

E.R.

File Ref: NI 1/93/36

① Sir Engh  
② POL 19/11NOTE OF A MEETING OF THE POLITICAL DEVELOPMENTS GROUP:  
MONDAY 15 NOVEMBER 1982 IN STORMONT HOUSE

## Those present:

|                                 |                                       |
|---------------------------------|---------------------------------------|
| Mr Brennan - Chairman           | Mr Doyne Ditmas (for part of meeting) |
| Sir E Bell                      |                                       |
| Mr Bourn                        | Mr Merifield                          |
| Mr Angel                        | Mr Abbott                             |
| Mr Buxton (for part of meeting) | Mr Boys Smith                         |
| Miss Davies                     | Mr Jackson (for part of meeting)      |
|                                 | Miss Elliott                          |

Introduction

1. Mr Brennan recalled the genesis of the group, as set out by PUS in his minute to him of 5 November. The Assembly's progress, the election in the Republic of Ireland and the possibility from next year of an election in the United Kingdom, meant that it would be difficult to chart a consistent political course for the Government. It would therefore be especially important to pool Belfast and London office expertise in considering advice for the Secretary of State on a range of issues; this group provided an appropriate mechanism. It could not be expected to deal with the many matters which required an immediate response, but over the next few months it could pinpoint responsibility for the examination and preparation of advice on a number of longer-term concerns.

General Discussion

2. Mr Brennan said that the Government was committed to seeing the Assembly work fully. If progress towards devolution were to begin, SDLP participation was necessary. Against this policy background, it was for consideration whether there was anything which the Government could or should do (and preferably without antagonising the Unionists) to encourage the SDLP to take their seats. It was

worth identifying what concessions to the SDLP might have to be made and attempting to estimate how attitudes might be affected by the election of a different government in the Republic. Whether the Government should adopt a positive role or wait on events during the coming months should also be assessed.

3. In discussion it was argued that Anglo/Irish relations had been stable - even if in a negative sense - for the past few months. A new government, particularly one headed by Dr FitzGerald, would change this; it might increase influence from Dublin on the SDLP, and therefore on the future of the Assembly. There were two strategies open to the Government. First, it could seek opportunities for greater co-operation with the Republic, in the hope that gradual movement would induce a softening of the SDLP's opposition to the Assembly, and their eventual participation. A second line might be for the Government to obtain agreement with the Republic on an important package of measures which would directly convert the SDLP to participation. The ingredients of such package were unclear; for example an all-Ireland court might well antagonise the Unionists more than it would attract the SDLP. This second strategy had risks. But it was necessary to study the options before the degree of risk could be assessed.

4. Several members of the group considered that an improvement in the Anglo/Irish relationship needed to be pursued in its own right even if this caused short-term problems for government policy in Northern Ireland. The last few months had been abnormal and after the election, whichever government were returned to office, an effort should be made to regenerate the friendly atmosphere which succeeded the last summits. In the long term this was in Northern Ireland's best interest. It was pointed out that an important factor in our thinking should be the stability of the new government. All the signs were that no single party would gain an overall majority and that the Labour Party and Workers' Party would again make it difficult to draw up the stringent budget to which both Pianna Fail and Fine Gael were committed. A new government with these sort of difficulties might not find it to domestic political advantage to be seen to co-operate with the UK,

E.R.

eg on the creation of an Anglo/Irish parliamentary body. Although it might advocate the general idea, (it could not do otherwise), it might find it all too easy to renege when negotiations got to detailed points, eg on the grounds that the proposals did not go far enough.

5. It was suggested that it was unrealistic to consider what sort of package might tempt the SDLP to take part in the Assembly. They opposed it because they saw it as a Unionist body. To change their attitude, it would be necessary to change the whole context of the Assembly, which meant changing Anglo/Irish relations. It would also be important that the Government did not unwittingly intensify the perception that the Assembly was a Unionist body. The more forthcoming its treatment by the Secretary of State and Ministers, the greater the danger that people would consider the institution in its present form as ultimately acceptable to the Government. If the Unionists behaved in a reasonable and constructive manner, the SDLP might well say that they were only so doing in order to trap them into the Assembly and then reverse course back towards the resumption of majority rule. (On current assessment, the Unionists, except Mr Molyneaux's wing of the UUP, were likely to use the Assembly constructively in this its pre-devolution phase, but difficulties lay ahead over their demands that Ministers treat with them over security and especially if any Anglo/Irish institutions were set up; the latter could lead to a walkout. There were no apparent steps that the Government could take to moderate the Unionists' stance).

6. A number of practical imperatives made it necessary for some ground-work to be done on the range of options which might form part of the Government's policy on Anglo/Irish relations. These might well have short-term implications for Northern Ireland. Whoever was elected Taoiseach might well seek an early meeting with the Prime Minister or the Secretary of State. It was for consideration whether the Government should take the initiative in seeking a meeting between the Secretary of State and the former. Dr FitzGerald had already indicated a number of proposals which

F.R.

he intended to pursue with the Government if he gained office. He might outline more in his imminent policy speech on Northern Ireland. We should be ready with our views. (On present plans, Dr FitzGerald intended to be present at the British-Irish Association Conference later this month which the Secretary of State and other Ministers were attending). But throughout this work, it would be important to remember the Government's long-term political objectives in Northern Ireland and also the dangers of trying to devise too careful a path of action; it should not be forgotten that developments would be taking place simultaneously in the Assembly.

