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RBS 257/12

POLITICAL DEVELOPMENTS GROUP: NOTE OF A MEETING HELD ON WEDNESDAY
18 DECEMBER 1985

Present: Mr Brennan
Mr Bloomfield
Mr A W Stephens
Mr Chesterton
Mr Gilliland
Mr Merifield
Mr Spence
Miss Elliott
Mr Elliott
Mr G Hewitt
Mr S Hewitt
Mr J McConnell

Agenda Item 1: The Future of the Assembly

1. The Group discussed a paper by CPL circulated under Mr Rickard's minute of 20 November 1985. The following points were made:

- (i) our internal deadline for a decision on the Assembly was February 1986; in theory, no announcement need be made until the Orders making desirable changes to the elections -- legislation were tabled and this need not be done until well into the Parliamentary summer term. But in practice, political pressures would build up for an early announcement;
- (ii) a key issue was whether the SDLP could be persuaded to come into the Assembly. The SDLP were unlikely to do so without fresh elections, and would want assurances that the Assembly could be expected to make progress towards the kind of devolved administration which they might be prepared to accept;

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- iii) the SDLP were in no condition to fight an early Assembly election. The mental and organisational changes necessary before they could do so on a basis of participation were unlikely to be complete before the autumn of 1986. This weighed against any attempt to bring forward the date of the elections;
- (iv) if the SDLP were to enter the Assembly, there could be no guarantee that all unionists would remain within it; although the absence of the more intractable unionist elements might not be wholly without advantage;
- (v) an Assembly which contained SDLP, Alliance, and one or both unionist parties would be worth preserving. Even if in the first instance it undertook only consultative functions, the sitting down together in the Assembly of mainstream representatives of both traditions could only imply increased hopes of progress towards devolution;
- (vi) a consultative Assembly without mainstream nationalist participation was unlikely to be worth preserving. Parliament had created the Assembly in 1982 in the hope that the SDLP would participate. It would be difficult to justify fresh elections for an Assembly if such hope clearly did not exist. It was possible to argue that a unionist consultative Assembly was an important counter-weight to the Anglo-Irish Agreement, insofar as it gave a voice to unionists which they would not otherwise have. But the Government wished to reconcile the two political traditions in Northern Ireland, not ratify their division by creating separate consultative institutions for them. Moreover, the Anglo-Irish Agreement had been designed to rectify an existing

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imbalance in the advice reaching Government. Having corrected that imbalance, the Government should not recreate it in other forms;

- (vii) any Assembly elected after the next Sinn Fein Ard Fheis in autumn 1986 ran a risk of containing active Sinn Fein members; there was every likelihood that Sinn Fein would abandon its abstentionist policy.

2. The Group agreed that:

- (i) an Assembly which contained the SDLP, even if it initially assumed only a scrutinising and consultative role, would be worth preservation by fresh elections;
- (ii) an Assembly which remained a purely unionist consultative forum was unlikely to be worth preservation;
- (iii) if (i) and (ii) were accepted, the Secretary of State's decision on whether or not to hold fresh elections was dependent on imponderables. The Group could identify an immediate objective; persuading the SDLP to enter the Assembly after fresh elections. Firm advice on the future of the Assembly could only be offered when the attitude of the SDLP had been established with the maximum degree of certainty. [Action - Miss Elliott to draft advice for Mr Brennan in the light of the Group's consideration.]

Agenda Item 2: Political Strategy

3. The Group held a general discussion on political strategy up till the autumn of 1986, taking account of Mr Merifield's and Mr Spence's paper of 4 December, and touching upon the short-term future of the Assembly (as distinct from its longer-term future, discussed above).

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4. In discussion the following points were made:

- (i) the short-term future of the Assembly would depend on what happened when the Grand Committee inquiry into the Anglo-Irish Agreement had concluded. If the Assembly did not resume scrutiny work and continued to act as a mouthpiece for the unionist parties' opposition to the Agreement the Secretary of State should be advised to prorogue or dissolve it;
- (ii) the Secretary of State's threat to withdraw Assembly staff, made in his reply to Malcolm Bruce's Question, had attracted little attention;
- (iii) a potentially dangerous political vacuum would open up between the end of January 1986, when the by-elections were concluded, and the early autumn when the SDLP might be ready to fight an Assembly election on the basis of participation. Unionist rhetoric against the Agreement was likely to grow more extreme and hysterical during this period, unless this vacuum were filled by some action of Government on the internal political front;
- (iv) the Irish had indicated during the first meeting of the Intergovernmental Conference their intention to table devolution proposals of their own. If the existence of such proposals became public, any devolution proposals produced by the UK Government would be seen as tainted by Irish influence, and so unlikely to command any degree of unionist acquiescence. This was an argument for the UK Government producing its own devolution proposals before the Irish.

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5. The Group considered a number of actions which the Government could take to fill the political vacuum it had identified. These included:

- (i) an initiative based on further development of the Catherwood proposals, or a "weighted majority" system resembling them. An initiative on this basis would have the advantage of building on the genuine unionist movement (manifested in the apparent abandonment by the unionist parties of the principle of simple majority rule) which Sir F Catherwood claimed to have identified;
- (ii) a scheme directly based on the 1982 Act and identified in discussions earlier in the year, namely partial devolution.

