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NIC (72) Minutes

NORTHERN IRELAND OFFICE

CHEQUERS CONFERENCE

3rd and 4th June 1972

PRESENT

The Rt Hon William Whitelaw MP (In the Chair)

Secretary of State for Northern Ireland

The Rt Hon Lord Carrington
Secretary of State
(for Defence
(for part of Item 3 and
Item 4)

The Rt Hon Sir Peter Rawlinson QC MP
Attorney General
(for Items 1 and 2)

Lord Windlesham
Minister of State
Northern Ireland Office

Mr Paul Channon MP
Minister of State
Northern Ireland Office
(for Items 1 and 2)

Mr David Howell MP
Parliamentary Under-
Secretary of State
Northern Ireland Office
(for Items 3 to 5)

Mr Timothy Raison MP

Sir William Nield
Northern Ireland Office

Sir David Holden
Northern Ireland Ministry
of Finance

Sir Harold Black
Central Secretariat

Dr J A Oliver
Northern Ireland Ministry
of Development

Mr H Smith
Northern Ireland Office

Mr N F Cairncross
Northern Ireland Office -

Mr P W Woodfield
Northern Ireland Office

Mr T C Hetherington
Law Officers' Department
(for Items 1 and 2)

Mr K McDowall
Northern Ireland Office
Secretariat:
Mr T C Platt
Mr R C Stevens
Miss BH Peters

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1. Review of Options

The Meeting had before them memoranda by the Central Secretariat reviewing the options for a political settlement (NIC (72) 1) and by the Northern Ireland Office in London setting out the range of possible options for a future settlement (NIC (72) 2).

THE SECRETARY OF STATE FOR NORTHERN IRELAND said that in two months the Government had, thanks to the efforts of all concerned and particularly those of the Northern Ireland (NI) Civil Service, established an administration, established an image, succeeded to a substantial extent in detaching the IRA from the rest of the Roman Catholic community and had been somewhat less successful in avoiding inflaming Protestant opinion. There was now a need for a further initiative. It was the object of the Conference to reach a view on what this initiative should be and how it should be conducted.

SIR DAVID HOLDEN said that NIC (72) 1 was the result of discussions with the Heads of Northern Ireland Departments. These discussions showed a wide variety of opinions and attitudes. It was not possible therefore to put forward a single final view on the way ahead. Broadly, there were only two options available. First, full integration of Northern Ireland in the United Kingdom (UK). Second, some form of devolved government for Northern Ireland within the United Kingdom. Integration and devolution were presented as contrasting and mutually exclusive alternatives. But it was worth noting that integration, plus a Greater London Council type of assembly to oversee important local services, was not so very far removed in practice from devolving reduced powers on a subordinate parliament. In other words, the two options tended to meet in the middle. Finally, the memorandum drew attention to the fact that the problem of Northern Ireland had an Irish dimension which could not be ignored completely. To have the best chance of success the solution would have to have a measure of support and goodwill from the Government of the Republic of Ireland.

In discussion, the question was raised whether another option - a return to a Northern Ireland Parliament with both a Cabinet and a Prime Minister, was a practicable course having regard to the likely limitations on the powers devolved to it and the resources it could command. On the question of the Irish dimension, it was argued that, provided the principle that there would be no reunification without the consent of the majority was established, many people in Northern Ireland would wish to encourage close contacts with the Republic. A major difficulty was the Republic's claim to jurisdiction over all the 32 counties of Ireland. It was argued on the one hand that certainty or clarity could be established only by total integration with the United Kingdom. If total integration were achieved, subsidiary

institutions could be established as necessary. Many members of the minority community could be expected to accept integration for its material benefits and for the security it would bring. Integration would move politics from Northern Ireland into the wider context of the United Kingdom. It was argued on the other hand that integration would be unacceptable because it would be seen as making the Protestant position impregnable and making the reunification of Ireland impossible. Integration would not therefore restore social peace, without which any new arrangements would be pointless. Moreover, the geographical division between Northern Ireland and the rest of the United Kingdom made total integration administratively difficult. It would be impracticable for Parliament at Westminster to deal with all Northern Ireland affairs. Northern Ireland had in any event been accustomed to a more personal form of government. Many of those who favoured integration did so primarily because they were anxious either to prevent further "interference" by the Republic, or to avoid a continuation of communal discord. The positive aspects of integration could equally well be achieved through devolution. In this sense, as paragraph 17 of NIC (72) 1 argued, integration and devolution were not mutually exclusive. In the long term the entry of the United Kingdom and the Republic into the European Economic Community would reduce the significance of the Border and, hopefully, lead to a solution of the problems of Ireland. Meanwhile, devolution to an assembly which was deprived of some of the powers of Stormont, particularly in relation to law and order, but which recovered other important responsibilities, especially in relation to finance, offered the best prospects for peace.

