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OD(82) 5th Meeting

COPY NO 47

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

MINUTES of a Meeting held at
10 Downing Street on
THURSDAY 25 MARCH 1982 at 11.15 am

PRESENT

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon William Whitelaw MP
Secretary of State for the
Home Department

The Rt Hon Lord Hailsham
Lord Chancellor

The Rt Hon Lord Carrington
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon Sir Geoffrey Howe QC MP
Chancellor of the Exchequer

The Rt Hon Francis Pym MP
Lord President of the Council

The Rt Hon Humphrey Atkins MP
Lord Privy Seal

The Rt Hon John Biffen MP
Secretary of State for Trade

The Rt Hon Baroness Young
Chancellor of the Duchy of Lancaster

THE FOLLOWING WERE ALSO PRESENT

The Rt Hon James Prior MP
Secretary of State for
Northern Ireland

The Rt Hon George Younger MP
Secretary of State for Scotland

The Rt Hon Leon Brittan QC MP
Chief Secretary, Treasury

The Rt Hon Michael Jopling MP
Parliamentary Secretary, Treasury

SECRETARIAT

Sir Robert Armstrong
Mr R L Wade-Gery
Mr R L L Facer

SUBJECT

NORTHERN IRELAND: CONSTITUTIONAL DEVELOPMENT

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NORTHERN IRELAND: CONSTITUTIONAL DEVELOPMENT

Previous Reference: OD(82) 3rd Meeting

The Committee considered a memorandum by the Secretary of State for Northern Ireland (OD(82) 13), to which was attached a draft White Paper on devolved government for Northern Ireland, drafted on the basis of the policy proposals set out in the memorandum by the Secretary of State for Northern Ireland (OD(82) 6). They also had before them a note by the Secretary of State for Northern Ireland (OD(82) 14), covering a draft Bill providing for the resumption of legislative and executive functions by the Northern Ireland Assembly. The Committee's discussions are recorded separately.

The Committee -

Invited the Secretary of State for Northern Ireland to bring his proposals, and his draft White Paper, revised as appropriate in the light of their discussion, to the Cabinet for further consideration.

Cabinet Office

26 March 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

LIMITED CIRCULATION ANNEX
OD(82) 5th MEETING MINUTES
THURSDAY 25 MARCH 1982 at 11.15 am

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THE SECRETARY OF STATE FOR NORTHERN IRELAND said that the Committee had invited him to continue his discussions with the Northern Ireland political parties and to circulate a draft White Paper and an outline Bill. Both had been drafted on the basis of the policy proposals set out in OD(82) 6 for an elected Assembly that would have from the outset deliberative and scrutinising functions and be capable of transformation into a local administration, exercising executive and legislative powers, if sufficient agreement were reached. Since the Committee's discussion on 16 February he had had further meetings with all four of the main Northern Ireland parties. The leader of the Social Democratic and Labour Party (SDLP), Mr Hume, had also met the new Taoiseach, Mr Haughey, following which a statement criticising the proposals had been issued. All the parties had reacted as he had expected. None of them was ready to welcome his

proposals publicly, but in his judgement all would contest elections to a Northern Ireland Assembly and take part in its activities. It was essential to take the present opportunity for political progress afforded by recent successes by the security forces, which had led to internal strains within the Provisional Irish Republican Army (PIRA) and the Irish National Liberation Army (INLA): both organisations might well be looking for a political opportunity to reduce their activities. It would nevertheless take time to establish a system of devolved government in the Province. But progress would never be achieved unless a start were made with an Assembly in which representatives of the two communities were brought together. While the Assembly would inevitably provide a forum for criticising the British Government, failure to make progress towards devolved government could be laid at the door of the Assembly rather than of the Government. He had aimed to produce a short and simple Bill. If this Bill were not proceeded with and an assembly were set up under existing powers, the legislation that would eventually be required would be more detailed and controversial. He had consulted the Leader of the Opposition and the Opposition spokesman on Northern Ireland who had given him an assurance that they would do all they could to facilitate its passage. Failure to go ahead with the proposals would have repercussions on political stability and the security situation in Northern Ireland. He had concluded that without a short Bill this Session the opportunity of political progress was likely to be lost for the rest of the present Parliament. To hold elections under existing legislation would be controversial in Parliament and would provide the Assembly with opportunities for making trouble. He could not guarantee that this proposal would succeed but he considered it necessary to try, with the aim of passing the Bill before the Summer Recess.

