



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2016/22/2129
<b>Creation Dates:</b>	16 September 1986
<b>Extent and medium:</b>	7 pages
<b>Creator(s):</b>	Department of Foreign Affairs
<b>Accession Conditions:</b>	Open
<b>Copyright:</b>	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

CONSTITUTIONAL (ATKINS) CONFERENCE 1979-80

The new Conservative Secretary of State Atkins announced in October 1979 that the Government would put devolution proposals to Parliament at an early date and that he intended convening a Conference so that the Government might have the highest degree of agreement possible in Northern Ireland.

Two white papers were published:-

- (A) The Government of Northern Ireland - A Working paper for the Conference November 1979
- and
- (B) The Government of Northern Ireland - Proposals for Further Discussion July 1980.

The OUP refused to attend: the SDLP agreed to go only after additional concessions were granted on a number of points, in particular, further talks outside the framework of the Conference to cover the Irish Dimension, Europe and Security. The Alliance, DUP and SDLP met under the Chairmanship of the Secretary of State in January-March 1980 and failed to agree, SDLP and Alliance insisting on power-sharing and the DUP insisting on majority rule. (The politics of the negotiations are set out in more detail in London Embassy report of April 1980).

(A) WORKING PAPER

Devolved Government should be provided because:-

People of N.I. have less responsibility for their own affairs than elsewhere in UK because of direct rule.

Scope of Conference

Not to discuss

- Such issues as Irish Unity, Confederation, Independence.
- Pre 1972 Government structure.
- Sunningdale structure.

Objective

- Transfer of as wide a range of powers as can be agreed, including all the powers transferred under the 1973 Act.

Principles

- Powers to be transferred to elected representatives under the overriding authority of Parliament: defence, foreign affairs, revenue (but not necessarily local rates), courts and electoral matters to remain with UK permanently, and law and order for foreseeable future.
- Reasonable and appropriate arrangements required to take account of the interests of the minority.
- Existing safeguards and remedies against discrimination maintained or improved.
- Transfer may take place in stages.

The Report discussed the institutions and powers to be devolved and the role of the minority. The discussion of institutions was limited, but was wide ranging on powers and minority role.

Possible Powers to be transferred

- Range of Northern Ireland Departments in toto or in part.
- Powers - Executive or Executive and Legislative powers.

Only Executive - over either (i) full range as in 1973 or (ii) limited as in local Government in Britain. If (ii)

- (a) might not be a single Executive but several large Councils (idea echoed by Patten - July 86)
- (b) not compatible with further devolution - not enough further powers for devolved Government, and too many structures
- (c) legislatively and administratively complex to bring about.

Possible Power Check

- Secretary of State could have
  - (i) Call in powers to review particular local decisions (as in UK in relation to local authorities).
  - (ii) Default powers to take action where local authorities failed to do so.
  - (iii) General powers of direction.
  - (iv) Power to refer to Westminster.

Some kind of override required to ensure overall UK control in relation to international obligations and finance.

Minority

Options

10/16/81 for minority - optia.

(i) Involvement in Decision Taking.

10/16/81 (A) In Executive

- (i) by appointment.
- (ii) in proportion to party strengths in assembly.
- (iii) by election by assembly or by electorate.

10/16/81 (B) Weighted Voting.

10/16/81 (C) Powers of Appeal, to Secretary of State - see also 'Possible Power Check' above.

10/16/81 (D) Bill of Rights.

The Report also contained 6 outline structures of Government - attached. Essentially they describe

10/16/81 (A) Majority Cabinet Government with full range of powers, with weighted majority votes and equal representation on select committees for Government and opposition. Bill of Rights and Power Check.

10/16/81 (B) Majority Cabinet Government with full range of powers, and upper chamber with variety of blocking mechanisms.

10/16/81 (C) Committee Government with full range of powers, Chairmen as Heads of Departments subject to general policy guidelines of Committees: Committee membership or special representation for opposition or weighted majority vote.

10 (D) As (c) but Executive only, with perhaps advisory role in relation to legislation. Power Check.

11 (E) Majority Cabinet Executive with full Executive powers only; either weighted majority voting and special representation for opposition on advisory, investigative committees or election of leader of Executive by weighted majority vote. Power Check.

12 (F) Local Government structure as in UK, but special representation for opposition on Committees, weighted voting. Power Check. Perhaps 1 Council or 3 (Eastern, Western Greater Belfast) or Education and Library Boards or Health Boards areas. Maximum of 8.

(B) PROPOSALS FOR FURTHER DISCUSSION

This was published following the failure of the Conference. It indicated areas where there was broad consensus and put forward options on sharing power, the key issue which led to failure of the Conference. It outlined considerations which the British Government believed should be taken into account in any new structures:-

- (i) Local representatives should have a voice in security matters but responsibility should remain with Government.
- (ii) Northern Ireland will not be financially self-sufficient, so Secretary of State must have major role in determining N.I. share of UK resources.
- (iii) Institutions the minority cannot accept as theirs will not bring stability and are not worth having: the political will to make institutions work must come from Northern Ireland.

- (iv) Northern Ireland will remain with UK as per Guarantee and this is not a matter for bargaining: but it is in ~~the interests of both communities to recognise and~~ develop links with Republic.

Basic Framework for new Government

- Transfer of legislative and executive powers to single Assembly of about 80 members elected by P.R. STV.
- Executive based on Assembly with transferred powers of 1973 Act: members to act as Heads of Departments.
- Secretary of State to continue with reserved and excepted powers and powers to ensure that devolved Government did not jeopardise UK Governments powers and responsibilities.
- Secretary of State have advisory council composed of leading Assembly members to consult on his area of powers.
- Departmental Committee structure for Assembly with scrutiny and advisory functions.
- Possibly some additional safeguards against discrimination.

Role for Minority in Exercise of Power

- Westminster model not acceptable in Northern Ireland.

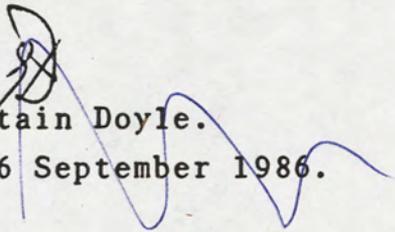
(i) Executive options

- 25% of popular vote guarantees an Executive seat
- separate direct election of Executive
- Executive based on strengths of parties in Assembly.

All would require willingness on the part of majority to work the system.

(ii) Committee Options (in a system of majority cabinet Government).

- Chair and deputy chairmen elected 50/50 from Government and opposition
- Chair and deputy chairmen to form Council of Assembly
- Council to have advisory role, and delaying, referral and blocking powers (subject to being overridden by Secretary of State).

  
Etain Doyle.  
16 September 1986.

1542P