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RBSS2/12
Political Developments Group: Note of a Meeting held on Thursday
28 November 1985

Present: Mr Brennan
Mr Bloomfield
Mr A W Stephens
Mr Chesterton
Mr Gilliland
Mr Merifield
✓ Mr Spence
Miss Elliott
Mr Elliott
Mr G Hewitt
Mr S Hewitt

1. The meeting concentrated on Item 1 of the Agenda circulated on 27 November, namely the unionist reaction to the Anglo-Irish Agreement and its implications for the future of the Assembly. Its conclusions on the issues immediately arising were reported in Mr Brennan's submission of 29 November. This note records considerations which the group took account of in formulating that advice, as well as its conclusions on a number of subsidiary issues not touched on by Mr Brennan's submission.

Unionist Boycott of Assembly Business

2. The Assembly was refusing to consider business referred to them by Ministers, or to have contact with Ministers. Despite this, the Assembly parties had powerful incentives to keep its scrutinising and consultative functions going and so avoid putting Ministers in the position of having to dissolve or pro-rogue it. The next Business Committee on Monday 2 December would provide some clues to unionist attitudes; but there appeared still to be scope for the Government to assist the Assembly to continue its consultative functions by referring business to it. This might entail some departure from established procedures, under which the Secretary of State refers major items of business to the Speaker.

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3. The Group found the following considerations in favour of continuing to refer business to the Assembly in a form which might enable the Assembly to accept it:

- (i) the Government faced a marked deterioration in its relations with the majority community as a result of the Anglo-Irish Agreement. It should strive to keep open any bridges which existed between itself and the majority community. The Assembly was one such bridge.
- (ii) the position apparently adopted by the unionists in dealing with officials but not Ministers was illogical; in law, officials were indistinguishable from Ministers. Continuing official-level contact would in practice tend to undermine the unionist position.
- (iii) for the Government to adhere to existing procedures, not all of which were statutory requirements, in present circumstances was to be unduly inflexible.

4. The following arguments were advanced against departure from existing procedures:

- (i) the unionist parties were alert to any sign of Government willingness to concede on the Anglo-Irish Agreement. For the Government to alter normal procedures to accommodate their boycott would encourage them to mount pressure on other, more important, fronts;
- (ii) the existing procedures flowing from the 1982 White Paper and Act had been carefully devised and the implications of changing them should be carefully thought through;

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(iii) the unionist position was fundamentally weak. The unionist parties needed to be seen to be influencing Government, and so to have contact with it. By making it plain that they had to deal with Ministers or no-one at all, the boycott could be undermined.

5. The Group agreed that the Secretary of State's view should be sought as to whether he was prepared to accept some procedural compromises in the interest of keeping the Assembly in being. Any such compromises must be strictly limited both in extent and duration. It would not be acceptable, for example, to continue any makeshift arrangement beyond the date of the next Assembly elections.

Correspondence

6. A number of letters on constituency business had been addressed to senior officials by unionist elected representatives in an apparent attempt to avoid contact with Ministers. These included letters from Mr Paisley and Ballymena Council to Mr Bloomfield; Mr Paisley's letter of 18 November to PUS; and Mr Stuart McCrea's letter of 20 November to PS/Mr Scott. There was no need in any of these instances to depart from the procedures set out in Central Secretariat circular 5/83; all of these letters would receive replies from Minister's offices. Whether these should be signed by Ministers or by Private Secretaries on their behalf was arguable. On one view, the snub received by Ministers should be reciprocated by issuing letters at Private Secretary level; but equally, there was a strong case for adhering to the normal practice under which such letters received a Ministerial reply.

The Position of the Speaker

7. It was clear, from Mr Bloomfield's contact with the Speaker, that Mr Kilfedder intended to resign his seat along with the other unionist MPs. Mr Kilfedder's present view was that he should not participate in a controversial by-election while remaining Speaker, and he intended to resign. This would not

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necessarily be a fatal blow to the Assembly; in present circumstances there were a powerful incentives for the unionist parties to agree on an alternative candidate. But it was nonetheless desirable to avoid Mr Kilfedder's resignation. It was not clear whether the Assembly's standing orders would permit Mr Kilfedder to delegate the functions of his office to the Deputy Speaker for the period of the by-election campaign, while retaining office himself. It would be for the Clerk to advise Mr Kilfedder on this possibility. But it was anyway desirable to persuade Mr Kilfedder not to resign and an approach from the Secretary of State might be helpful. (Mr Brennan's submission of 29 November offered advice on this issue to the Secretary of State.)

DFP Committee Questions

8. The Clerk to the DFP Committee's letter of 25 November to DFP Private Office contained numerous detailed questions on the staffing, housing, and financial arrangements for the Anglo-Irish Secretariat. It would be impossible to sustain the line that all matters connected with the Agreement were ipso facto "excepted" and therefore outside the Assembly's statutory remit. On some points, indeed, a reply to the Committee would serve the valuable purpose of correcting some of the major misconceptions revealed in the questions; but any detailed reply would, inevitably, provoke further questions. It was agreed that, on balance, the reply should merely indicate that these issues were for NIO Ministers and direct the Committee to them. (Miss Elliott's submission of 29 November advised the Secretary of State.)

9. On a related point, it was highly desirable that the Government should be able to say that the costs of the Anglo-Irish Secretariat had been funded from outside the NI block: Mr Bloomfield would pursue this.

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Other Matters

10. It was agreed that the existing draft of Guidance to Departments on the Assembly boycott (Mr Spence's minute of 25 November to Mr Cleasby) would be revised in the light of the Secretary of State's response to Mr Brennan's submission of 29 November (Action - Mr Spence in consultation with Miss Elliott).
11. PS/Speaker's letter of 20 November to PS/Secretary of State did not require a reply, and the Private Office should be advised accordingly (Action - Mr Elliott).
12. A reply was outstanding to the Party Leaders' letter of 14 November on Assembly salaries. This letter, written before the boycott, asked to discuss the Secretary of State's refusal to grant a salary increase. The Secretary of State should be advised to reply indicating his willingness to meet the Party Leaders to explain the reasons for his decision (Action - Miss Elliott). In practice, it was unlikely that the Party Leaders would accept.
13. Two routine letters from the Secretary of State to the Speaker (responding to the Assembly Report on Museums and Galleries, and informing the Assembly of the introduction of the Animals (Scientific Procedures) Bill, would be released to the Speaker (Action - Mr Bloomfield).
14. DOE had consulted Central Secretariat about an item of business currently before the Assembly, the proposal for a Draft Occupiers Liability Order. This had been boycotted by the unionist members of the DOE Committee, but the Alliance had sought a meeting with the DOE Minister nonetheless. In ordinary circumstances, a meeting with one party group on a Committee would be refused, but in present circumstances there was no objection to Mr Needham meeting the Alliance members, and DOE should be so informed (Action - Mr Spence).

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Agenda Item 2: The future of the Assembly

15. It was noted that the internal deadline for a decision on the future of the Assembly was February 1986. It would be important to address shortly both the issues identified in CPL's paper of 20 November, and those involved in deciding what line the Secretary of State should adopt for the next few months on the Government's policy on devolution.

16. A further meeting of PDG would be arranged in the near future to discuss these issues.

17. The Chairman indicated that it was his intention, now that the Anglo-Irish Agreement was in place, to convene PDG or a sub-group thereof on an approximately fortnightly basis, although he could not himself guarantee to chair every such meeting (Action - Secretariat).

S. L. Rickard

S L RICKARD

CPL

3 December 1985

distribution list

cc those present
Mr Bell SIL
Mr Daniell (L&B)
(Personal)

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