

MEETING TO DISCUSS POLITICAL DEVELOPMENT HELD ON 9 MAY

Present: Secretary of State	Mr Bloomfield
Dr Boyson	Mr Merifield
Mr Scott	Mr Chesterton
Mr Patten	Miss Elliott
PUS	Mr Bickham
Mr Brennan	Mr Daniell

1. The purpose of the meeting was to consider the next steps in the light of Mr Patten's talks with the parties, to examine models for internal political structures, and to look at the implications of the Anglo-Irish discussions in the light of the recent meeting of OD(I). This note records the main points made in discussion and the agreed action points.

Tactics for the coming months

2. Mr Patten's ground clearing discussions had achieved their objectives of keeping internal political development to the fore and of clarifying the respective positions of some of the parties. It was encouraging that the SDLP had been prepared at least to discuss internal arrangements within Northern Ireland. While the parties' respective attitudes towards internal models would be to an extent influenced by the outcome of the Anglo-Irish discussions, that did not mean that activity on the internal front should in the meantime cease. There were a number of options for action to ensure that political development within Northern Ireland did not recede from public consciousness as an issue:-

- (i) another round of ground clearing talks with the parties;
- (ii) Secretary of State to use the opportunity afforded by major speeches (in particular in the renewal debate and in addressing the Assembly) to heighten interest in political development and to start people thinking about possible options;
- (iii) a round of talks with the parties in which HMG's views on possible options are fed into the discussions;
- (iv) publication of a Green Paper setting out preferred options.

3. In discussing the options, the point was made that little more of substance could be expected to come out of a continuation of the ground clearing exercise. However it would be possible to carry on with another round for tactical reasons to show political purpose

and avoid a vacuum in June. There was some attraction in producing a discussion document, thus bringing in a wider audience than just the party leaders; such a document might put forward more than one model for consideration. However the SDLP could not be expected to enter into a debate about specifics before the outcome of the Anglo-Irish talks was clear and there was a danger that the parties might be forced prematurely into adopting negative positions on particular ideas. These arguments applied with equal force to the idea that the Secretary of State should introduce favoured models into discussions with the parties at this stage; our ammunition should not be expended prematurely.

4. In the light of the discussion, the Secretary of State has decided that he will talk to the party leaders about the internal track, possibly at the same time as he speaks to them about the Anglo-Irish process in accordance with the OD(I) remit (para 14 below). He will, in effect, round off Mr Patten's ground clearing exercise.

Models

5. It was important that, once it had become clear whether the Anglo-Irish talks had succeeded or failed, HMG should be in a position to say what it was trying to achieve by way of internal political development in Northern Ireland. This was necessary whether or not it was at the time thought likely that the parties were likely to participate. Three basic models were identified:-

- (a) legislative and administrative devolution of the five NI departments (not DFP), in accordance with the provisions of the 1982 Act;
- (b) devolution of administrative and policy functions in relation to transferred matters but with Westminster retaining legislative responsibility;
- (c) partial administrative devolution - retaining Northern Ireland departments under the control of Westminster Ministers but introducing a regional council and regional boards to be responsible for the administration of services.

6. Models (b) and (c) would require fresh legislation but might be easier to sell to Cabinet colleagues; and in the event of an agreement with Dublin, they might be more attractive to elements within the unionist party. The SDLP's attitude would be critical and there had been little in the past to suggest that they would be attracted to some form of administrative devolution. However, there were signs now that, outside the Anglo-Irish negotiations, Hume's preoccupation on the political front was the achievement^{of} proportional representation for Northern Ireland at Westminster, even though this was an unrealistic aim. Within the Province, particularly if an Anglo-Irish agreement was reached, it was arguable that for the SDLP it was not the nature of the powers to be devolved (ie legislative, policy or administration) that was critical but the way in which power was

sha around. Without an agreement however it would be very difficult to keep the SDLP in play internally, but they might be more resolutely opposed to anything that smacked of integration or an enhancement of local government powers.

7. Option (a) was attractive to the DUP in that the majority on any Cabinet or committee of "chairmen" would be unionist as would the majority in the Assembly. Thus, even with a sharing out of chairmanships, unionists would clearly be in control. Conversely it might be possible to make option (b) attractive to the SDLP on the grounds that the minority's departmental heads would not be in a Cabinet where they could be outvoted, but would be dependent upon a bilateral relationship with the Secretary of State in order to secure resources. Also, it might be a way of satisfying those unionists who could not contemplate power sharing as such at any level and who were in any event attracted to the concept of administrative devolution. It might be that option (a) could be presented as remaining HMG's preferred long term aim, but in the meantime option (b) or (c) could be introduced as the framework within which the parties were initially most likely to be persuaded to work together.

8. In administrative terms, option (b) might lead to severe strains between local politicians and the Secretary of State and between the NI departments and the rump of officials who would look after HMG's continuing responsibilities for legislation and other matters in the transferred field. There would be difficulties over resolving conflicts between the proposals of the departments and UK-wide policies; and there would be duplication of effort on the part of civil servants serving the departments and those serving the Secretary of State. It was important to bear in mind that the departments, as at present constituted, were not administrative bodies - they made policy.

