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Note of tête-à-tête discussion between Minister
and Mr. Prior in London, 29 January 1982

After preliminary greeting and taking of photographs the Minister and the Secretary of State sat down and Mr. Prior commented on the defeat of the Government here on Wednesday evening. He expressed surprise at this development and asked how the Minister saw things developing. The Minister said the Government had succeeded in keeping its majority since July. They had perhaps underestimated what would be required to ensure the support of the Independents on this occasion. However, they could not trim their sails. Present burdens would have to be borne in order to overcome future ills. The Minister said it would be a difficult campaign but not an unwinnable one. Mr. Prior asked what the posture of Provisional Sinn Féin would be. The Minister expressed the view that their support had weakened since the last election when they were in a rather stronger position because of emotions raised by the hunger strike. Candidates had then stood as representatives of the H-block Movement and had had broader support. Candidates standing now as Provisional Sinn Féin might be strong near the border but would be weak elsewhere. Mr. Prior asked what the effects of their intervention in the election would be. The Minister said that in a way their intervention last June had suited the Coalition, because they had taken away some votes from Fianna Fáil. Probably their weakness relatively on this occasion would be to the disadvantage of the Coalition. However, it was hard to tell exactly what the effect would be at this stage. Mr. Prior asked if they had confirmed their decision to stand. The Minister indicated that they had. It was typical of Provisional Sinn Féin; any weapon was good enough for them. The bomb, the H-block strike and now the democratic system poll would be utilised but the objective remains the same.

Commenting on another matter of current interest, Mr. Prior referred to the case of Messrs. Carron and Morrisson and noted that they had now been deported from the United States. Regarding the meeting he proposed that the economic positions in Ireland and in the United Kingdom should be discussed in the plenary meeting. The communique might refer to the fact there had been a discussion on the economy. In this connection he said he had been trying to get Unionists to understand the effects which the political situation in Northern Ireland had on the economy. He had tried to persuade them that a concerted effort was now necessary. It was necessary for the SDLP to feel secure in supporting the RUC. In general he felt that

there was better cooperation forthcoming now from the Catholic church than before. The Minister observed that towards the end of the hunger strike concerned clerics had played a vital role. They had encouraged others to see the situation in its true light. These attitudes of members of the Catholic clergy had perhaps not been made public before, now they were however more and more outspoken. Did the Secretary of State think that they would be supportive of his present efforts to launch a new initiative? Mr. Prior indicated that in general he thought they would but pointed out that there was still differences in approach and occasional stresses in the relationship. For instance Fr. Mulvey of Strabane had written to Mr. Prior complaining about the acquittal of the two soldiers who had been charged with the murder of two youths run down by a landrover last Easter Sunday. The Minister, responding, said it was difficult to detach the IRA hard core from the rest of the Catholic population. Incidents such as the one in Derry to which Mr. Prior had referred and of which the shooting of Mr. Harker in Armagh some days ago was another example, affected perceptions in this regard. They led Northern Ireland Catholics to conclude that there was "no remedy in British justice". This was a bad reaction which it was in the interests of both of us to forstall. Mr. Prior said that the Cardinal had been strong recently, also Bishop Daly. As for Bishop Philbin of Connor he had to admire the Bishop's stance but admitted that he had been causing some anxiety on account of his involvement with the current agitation about teacher training. Mr. Prior asked whether it was not possible that Dr. Philbin might shortly be retiring. The Minister said that retirement was not automatic. It was a matter of convention that bishops now retired at the age of 75. Mr. Prior said that Bishop Eames, the Church of Ireland bishop of Down and Dromore, had told him that it was likely that Dr. Philbin would be succeeded by one of two bishops both of whom were from the south. Returning to the subject of the economy he said that the De Lorean crisis was very serious and very unfortunate. As late as the 16th December last the company had been making optimistic noises. It now seemed however that these were not justified then on the information that had now become available and in the second place Mr. Prior had fought hard with the British Treasury then to get an extension of the guarantee of the company's loans from the bank. The Treasury then had been deeply sceptical and now had been proved right. Mr. Prior had had to apologise. He said that Mr. De Lorean was one of the biggest rogues he had ever had any dealings with. The Minister said he understood that the man in the IDA who had turned down Mr. De Lorean's application to invest in our part of Ireland was now to be promoted. Mr. Prior said that amongst other matters Mr. De Lorean had told him that the Republic would be ready to set up a

