

NATIONAL ARCHIVES

IRELAND



Reference Code:	2012/90/974
Creation Date(s):	22 March 1982
Extent and medium:	9 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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Meeting with the SDLP on 22 March 1982

1. The SDLP representatives were Mr. John Hume MEP, Leader of the Party, Mr. Seamus Mallon, Deputy Leader, Mr. Eddie McGrady, Chief Whip and Dr. Joe Hendron, Chairman of the Constituency Representatives. The Taoiseach was accompanied by Mr. Brian Lenihan T.D., Minister for Agriculture and Mr. John Wilson T.D., Minister for Transport and Posts and Telegraphs.
2. The Taoiseach welcomed the delegation and indicated the importance of having a meeting at this stage with the SDLP to exchange views. He asked Mr. Hume for his views on the present situation.
3. Mr. Hume said ~~that~~ the SDLP had had a series of meetings with the Secretary of State. At the first meeting Mr. Prior had said that there would only be an initiative if sufficient progress was made in discussion with the parties. The Secretary of State initially proposed a N.I. Assembly with a U.S. style administration of which he would be Chief Executive. The other Executive members could come from inside or outside the Assembly. He also floated the idea of an Assembly with power to be devolved by a 70% weighted majority. Mr. Hume felt that there was nothing in his proposals to deal with the real problem - recognition of the two identities on this island. Lord Gowrie who was present asked the SDLP to put forward ^{at} the next meeting any proposals which it might have in relation to recognition of the two identities. The SDLP ruled out the 70% proposal and stressed the need for progress to be made through the Anglo-Irish process.
4. At the second meeting Mr. Prior ruled out the nominated executive idea and spoke of the 70% proposal. The SDLP responded by saying that any administration that was established solely in a Northern context could not deal with three areas - security, identity and civil rights. The SDLP proposed that these areas be made functions of the AIIC together with the setting up of the parliamentary tier.

5. At the third meeting Mr. Prior outlined the draft White Paper. He read a section concerning the two identities and the need to give each equal treatment. He explained the 70% weighted majority proposal in some detail. Mr. Hume said that for tactical reasons the SDLP had concentrated in their meetings in getting something satisfactory in the area of the Irish identity and had put to one side the Assembly proposals. At the next meeting the SDLP would have to go in hard. The OUP and DUP had rejected the proposal. The SDLP felt that it was unworkable. The first vote to devolve power would be at the level of 70% but conducted thereafter by simple majority. Depending on the outcome of the election the minority could find themselves in the hands of the Alliance Party. The SDLP was also concerned about what would happen after the second election. Will 70% still be required at that stage? Mr. Hume did not see the British taking back the devolved powers even if there was a breakdown. The problem is that Mr. Prior is extremely anxious to go ahead with some form of political initiative.

6. The Taoiseach enquired as to how the 70% mechanism would operate. If the education portfolio was devolved by 70% weighted majority to an Assembly member, he would then be responsible to the Assembly which would operate on a simple majority basis. If the Minister concerned was from the SDLP his policies could constantly be defeated in the Assembly by a Unionist majority. After a second election would the 70% rule apply? Mr. Hume felt that it would not and in the event of a breakdown he did not see the British clawing back the devolved powers. Mr. Kirwan referred to a report which had been prepared which contained new information from the British authorities and which envisaged the Assembly being given the task of working out the system of devolved government which it preferred against the background of certain criteria laid down in legislation. The Taoiseach felt that 70% would not protect the interests of the minority. In response to a question from Minister Wilson Mr. Hume said their maximum support would be 25%. Mr. McGrady also stressed that the DUP could get over 30% and hold a veto. The Taoiseach enquired

about the OUP and DUP attitudes. Mr. Hume said that the OUP opposed the initiative because they claimed that it guaranteed the SDLP automatic entry into a new administration. The DUP are opposed for a number of reasons but Paisley wants an election. The Unionists will fight the election on a hardline platform and repeat the attitude adopted at the Convention.

7. Mr. Mallon said that there were a number of areas which the SDLP had to bear in mind in considering the proposed initiative. What would be the position of influence which the minority could exercise under the proposed arrangement? Would the proposed devolution of powers take in the wider field of the Anglo-Irish process? Mr. Prior has said that he could not proceed in that direction without the agreement of the Unionists. He will agree to the parliamentary tier but only on the basis of it being a talking shop. In the security area, Mr. Mallon felt that a two pronged approach would be needed. Certain things would "have to be done" and others would "have to be undone". Mr. Mallon mentioned in particular the composition of the UDR and the Police Reserve. In the socio-economic area it would be very difficult under the proposed initiative to get to grips with the very real problems in N.I. How would a devolved government handle the poverty-stricken and run-down area of inner Belfast with a British Tory monetarist Government holding the purse strings. Would there be developments in All-Ireland terms in relation to energy, agriculture etc? According to Mr. Prior this could not happen until the Unionists agreed. Mr. Prior was in effect reinforcing the Unionist guarantee. This was a dangerous situation from an SDLP point of view. Should the party contest the election or not? If the SDLP contests the election it is then tied into the Prior initiative. If it stays outside others may fight the election. If the SDLP does go into the election it has to bear in mind that Prior is aiming for a two-way split (hiving off members of the OUP and the SDLP). This would lead to an untenable situation for the SDLP.

