



From: The Rt. Hon. J. ENOCH POWELL, M.B.E., M.P.,

Prime Minister.

House of Commons,
London, S.W.1.

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1st July 1982

Dear Margaret,

I believe your attention will have been drawn to Hansard of
29th June, colns 767 - 772, with special reference to coln 770,
and I understand that you have received from Jim Molyneaux the
details there promised. He will of course also be available
to furnish or obtain any further evidence known to him that
may be required in the course of the enquiry which I anticipate
will be held.

Play A -

To make sure
of this you
have to read
colns 350-353,
not just coln
353. Answer
in Play B

May I take the opportunity respectfully to draw your attention
also to coln 353 of Hansard 23rd June (where "May" in line 17
should read "March"), and express the hope that the circumstances
surrounding Airey Neave's death will now be considered further
in the light of what has become known.

Yours ever,
Enoch.

The Rt Hon. Margaret Thatcher, M.P.,
10 Downing Street,
London, S.W.1.

In recent years, down to the time when Brian Faulkner was leading the Unionists, the Council of Ireland was recognised as a reasonable aim for both parts of the island of Ireland. Businesslike co-operation has always taken place ever since partition. At the moment, that seems to centre on energy. The argument goes on about whether power should be delivered to the North from Kinsale or whether, which seems both economically and politically desirable, gas should be piped to Northern Ireland from Scotland.

It is in those spheres of practical businesslike co-operation that the Irish dimension or the unique relationship is valuable. I do not particularly quarrel with what is said in paragraph 23 of the White Paper, which states:

"The Anglo-Irish Intergovernmental Council, which was established following the Anglo-Irish talks and Joint Studies which began in 1980, gives institutional expression to the unique relationship between the two governments without affecting national sovereignty".

Paragraph 24 states:

"Relations between the United Kingdom and the Republic will in general continue to be conducted within the ambit of the Council".

I think that the hon. Member for Hammersmith, North was speaking about something different from relations between the United Kingdom and the Republic. He was speaking much more about relations between Northern Ireland and the Irish Republic. That is what makes Unionists so suspicious of the Anglo-Irish talks and the working of the officials in the service of the Anglo-Irish Intergovernmental Council. They think that both the Anglo-Irish Intergovernmental Council and the Bill are designed to provide an Assembly that can be the northern end of an eventual fused institution for the whole island of Ireland. That is their fear, and the hon. Gentleman's speech reinforced every fear that a Unionist may have in that regard.

Viscount Cranborne (Dorset, South): What effect does my hon. Friend think the hon. Gentleman's speech has had on what I still understand to be the Labour Party's policy of a bipartisan approach to Northern Ireland? Time and again, my right hon. Friend the Secretary of State has reiterated that he is for the Union of Northern Ireland and the rest of the United Kingdom. It seemed to me that the speech of the hon. Member for Hammersmith, North (Mr. Soley) tended to go in exactly the opposite direction. Does that mean the end of the bipartisan policy?

Sir John Biggs-Davison: My right hon. Friend the Secretary of State thinks that the Bill will reinforce the Union and make Northern Ireland more stable and peaceful and a more profitable area of investment. I am sure that my right hon. Friend believes that. On the other hand, the Opposition have been supporting my right hon. Friend because they believe that it will lead to a united Ireland. They do not mean a united Ireland under the Crown or within the British Commonwealth, but a united Irish Republic. Either the bipartisan policy is at an end or it is in a state of some confusion.

Mr. Soley: The Labour Party's policy is a united Ireland with consent, and we have been pursuing that policy for a considerable time. The fact that the Conservative Party is asking for unity within the United Kingdom is another matter.

Everything that the hon. Gentleman has said so far has suggested that the Northern Ireland Assembly ought to

have closer contacts with the Republic to discuss security and economic matters. Otherwise, he is implying that in some way it is happening secretly. We are arguing that it should happen openly.