In further discussion, it was argued that whatever long term arrangements were introduced for Northern Ireland, it seemed clear that, without an Northern Ireland Parliament, there would have to be more Northern Ireland Members of Parliament (MPs) at Westminster. This might not be welcomed by the Labour Party, although their relative position would not necessarily be affected. Objections to more Northern Ireland MPs might however be raised by some people on the ground that they would obstruct for their own purposes business in which they were not directly involved. It was argued on the one hand that proportional representation (PR) would not be possible for one part of the United Kingdom alone. It was argued on the other hand that PR would be possible for Northern Ireland alone because that country was in fact, and was recognised to be different from the rest of the United Kingdom.

In further discussion, the following main points were raised;

- (a) it would be worth examining the relationship between central and subordinate Parliaments in Canada;

- (b) it would be worth examining further the possibility of entrenching provisions on, for example, the need for the consent of the majority to reunification. It was pointed out that such provisions depended primarily on a willingness to honour them, since the law could be changed by a subsequent Parliament. The bipartisan approach on Northern Ireland was therefore of greater importance. Subsequent Parliaments would find it more difficult to alter provisions which were entrenched on an international basis, and there would clearly be advantage if the Republic could be involved in any such arrangement.
- (c) The situation was likely to change so rapidly that there might be advantage in not trying to find "the solution" but to proceed by stages in the hope that a consensus would emerge as a basis for a more permanent solution.
- (d) If Westminster assumed responsibility for Northern Ireland legislation, delegated power might nevertheless be given to a new assembly for Northern Ireland to legislate on certain matters under arrangements similar to those by which local authorities in Great Britain could make bye-laws.
- (e) One of the difficulties in Northern Ireland was that many of the most able people had not entered politics, either at Stormont or at Westminster.
- (f) It was unlikely that the Commission on the Constitution would produce a solution to the constitutional problems of Northern Ireland. The Commission had accepted that the evidence they had taken earlier on Northern Ireland had now been overtaken by events.

THE SECRETARY OF STATE FOR NORTHERN IRELAND, summing up the discussion, said that the Meeting generally agreed that total integration without devolution was undesirable for the reasons advanced in discussion. The general view seemed to be that some form of devolution involving the retention of some degree of control by Westminster in respect of certain issues, e.g. law and order, but restoring important responsibilities to a new assembly, especially in respect of finance, seemed to offer the best prospects for peace in the longer term.

2 PUBLIC ORDER - LEGAL AND CIVIL ASPECTS

The Meeting had before them a memorandum by the Attorney General setting out the legal situation and problems in Northern Ireland. The discussion on this memorandum is recorded separately.

Item 3 Setting Up the Options

The Meeting had before them memoranda by the Northern Ireland Office in London on political discussions on Northern Ireland (NIC (72) 3) and on a plebiscite on the border (NIC(72)4). THE SECRETARY OF STATE FOR NORTHERN IRELAND said that the option selected depended to a considerable extent on the way in which it was to be set up. There was clearly an urgent need for a major political initiative. An essential feature of setting up the option would be to involve the people of Northern Ireland in stating their views on the future political arrangements.