Mr. Mallon said that the Secretary of State has on occasion hinted at a wider negotiated situation. Mr. Mallon stressed that there are more parties to the problem than those within N.I. He favoured aiming for a wider conference at which all the problems could be dealt with. Finally he felt that it was becoming more obvious that it was not possible to "cobble up" a contrived situation in N.I. Prior was proposing a "Unionist settlement" while throwing a few "crumbs" to the minority. On the question of identity, one had to recognise that the British identity was catered for in N.I. through seats at Westminster, the British Crown and a British form of administration. Where was the Irish identity catered for? The situation was now at a point of demarcation. This should be the end of efforts to find a solution within N.I. The problem should be put on a different plane. This initiative would simply whittle away two more years and weaken the democratic process and the SDLP also. The fact had to be faced head-on that while the British offered words for an Irish identity the British identity was catered for in reality.

8. Mr. McGrady agreed with what his colleagues had said. The SDLP was in the most dangerous situation it had ever been in. Prior wanted an initiative for its own sake. He only cared about short-term success. If it turns out to be a failed venture the SDLP would be "hooked into" it and would suffer the consequences. The OUP and DUP had already opposed the initiative. There was nothing in it for the SDLP. The best "scenario" would be to build up a momentum for change in the Anglo-Irish context of which the Irish Government was the most important part. A structure and framework should be developed which involves Northern people. Otherwise he feared that the fall-back for Unionists and the OUP in particular would be to seek closer integration and a return of powers to local government. In the aftermath of the Prior venture, the Anglo-Irish process would, according to Mr. McGrady, become of vital importance to the SDLP.

Mr. Hume felt that there was a "deeper point" to be made concerning the drop in the level of violence and the "collapse" of support evident in N.I. for the IRA. The IRA claim that only when they are active that minority interests are catered for and if the SDLP are seen not to be giving leadership then they are leaving the field open. Why should the SDLP go ahead when the OUP and DUP are opposed. There was no logic to the present initiative except the Secretary of State's need to have one. The British unlike 1973/74 were now saying that it was up to Unionists to decide whether power should be devolved.

Mr. Hume felt that there was a certain fermentation taking place on the Unionist side and that it should be allowed to continue in conjunction with the setting up of the parliamentary tier with functions. The British would, however, resist this approach. The Taoiseach felt that they would resist it because they do not want to offend Unionist susceptibilities. Mr. Hume felt that certain bodies involved in civil rights such as the FEA should be placed under the aegis of the AIIC. The minority could then have confidence in these bodies.

9. Dr. Hendron intervened to give his views. He felt that the Secretary of State was courting a section of the OUP led by H. McCusker. Prior saw the OUP, Alliance and SDLP as parties of the centre. In Dr. Hendron's view there was no difference^{between} the OUP and DUP. Dr. Hendron referred to the emphasis placed on the Irish identity by the SDLP at the second meeting with Prior. The SDLP had not received an adequate response. Lord Gowrie's nice words amounted to a "con trick". Dr. Hendron rejected the 70% idea. Prior was on the wrong track when he viewed people such as McCusker as moderates. Dr. Hendron said that he had spent a month in the USA with McCusker last year and he had heard nothing moderate from him. Both McCusker and Napier on that visit had constantly stressed terrorism and at no time had mentioned the Irish identity problem. He totally agreed with the views expressed by his colleagues.

10. The Taoiseach enquired as to likely timing of the initiative. Mr. Hume felt that the White Paper would be published before Easter. The Taoiseach felt that we should

consider the best tactical position to adopt. Would the initiative fail anyway or should direct action be taken to end it?

11. Mr. Hume felt that the DUP and OUP would both participate in the elections and that Paisley would go all out to achieve a 30% blocking veto. Mr. Mallon saw no advantage in participating in the initiative. The potential was there for the Unionists only. Another two years could be wasted during which time the political process would be damaged as no real progress would be made. The time was perhaps right for the minority not the majority to say no and block the Secretary of State's initiative.

