



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2016/22/2129
<b>Creation Dates:</b>	October 1986
<b>Extent and medium:</b>	6 pages
<b>Creator(s):</b>	Department of Foreign Affairs
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## Constitutional Convention 1975-76

Following the fall of the Sunningdale Executive, the British Government decided to try again to obtain peace and political stability. This would require a major contribution from the people of Northern Ireland themselves. A Convention was set up in May 1975. An effort to get widespread agreement by means of a deal involving Craig and the SDLP, failed in August. The Convention adopted by majority vote proposals for majority Cabinet Government in November 1975 (see below for details). The final report was not accepted by the Secretary of State who recalled the Convention in January 1976 to rethink its position. There was no change in attitudes and the Convention ended in March 1976 and was finally wound up in the following September.

The official papers relating to the Convention are:

1. White Paper - The Northern Ireland Constitution - July 1974.
2. Northern Ireland Act 1974 setting up the Convention - July 1974.
3. Three Discussion Papers
  - (i) Finance and the economy - September 1974,
  - (ii) Constitutional Convention Procedure - November 1974,
  - (iii) Government of Northern Ireland - February 1975.
4. Report (together with proceedings) - November 1975.
5. The Northern Ireland Constitutional Convention - letter from Secretary of State to the Chairman - January 1976.

1. The White Paper contains:

- ~~The British Government's account of the establishment and fall of the Sunningdale Executive.~~
- An account of the problems arising due to the fall of the Executive - the most pressing of which was legislation. A very large volume of bills had been prepared for Stormont and to proceed with them through the UK Parliament "was out of the question". Accordingly, legislation was to be introduced to enable Orders-in-Council to be used again on a temporary basis for Northern Ireland legislation.
- An account of Northern Ireland dependence on the UK for funding, including a threat that the willingness of the Exchequer to provide further funds would be affected by the 'progress of events in Northern Ireland.
- Law and Order - the need for widespread support of the police so that the Army could be withdrawn.
- Future Government.

There should be broadly based devolution and Government proposes Conference to discuss how it should be done.

- Principles:
  - Must include some form of powersharing and partnership;
  - be acceptable to Parliament and people of UK as a whole (and any system which results in the permanent exclusion from real and substantial influence in public affairs of a section of the community would be unacceptable to UK Government);
  - include the special relationship with Republic - there is an Irish Dimension.

- Convention with
  - Independent Chairman and 78 members elected by P.R.
  - STV;
  - to consider what provisions for Government would command the most widespread acceptance.

## 2. The Northern Ireland Act 1974

This provided for the setting up of the Convention "for the purpose of considering what provision for the Government of Northern Ireland is likely to command the most widespread acceptance throughout the Community there". It provided that the Convention's report would be submitted to Parliament and that the Secretary of State could hold polls to test opinion in Northern Ireland. It did not specify that the principles outlined in the White Paper had to be met, although it stated that the Secretary of State could make directions for regulating the procedure of the Convention and its committees. It also provided the legal framework for continuing direct rule.

## 3. Discussion Papers

- (a) Finance and the economy - outlines Northern Ireland dependence on UK markets and UK owned firms and the terms of Northern Ireland financial relations with the UK Exchequer.
- (b) Procedure - outlines possible ways of proceeding, e.g., by committees/general debate, public, private sessions. The forward by the Secretary of State stated - "If (the Convention) seeks to proceed simply by majorities trying to coerce minorities or minorities being destructive rather than constructive, it will fall". Also contains outline of procedures for:

Irish Convention 1917/18

Newfoundland Convention 1946/47

Australia Constitutional Convention 1972

(c) Government of Northern Ireland explains why UK systems will not work where there is a permanent majority and minority; outlines the structure of Government in Northern Ireland in 1973 (under Sunningdale); outlines possible ways of providing "all the people in Northern Ireland with an effective voice in the direction of their affairs:-

(i) negative constitutional safeguards:

- weighted majorities;
- blocking mechanisms;
- special representation for minorities;
- second chamber;
- plebiscites/popular initiative;
- civil rights legislation;
- ombudsman;
- reservation of powers to Sovereign Parliament.

(ii) positive involvement:

- broad based Administration by;
  - : guaranteed representation of certain groups,
  - : being elected directly or indirectly,
  - : various limits on numbers from each group (Swiss).
  
- Committee Government by;
  - : being representative of party strengths (a general purposes committee for co-ordination of Departments would also be required).
  
- Local Government structure by;
  - several powerful local authorities each relatively homogenous, but,
    - (i) requires upheaval of administration,
    - (ii) political geography would prevent it working,
    - (iii) not in interests of good management and efficiency.

- Statutory bodies by;  
nominating diverse interests but  
non-democratic.

Annexes cover details of transferred services, area boards and local authority and bodies, services and experience of Govt in Netherlands, Belgium and Switzerland.

4. Report on Proceedings - November 1975

Outlines the UUUC or majority case for majority Government, like the 1920 Stormont system, but unicameral and with scrutiny/advisory committees with membership drawn equally from Government and Opposition, greater financial flexibility and a Bill of Constitutional Rights for Northern Ireland and a general Bill of Rights and Duties for the whole of the UK.

An outline of the schemes of Government presented by each party is attached, as is the section of the report on powersharing. It will be noted that the main positions of the parties were:

- UUUC - Majority Cabinet Government;
- SDLP - Powersharing;
- Alliance - Committee Style Government.

5. Letter of the Secretary of State to the Chairman

The formal letter was sent on 14 January 1986, asking the Conference to reconvene to try to find a solution within a more closely defined framework, saying that no system could work unless both communities acquiesce in it.

It accepted some of the Convention's points:

- (a) A unicameral legislature covering all transferred powers;
- (b) Collective responsibility and an oath for members of the Assembly and Northern Ireland Governments to uphold the laws of Northern Ireland and of UK. (1983 Act imposed an oath on Executive members only).

- (c) Committee system but as part of wider settlement.
- (d) Irish dimension - arrangements for cooperation to evolve as and when required.

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- (e) Gradual transfer of security but excluding judicial appointments and the courts administration, and the Armed Forces. However, as troubles subside and RUC take over from Army, transfer of police possible.
- (f) Bill of Rights by statutory provision.

However, it noted its disagreement with

- (g) Simple majority rule.
- (h) Increasing Westminster representation.
- (i) Scope for financial devolution - UK to remain firmly in control, but as a matter of practice, not law, Northern Ireland administration would have discretion on many important decisions on priorities.

As indicated above, the revived talks did not produce agreement.

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