

14

6/4
DESK BY
12.00.

PS/Secretary of State (L&B) m
PS/Ministers (L&B) m
PS/PUS (L&B) m
PS/Mr Bloomfield m
Mr Brennan
Mr Stephens m
Mr Chesterton
Mr Gilliland m
Mr M Elliott m
Mr Farneyhough m
Mr McConnell m
Mr Wood
Miss F Elliott

Prime Minister
HEAD OF THE N.I.
28 MAY 1986
CIVIL SERVICE
451/5.

RECEIVED
1132
28 MAY 1986
STORMONT HOUSE ANNEX

THE NORTHERN IRELAND ASSEMBLY

1. The four year term of the Northern Ireland Assembly will expire on 20 October and will automatically be followed by new elections unless it is dissolved before then. I have been reflecting on whether it would be desirable for the Assembly to begin another term, and am writing to inform you of my conclusions and the steps which I propose to take.
2. Since last November, the Assembly has been used by the Ulster Unionist Party (UUP) and the Democratic Unionist Party (DUP) as a central platform in their campaign against the Anglo-Irish Agreement. A committee has investigated and reported on its implications; and, as might be expected, arrived at hostile conclusions. Weekly plenary debates, dominated by more extreme members of the DUP review its operation in critical terms. Despite Alliance Party objections and the refusal of Alliance Assemblymen to attend under such circumstances, the Assembly has formally suspended its scrutiny of direct rule and wound up the committee charged with considering devolution proposals. It is thus refusing to carry out any of its statutory functions.
3. If the unionist parties were to fight elections and take their seats in a new Assembly in the Autumn, there is no guarantee that they would behave differently. Present indications are that they will not be prepared to start talking to us until after the marching season, in September. It is unlikely that in a month their opposition to the Agreement will moderate

CONFIDENTIAL

enough to change their attitude to the Assembly. While there are signs that the SDLP would fight elections and take their seats in the right circumstances, they are unlikely to do so unless they see prospects for a positive way forward in a newly elected Assembly.

4. Given the circumstances described above I have come to the view that we must dissolve the Assembly now. We can hold elections and recall it at any time thereafter by Order in Council. Prorogation, as a first step, to offer a breathing space, would not in my view be advantageous. The signals that there will be no political progress before the Autumn are quite clear. And Assembly members would still be entitled to use (or misuse) the Parliament Buildings.

5. Dissolution will require an Order in Council under Section 5(1) of the Northern Ireland Act 1982 subject to affirmative resolution by Parliament. In approving it, Parliament is asked to take account of any relevant proceedings in the Assembly. I believe that it would be more appropriate to lay and debate this Order when the Assembly is in session, before the Summer Recess, than in the rump when in any case timing constraints would be very tight. I should therefore like to lay the draft Order as soon as possible after the Whitsun Recess. I propose that it be debated simultaneously with the draft Northern Ireland Act 1974 (Interim Period Extension) Order 1986 which must renew the provisions for direct rule in that Act before its expiry on 16 July. It would be desirable for the debate to take place in June, before the height of the marching season in July.

6. Presentation of a decision to dissolve would be most important. It need not be a message of finality and gloom. I believe that we should make it very clear that we still want to see a new devolved government; that we want to hold elections to a new Assembly; and that we will do so when we see that the constitutional

parties will take their seats to explore proposals for devolution and monitor direct rule, as the Northern Ireland Act 1982 envisaged. Against the charge that we are cutting off one of the few outlets for Northern Ireland elected representatives to express their views to us, we shall seek to consult the leaders of the political parties about proposed legislation and policy matters which previously would have been remitted to the Assembly. We will also make clear that your offer to discuss with the unionist leaders how their views might be taken into account, apart from in the Assembly, remained open. I believe that this message should be pressed home in a Parliamentary statement simultaneously with the laying of the draft dissolution Order. It would be reinforced in the debate on the Order.

7. We must recognise that early dissolution might well provoke unwelcome demonstrations from unionist politicians (for example, a sit-in in the Assembly building) as well possibly as encouraging further disruptive tactics in district councils and administrative boards. But these considerations are well outweighed by the indefensibility of keeping in being an Assembly behaving as it is now, or, worse, finding ourselves committed to elections for a new Assembly behaving similarly. And I believe that the Northern Ireland public as a whole expects the Assembly to come to an end. I have hinted in recent months that it could not continue indefinitely to ignore the functions contemplated by the 1982 Act, and at considerable cost to the taxpayer (£2.8m in 1985/86) to serve as a forum for extremist unionist propaganda. Moreover, I am inviting the leaders of the constitutional parties, which have taken their place in the Assembly, to separate meetings to discuss its future. The public will see quite clearly that we gave their leaders every opportunity, to the last minute, to prolong the Assembly's life.

8. I should be grateful to know if you are content that the Northern Ireland Assembly should be dissolved before the Summer Recess; and with the manner in which I intend to present this decision. I am copying this minute to the Lord President, the Foreign Secretary, the Home Secretary, the Lord Privy Seal, the Secretary of State for Defence, the Chief Whip and Sir Robert Armstrong.

Amanda Johnston

for TK
(approved by the Secretary of State and signed in his absence in Northern Ireland)

27 May 1986