production line for his Sedan model. He had to admit that the operation of the De Lorean plant had proved an economic fillip for West Belfast but unfortunately the company had not lasted long. An unfortunate development at this stage was that Mackey's were also laying off men. Orders were down and unfortunately the engineering industry was in a bad state worldwide. Agreeing that the economic situation should be discussed further in the plenary meeting the Minister indicated that political questions, economic questions and security questions should as usual also be discussed and should be referred to in the communique. Reacting to this Mr. Prior said that either both politics and security should be mentioned or neither. He then referred to the talks between the Attorney Generals observing that they had not made much progress. The Minister indicated that certain proposals were now before the Government and would have been discussed if the Dáil had not been dissolved. There might be some value in a further meeting of the Attorneys General to discuss nuts and bolts. When Mr. Prior suggested that the talks had perhaps got bogged down the Minister said that the first meeting quickly reached a stage where the discussion began to flow over into areas beyond matters of law. It was clear to our side that political decisions had become necessary. The matters under consideration were very difficult. They raised matters of perception on both sides. We recognise that extradition to the North was important for Unionists. We could not ignore that perception. Agreeing that the perception was important, Mr. Prior said that we could move the Unionists further if we show progress on the problem of the fugitive offender. The Minister indicated that we were fully conscious of that.

Mr. Prior moved on to describe the political situation in Northern Ireland as he saw it. The Unionists were split into factions. The OUP was losing out to Paisley at "an enormous rate". When he said to the Official Unionists why don't you take a different line from Paisley they tended to say that is not on while you are engaging in your Anglo-Irish talks. Mr. Prior said that he now really wondered about the survival of the OUP. The Minister referred to the forthcoming by-election in South Belfast and observed that the Rev. Martin Smith would now probably be standing. Mr. Prior agreed that that was a hopeful sign and referred also to Mr. McCartney's quest for the nomination in that constituency. It was not easy he said to know what was going on. Molyneaux was an integrationist apparently because of the influence of Enoch Powell when over here in London. However, when he was in Northern Ireland he seemed a little less sure of his position. McCusker was a devolutionist but apparently, as Mr. Prior understood his position, because he thought the British Government lacked the will to integrate as he (McCusker) thought it should.. Mr. Prior said he favoured devolution and thought it was necessary because of the difference in temperment between the people of

Northern Ireland and those of Britain. In Mr. Prior's view it was a matter of leaving the management of Northern Ireland affairs in the hands of those best qualified to carry out the task, that is to the locals. In conclusion he expressed the view that politics were in a mixed up state and that meaningful talking was difficult at the present stage.

Raising the matter of his political initiative for Northern Ireland, Mr. Prior said he would try to say where they had now got to. Partly because of the arrival of a new Secretary of State, partly because of expectations arising from the two last Summit meetings between our two Governments, partly because both communities had been close to civil war, people in Northern Ireland now seemed to expect political change as something necessary. As he got to know people in the province, Mr. Prior learned that they wanted a political initiative. It would be difficult to devise something different but, keeping to the principle of involving the minority in the responsibilities of Government, they were looking to see whether it would be possible to have "rolling devolution". This would involve an assembly of 80 seats elected by proportional representation as before. If there were time to work this out, perhaps the election could be held on the basis of the new 17 Westminster constituencies, but no decision had been taken about this.