Sir John Biggs-Davison: I shall answer the second part of the interjection first. I think that the correct way to proceed to build on the unique relationship, or to improve it, is for Northern Ireland Members to be associated with any contacts that there may be between parliamentarians of the United Kingdom and the Republic. That is something quite different from asking Members of the Northern Ireland Assembly to enter into a direct dialogue with a foreign State, and a foreign State that does not recognise the sovereignty of the United Kingdom in Northern Ireland.

Did the hon. Gentleman say that the Labour Party had always stood for a united Ireland? In 1949, when Southern Ireland became a republic and left the Commonwealth, it was the view of Clement Attlee and his Cabinet colleagues that, even if Northern Ireland wished to leave the United Kingdom, it should not be allowed to do so. We should not go as far as that. We should say that if the people of Northern Ireland wish to leave the United Kingdom, that should be their right, but they do not wish to do so. The position of the Labour Party is different. As I understood it, the position of the right hon. Member for Barnsley, when he was Secretary of State, was also different.

It seems to me that there are two main obstacles to the improvement of relations between the two sovereign States within the British Isles.

Mr. Fitt: It should be placed on record that the Attlee Government did not lay down that if Northern Ireland wished to depart from the United Kingdom it should not be permitted to do so. The Ireland Act 1949 provided that if the Parliament of Northern Ireland—not the people of Northern Ireland—decided to leave the United Kingdom, that would be the overriding factor.

Sir John Biggs-Davison: I was speaking of the Cabinet views and papers that are now available in the Public Record Office, where the hon. Gentleman can consult them. The position of the Government of that day, like the position of the present Government, was that it rested then on the Parliament and now on the will of the people of Northern Ireland. The hon. Gentleman is formally correct, but he would do well to study the papers that have been published about the views of the Labour Government at that time.

There are two impediments to the development of what should be a beneficial relationship between the two sovereign States within the British Isles. The first is the demand, or the claim, of the Southern Ireland Government to the sovereignty of Northern Ireland.

The second is this Bill, because it is arousing so many fears among Unionists in Northern Ireland. They have heard about and read these debates. They have heard the interpretation of the hon. Member for Hammersmith, North, that the Bill will lead to a united Ireland. They know that the Government are being supported by the Labour Opposition because of the belief that the Bill will lead to a united Ireland.

Mr. Soley: I do not think that the hon. Gentleman should go that far in his interpretation. The Labour Party has made it clear that there is nothing in the Bill that will

[Mr. Soley]

inhibit its policy. The Bill would be helpful in certain ways. The hon. Gentleman, the Unionists and other Right-wing Members of the Conservative Party have to face the fact that, if the Bill fails, they can rest assured that Labour Members will be back here arguing even more strongly that their policy is the real alternative.

Sir John Biggs-Davison: If we want to build a better relationship within these islands, we must reassure the people of Northern Ireland that there is no danger to their position within the United Kingdom. We must consolidate that position. Those of us who have expressed a view, which is contrary to that of my right hon. Friend, as to how that should be done, believe that the Bill, as it stands, is injurious to the reassurance of the people of Northern Ireland that their position is secure.

It is not possible to have a united Ireland. What is possible is to have united islands on the basis of the sovereignty of the two powers within these islands—the Republic and the United Kingdom. Perhaps I can modify that slightly. If, and it is most improbable, Southern Ireland were to end its secession from the United Kingdom, a united Ireland would be possible. Meanwhile, we should strive for what is possible—the unity of the British Isles, recognising the sovereignty of the Republic and of the United Kingdom.

4.45 pm

Mr. J. Enoch Powell (Down, South): I am happy to follow the admirable formulation that has just been offered to the House by the hon. Member for Epping Forest (Sir J. Biggs-Davison). This is the last day on which the House will be allowed to debate the Bill. As we enter upon the last day there is a certain piquancy in the House having before it a new clause tabled by the Labour Party. It has recently affirmed—going not so far as the hon. Member for Hammersmith, North (Mr. Soley) went this afternoon—that it would like to see a single all-Ireland State, provided that that comes about by the consent of the people of Northern Ireland.

