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E-A DUBLIN
F-A1 LDN
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VERY URGENT

W. Murray
5/77
S. Whelan

TO HQ

FROM LDN

FOR WHELAN

FROM O CEALLAIGH

THERE FOLLOWS HERewith A PRESS RELEASE FROM THE NIO ON THE WHITE PAPER WHICH OFFERS A USEFUL SUMMARY OF THE BRITISH PROPOSALS. IT IS EMBARGOED UNTIL 3.30 THIS AFTERNOON.

QUOTE

PROPOSALS FOR GOVERNMENT OF NORTHERN IRELAND

77

POSSIBLE ALTERNATIVE WAYS OF INVOLVING BOTH SIDES OF THE NORTHERN IRELAND COMMUNITY IN A NEW PROVINCIAL ADMINISTRATION ARE OUTLINED IN AN OFFICIAL DOCUMENT PUBLISHED AT WESTMINSTER TODAY - "THE GOVERNMENT OF NORTHERN IRELAND: PROPOSALS FOR FURTHER DISCUSSION". X

THE DOCUMENT ENVISAGES A NEW SINGLE-CHAMBER NORTHERN IRELAND ASSEMBLY OF ABOUT 80 MEMBERS. IT WOULD HAVE LEGISLATIVE POWERS AND WOULD BE ELECTED ON THE SINGLE TRANSFERABLE VOTE SYSTEM OF PROPORTIONAL REPRESENTATION. THIS HAS BEEN USED FOR ALL ELECTIONS IN THE PROVINCE IN RECENT YEARS APART FROM THOSE TO WESTMINSTER.

THE PROPOSALS, APPROVED LAST WEEK BY THE CABINET, FOLLOW THE POLITICAL CONFERENCE HELD IN BELFAST BY THE SECRETARY OF STATE, RT HON HUMPHREY ATKINS MP, FROM JANUARY TO MARCH THIS YEAR. IT WAS ATTENDED BY THREE OF THE FOUR MAIN NORTHERN IRELAND PARTIES - ALLIANCE, SOCIAL DEMOCRATIC AND LABOUR PARTY AND ULSTER DEMOCRATIC UNIONIST PARTY. THE ULSTER UNIONIST PARTY SUBMITTED ITS PROPOSALS IN A MEMORANDUM TO THE PRIME MINISTER BUT DID NOT ATTEND THE CONFERENCE.

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ACKNOWLEDGING THAT, AS ANTICIPATED, THE CONFERENCE DID NOT ACHIEVE AGREEMENT ON HOW THE EXECUTIVE SHOULD BE FORMED FROM A NEW ASSEMBLY, THE DOCUMENT SETS OUT FOR FURTHER DISCUSSION AND CONSULTATION ALTERNATIVE METHODS BY WHICH BOTH MAJORITY AND MINORITY INTERESTS COULD BE ACCOMMODATED IN THE DISTINCTIVE POLITICAL SITUATION OF NORTHERN IRELAND.

IN DOING SO, THE GOVERNMENT EMPHASISES THAT THE KEY TO STABILITY IN NORTHERN IRELAND IS THE HEALING OF THE DIVISIONS BETWEEN THE TWO COMMUNITIES: "NEW INSTITUTIONS OF GOVERNMENT WHICH THE MINORITY COMMUNITY CANNOT ACCEPT AS ITS INSTITUTIONS WILL NOT BRING STABILITY AND SO WILL NOT BE WORTH HAVING. IT MUST THEREFORE BE IN THE INTERESTS OF THE MAJORITY COMMUNITY, DESIRING AS IT DOES STABILITY AND THE FRUITS THAT THIS CAN BRING, TO ACCEPT INSTITUTIONS THAT OFFER OPPORTUNITIES OF PARTICIPATION TO THE MINORITY. EQUALLY, IT MUST BE IN THE INTERESTS OF THE MINORITY COMMUNITY, GIVEN INSTITUTIONS WHICH AFFORD ITS MEMBERS OPPORTUNITIES OF PARTICIPATION AND SAFEGUARDS AGAINST DISCRIMINATION, TO JOIN WHOLEHEARTEDLY IN MAKING THOSE INSTITUTIONS WORK".

THE GOVERNMENT, IT IS POINTED OUT, CAN CREATE WITH THE HELP OF REPRESENTATIVES OF THE TWO COMMUNITIES, FAIR AND WORKABLE INSTITUTIONS - BUT CANNOT CREATE THE WILL TO MAKE THE INSTITUTIONS WORK: "THAT WILL TO WORK TOGETHER MUST COME FROM THE PEOPLE OF NORTHERN IRELAND THEMSELVES. IN ASKING THEMSELVES WHETHER THEY ARE PREPARED TO MAKE THAT EFFORT, THEY SHOULD WEIGH CAREFULLY ALL THAT IS AT STAKE".