7. Summing up this part of the meeting, Mr Brennan asked Mr Boys Smith to prepare a paper on Anglo/Irish relations, and the related question of SDLP participation in the Assembly, which might be considered at the group's next meeting. It should assume that the Government's posture would be slow but sure and that its aim would be to keep the Assembly ticking over in a useful way even without the SDLP's participation.

#### Access to Government by Sinn Fein's Assembly Members

8. It was decided that the particularly sensitive question of access by these Assembly members to the prisons would be considered separately. The Secretary of State had already stated publicly that junior Ministers and Departments would see and deal with Sinn Fein Assembly members on constituency business. The principle on which they acted might be that a Sinn Fein constituent should not be treated worse by the Government than, eg an SDLP constituent. But the manner and tone in which these dealings took place need not be overly fulsome or genial.

9. Request for meetings about a variety of matters had already been received from Sinn Fein members. NIO Civil Representatives, who helped Brigade Commanders, had already been approached by them. They had been told to treat them with courtesy and care, as they would other Assembly members. The Civreps' position was

most respects similar to that of a Departmental official, eg DRSS. Their practical business was carried out mostly at meetings.

10. Mr Angel argued on the lines of his draft before the meeting that there was a strong case for treating Sinn Fein less favourably. In practice Ministers did not accord MPs from different parties exact quality of treatment. After discussion, however, it was considered that this line of argument did not detract from the basic principle of not penalising the citizen for the unacceptable policies of his elected representative.

11. Mr Carron's status posed particular problems. He had been elected to Parliament on "an anti-B Block" ticket: he was returned to the Assembly for PSP. It was decided that it would be unrealistic to differentiate between the two political labels; for all intents and purposes Mr Carron was a PSP man. But a distinction should still be drawn between the treatment afforded him in his status as an MP and that given him as an Assembly man.

12. Discussion turned to access to prisons. Mr Bourn rehearsed briefly the arguments against prison visits by Sinn Fein Assembly members set out in Mr Jackson's minute of 9 November, his own of 11 November and endorsed by PUS in his note of 11 November to Mr Brennan. The Secretary of State wished to consider the matter on his return from the United States. Meanwhile Mr Carron telephoned daily to ask that he might visit Magilligan. Until now, he had been allowed this privilege.

13. Any decision taken in respect of Mr Carron would be a precedent for any future Sinn Fein MPs. Nonetheless it would be politically difficult, and a propaganda gift, to withdraw from Mr Carron his existing privileges. There was some discussion about whether general visits to prisons and personal visits to prisoners warranted different treatment. It might be possible to attach conditions, such as the visit taking place in the hearing of a prison officer, to the latter. Such restrictions however would be

difficult to carry out by any but the most senior prison officers, would have implications for visits from the representatives of the other political parties which were stirring up trouble in the prisons, and would still be used for propaganda purposes.

14. It was argued that distinctions were drawn between Assembly members for a variety of reasons eg between those who attended and those who did not. The Government need not therefore be hesitant about distinguishing in this matter between Sinn Fein (who openly advocated terrorism) and Assembly members who did not do so. However, we needed to know whether such a decision would leave the Government open to a successful challenge by PSF before the ECHR on the grounds of discrimination (or any other grounds under the Convention).

15. Mr Brennan concluded that, against the background of this discussion, Mr Angel should prepare a submission to PUS about the general aspects of access to Government by Sinn Fein and Mr Bourn should prepare a separate submission to the Secretary of State on the complications affecting prison visits; meanwhile Mr Carron should be stalled with a plausible reason.

#### Relations with the Assembly

16. The Secretary of State had decided to think again about the desirability of sending a message to the Presiding Officer, when the Assembly re-convened. Mr Merifield had prepared a revised, shorter, version of the draft submitted to the Secretary of State. Everyone agreed that it would be desirable for such a message to go and to send detailed comments on the text to Mr Merifield so that a revised draft might be submitted to the Secretary of State on his return from the United States.

17. There was some discussion of the telephone conversation on 12 November between Mr Kilfedder, Presiding Officer, and the Secretary of State. Mr Kilfedder had said that he had it in mind that the Assembly should meet in plenary once a week. He wondered

E.R.

how the Secretary of State would consider a proposal that one Northern Ireland Minister each week should attend the plenary session for Question Time and that there should be one adjournment debate, responded to by a Minister each week. The Secretary of State had made no commitment but indicated that he would be prepared to consider sympathetically both these proposals if they were generally agreeable to the party leaders in the Assembly. It was agreed that to accede to this request would raise serious difficulties about the Secretary of State's accountability to Parliament rather than to the Assembly. In addition, Ministers would have no party support behind them as they did in the House of Commons and could expect to be given an extremely rough ride with regularity.

18. The Secretary of State had given no commitment on this matter during parliamentary consideration of the Northern Ireland Bill. He had offered that he and Ministers might go along from time to time to plenary meetings of the Assembly for discussion. It was agreed that this reference needed to be checked exactly. CPL and Central Secretariat would then consult on a submission to the Secretary of State, which would point out the parliamentary objections to his falling in with Mr Kilfedder's suggestion and to the danger of such a move being interpreted as a governmental step towards the restitution of a Unionist Parliament.

Secretary of State's speech to the British/Irish Association

19. Despite the title of the conference, "Anglo/Irish relations", it has been agreed with the BIA that the Secretary of State should spend some time describing the Government's policy in Northern Ireland. Before CPL began a draft, it would be helpful to know if there were any particular emphases that should be included. It was suggested that the Secretary of State might draw attention to the common problems, in the economic and security fields, facing both North and South. Some mention might also be made of common EEC interests.