When the hon. Member for Hammersmith, North was asked why, as a democratic party, the Labour Party did not argue for, seek that consent from a majority of the electorate in Northern Ireland he said "You know perfectly well the reason why. It is that if we put up a candidate on that policy we should be beaten." In other words, what the hon. Member really wants—whether his party as a whole wants it or not I am not sure—is unification brought about without consent. He knows, and has said this this afternoon, that not only is that consent not available, but that he cannot foresee it. That was the result of the exchange between the hon. Member and myself.

As the hon. Member for Belfast, East (Mr. Robinson) pointed out, on the face of the new clause is written compulsion. What it means, if it were to be written into the Bill, is that there should be no such Assembly and no such constitution, unless the Assembly does this thing. It is a "shall" clause and not a "may" clause.

In putting this clause on paper, I do not know whether by a kind of tactlessness or clumsiness, the Opposition have done a service. They have reminded us in the most graphic form, by something placed on the Order Paper, what is the underlying purpose and concept behind the Bill. Indeed, before I looked at the drafting of the clause,

which is unsatisfactory in a number of respects, the thought crossed my mind that this might be one of the clauses that was originally in an early draft of the Bill and had been dropped out in case it should cause any difficulties in the passage of the Bill. However, I cannot believe that a clause drafted in these terms ever occupied that position, although, having regard to what is in it, it might have done. The genesis of the Bill lies in the successive stages of the evolution of an Anglo-Irish institution; the successive stages in the agreements—or the meetings, because there were more meetings than there was agreement—between the right hon. Lady the Prime Minister and the Prime Minister of the Irish Republic at the end of 1980 and the end of 1981.

What was agreed upon, and what appeared in the latter communiqué, was not an Anglo-Irish council in the sense of an institution spanning the Irish Republic and the United Kingdom. It was not an institution, such as the hon. Member for Epping Forest was referring to, in which two sovereign powers, mutually recognising their respective rights and territories, would seek to co-operate on matters of mutual interest. It was not that at all.

It was clear from the beginning that it was to be a tripartite arrangement. There was to be an element which was called the parliamentary tier in which the Irish Republic would be presented, in which the United Kingdom, as represented by the House, would be represented, but which would also embody a separate and third representation of that part of the United Kingdom which is Northern Ireland.

After that meeting took place we were all able to read of the regret of the Prime Minister of the Irish Republic that his work was unfinished. Unfortunately, it could not be finished as there did not exist a representation of Ulster separately from the rest of the United Kingdom that could throw up the tripartite participation destined to lead to a dual participation, as between what is called the North and South, which had been envisaged as part of that plan.

Mr. Fitt: Does the right hon. Gentleman agree that written into the Sunningdale agreement was the power of veto by any of the three participating parties? Had any member of the Unionist Party in Northern Ireland felt that its position was endangered, that veto could have been used. The same veto could have been used by either the British or the Irish Government. Therefore, there was at all times a protection of the Unionist point of view in Northern Ireland.

Mr. Powell: That is the Sunningdale member's defence of the Sunningdale constitution and the Sunningdale agreement. However, the essential point, upon which the intervention does not touch, is that from the start the arrangements deliberately treat Northern Ireland as an entity separate from the United Kingdom. It was envisaged, at any rate by one side of the talks that took place last November between our Prime Minister and the Prime Minister of the Irish Republic, that the United Kingdom and Northern Ireland are to be separately represented in the parliamentary tier.

The Opposition have put upon the Order Paper, subject to any deficiencies, just such a clause. The hon. Member for Orpington (Mr. Stanbrook) was right to point out the telltale fact that the relations referred to are not those between Her Majesty's Government in the United

Kingdom and the Government of the Irish Republic, but between the provincial Assembly inside the United Kingdom and the Republic of Ireland.