6. The Group noted that both Catherwood and the 1982 Act provided no more than a mechanism for devolution. Under either approach, no scheme could work without cross-party support to underpin it. Even if we could avoid the belief that a scheme had been inspired by the Republic, floating any particular scheme in the present political atmosphere could be counter-productive; if it was firmly rejected, the prospects of floating that particular proposal again would be blighted.

7. At the same time, without a Government initiative, no movement on devolution would originate from the parties. There would be advantage in opening up a general debate on the possibilities for devolution, without committing the Government to any particular scheme. To open up such a debate would help move political attention away from the increasingly sterile ground of the Anglo-Irish Agreement, and provide a focus for moderate unionists who disliked the vehement rhetoric of the parties' opposition to the Agreement.

8. The Group agreed that, given the strong position in which the SDLP found themselves as a result of the Anglo-Irish Agreement, the best short-term initiative was to apply pressure

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to the SDLP. They might be encouraged to declare that while their position on devolution was well-established, the party was nonetheless prepared, subject to obtaining a suitable mandate from the electorate in the next Assembly elections, to consider entering the Assembly and commencing a phase of co-operation and negotiation with the unionist and Alliance parties. A declaration of this sort would help to open up political debate about devolution (and in the process tend to break up the unionist front against the Agreement) as well as paving the way for SDLP participation in a newly elected Assembly. Ministers should seek, through a combination of meetings and public statements and through the Intergovernmental Conference, to move the SDLP towards such a statement perhaps in February/March 1986. In the light of responses to an SDLP declaration of intent, the Government could then consider whether it would be appropriate to further open up the debate by tabling its own devolution proposals. No immediate devolution initiative, whether on Government proposals or Sir F Catherwood's, was appropriate. [Action - Miss Elliott to draft advice.]

9. The Group also agreed that it was desirable that any Irish devolution proposals should be brought forward to the Intergovernmental Conference in slow time. Our difficulties with early tabling of proposals should be put informally to the Irish side of the Secretariat. [Action - Mr Elliott]

10. The Group considered the presentation of the Agreement to unionists. The following points were made:

- (i) there could be no hope of securing active unionist support for the Agreement; grudging toleration was the most that could be expected;
- (ii) unionists did not accept the argument that the Conference had no implications for sovereignty. The line that the Agreement made little difference and would be welcomed by unionists

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if only they understood it was not sustainable; candour about the real need for the Agreement and its implications for the unionist community, might be more effective;

(iii) this approach should be combined with firm rebuttal of the many misconceptions surrounding aspects of the Agreement, especially the role of the Secretariat;

(iv) there were difficulties in the Government Information Service becoming too closely involved with these issues during the by-election campaign;

(v) there was a need for unionists to see some concrete results from the Intergovernmental Conference at an early stage. Short-term improvements in security, or a reduction in nationalist alienation (however measured) seemed unlikely to be sufficient. Joint action against Sinn Fein would have an impact on unionist opinion, and this made the formulation of UK Government proposals on Sinn Fein more urgent: but all the available options presented severe difficulties.

11. It was for consideration whether a small Belfast-based group should be set up to co-ordinate the response to unionist grievances. [The Chairman would discuss this further with Mr Bloomfield.]

12. In considering enhanced consultation arrangements for unionists the following points were made:

(1) there was an outstanding commitment to Mr Cushnahan to put forward proposals for additional ways of consulting unionists;

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- (ii) it was difficult to see how in practice any proposals could be pursued, given the unionist boycott of Ministers and the resignation of unionist MPs from Parliament;
- (iii) no particular addition seemed necessary to the considerable number of channels which unionists already had to convey their views to the Government;
- (iv) marginal improvements to the existing structures might be possible; for example, by regular meetings between unionist and Alliance elected representatives and Ministers on reserved and excepted matters (on transferred matters the Assembly, if and when it resumed its consultative functions, remained the proper channel of communication). Some enhancement of the role of the Security and Home Affairs Committee of the Assembly might serve to overcome the particular problem of the Chief Constable's accessibility to local politicians, given that he was now accessible to Mr Barry through the Intergovernmental Conference.

13. The Group agreed that no further action on enhanced consultation arrangements was at present necessary; we should return to the subject only if unionist or Alliance politicians did so.

Agenda Item 3: Intergovernmental Conference in relation to other Government Consultative Processes

14. The Group noted that the Irish seemed to be awaiting a steer from the UK side on how consultation on Proposals for draft Orders in Council might be handled. The salient issues were:

- (a) timing of consultation with the IC;

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- (b) selection of draft legislation on which consultation in the IC might be arranged.

15. On timing it was desirable that consultation with the IC should normally take place at the same time as wider public consultation on Proposals for draft Orders, although it was recognised that the Irish might need to be aware in general terms of the content of forthcoming legislation (in the same way as other relevant interests in NI were often consulted, at the pre-drafting stage of the legislative process).

16. On selection of draft Orders for IC consultation, the Group felt that the Irish should be consulted through the Secretariat on the basis of a list of forthcoming legislation. The composition of this list and its relationship to the published legislative programme (eg that contained in the Secretary of State's pre-term letters to party leaders) would be for consideration. [Action - Mr Spence in consultation with Miss Elliott.]

Agenda Item 4: Any Other Business

17. The Group noted that the Secretary of State would shortly be considering options for further action on Sinn Fein. Mr Needham's report on his discussions with interested parties would be forthcoming shortly and was likely to recommend some form of declaration of non-violence, accompanied by a power to remove.

J. McKerrill

PP 5 L RICKARD

24 December 1985

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