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THE DOCUMENT IS CONCERNED WITH THE GOVERNMENT OF NORTHERN IRELAND AS A PART OF THE UNITED KINGDOM, A CONSTITUTIONAL STATUS WHICH IT SAYS CLEARLY REFLECTS THE WISHES OF A SUBSTANTIAL MAJORITY OF THE PEOPLE OF THE PROVINCE. IT AFFIRMS THE PRINCIPLE OF CONSENT AS THE ONLY FRAMEWORK "WITHIN WHICH THOSE WHO WISH TO MAINTAIN NORTHERN IRELAND'S PRESENT STATUS WITHIN THE UNITED KINGDOM AND THOSE WHO ASPIRE TO IRISH UNITY CAN PURSUE THEIR OWN OBJECTIVES BY LEGITIMATE AND PEACEFUL MEANS". IT REITERATES THE PLEDGE OF SUCCESSIVE BRITISH GOVERNMENTS THAT THEY WILL RESPECT THE WISHES OF THE NORTHERN IRELAND ELECTORATE ABOUT THE CONSTITUTIONAL FUTURE OF THE PROVINCE, BUT THAT WHATEVER THAT MAY BE IT IS IN THE INTERESTS OF BOTH COMMUNITIES TO RECOGNISE AND DEVELOP THE EXISTING LINKS BETWEEN NORTHERN IRELAND AND THE REPUBLIC OF IRELAND.

THE FIRST POSSIBILITY EXAMINED FOR MAJORITY AND MINORITY PARTICIPATION IN GOVERNMENT IS A SYSTEM WHICH WOULD GUARANTEE ANY PARTY WINNING A CERTAIN PROPORTION OF THE POPULAR VOTE A PLACE IN THE EXECUTIVE. ON SUCH A BASIS A PARTY WITH 25 PER CENT OF THE POPULAR VOTE WOULD BE ASSURED OF A QUARTER OF THE EXECUTIVE SEATS.

WAYS OF PROVIDING FOR AN EXECUTIVE ALONG THESE LINES ARE DISCUSSED.

ONE COULD BE DIRECT ELECTION, WITH THE ELECTORATE BEING ASKED TO VOTE SEPARATELY FOR CANDIDATES FOR THE EXECUTIVE ALONGSIDE THE ELECTION TO THE ASSEMBLY ITSELF. THIS WOULD ENSURE THAT EACH MEMBER OF THE EXECUTIVE OWED HIS PLACE TO POPULAR SUPPORT IN THE PROVINCE AS A WHOLE.

PAGE FOUR

ANOTHER WAY WOULD BE FOR THE EXECUTIVE TO BE FORMED SO AS TO REFLECT THE STRENGTHS OF THE PARTIES ELECTED TO THE ASSEMBLY. AGAIN, THE BALLOT BOX WOULD EFFECTIVELY BE THE DETERMINING FACTOR. IN PUTTING FORWARD THIS PROPOSALS FOR MINORITY REPRESENTATION IN THE EXECUTIVE, THE GOVERNMENT SAYS IT BELIEVES THAT ADOPTION OF SUCH A SYSTEM WOULD CRUCIALLY AFFECT THE ATTITUDE OF THE MINORITY TOWARDS ACCEPTAMCE OF THE POLITICAL INSTITUTIONS OF NORTHERN IRELAND.

' ' THAT CONSTITUTES A POWERFUL REASON WHY THE MAJORITY COMMUNITY SHOULD PUT ASIDE ITS MISGIVINGS - UNDERSTANDABLE THOUGH THESE ARE - AND ACCEPT A SYSTEM OF A PROPORTIONATELY CONSTITUTED EXECUTIVE. THE PRIZE TO BE GAINED, IN TERMS OF THE COHESION OF NORTHERN IRELAND AND THE PROSPECTS FOR RECONCILIATION AND RECONSTRUCTION, COULD BE A RICH ONE. ALL SECTIONS OF OPINION SHOULD THEREFORE CONSIDER CAREFULLY AND WITH AN OPEN MIND WHETHER A PROPORTIONAL SYSTEM OF GOVERNMENT WOULD NOT BE THE BEST WAY TO UNITE BOTH SIDES OF THE COMMUNITY IN SUPPORT OF NEW POLITICAL INSTITUTIONS.