Not only are the two "unequally yoked", in St. Paul's famous words, in that it is a combination of a State or nation—the Republic of Ireland is undoubtedly a nation—and an internal institution in another country, but the purpose of using the elected Assembly as a means to further the move towards a federal unification of Ulster and the Irish Republic appears upon the face of the new clause.

It is a thousand pities that this is our last day together. Despite some rather late sittings, the Government and the House have been learning. We might even comfort ourselves with the notion, however remote from probability, that those out of doors have been learning.

One of the most important forms of progress that has been made in our learning was due to the hon. Member for Epping Forest and the evidence that he produced, which has since echoed throughout our debates. Before the last election in 1979 an organ of the Conservative Party warned that a Conservative Government would be under great pressure to overturn the policy that it was offering to the electorate and promising to Northern Ireland, and—I quote the words again because they are of inestimable value—"to launch a new, high-powered political initiative on Northern Ireland, with the object of establishing another 'power-sharing' government in the province"—then followed the significant words—"which could pave the way for a federal constitution linking Ulster to the Irish Republic."—[*Official Report*, 8 June 1982; Vol. 25, c. 52.]

Considering that that was written in 1979, it was not a bad shot at the contents of the communiqué of the Thatcher/Fitzgerald talks of November 1981. Many hon. Members must have been impressed, if not with the prescience, at any rate with the knowledge that was displayed by whoever wrote those words. They are clearly words not written without authority nor in detachment from the considerations inside the Conservative Party prior to the election as to what should be its attitude and policy in Northern Ireland.

The Conservative Party has learnt that in the Bill it is witnessing that prophesied subversion or inversion of its policy towards Northern Ireland. It has also learnt the reasons for and the purposes of that. The information which the hon. Member for Epping Forest placed before the House in Committee, and its implications for the nature and purposes of the present Bill, are corroborated by information of which it is right the House should be put in possession. In doing so, I have no alternative but to implicate officials.

The reasons why, in the general course, the actions and opinions of officials are not brought into question in the House are well understood. Ministers take responsibility for advice and information on which they decide to act, and it is the Ministers who are answerable to the House. However, there is one exception to that rule. It arises where there is reason to suppose that the advice tendered to Ministers has not been bona fide and that the information supplied to them has been misleading or incomplete. If that were so, it would be right and necessary for the House to look beyond the Ministers who answer to it directly.

The Secretary of State will be familiar with the name of an official in his office, one Clive Abbott, who had a large part in the work leading up to the present Bill, and

who, if not the "onlie begetter" of the Bill, has been closely concerned with its production and passage. It may well be that his was the briefing on which the Secretary of State assured the House of his belief that the Bill would promote political stability in Ulster and strengthen the Union.

5 pm

During the past year or two, Mr. Abbott has supplied to academic researchers information in response to questions put to him, and I wish to quote from the note of certain replies which in the course of that activity, he gave on an occasion some 16 months ago, because they are particularly germane to the Bill and to the context in which it has been placed by the disclosures of the hon. Member for Epping Forest. I shall, of course, provide the Secretary of State with a copy of the whole text after the close of this debate and I have asked my hon. Friend the Member for Antrim, South (Mr. Molyneaux) to furnish all necessary details to the Prime Minister forthwith, in view of her special responsibility for the Civil Service and of the investigation on security and as well as other grounds, which I anticipate will be ordered by her. The following question was put:

"Is it true to say that between May and October 1979 there was consultation between the two governments"—the Government of the Republic and this Government—"on Northern Ireland and that after coming to power the Tory Party changed its policies on Northern Ireland?"

A. "Before the Conservative Party came to power in 1979 it had promised that local government functions would be returned to local councils. We had to tell them that it was just not on."

Mr. Fitt: Hear, hear.