The powers of the Assembly proposed would be to have general debates and to establish committees. The committees would be set up with a membership proportionate to the membership of the Assembly. Salaries would be paid to the Chairmen and Deputy Chairmen of the committees. The Minister having asked how these officers were to be chosen, Mr. Prior said that either they could be elected by proportional representation or the Convention suggestion of a 50:50 membership might be taken up. That was a matter for discussion but they were conscious that the 50:50 representation suggested in the Convention report was justified because the majority decision principle was intended to apply in the Convention. That principle of course was found unacceptable by the British Government. The Constitution of the committees was something that still needed to be talked about. The powers of the committees would be the same roughly as those of select committees in the House of Commons at the moment. They could call for papers and produce reports and could recommend legislation but not introduce it. The committees could also have inquisitorial powers over the operation of the Departments responsible for work in the same field. The committees could not summon Ministers but Ministers might decide to go voluntarily to their meetings. The principle involved in this arrangement was that Ministers would initially at any rate still be responsible to Westminster.

The committees would have power and authority to look at all legislation in draft form and to recommend amendments. At this initial stage such amendments would be sent back to Westminster for consideration. The Minister asked at what stage this power of scrutiny would be exercised; would it be between the committee and the report stage? Mr. Prior replied that since they were at present legislating for Northern Ireland by means of Orders in Council the same stages did not have to be gone through. They distributed the draft Orders in Council to MPs now. In practice few amendments were suggested. The draft Orders in Council were sent also to interested outside bodies.

Mr. Prior said he anticipated that general debates in the Plenary Assembly would be rare. There was a lot of work for the Assembly to do but it would be done through the committees. The Minister enquired whether the committees could send for persons and papers. Mr. Prior replied that they could and gave as an example the Chief of the Housing Executive. In the matter of papers the same procedure would be followed as in the House of Commons, that is to say that Ministers would as usual decide which papers should be submitted. Mr. Prior said he would try to put in the maximum of papers to the new Assembly but didn't wish it to operate as a talking shop.

In regard to the transfer of powers this would depend on a weighted majority vote in favour of taking on responsibility for each additional area of administration. Not all powers should be transferred at once. Mr. Prior expected that some of the less controversial functions might be transferred at an early stage. When agreement would have been worked out on such a transfer, a Minister would be appointed from the Assembly to carry out the necessary functions and he would have responsibility to the Assembly. The Minister asked whether they might not have a dual responsibility with a obligation to report to Westminster too. Perhaps such Ministers would report to Westminster through Mr. Prior? The Secretary of State replied no. The Minister enquired whether there could not be mixed functions. Mr. Prior said no that it would depend on the power transferred. He himself as Secretary of State would retain powers in certain reserved areas, for instance in security. The Minister enquired what would happen in non-reserved areas, for instance agriculture. Would Northern Ireland legislation be prepared if that power had been transferred to the Assembly? Mr. Prior replied in the affirmative. He added that it would be necessary to see that any such legislation fitted in also with European Community rules, a new consideration which had not applied before. He would expect that power would be transferred

to the Assembly on all points eventually the decisions being taken by a weighted majority.

In regard to weighted majority he thought that around 70% should be appropriate to get support across the board. This was however a difficult question; for instance if Paisley got 40% of the seats in the Assembly he would be in a position to block decisions. The Minister at once intervened to point out that the minority had their problem too. In the event of splits in various constituencies or of a vigorous campaign by Provisional Sinn Féin with its policy of abstention from the new Assembly, the SDLP could well find itself with a small representation below what its normal support would be capable of achieving. This would be a very delicate situation and it would not be met by a 70% weighted majority rule. Mr. Prior said he thought 70% would be about right. He acknowledged that whatever percentage might be set, there would always be the problem of the border-line case. If 70% were the agreed weighted majority, how should he react if a particular proposal received 69% of the votes? He might wish to be able to declare a proposal receiving 69% of votes to have been accepted, but it had been represented to him by the political parties in the North but they must have a fixed percentage not subject to discretionary variation if they were to embark upon the process of electioneering. He also had to consider that if you started hedging around a declared percentage with discretionary possibilities Westminster might not agree to transfer power to the new Assembly. Westminster, the Minister enquired, would legislate only for the reserved areas of policy? Agreeing, Mr. Prior said that the ultimately reserved areas were likely to be over all financial control, Defence and Foreign Affairs. Security was a ticklish matter. There should be a security committee in the Assembly which would meet with the Secretary of State and discuss problems arising. Everybody will be trying in a number of ways to bring the community together and if they were successful in that certain security matters might eventually be devolved.