THE ALTERNATIVE POSSIBILITY EXAMINED ENVISAGES A SITUATION WHERE, THROUGH LACK OF AGREEMENT ON A PROPORTIONAL SYSTEM, THE EXECUTIVE WOULD BE FORMED SOLELY FROM THE PARTY OR PARTIES COMMANDING A MAJORITY IN THE ASSEMBLY. IN THIS CASE, IT IS PROPOSED THAT THE EXECUTIVE'S EXERCISE OF ITS POWERS WOULD BE IN PRACTICE BE SHARED WITH ANOTHER BODY, CALLED THE COUNCIL OF THE ASSEMBLY. THIS WOULD BE MADE UP OF THE CHAIRMEN AND DEPUTY CHAIRMEN OF THE ASSEMBLY'S DEPARTMENTAL COMMITTEES (WHOSE FUNCTIONS WOULD BE MUCH LIKE THOSE OF SELECT COMMITTEES (WHOSE FUNCTIONS WOULD BE MUCH LIKE VFUNCTIONS WOULD BE MUCH LIKE THOSE OF HOUSE OF COMMONS)). AS LONG AS THE CHAIRMANSIPS AND DEPUTY CHAIRMANSIPS WERE ALLOCATED HALF TO ASSEMBLY MEMBERS SUPPORTING AND HALF TO THOSE OPPOSING THE EXECUTIVE. THEN - DEPENDING ON THE PRECISE POWERS GIVEN TO THE COUNCIL - THE MINORITY REPRESENTATIVE WOULD HAVE AN EFFECTIVE VOICE IN DECISION TAKING. THE COUNCIL'S DECISIONS TO BE EFFECTIVE WOULD REQUIRE THE VOTE OF AT LEAST 50 PER CENT OF ITS MEMBERS PLUS ONE.

PAGE FIVE

THE DOCUMENT SAYS THE PRECISE POWERS OF THE COUNCIL WOULD BE FOR DISCUSSION BUT COULD INCLUDE POWERS TO DELAY, TO REFER BACK TO THE ASSEMBLY, OR EVEN - SUBJECT TO A POWER OF OVER-RIDE EXERCISABLE BY THE SECRETARY OF STATE WITH THE CONSENT OF THE WESTMINSTER PARLIAMENT - TO BLOCK THE EXECUTIVE'S LEGISLATIVE AND PUBLIC EXPENDITURE PROPOSALS. IT COULD ALSO HAVE POWER TO REFER DISCRIMINATORY ACTIONS TO AN OUTSIDE APPEALS BODY.

OTHER PROPOSALS IN THE DOCUMENT ARE:

1. THE RANGE OF SUBJECTS TO BE TRANSFERRED TO THE NEW ASSEMBLY BE BROADLY SIMILAR TO THAT TRANSFERRED IN 1973:
2. THE SECRETARY OF STATE FOR NORTHERN IRELAND WOULD RETAIN RESPONSIBILITY FOR RESERVED MATTERS, SUCH AS LAW AND ORDER, FOR THE SIZE OF NORTHERN IRELAND'S PUBLIC EXPENDITURE PROGRAMME IN THE OVERALL UNITED KINGDOM CONTEXT:
3. AN ADVISORY COUNCIL COMPOSED OF LEADING MEMBERS OF THE ASSEMBLY AND CHAIRED BY THE SECRETARY OF STATE WOULD BE FORMED TO FACILITATE CONSULTATION ON THOSE MATTERS FOR WHICH HE REMAINED RESPONSIBLE TO PARLIAMENT AT WESTMINSTER:
4. EXISTING SAFEGUARDS AGAINST DISCRIMINATION WOULD BE AT LEAST MAINTAINED.

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IN ITS CONCLUSIONS THE GOVERNMENT STATES THAT IT NOW INTENDS TO EMBARK ON THE XULLEST POSSIBLE PROGRAMME OF CONSULTATION AND DISCUSSION. IF AS A RESULT IT BELIEVES THAT PROPOSALS ALONG THE LINES SET OUT WOULD SECURE THE ACCEPTANCE OF THE PEOPLE OF NORTHERN IRELAND AND THE PARTICIPATION OF THEIR POLITICAL LEADERS IN THEIR OPERATION, LEGISLATIVE PROPOSALS WOULD BE PLACED BEFORE PARLIAMENT.

IN THE ABSENCE OF SUCH ACCEPTANCE, THE GOVERNMENT WOULD EXPLORE OTHER WAYS OF MAKING THE ADMINISTRATION OF THE PROVINCE MORE RESPONSIVE TO THE WISHES OF ITS PEOPLE. SUCH ALTERNATIVES COULD INVOLVE A MORE GRADUAL APPROACH TO THE TRANSFER OF A RANGE OF POWERS TO A LOCALLY ELECTED ASSEMBLY.

THE DOCUMENT ENDS WITH THE FOLLOWING EXHORTATION: "HER MAJESTY'S GOVERNMENT URGES ALL SECTIONS OF THE NORTHERN IRELAND COMMUNITY TO GIVE SERIOUS CONSIDERATION TO THE PROPOSALS IN THIS DOCUMENT, BEARING IN MIND THE URGENT NEED OF THE PROVINCE FOR INSTITUTIONS WHICH WILL ASSIST IN THE TASK OF RECONCILIATION AND RECONSTRUCTION. IT IS THE GOVERNMENT'S FIRM HOPE THAT THEREBY CAN BE ACHIEVED A SYSTEM OF GOVERNMENT WHICH THE PEOPLE OF ~~NORTHERN~~ NORTHERN IRELAND WILL SUPPORT."

DOC 2/7/80 TIME 15.40

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E-A DUBLIN
F-A1 LDN

HERE IMMEDNH