Westminster. If the real power of legislating for the province remained there it would obviously be necessary to consider the numbers who represented the province in the legislature. The question of accepting a county council, with very limited powers, and leaving the real powers to be operated by the 12 Westminster representatives could split all parties in Northern Ireland down the centre. Those with strong representation in Westminster would obviously wish to retain their position: those without it would take another view altogether. The Secretary of State said that they had reached no conclusions on the general question and were simply seeking our advice at present, in particular on possible SDLP attitudes to the proposals.

Mr. Rees said that on the question of enlarging representation for Northern Ireland in Westminster, this could not be done, at its earliest, before 1978/80 when the next constituencies revision was due. The work would be done by a Commission, acting under general instructions from Parliament.

Mr. Rees referred to a further difficulty. He said that with the way in which the devolution debate in the United Kingdom was going, it was possible that it could well be dragged out and become an issue in the next general election, in 'about eighteen months' or two years' time. The Debate had not really got off the ground yet - since the legislation was not yet before Parliament but it seemed likely that it would do so sometime before the end of the present year. When devolution became an immediate issue, he would have great difficulty in dealing with special legislation on Northern Ireland. The two things would be inextricably confused. For this reason, he was particularly anxious that whatever course they were to follow in relation to Northern Ireland should be decided and operated before the devolution debate really took off. The two things were very different but many people might not see them in that way.

There was the ^{whole} difficulty to which Mr. Rees referred. He said that the whole corpus of Northern Ireland legislation and administration would come up for review on the renewal of their legislative mandate in or about 24th July. This would lead to a wide ranging debate on Northern Ireland in the Commons and it would be essential to have a view, by then at latest, of the way in which the area was to go.

He was mentioning all these points now so that they could be considered in a general way. He would like to have our advice on them.

It is not unlikely that these issues will come up when you meet Mr. Wilson on Friday week. You may consider it desirable to have some discussion at Government on them - or with the delegation before the meeting with Mr. Wilson. Perhaps a preliminary meeting with officials present to outline background data would suit.

23rd February, 1976.

*Conveyed to
Taoiseach and
Deputy
Secretary
at 2.30 p.m.
on 27/2/76
Taoiseach's
52
46/2*

*Mr. Rees' affidavit may
prepare data for Ministers
on delegation to provide before
meeting in London on 24/2/76*