In discussion there was general agreement that from the security and political aspects there was now an urgent need for an early political initiative, and that this should take the form of enabling and requiring the political leaders in Northern Ireland to express their views. On this basis the natural course would be to establish a conference. It was important that such a conference should take place in an atmosphere free of duress. While the drafting of the announcement would require careful consideration, this would mean a clear indication of the ending of violence and in particular civil disobedience by the Northern Ireland parties on the one hand and a willingness on the part of the Government on the other, provided that violence was at an end, to end internment. On the purpose of the conference it was generally agreed that it should be used to obtain a clear public statement of views rather than as an attempt to reach a "solution". It was unlikely that agreement would be reached and a further stage would be necessary. This might take the form of a further conference, although it would be inadvisable at this stage to enter into a specific commitment. On the issues to be discussed, it was argued on the one hand that the conference should be on the basis that Ulster would continue in being, thereby excluding from consideration reunification and total integration. It was argued on the other hand that it would be unwise to exclude any options. Such a course would provide an excuse for some

parties to refuse to participate. Moreover it would be extremely difficult to define the areas to be excluded from discussion.

On participation at the conference, there was general agreement that the leaders of the recognised political parties in Northern Ireland should be invited to attend. This would exclude both wings of the IRA, but public opinion generally, the House of Commons and the Conservative Party would in any event be unlikely to accept direct negotiations with the IRA, and the Ulster Unionists would be almost certain to refuse to attend such a conference. The view was also expressed that since the future of part of the United Kingdom was to be discussed, interests from Great Britain should also be represented. It was, however, argued that this might more appropriately be done at a later stage.

On the chairmanship, the view was expressed that the conference would be insufficiently related to political, economic and constitutional power unless the Secretary of State took the chair himself. It was argued on the other hand that the Secretary of State might be seen as attempting to impose a Westminster solution. Moreover it would be extremely difficult for the Secretary of State to find time to take the chair in addition to his other onerous duties. There would in any event be advantage in appointing as chairman someone from Northern Ireland. It might be a judge, although there could be difficulty in finding someone who could be released at short notice, and some sections of the community unhappily associated the judiciary directly with the Government. Another possibility would be the Governor, but this might raise problems for one in his position. On balance, the better course might be to select a public figure who was an Ulsterman: Sir Patrick Macrory's name would command wide support.

In further discussion, the following main points were made:

(a) The announcement of the conference would best be made by the Prime Minister in the House of Commons. There would be advantage in a subsequent public statement by the Prime Minister in Northern Ireland, perhaps on television.

(b) The announcement should be made in the week beginning 19 June. This would allow time for the consideration of the memoranda by the Cabinet.

(c) It was generally agreed that the conference should take place in Belfast.

THE SECRETARY OF STATE FOR NORTHERN IRELAND, summing up the discussion, said that the Meeting generally agreed to a conference on the lines discussed. For presentational purposes it would be advisable to leave the scope of the conference, and possibly the chairmanship, open to discussion with the political parties. The conference itself might take place on or about the 24 July. He would speak to the Prime Minister and arrange for memoranda to be submitted to Gen 79 and to the Cabinet.

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4. Public Order - Military and Security Aspects

The Meeting's discussions are recorded separately.

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5. Economic and Social Programmes

(i) Employment

The Meeting had before them a memorandum by the Working Party on Employment (NIC(72)6).

THE PARLIAMENTARY UNDER-SECRETARY OF STATE, NORTHERN IRELAND OFFICE, said that the Working Party which he was chairing had not yet finalised their views and it would help them if they could be given some political guidance on how to package their ideas. The Working Party's overall aim was to create more jobs in an area of miserably high unemployment where the usual remedies would be of little value. Even within Northern Ireland high unemployment was related to particular areas; to older men of no particular skills; and where the habit of work had been lost. The Working Party were trying to produce jobs quickly with little regard to orthodoxy or economic justification. The additional amount of money involved was £30m. in 1972/73 and more over the next year; projections beyond that point were uncertain. The various proposals considered by the Working Party were detailed in the paper. They included: special reference to Enterprise Young Ulster; encouraging industry and commerce to undertake improvement works; small capital projects; agriculture and the refund of SET for the service and construction industries. In addition, the Working Party had considered two further ideas, a "tax holiday" and freight subsidies, which were not included in the memorandum.

THE MINISTER OF STATE, NORTHERN IRELAND OFFICE (LORD WINDLESHAM) said that there were two main outstanding questions. First, whether it was desirable to try and obtain the money on an ad hoc basis for individual projects on the one hand or as a package of £60m. over two years on the other. Second, the timing of a statement to obtain the maximum political mileage with both the Protestant and Roman Catholic communities. The latter point was especially important to enable the political application of this unorthodox and radical economic policy to be seen to work and to enable it to be used in political negotiations with the factions in Northern Ireland.