In discussion of the proposals for an Assembly, the following points were made -

a. Recent events on both sides of the border had not improved the chances of the proposals succeeding. It was necessary to consider whether it was wise to persist with them, and what the Government's long-term objectives should be. The Government's supporters would ask

whether the objective was to preserve the union or to bring about a situation in which Northern Ireland could find a constitutional relationship outside the union. These questions would be raised in the House of Commons and would lead to damaging controversy. The proposals would give Mr Paisley a new lease of life; they would give the Roman Catholic community a veto over progress towards devolution and thus leave the Assembly merely as a focus for dissension. They would alarm the Unionists and jeopardise their support for the Government. The controversy could damage the Conservative Party at a time when Government policies in other fields were achieving some success.

b. Against this it was argued that the creation of a system of devolved government was the only way in which a lasting union of Northern Ireland with Great Britain could be sustained. This was why Mr Haughey disliked the proposals. The Unionists understood this well, but objected to the proposals because they could not bring themselves to agree to any sharing of responsibility with the Roman Catholic community. The aim of the proposals was to bring peace to the Province and to encourage responsible political leadership there. Failure to take any political initiative would dishearten moderate opinion and make inevitable the continuance of violence: it would also be criticised abroad, and potential investment would be deterred.

c. Devolution in Northern Ireland would not stimulate demands for similar treatment for Scotland. There had never been any disposition in Scotland to draw parallels with Northern Ireland. The proposals would, however, raise again the "West Lothian" Question. The difficulty of having Members of Parliament for Northern Ireland constituencies able to vote on matters affecting Great Britain where the relevant powers for Northern Ireland had been devolved had been easier to deal with when Northern Ireland was under-represented at Westminster. But the difficulty had increased now that it had been decided to increase Northern Ireland's representation from 12 to 17. On the other hand, the then Conservative spokesman on Northern Ireland affairs, Mr Airey Neave,

had made it clear during the devolution debates that increasing the representation at Westminster of Northern Ireland was justified in any circumstances: he had said that the principle of devolution did not justify under-representation of Northern Ireland at Westminster.

In discussion of the draft White Paper, concern was expressed that the inclusion of Part 6, on relations between the United Kingdom and the Republic of Ireland, would lead to severe Parliamentary criticism such as had followed the publication of the communique on the Anglo/Irish summit meeting in December 1980 with its reference to the "totality of relationships within these islands". It was not necessary to include extensive discussion of relations between the United Kingdom and the Republic of Ireland, and in particular between Northern Ireland and the Republic, in a document concerned with constitutional arrangements in Northern Ireland. It would be thought that the proposals for a Northern Ireland Assembly were designed to facilitate the creation of links between an Assembly in Belfast and the Dail in Dublin. It should be remembered that the creation of the Northern Ireland Parliament in 1921 was designed as a step towards the formation of an all-Ireland Parliament. The fears of the Unionists would be aroused that the Government intended to revert to the power-sharing arrangements agreed at Sunningdale. Against that, however, the point was made that there could be no return to the pre-1972 Stormont Parliament and that one purpose of the proposals for a Northern Ireland Assembly was to engage the Catholic minority in the processes of Government. But power-sharing could not be attempted on even minor matters unless the Unionists desired it. If there was no consensus, there would be no devolved power. Since the Catholics in Northern Ireland had strong affinities with the Republic, it was essential to include in the White Paper some reference to relations with the Republic. The Government was committed to the statement issued after the meeting between the Prime Minister and Dr Fitzgerald in November 1981 that it was for the Parliaments in Westminster and Dublin to consider at an appropriate time whether there should be an Anglo-Irish body at Parliamentary level comprising members to be drawn from the British and Irish Parliaments, the European Parliament and any elected Assembly that might be established for Northern Ireland. This did not commit the

Government to set up such a body as soon as an Assembly in Northern Ireland was established, nor to give that body any particular powers. But it was essential to include some language which recognised the interests of the Catholic minority in the North if the present level of support for the Government's policies from the Catholic community was to be retained. Care needed to be taken to preserve cross-border security co-operation on which the success of security operations greatly depended.

In discussion of the timing of the introduction of a Bill, the point was made that it would be difficult to estimate the time required for its passage, since it would be necessary to take all stages on the floor of the House. An extra Bill would not be welcome at this stage of the Session, but if the Cabinet decided that it should be introduced room should be found for it, given the importance of Northern Ireland in political and security terms. The Bill's provisions would be opposed by Mr Enoch Powell and other Northern Ireland Members of Parliament, as well as by a number of Government supporters.

THE PRIME MINISTER, summing up the discussion, said that despite some serious misgivings the Committee was on balance prepared to agree that the Secretary of State for Northern Ireland should recommend to the Cabinet that a political initiative was essential and that the present opportunity should be taken for introducing a Bill to implement the proposals set out in OD(82) 6, with the object of passing it into law by the start of the Summer Recess. Further consideration should, however, be given to the way in which the "West Lothian" Question should be handled, and the White Paper should be amended to take account of the points made in discussion. In particular, the Secretary of State for Northern Ireland should consider whether it would be possible to omit the whole of Part 6 of the White Paper, or include essential points from it elsewhere in the paper. He should then bring his proposals, with a further draft of the White Paper, to the Cabinet for a final decision.

The Committee -

Invited the Secretary of State for Northern Ireland to circulate to the Cabinet proposals for constitutional development in Northern Ireland, together with a draft White Paper, taking account of the points made in discussion and in the Prime Minister's summing up.

Cabinet Office

29 March 1982