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Mr. Prior's Options for Devolved Government

The following is necessarily speculative as the official position, as repeated in the NIO statement of 14 January, 1982 is that Mr. Prior is still considering different models and plans have not yet been finalised. The most that can be done is to build up a picture from press reports and information gathered by Irish officials in Dublin and London. Most recently there have been the Guardian report of 14 January, Lord Gowrie's interview with the Belfast Telegraph of 13 January, and Mr. Lillis' report of the SDLP's talks with Mr. Prior.

Certain options have been ruled out - indefinite Direct Rule, Independence, Integration and a return to the old Stormont regime. The option of increased powers for local authorities in isolation appears to have been rejected. Lastly, Lord Gowrie is quoted in the Telegraph as rejecting another Convention - type approach. As he put it:

> "We have ruled out a talking shop. We would be saying 'here is the form of government we propose, now get on and operate it'. If we can't get agreement, we would do it anyway".

The interview goes on to say that Gowrie is

> "noticeably cool on power sharing - it only makes sense in a form of UDI and I don't think Northern Ireland is a self contained poli[illegible]".

Also, Mr. Angel, Under-Secretary of the NIO told Mr. Dempsey in

Of the options remaining, sources appear to agree that Mr. Prior is thinking in terms of some form of elected Assembly and some form of Executive, not necessarily confined to Assembly members. On timing, there seems to be agreement that Mr. Prior will act sooner rather than later, and the time favoured at present is late February/March. The ideas which he seems to be leaning towards include:

- step-by-step or "rolling" devolution
- nomination of British ministers to an Executive, including the possibility of the Secretary of State as Chief Executive
- the use of weighted majorities in an Assembly.

Of course, none of the above options are mutually exclusive and a proposal may emerge which includes elements of all of these ideas.

Rolling Devolution

As with the other areas, there are several versions of this concept around. One of the earlier versions is that of the Conservative M.P. Dr. Brian Mawhinney. The basic principle is the same - that since full consent to devolved government is not possible powers should be devolved in those areas where agreement can be reached and further powers devolved gradually, as the structure used gains acceptability. As the Guardian puts it:

> "Ministers are aiming...to settle on a plan which commands support on the lowest common denominator principle".

Lord Gowrie says

> "the whole tenor (of our plan) is that you try to get agreement on given points in order to devolve more power. The various groupings only receive power as they show that they are able to

operate it. You are holding out the Holy Grail of a totally devolved system, but no one gets it at once".

John Hume described it as a forumla

"whereby power would be devolved to an elected assembly in Northern Ireland on a piece meal and agreed basis subject to weighted majority decisions of the assembly".

Presumably, the first areas of power to be devolved would be "non-controversial" areas such as control of certain economic affairs.

Nominated Executive

There is a fairly detailed (and apparently well informed, according to Daithi O Ceallaigh) description in the Guardian article of a possible model for an Executive with some members, including possibly the Chief Executive, nominated by the NIO. The paper describes the idea as follows:-

"The new idea of an executive has been compared by ministers during discussions with the American system of a separation of executive and legislative powers. It is suggested that the Secretary of State, as chief executive, could invite people elected to the assembly to act as his ministers and, in the event of a refusal, a British politician would be asked to take the portfolio.

It is then hoped that, with the passage of time, the local politicians would see the desirability of administering their own affairs, would not wish to be excluded from the process and would decide instead to join in the new system.

> It is also thought that as the system is developed, and if it proved to be working, powers could be increasingly devolved. It is suggested that initially the chief executive would take responsibility for central finance, security and foreign affairs but other, less sensitive, functions could be dealt with by the executive".

While the Guardian presents this formula as a form of "rolling devolution", John Hume understood it to be an alternative to this concept. As Mr. Lillis reported:

> "As an alternative to the "rolling devolution" concept, Prior suggested for consideration a system of "separation of powers" whereby the executive would be headed by him (Prior) and institutionally separate from an elected assembly. The executive would not be confined to Ministers at the Northern Ireland Office (as had been envisaged in an earlier kite-flying exercise by Gowrie) but could contain nominees either from within the assembly or from outside it who in some cases might exemplify the Irish identity element".

Weighted Majority

It seems to be the view of the NIO that, while full power sharing is not favoured because of Unionist objections there would have to be some system of weighted majority in the proposed Assembly to protect the minority. Again, it is not known what system Mr. Prior might favour but several possibilities suggest themselves. Some observers have felt that Dr. Brian Mawhinney's views may be drawn on and for that reason an article outlining Dr. Mawhinney's proposals is attached. In the Atkins discussion paper of July 1980 a range of possibilities is discussed.

Conclusion

In thinking on the above lines Mr. Prior's aim would be to circumvent Unionist opposition to power sharing by opting for a novel form of power structure involving a partnership between the Northern Ireland political parties and the British Government. A major concern he will have is to produce a structure which will not collapse straightaway and which will stand up to the threat of boycott. In this regard, he will have the failure of the Mason and Atkins proposals in mind. At the same time he will have to meet the needs of the SDLP. While their views are not yet fully formulated, it is clear that they would have reservations about entering into any local administration which did not have a strong Irish dimension.

Whatever he comes up with there is no reason to doubt Mr. Prior's determination to impose some form of devolution, whether there is full agreement or not.

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