Mr. Powell: The hon. Gentleman will have an opportunity to cheer later.

"We had to tell them"—

hon. Members should note the word "we"

"that it was just not on. In terms of the future government of Northern Ireland integration is a non-starter for two main reasons. First, we would automatically lose the co-operation we are getting from Haughey over border security. Secondly, we couldn't break certain undertakings we have given to the Irish government over the constitutional future of Northern Ireland."

Mr. Fitt: Did not the right hon. Gentleman say that that document was concocted, or written, in 1979? In 1979, Haughey was not Prime Minister—

Mr. Powell: I did not say that. The hon. Gentleman did not hear me. I said that the replies were given about 16 months ago. The hon. Gentleman should listen more carefully. As I promised, the Secretary of State will have every facility.

The Secretary of State for Northern Ireland (Mr. James Prior): Will the right hon. Gentleman repeat the second reason, as I did not quite get it?

Mr. Powell: I shall gladly repeat it. As I promised, the Secretary of State will be given the text at the end of the debate. The second reason why it is "not on" to treat Northern Ireland as an integral part of the United Kingdom is that

"we couldn't break certain undertakings we have given to the Irish government over the constitutional future of Northern Ireland."

I pause before proceeding to further quotation. In the course of the proceedings on the Bill, the Secretary of State has repeatedly explained to the House why the fulfilment of the Conservative Party's election policy or indeed any instalment of local government is "not on". He

[Mr. Powell]

said that it would run counter—I want him to hear what I say—to ingrained prejudices in the Province and that in any case there was in Northern Ireland the 50-year tradition of devolution of a different type.

It is not the first time in our proceedings that I affirm that the Secretary of State was no doubt being completely sincere and candid. Had he known that any extension of local government

“would automatically lose the co-operation we are getting from Haughey over border security”

he would manfully and plainly have told the House and his party, “This is what we had intended to do; but we cannot do it because we are being blackmailed by the Irish government”. He would also have told the House if he knew that his action was constrained because he

“couldn’t break certain undertakings we have given to the Irish government over the constitutional future of Northern Ireland”. He would not have dreamt of concealing that. No Minister could conceal so vital a fact from the House.

Viscount Cranbourne: Is not the House entitled to an explanation of who “we” are? Are “we” the Government of the United Kingdom, or are they officials? Are we not also entitled to an explanation about what the undertakings are, or were, and under what circumstances they were given?

Mr. Powell: I shall come to that point. I am sure that the investigation that cannot but follow the debate will cast light on the meaning of the first person plural pronoun in that sentence. The Secretary of State, it appears, has been placed in a false position, albeit a position foreshadowed from inside his own party organisation three years ago. The Prime Minister, with her repeated repudiation of any external influence, let alone binding obligation as to the constitutional future of Northern Ireland, has been placed in a false position. The Opposition have been placed in a false position because the “unbreakable undertakings” evidently existed before the change of Government, thus raising the question whether the Labour Government or any of their members were a party to them. The right hon. Member for Barnsley (Mr. Mason) has as great a vested interest as the Secretary of State in knowing—I do not believe this—or declaring the truth of the matter. Finally, the House has been placed in a false position by having a Bill commended to it on premises that turn out not to have been the true ones. In case there is any doubt about the relevance of all this to the Bill, I shall proceed to a further—my only further—quotation, for the relative lengthiness of which I apologise. The quotation appeared in an answer similar to that which I have quoted. Mr. Abbott continued:

“As I have said before, a devolved government with power returning to local councils is not on. But an assembly which controlled such things as housing, through our already established quango, NIHE, given preliminary powers which would be extended progressively, is a possibility.”

That is the Bill, is it not? That is what has been put before the House. “But”, Mr. Abbott continued,

“any such developments would have to involve close consultation with the Irish government.”