12. The Taoiseach agreed that the SDLP could be trapped into a small time political scene which had no Irish identity. There would be a lot of wheeling and dealing in a new Assembly but nothing beyond that. He asked what developments had taken place in relation to the AIIC. Mr. Nally referred to the meeting of 20 January 1982 and said that the British attitude was to "long-finger" the establishment of the parliamentary tier. The British did not envisage executive functions or membership from N.I. unless an elected body is established there. The Taoiseach felt that what they had in mind was a parliamentary club. Mr. Hume stressed the need for a strong parliamentary tier with functions. The Taoiseach raised the possibility of the SDLP participating in the Assembly election solely for the purpose of providing members for the parliamentary tier. Mr. Hume responded by referring to the basic problem that an Assembly could not deal with areas such as security, the Irish identity and civil rights issues. In relation to security Mr. Hume stressed the need for an All-Ireland Court and logically an All-Ireland police force. The above should be matters for the Executive of an AIIC with the parliamentary tier linked in. The Taoiseach enquired as to whether the SDLP would participate in Assembly elections if the AIIC had the requisite powers, in order to be able to nominate representatives to the parliamentary tier. Mr. Hume felt that the British were not committed to going any further at this stage on the

Anglo-Irish process. Basically he did not want to see an Assembly, he would like to see the two Governments go ahead with the Anglo-Irish process and eventually bring in the Northern parties to a conference to resolve the problem once and for all.

13. The Taoiseach felt that the parties could nominate members to the tier or a special election could be held. Mr. Mallon said that we should try to shift the basis (within N.I.) on which the British were operating to a context in which the SDLP can "deliver". There is a lot of merit in the SDLP adopting the position that "we stopped it". It could lay the basis for new negotiations involving all parties. There was no chance of negotiating the mechanics of administration of N.I. solely within N.I.

14. The Taoiseach agreed and Mr. Mallon expressed the view that the Irish Government and the SDLP should oppose the initiative at this stage. Minister Wilson queried the impact such a move would have on the Unionists. Mr. Hume said that the SDLP had already prepared the ground for a rejection of the initiative. He had publicly expressed the view that it was "largely unworkable". He did not feel that we should come out with a total rejection at this stage. That could be done after the SDLP's next meeting with the Secretary of State.

15. Mr. Nally made the point that the Anglo-Irish process began in 1980 was going one way and this initiative in another direction. The Taoiseach felt that we should come out today with a joint statement outlining the deficiencies in the proposals as we see them. We should reiterate today that the initiative fails to deal with the identity problem and that having being brought forward in a N.I. context it therefore fails to confront the real problem. Mr. Mallon said that one major problem was that if the political parties did not lead towards unity the IRA would thrive. The IRA was on the run now and it should be kept on the run.

16. Mr. Donlon said that in deciding what kind of statement to make today the Taoiseach would have to calculate the effect it would have on his relationship with the British Prime Minister. The Taoiseach felt that a statement should be made today which did not completely reject the initiative but pointed out its deficiencies and the fact that the OUP and DUP had already rejected it. Mr. Neligan said that we had been discussing the proposals as known to us via the SDLP. More recent information had come to light as a result of contact with British officials 19 March. Mr. Neligan at the request of the Taoiseach briefly explained the British proposals as they now stood. Mr. Hume said that the only new element was the preparation by the Assembly of a report on the form of devolved government. This was very much like the Convention approach. Mr. Neligan was asked to explain how the 70% mechanism was expected to operate. Mr. Neligan read to the meeting the section of the report of the 19 March meeting with British officials dealing with the 70% weighted majority. Mr. Hume felt that it was a British effort to get N.I. off its hands by a most convoluted mechanism. The Taoiseach agreed that it was impossible to see how the system would work. Mr. McGrady said that it was a repeat of the 1975 Convention. Mr. O hUiginn felt it was a very cynical political exercise by the British. The Minister for Agriculture, Mr. Lenihan stressed that it also ran counter to the Anglo-Irish process. Some further discussion took place on the detail of the scheme and Mr. Neligan explained that the British envisaged powers being devolved as a package with the parties in the Assembly agreeing on the area or areas to be devolved, the policy programme to be followed and the individuals to be appointed/ ^{to head the various Departments.} Mr. Mallon said that the appointment of individuals from the Assembly as Ministers could be subject to the veto of other parties and he and Mr. McGrady expressed surprise at the 50% to 70% mechanism by which the Secretary of State had the discretion to try and go ahead even if a package did not have the required 70% weighted majority.

17. The Taoiseach summed up by saying that the British were trying to place some structure in N.I. and move back to London. We should say in a statement that we have discussed the current situation in N.I. and the initiative and that we find the following deficiencies. It should also be pointed out that the initiative hasn't secured the support of any of the parties.



Martin Burke
Department of Foreign Affairs
22 March 1982

C.C. PST
PSM
PSS
Mr. Neligan
Ms Hennessy
Ambassador London
Ambassador Washington
Mr. Nally D/Taoiseach
Mr. Kirwan D/Taoiseach
Mr. Murray D/Taoiseach