9. While the difficulties set out in paragraph 8 were not to be under-rated, they were not decisive arguments against option (b). It would entail Northern Ireland departments being run by Northern Ireland politicians within a legislative and financial framework provided by the Secretary of State. Where, for example, DOE wished to introduce a new system of improvement grants, there would be negotiations with the Secretary of State who would be responsible for the necessary legislation and for finding the money. Also, there was a broad range of policy work which did not involve new legislation and which could therefore be pursued without reference to the Secretary of State.

10. Option (c) could not be regarded as devolution in the true sense of the word; rather it was a way of overcoming the MacCrorry gap through an elected Council overseeing regional services. It would be seen very much as a variant of direct rule. The Council could nominate elected members to sit on Boards which would run the services. While such Boards would have a majority of elected representatives, some of whom would come from the minority parties, and would therefore be democratic, they would also have some appropriate

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professional people appointed as members.

11. It was agreed that officials should work up a draft of a Green Paper that might be published at a time when it was judged appropriate for HMG to feed in its own ideas on internal political development as a means of encouraging the parties to reach agreement. The draft would make it clear that the model envisaged by the 1982 Act remained a worthwhile objective; but it would recognise that there might be merit in considering devolving responsibilities to local politicians without the added complication of including legislative powers. It would then set out the three models described in paragraph 5 above and make it clear that this was the ground to be explored with the parties - the only alternative being a continuation of direct rule, with all the consequences that would have for political life in the Province. ~~Attached~~ to the paper would be a note setting out the pros and cons of each of the three options. The fact that it was being drafted was to remain confidential.

Anglo-Irish

12. Negotiations with the Irish were running into difficulties over the phraseology to be used in any agreement on the preservation of sovereignty^{and} the width of the consultative role for the Irish. Agreement in June was improbable given that thought was being given to altering the format of the joint document in order to deal with these points. September seemed more likely. There were advantages in this in that the making of any agreement would not become an issue during the marching season.

13. The link between the Anglo-Irish initiative and internal political development was of major importance and ideally any agreement between the two countries should spell that out and commit the Irish to supporting an internal solution. However, the SDLP would not be prepared to commit themselves in advance to participate in devolved machinery, the precise nature of which was not clear; this would be reflected in the Irish attitude. Moreover, if the Anglo-Irish agreement were made dependent upon SDLP participation in internal machinery, that might give the unionists an incentive to negotiate for terms which the SDLP could not possibly accept, thus wrecking both tracks of the policy. The most that could reasonably be expected was a statement of support from the Irish for internal political progress in Northern Ireland and agreement on the part of the SDLP to enter into serious talks on the subject. The Secretary of State decided therefore not to write to the Foreign Secretary asking him to harden up the link; instead he would write pressing the point that there needed to be machinery for ending any Anglo-Irish agreement if it was not working and pressing for a "giving notice" clause.

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14. The Secretary of State was under a remit from OD(I) after the District Council elections confidentially to sound out the main constitutional parties on the Anglo-Irish process. He had spoken to the unionist leaders earlier in the year about the framework within which the talks were taking place and giving reassurance about the limits of the discussions. Further discussion of this subject with them should edge forward into more positive areas. More thought would have to be given to how this remit was to be discharged, without compromising the confidential aspects of the Anglo-Irish talks.

Contingency Planning

15. There was a substantial possibility that the twin track policy of progress on the Anglo-Irish front and internally would at some stage founder. It was agreed that work should be set in hand on what would be done over the next two or three years and what would be announced if the Anglo-Irish talks collapsed and it was apparent that there was no real prospect of devolution.

16. The Secretary of State stressed that the fact that such contingency planning was in progress should not detract from the effort being put into making the twin track policy work or from the need to be on the look out for fresh ideas on how to make progress.

Summary of agreed action

17. (a) Secretary of State to talk to the main party leaders about internal political development, possibly at the same time as he meets them on the Anglo-Irish discussions (para 4 and (e) below) - Mr Brennan to advise on timing and on whether this can reasonably be combined with the Anglo-Irish element.
- (b) Mr Merifield to advise on a line to take with the press and political leaders should questions be asked about the current status of Mr Patten's ground clearing exercise.
- (c) Secretary of State to make key-note speeches on internal political development (para 4) - Mr Chesterton to co-ordinate.
- (d) a draft Green Paper to be worked up setting out HMG's ideas on how to make political progress (para 11) - Mr Brennan to arrange
- (e) consideration to be given to how the Secretary of State might discharge the OD(I) remit on talking to the Northern Ireland constitutional parties about the Anglo-Irish discussions (para 14) - Mr Brennan to advise

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- (f) production of a contingency plan on action to be taken if the twin track policy fails (para 15) - Mr Brennan to arrange

- (g) Secretary of State to write to the Foreign Secretary about the need for a "giving notice" clause in any Anglo-Irish agreement - Mr Brennan to provide a draft.

J A Daniell

J A DANIELL
Private Secretary
14 May 1985

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