It is not possible—

Mr. Fitt: Is the right hon. Gentleman telling the House that he is in possession of a Civil Service document given to responsible Ministers, whether in the Labour Government or the present Government? Is he saying that

he has in his possession a document that was the product of the Civil Service when advising the Northern Ireland Office at that time?

Mr. Powell: I am telling the House exactly what I have put on the record and what I have told the House. The hon. Gentleman will recall that I have requested my hon. Friend the Member for Antrim, South to ensure that all relevant particulars and identifications are placed at the disposal of the Prime Minister, as being primarily and personally responsible for the Civil Service.

It is not seriously possible for the Bill to be presented for Royal Assent, whatever happens to it in another place, until these matters have been cleared up; until the House knows, in a manner about which there can be no dispute or prevarication, what were the undertakings which had been given on the constitutional future of Northern Ireland to the Irish Government; and until the House knows whether that briefing was the briefing on which the Secretary of State has commended the Bill to the House. Clearly, it is impossible for the Bill to become law until then.

The House, as well as the Government and their predecessors, are faced with the question that must be resolved publicly before we can proceed. It could just be that what has happened this afternoon was not entirely unforeseen when the attention of the hon. Member for Epping Forest was drawn to the singularly significant words that the Conservative Party itself wrote for its own candidates in 1979.

Mr. Julian Amery (Brighton, Pavilion): The charges that the right hon. Member for Down, South (Mr. Powell) has brought are of such a grave character that I believe that my right hon. Friend the Secretary of State, would like to postpone the debate until he is in a position to answer. It is difficult to see how we can proceed with any serious discussion after what has been said.

Mr. Powell: The question is not strictly for me, although the right hon. Member for Brighton Pavilion (Mr. Amery) addressed it to me. The right hon. Gentleman will recall that the House passed a motion which forbids any motion interposing during today’s proceedings. The Government have fully within their resources the ability to deal with the matter placed before them this afternoon. It is fully within their resources to ensure that the Bill does not reach the statute book until the matters that have to be resolved have been resolved to the satisfaction of those who support the Government, and of the House as a whole.

Mr. Peter Lloyd (Fareham): Unlike the right hon. Member for Down, South (Mr. Powell), I shall confine myself undramatically to what I believe will be the effect of the new clause on the working of the Bill. I shall leave aside the genesis of the ideas that may be construed in the clause. It is clear that if the clause is approved, it will be totally mischievous. It is a device that cannot possibly bring the communities in Northern Ireland together. It cannot help to make harmonious, devolved Government in Northern Ireland possible. If it is accepted, it will make the Bill, which was always likely to fail, a certain non-starter. The all-Ireland dimension was the explosive device in the Sunningdale agreement, and it destroyed it.

5.15 pm

A committee of the type proposed would be bound to underline the two different national aspirations which are at the root of the constitutional problem in Northern

[Mr. Robinson]

but who are prepared to go into the Assembly and, although the possibility of achieving meaningful devolution will be difficult, if not impossible, will have the courage to try.

Mr. J. Enoch Powell: One need not prove, or argue, after this debate, the importance of the SDP amendment and the issues attached to it. Perhaps the narrowest of them is raised by the amendment of the hon. Member for Harborough (Mr. Farr) which innocently but effectively substitutes "or" for "and" in line 30. If "and" remains, the subsection is a declaration that the indefinite continuance of an Assembly that will not arrive at acceptable devolution proposals is nevertheless in the public interest. The amendment alters it to say that the purpose of the Assembly is to arrive at devolution within the terms of the Bill, but, if it cannot, it is not in the public interest that it should continue to exist indefinitely.

The hon. Member for Belfast, East (Mr. Robinson), despite the declaration with which he concluded his speech, said that he would have no interest in being a Member of an Assembly which, after three years, or some other period, failed to arrive at acceptable proposals. He would not be interested in an Assembly which found itself at a dead-end on devolution.

Mr. Robinson: What I said was that I would not be interested in being a Member of an Assembly after three years if it did not hold out the prospect of achieving devolution.

