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OPTIONS FOR RECALLING CONVENTION

1. We do not see that any useful purpose would be served by recalling the Convention simply to take up where it left off, to continue to work within the present rather ambiguous guidelines by the methods adopted in the first phase, and with a wide general remit to consider systems and government. We advise against recall in such circumstances.
2. It is however possible to envisage several sets of circumstances in which a reconvened Convention could perform a useful and necessary task -
  - A. (1) The Secretary of State in his talks with the parties is able to secure agreement to a political deal in broad terms whereby parties would agree on the form of devolved government; the Convention might be recalled to debate and legitimise such an arrangement. This would be a short session designed to secure the endorsement and support of backbenchers and through them to carry support in the country.  
  
(2) If the arrangements reached were in such broad general terms that details remained to be worked out, the Convention could be recalled (a) to endorse as at (1) above, and (b) to consider and agree matters of detail. This would involve the general debate, as above, and possibly Committee work over a more extended period to work out detailed schemes.
  - B. If the Secretary of State in his talks with the parties is able to arrive at a broad measure of agreement, and in particular to identify clearly the areas of disagreement; he might recall the Convention to consider these specific issues, within clearly defined terms of reference (and within an altered format).
  - C. The Secretary of State after discussion with parties, concludes that parties are unlikely to agree on a form of government of their own volition, he might then abstract from the proposals in the draft reports and elsewhere, a system of government that might be generally acceptable. This could be put to a recalled Convention for endorsement. This seems to be the most hopeful line of advance. [cf JAO note to Sir Frank Cooper 13/11] the "best buy" option.

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D. S of S to put a series of questions to a recalled Convention.

[We do not regard this as a very profitable exercise.]

Questions should be specific and should avoid mere time-wasting speculation.

Questions of an idealistic nature - beyond the bounds of political realism should also be eschewed.

Appropriate questions might be -

1. Assume acceptance of report - would parties agree to abide by results of election - to work a devolved system or act as a constitutional opposition?

[Conditions - Parliamentary power to override; UK Bill of Rights; minimum powers to be devolved (eg control of former local government services); range of services to be devolved to be capable of extension - if broadly based government capable of being formed voluntarily.]

2. Given clear directions on what HMG will accept - can parties now devise a widely acceptable (ie majority of majority, majority of minority) form of government? How is acceptability to be assessed?
3. Assume HMG will not accept report - does Convention wish to furnish alternative proposals? or  
(b) what proposals would Convention wish to make for the improvement of long term 'direct rule'?

4. Would the Convention consider the following alternatives and recommend the most acceptable:

- (a) Executive Boards
- (b) Two-part cabinet
- (c) Executive Committee system - no cabinet
- (d) Presidential system - election of Chief Minister at large - Executive (i) selected by him  
(ii) elected by PR.

[A series of options will confuse members and prolong discussion - better give one option under Model C.]

5. Does Northern Ireland need a Cabinet system? The administration of housing etc could be based on a simpler structure. Would the Convention care to advise a suitable format?

[To avoid culture shock, the UUUC would need to have been prepared for this by a careful process of deflation during the current series of talks.]

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- E. The S of S having spelt out the facts of life to the parties, asks them to try again through the Convention, to pursue the 'Voluntary Coalition' solution.
3. It is presumed that the S of S will take these steps before either accepting or totally rejecting the report, and before a debate in Parliament.
  4. The recall of the Convention could be announced by a statement in Parliament accompanying the Order. There may be a case for a White Paper which would clarify government policy. How widespread is widespread? Has the Act overtaken the White Paper parameters for power sharing and an Irish dimension? Is any solution excluded?
  5. Questions to the Convention should be directed through the Chairman, who would be responsible for canvassing and assessing the opinions of members and conveying them to S of S.
  6. The reconvened Convention will presumably inherit the Standing Orders already adopted - and it would be contentious to try to dispose of them now. Nevertheless it would be helpful if the Chairman had power to arrange meetings and agendas and to conduct negotiations with small groups of leaders. If this could be effected by use of the S of S power to issue directions to Convention, rather than formalised in an Order, it might get by more easily. To avoid offending the sensibilities of members, this might be done after consultations by the Chairman with party leaders.
  7. In the case of recall, Model A requires only plenary sessions: Model B would require a Committee Structure as well, which could be prescribed: Models C & D might require a combined approach: Model E seems more suited to discussion by a small group of leaders.
  8. It is for consideration whether some form of Policy or Management Committee elected on a basis of proportionality should be prescribed. In any case the Chairman will need to have access to leaders and some authority for conducting negotiations with them.
  9. In the event of negotiations being conducted through a small group of leaders, albeit with frequent reference back to party groups and possible endorsing debates in the Convention, the problem remains of how to occupy the majority of the members not engaged in detailed day to day negotiations.

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10. The problem remains of accommodating the 'constituency' interests of members and their electors in relation to transferred functions administered by NI Departments (in the absence of a top-tier elected local government), in the event of the Convention being recalled, and avoiding the possibility of a political vacuum if the Convention, whether recalled or not, ends without agreement. It is important in these circumstances to ensure the continuance of political activity as an alternative to violence.
11. This leads to the proposal of a further Model F, designed for a more gradualist approach. Under this Model, party leaders would continue the search for agreement (or accommodation) on forms of government as at E, while the other members discussed matters of more general interest. In addition, Members of the Convention might progressively be appointed to public bodies, and consultative Committees to advise NI departments might be drawn from the membership. This would develop the process of discussing economic problems with Convention parties already initiated by Mr Orme. In due course all members might be so engaged in constructive political activity at regional level. This would provide some satisfaction, and enable them at the same time to concern themselves with the problems of their constituents. In the event of agreement, members (and departments) would be prepared for increased devolution (and would indeed have been involved in the process). If agreement is not reached, the consultative and representational processes might be seen to have strengthened the system of direct rule. We think that Section 2(1) of the Act allows a wider consideration of 'government' than the members have been inclined so far to allow.
12. In either case we would not consider an election appropriate for some considerable time.
13. If any of the Models A - E are adopted, the life of a reconvened Convention should be a matter of months. If Model F is adopted it could be open-ended.
14. It is important that the recall of the Convention, if this is decided, should be presented as a positive development in an unrolling political process. It should not be seen as a return to uncertainty or as a counsel of despair. It is important too to support and vindicate the political process (and politicians) and to avoid a vacuum.

JAO/MNH

28 November 1975

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