

CONFIDENTIAL

Convention file 101

Mr Trevelyan

DUS/ 11546/76
N.I.O.
BELFAST
DATE: 26.1.76

cc Mr Barker ✓
Mr Burns ✓
Mr Wyatt ✓

*Cc. Mr England
Mr Crook
Mr Leahy
Mr Belcher.*

IRN: CONSTITUTIONAL CONVENTION

I attach a draft IRN paper on the Convention. I also attach *2 memos* two mufaxed papers on the para-militaries prepared by Mr Wyatt (not copied to Mr Barker and Mr Wyatt). Mr Barker inclines to the view that these para-military paragraphs could go in the IRN paper on Security being prepared by Mr Bampton. *2671* Perhaps this can best be judged when you see both IRN papers. I think that they would fit in the draft Convention paper without difficulty if that was required.

The attached draft takes into account Mr Burns' comments following yesterday's meeting between the Secretary of State and the Lord Chief Justice. I have also spoken to Dr Hayes. I am copying the draft, inter alia, to Mr Wyatt with a request that comments should be passed to you on Monday morning.

I do not think that discussion of the options open to us, and in particular how we propose to intervene if the Convention were to breakdown, should feature in this paper.

N. C. Abbott
N C ABBOTT
25 January 1976
Ext 4292
Room 51A/1

JW

CONFIDENTIAL

CONFIDENTIAL

THE CONSTITUTIONAL CONVENTION
Memorandum by the Secretary of State for Northern Ireland

As my colleagues know the Report of the Convention was debated in Parliament on 12 January after which I wrote a letter to the Chairman of the Convention on 14 January, published as a White Paper on 16 January, setting out the Government's position and in particular listing three specific matters for the Convention to consider. The reconvened Convention will hold its first meeting on 3 February.

2. Initially the UUUC said that they would not attend a reconvened Convention ostensibly on the grounds that there was nothing to add to the Convention Report, but in fact because they are still not prepared to compromise on the key issue of Cabinet posts for the SDLP. In recent talks with the Chairman they have adopted a more conciliatory attitude and it now appears that they will take part

1
CONFIDENTIAL

CONFIDENTIAL

in the Convention and participate in inter-party talks. To some extent the UUUC have been out-maneuvred due partly to the helpful debate on 12 January. But their current approach is for presentational reasons and perhaps because, due to restlessness by Taylor and some other Official Unionists who are bored by Paisley's intransigence, the Coalition is beginning to fray at the edges. Nevertheless, there are still no real signs that the UUUC are prepared to shift on partnership in government whether within or outside a Cabinet. I doubt whether the UUUC would ever agree on Cabinet seats for the SDLP because this has become a cardinal issue of principle with the Coalition and its voters. Loyalist politicians are only too well aware of the fate of O'Neill, Faulkner and Craig. I do not believe that there would be movement unless the Coalition as a whole, perhaps in response to popular demand and backed by the para-military groups, gave way. At present, Paisley and Martin Smyth, the influential Orange Grand Master, who are taking a hard line, dictate Coalition policy, backed by most of the para-militaries who are now pressing for undiluted majority rule.

3. Meanwhile the SDLP sulk in their tents. They are despondent about the reconvened Convention and appreciate the weakness of their position caught

CONFIDENTIAL

between Loyalist intransigence and militant republicanism. The SDLP cannot afford to settle for less than Cabinet posts. The Alliance Party and Mr Craig's VUP are anxious that progress should be made quickly, but neither currently commands substantial strength either in the Convention or in the community at large. Mr Faulkner's UPNI sees no advantage in further meetings of the Convention unless all concerned are prepared realistically to discuss power-sharing.

4. Thus the apparent willingness of the parties to talk further barely conceals continued intransigence on the single issue of partnership in government. Further plenary sessions of the Convention would only emphasise the deadlock and accordingly the Chairman will urge the parties to proceed by way of inter-party talks some of which may be chaired by the Chairman himself. But although the Chairman has been a success in many respects neither he nor his staff are of themselves capable of breaking the deadlock. There must be movement by the parties themselves.

5. I did not feel it right to intervene in the Convention's first phase but if, as seems likely, the Chairman indicates to me that no progress is being made, I propose to make a number of points clear to

the Convention at the appropriate time. Assuming that the Convention starts again as planned on 3 February, I would expect that it will be clear within two weeks whether there is movement. If not, the Chairman proposes to adjourn the Convention for a week during which I shall repeat that unless there is agreement on partnership in government, Northern Ireland will not have a devolved government, that it will have to take its place behind Scotland and Wales before Parliament will consider how it should be governed and that, meanwhile, direct rule will continue. I could point out that a devolved government in Northern Ireland would be better placed to cope with its serious economic problems. I shall also make clear that the failure of the Convention will benefit the men of violence at the expense of the community who elected the Convention to reach agreement. I propose to reserve my position at this stage on whether to hold a referendum.

6. Whatever course the Convention now takes we shall have to react quickly if, as I expect, it begins its work on 3 February. [The progress of the Convention may well have implications for the security situation which is separately considered in IRN(76) .]

7. I shall keep my colleagues informed of developments.

Northern Ireland Office

M.R.

January 1976