In regard to the Assembly committees Mr. Prior said that the members would be elected freely by the Assembly. There was no question of his laying down that the committees must have certain persons as members. The same was true of the Executive. The Assembly having voted to accept the transfer of a particular function to it would be entirely free to elect a member from amongst themselves who would be responsible for administration in that area. Mr. Prior considered that "shared responsibility" and "voluntary coalition" were the key concepts. He said that he had not yet got to the red meat of his negotiations with either the SDLP or the OUP. That afternoon he

would be seeing the SDLP and on the following Monday he would hope to see the OUP and would try to get into detail in his discussions with both groups. He did not seek agreement in these discussions but was looking for a narrowing of the areas of disagreement. He would ask both sides to give his ideas a run. He thought that he had about 60:40 chance now of success. The following week would show whether this was correct. When he had brought matters forward as far as he thought advisable with the Northern Ireland parties he would then take the matter to the British Cabinet which had not however yet discussed the matter at all. He had kept the Prime Minister informed and on the previous evening he had spoken to the back benchers. The trouble with the conservative back bench committee was that the officers were either "romantic Unionists" or of the imperial right. Mr. Prior felt that parliamentary opinion would be all right while recognising that it would not be easy to get the necessary support. Ultimately he expected to be let have a go with his proposals. He felt that there would be disappointment in the province otherwise. A big problem, Mr. Prior said, was that Mr. Paisley had till now been left out and there had indeed been no contact between Mr. Prior and Mr. Paisley since mid-November. He said that they would have to find a way to establish contact with him. It would not be possible to leave him out indefinitely. He said he would see how they managed to get on with the OUP and then invite Mr. Paisley to have talks with them. Mr. Prior considered that the weighted majority would perhaps not be too big a problem for Paisley. No doubt Paisley would wish to have a weighted majority of something around 51%, certainly not more than 60% but at least he seemed to recognise the necessity for cross party support for major decisions. Reference to the possible weighted majorities of 51% to 60% reminded Mr. Prior that the Alliance party had put forward as a proposal a weighted majority of 66 2/3 plus 1 member of the Assembly. Mr. Prior said we should simply have to wait and see how he got on in his talks with the various parties. He anticipated that his meeting with the SDLP on that day would be a difficult one as he would have to indicate to them that a federal Ireland was not just around the corner. He expected that Mr. Mallon might take a hard line. The Minister said it was unfortunate that at this juncture with talks progressing urgently between the Secretary of State and various Northern Ireland political parties the AIIC was not further along the road. It would help if the SDLP could see a role for the AIIC. However, the Minister acknowledged that it would be difficult to make progress seeing the Unionist stance. However, the difficult but vital task must be to get something going with which the minority would be able to identify. Something of that sort would help the SDLP to meet the Secretary of State's ideas. The Minister referred to