SIR DAVID HOLDEN said that the Treasury had been informed that certain items were coming forward and, so as not to lose time, some individual aspects of the package had already been outlined. There was some prospect of Treasury approval for certain things by 12 June. There was implicit in the package as a whole a change of policy in that, instead of using public money to create public assets only, we were now intending to use public funds to create private assets. There was an especial need to do something about SET and REP, and to press ahead on the direct employment side so that the Government's efforts would be kept in the forefront of publicity. Industrial training was, in the long term, probably more important than all other aspects of the package. On the question of a tax holiday, the Northern Ireland Government had over the years approached the United Kingdom Treasury and always been given an unqualified "no". On freight subsidies, officials considered that they would not make any significant difference in attracting industry to Northern Ireland.

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In discussion it was argued that successive Treasury officials had been sympathetic to the problems of Northern Ireland. It was pointed out that the proposals in NIC(72)6 were in addition to the Northern Ireland Development Programme for '70/75, which in itself was an ambitious project. It was argued that an industrial programme backed by training, together with the introduction of an industrial infrastructure of roads etc, was needed; the creation of a special body to cut corners might be of benefit. The Northern Ireland Ministry of Development would be willing to help by putting its own planners into such a body.

In further discussion the following main points were made:

- a. There was a need for a deficiency grant for Northern Ireland on the Vote of the Northern Ireland Office, because the maximum amount had already been borrowed by Northern Ireland on payments from the Consolidated Fund.
- b. There would be advantage in obtaining the money on the basis of the present emergency situation in Northern Ireland. However this was done, it would be advisable to avoid an argument on Northern Ireland finances in the House of Commons.
- c. There was a need to be seen to be doing things for Roman Catholic ghetto areas, eg. Ballymurphy. The general public should be aware that the Northern Ireland Ministers were working extremely hard to produce more jobs. In this context it was desirable that the proposed swimming pool in Andersonstown should proceed as soon as possible, and that the new factories in the Ballymurphy area and the Belfast urban motorway should be publicised. The Working Party might also consider how much more housing clearance could be undertaken on security grounds.
- d. As a public relations exercise to emphasise projects which were creating new jobs, the junior Ministers should visit any public works and general construction projects which were near completion. Such an exercise would be especially important in the period 4-8 weeks hence.

THE SECRETARY OF STATE FOR NORTHERN IRELAND, summing up the discussion, said that, subject to any amendments necessary in the light of the discussion, NIC(72)6 should now be circulated to GEN 79, together with a covering note relating it to the present emergency situation in Northern Ireland and explaining the extra amount that was needed. An advance copy of the revised memorandum should go to Treasury officials for information.

(ii) Reorganisation of Local Government in Northern Ireland

The Meeting had before them memoranda on the reorganisation of local government in Northern Ireland by the Northern Ireland Office in London (NIC(72)7) and by the Northern Ireland Ministry of Development (NIC(72)9), on the legislative programme by the Central Secretariat (NIC(72)8) and on voting systems for the Northern Ireland local government elections by Northern Ireland Office officials (NIC(72)5).

The SECRETARY OF STATE FOR NORTHERN IRELAND said that the main problem lying in the way of proceeding with the reorganisation of local government as planned was the strong pressure for the adoption of proportional representation (PR) for local government elections. The Labour Party, with whom he had had talks, were insisting that, unless the elections were conducted on PR and this were legislated for by a Bill rather than by Order in Council, they would oppose all the consequent legislation. This would be an unfortunate breach in the bipartisan policy. Moreover, it was argued that elections for the new authorities on a one man one vote basis, although producing more Catholic controlled councils, would lead to increased polarisation between Sinn Fein on the one hand and Vanguard on the other; such a result would be represented as a defeat for the Government. The Alliance, Labour and Liberal Parties and the New Ulster Movement were in favour of PR and there were indications that the Ulster Unionists might be moving in that direction. On the other hand, a decision not to proceed with the Macrory reforms, which had in a sense been initiated by Westminster, could equally be regarded as a defeat. These considerations pointed to the conclusion that the local elections must be held on PR and that the new councils must be in operation from next April. The Minister of State (Mr. Channon) was to talk to those concerned in the fields of education and health about the practicalities of this. He appreciated the problems involved both in drafting and getting through the necessary bill and in getting the new system under way but he considered that the political consideration of avoiding controversy in the House of Commons was overriding; it would, of course, be necessary to consult his colleagues in GEN 79 who had already given authority to proceed without PR. It was also necessary to decide what system of PR was to be adopted.