Mr. Prior's earlier remarks about how difficult it was for the OUP to stand up to the Paisleyites with their more extreme stance and pointed out that a similar problem confronted the SDLP who had to compete with the more extreme pretensions of Provisional Sinn Féin. Referring to what Mr. Prior had said about security the Minister suggested that as the Northern Ireland office developed its scheme of transferring certain security responsibilities to the proposed devolved administration, they should make a special effort to get SDLP support. He enquired whether it was possible for AIIC to have a role in some way in this sector. In another area, the Minister enquired about the possibility of devolving housing to the new institution. It could be said that housing was now managed in a satisfactory way at the top, through the Housing Executive, but on the ground the majority was still entrenched and accordingly remnants of discrimination were still perceived to exist. If a link into the AIIC system could be arranged a better picture would certainly be achieved as far as the minority is concerned. Mr. Prior wondered what this would mean. Was it perhaps a question of meshing the Housing Executive into the Assembly? Might this mean the establishment of a Department of Housing? If so that would be a matter for the Assembly to take a decision about and it would of course involve a sharing of responsibility in the administration of that area. Mr. Prior recalled that Austin Currie had in the previous power-sharing Executive been responsible for housing. Mr. Prior said that they would look at developments in the Anglo-Irish context but asked us to remember that they were trying to stress that the Anglo-Irish Council was a UK-Ireland thing too. The Minister acknowledged this and recognised that the problem was a difficult one. However, the SDLP had, we knew, already told Prior that they need political cover allowing for their special identity within Northern Ireland as people having a nationalist aspiration. Mr. Prior referred to Lord Gowrie's line on the matter of dual identity. The Minister said that that was indeed relevant. Lord Gowrie sees this as the key problem and no doubt this was why he had made his suggestion of dual nationality. The Minister referred to the anomaly in the arrangements for voting in local elections in Northern Ireland which had been discovered during the joint study on citizenship rights. As a result certain Irish citizens resident in Northern Ireland were excluded from voting there unless they were on the 1962 Register of Electors for Northern Ireland or had been continuously resident in the United Kingdom for the previous seven years. The Minister said that this sort of thing raises feelings and he would wish to see such anomalies removed. We should acknowledge the fact of dual citizenship and facilitate the exercise of dual rights. Mr. Prior recounted how a Unionist had said to him some time

before that he understood how it could be that a Northern Ireland nationalist taking part in a power-sharing Executive during five days of the week must nonetheless be able to preach nationalism to his constituents over the weekend. The Unionist whom he was quoting could accept this realistically but Mr. Prior pointed out that this was not a view generally shared amongst Unionists. It was difficult to find forms of administration that would enable dual identity and dual nationality to be expressed. As regards Lord Gowrie's recent remarks, to which the Minister had referred, Mr. Prior had said to Gowrie it's lucky you are a Lord because all Lords are seen as mad.

Referring to press coverage that day of what Mr. Prior had said to his conservative back benchers, the Secretary of State observed that T.E. Utley had not got the facts right in his coverage carried by the Daily Telegraph. He noted that while Utley was prepared to make offensive comments about the ideas being considered he refrained from being offensive towards the people who are doing the thinking. Mr. Prior considered that Watt in the Times of that day had got a better picture of what was being considered. The Minister said he presumed the next few weeks would be important. Did the Secretary of State propose to publish a White Paper? Mr. Prior confirmed that a White Paper would be necessary. Ideally such a paper would have the draft bill attached but he had to recognise that the bill might take longer to produce and might accordingly have to be published separately. He would then have a struggle to get parliamentary time for the consideration of the bill. The Leader of the House he said would still find the present session overcrowded without any new legislation. As things stood a considerable amount of parliamentary time would have to be given to the Canadian constitutional measure.

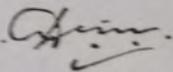
Reverting to what had been said before about the general shape of the proposed initiative, the Minister asked whether, if a new area of administration had been taken over by the Assembly, the Executive given administrative authority over it might not initially be a nominee of the Secretary of State. Mr. Prior replied that he did not expect this to happen but that the men would be taken from the Assembly. He had been told that if he adopted a sort of American presidential style and appointed non members of the Assembly to Executive responsibilities that he would have trouble with the Assembly. He felt that the appointment of outsiders to such positions would inhibit the Assembly from moving ahead. He would expect that the effort of attaining a 70% vote in favour of accepting devolved responsibility for agriculture would be accompanied by choice of a man or woman to administer that area.