DR. OLIVER pointed out that the Macrory programme was now about midway through and any decision on its future would have to be made in a matter of days. He referred to a list he had drawn up of the propositions on which the decision would have to be based. First, there was the question of the system to be used. The List system used the full council area and would not interfere with the new wards. For the Single Transferable Vote (STV) system the full area could not be used because the number of candidates per area and it was necessary to have smaller groups of 3 or 4 wards; although in theory any grouping was possible, there would be public controversy over the way this was done and it would also take time. He suggested that it was

justifiable to have a Bill rather than Order in Council for such a major change in the electoral system. The mechanics of the operation were a matter for the Ministry of Home Affairs but he thought that the time needed to put through a Bill, to set up the machinery, and to educate officers and public would necessitate putting back the elections to November or December which would lead to grave problems in having the new system in working order by April. It would be necessary, for example, to take administrative action in advance of formal procedures in order to be ready in time. The alternative of postponement was however even less desirable.

In discussion, the following points were made:

- (a) There was some doubt about the likely attitude of the electorate to a system of PR. It would be necessary to ensure that the pressure which existed for its introduction should be widely felt. The public and the parties would be less worried about a postponement of the Macrory reforms, which had been framed on the assumption of a central government in Northern Ireland.
- (b) The difficulties in regard to postponement were administrative and were near to being insuperable because of the distance which had already been covered in running down the old authorities and taking on staff for the new ones. Postponement would probably mean that the Ministry of Development would have to take over a number of councils.
- (c) The parties would not accept the list system and to avoid a debate on the form of PR it was necessary to offer STV only. STV was indeed the only way of avoiding polarisation.
- (d) It would not be possible to avoid controversy by presenting the use of PR as an experiment since there were no criteria by which success could be judged.
- (e) The date for the new authorities to come into operation might be put back from April to July; there would, however, be problems in regard to rating if this were done.

In further discussion it was argued on the one hand that an effort should be made to go ahead as originally planned. It was argued on the other hand that the Opposition did not accept that Macrory could not go ahead on PR based elections. It was generally agreed that the bipartisan policy could not be allowed to be lost, and that it was therefore not possible to go ahead as planned; on the other hand the programme could not be dropped altogether. A compromise solution was therefore required.

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In discussion on the mechanics of introducing a PR system, once the Bill had been put through, it was agreed that a quasi-judicial process, similar to that which had been used to produce the original boundary proposals, would be necessary for the grouping of wards. It was possible that Mr. Harrison and his previous team of assistants might undertake the task. Time (a minimum of eight to ten weeks) had to be allowed for the printing and publication of their proposals and for the making and hearing of objections. Preparatory work could start in advance of the Bill's being passed but the need for the parties and electorate to adjust to the new system (although it would not be entirely unexpected since the Secretary of State had said he was giving it consideration) would mean that the elections could not be before December.

The SECRETARY OF STATE FOR NORTHERN IRELAND, summing up the discussion, said that, subject to the report by the Minister of State (Mr. Channon) on his discussions with educational and health interests he would seek agreement to the introduction of a Bill providing for elections by Proportional Representation (Single Transferable Vote) for the Northern Ireland local government elections. If this were agreed an announcement might be made in the course of the debate on 12 June.

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6. Conclusions

THE SECRETARY OF STATE FOR NORTHERN IRELAND, summing up the Conference as a whole, said that it had been successful in planning the way ahead on an agreed basis. The first priority was for action to be taken, on the lines agreed, in regard to the introduction of proportional representation and in preparation for the conference on a future settlement. He would consider further the desirability of circulating to GEN79 the Conference papers and minutes as a whole.

9 June 1972

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