The Minister reverted at this stage to the question of the appropriate level of the weighted majority vote. He pointed out again that a 70% weighted majority would risk permanently excluding the "minority" from influence. Mr. Prior indicated that as he saw things coalitions would be formed all the time. The Minister said that there was likely to be one perpetual opposition, namely the present minority. Mr. Prior said they felt a 70% weighted majority to be necessary because their hope was that the OUP, the SDLP and Alliance together would come to 70%. What they could not foretell was how Paisley and his followers would vote. He said that they could not transfer responsibility to the Assembly on the basis of a 70% vote achieved by Unionists on their own. They hoped that the Alliance party would stop the SDLP from being in a position of constant isolation. The Minister raised the possibility of agreement being reached on the transfer of an area of administration without agreement on the person who should have responsibility. Mr. Prior said that they would take a chance on that. They expected that negotiations for the 70% weighted majority vote would include negotiations on the man to have responsibility. He could envisage a situation where there would be some nominees from the Assembly and some Westminster MPs, as at present, together in his team, and he confirmed, in reply to a question from the Minister, that this would constitute a sort of Northern Ireland cabinet. As Chief Executive for Northern Ireland Mr. Prior said he would have to have some continuing say. His officials, he said, favoured the transfer of all powers to the Assembly at once. Mr. Prior thought however, it was better to have such transfer achieved gradually. He acknowledged this would be complex but not impossible. His aim was to have a bit of novelty in his proposals. He thought that people in describing his ideas were beginning to muddle the picture for instance when Mr. Utley spoke about proceeding by phases. In Mr. Prior's view it was better to speak of an evolving or rolling devolution. Mr. Prior said they had taken great care in briefing journalists and it was a bit disappointing to see that Mr. Utley had got things a bit wrong. Mr. Prior emphasised that their own thinking on these matters was not yet fixed. The Minister asked whether, as we had heard, his meetings with all the parties so far had been a bit stiff. Mr. Prior said that this was not entirely so but that from now on they would be getting into what he called the "red meat" of the matter, that is the establishment of the weighted majority. This matter had been approached so far only with the Alliance party but Mr. Prior would be seeing the SDLP on that day and the OUP on the following Monday (1 February). The Minister commented that if the Unionists balked at Mr. Prior's ideas he would be in real trouble. Mr. Prior said that he would not be asking them for their agreement to what he was thinking about. If he sensed there was a chance

of his ideas working then he would make a go of it. Then he expected that the Unionists would have to stand in the election. He did not wish the Assembly to be a talking shop and felt that it could be guided a bit into useful directions. A normal feature of such institutions, namely a Government party, would of course be absent in this instance. The committees would be the important feature. Ministers would talk to these committees rather than to the Assembly in plenary. He expected that there would not be so much chamber work as in other forms of parliament. He intended that there should be some additional committees that is over and above those proposed in the Convention Report. This would make more jobs for people. There was some way to go yet, he said before a complete pattern would be clear.

The Minister thanked Mr. Prior for all his information on this subject. Referring to the future course of the meeting, he said that he expected that the usual three elements that is to say political, economic and security questions, would be mentioned in the communique. Mr. Prior agreed and said that economic and security questions could perhaps be taken in the Plenary Session balancing the political discussion which had just now taken place en tête-à-tête. Mr. Prior stressed that in addition to an agreed statement, he was concerned that there should be consistency of briefing on both sides afterwards. In regard to the establishment of the AIIC, and the fact that this was the first ministerial meeting of that institution, Mr. Prior said that he expected Mr. Atkins, the Lord Privy Seal, would deal with that subject in the afternoon. As regards the presentation of this development to the media, Mr. Prior commented that one had to be a bit careful about the balance between the north/south and east/west elements involved.

The two Ministers were joined at that stage by officials and the discussion continued in plenary.



D.M. Neligan
4 February, 1982.