Mr. Powell: That is good enough, because we are talking about a visible prospect. I do not say that the hon. Gentleman would not have the patience to carry on if he could see an acceptable solution six months after the initial three years. I am not dealing with the length of the period. The hon. Gentleman has confirmed that there would be little point in belonging to such an Assembly if it could do only what is set out in clauses 3 and 4.

We invite the Government to accept, by substituting "or" for "and", what they have professed all along. This is a rolling devolution Bill. The Secretary of State did not say "I shall set up a scrutinising Assembly without responsibility". He said "I shall give an Assembly the opportunity to arrive at devolution, either in one leap or gradually". To substitute "or" for "and" is to accept that an Assembly that has no visible prospect of achieving the intentions of the Bill is not in the public interest. If it is in the public interest, we need a different approach, a different Assembly and a different concept. I hope that, if they can do no more, the Government can accept the amendment, because it appears to correspond to their intentions and view of the Bill.

What period should we set which would provide a reasonable expectation of achieving the Government's objects? The hon. Member for Belfast, East says that we should leave it to the Assembly because the Assembly will not continue its existence if it sees no prospect of success. The hon. Gentleman is relatively young and of a generous disposition. He thinks the best of and imputes the purest and most noble motives, unsullied by personal or pecuniary interest, to his fellow men. However, the belief that an Assembly will terminate its existence, the emoluments that flow from its existence and the privileges and influence that might attach to its members, simply

because it honestly declares that it will not get anywhere with an acceptable form of power sharing that would persuade a Government to create a devolved Assembly, is not realistic. Neither of us can prove our conjecture. He has his view of human nature and I have mine.

Mr. Robinson: It was said earlier that the right hon. Gentleman might stand for election to the Assembly. The right hon. Gentleman did not deny it, so some hon. Members may suspect that his silence was assent. If we forget about my generous disposition and the fact that I am not three score years and ten, if the right hon. Gentleman were elected to the Assembly and the three years elapsed, would he not take the proper and honourable course of pulling up stumps and saying "Let us go home"?

Mr. Powell: I do not say that an individual Member might not fail to seek re-election, but he might decide to apply for the Assembly equivalent of the Chiltern Hundreds. No doubt some Member may be of a resigning disposition who, bored and frustrated after one year or three years, would say "I shall have no more of this." However, I doubt the likelihood of an Assembly of 78 or 85 Members terminating its existence by resolution. That is improbable and, in this House, we legislate on probabilities. I conclude that it is for the House, having brought the Assembly into existence, to provide that if it cannot perform its function within a reasonable period its existence should be terminated.

The question then is what is the reasonable period? We have a choice in the two amendments between three years and one year. I am slightly inclined to think that one year might, in all circumstances, be cutting it too fine, but my view is that three years is unrealistically long. If the Government accept the principle that there should be a specific terminus in the clause, I for my part would not cavil if they arrived at an intermediate position between one year, which I would think is the minimum and three years, which seems irrationally long.

8 pm

It seems unrealistic to suppose that it could take as long as three years for an Assembly to become aware of whether it would agree upon anything that was likely to commend itself in the terms of the Bill to a Secretary of State or, as the terms of the Bill may eventually be, to the House of Commons. I believe that in principle the SDP's amendment is right, but I think that the figure written into it is too large rather than too small.

I shall address myself to the question posed by the hon. Member for Southend, East (Mr. Taylor) and posed yesterday by the hon. Member for Bebington and Ellesmere Port (Mr. Porter), whom I seem always to lose at the moment when I want him most. Both hon. Members have asked "What is the harm in a lame duck Assembly? What is the harm in the continued existence of an Assembly which knows, and which everyone else knows, will not achieve the purpose for which it was created by statute?"

To understand why my hon. Friends and I are convinced that such a survival would be dangerous, it is necessary to understand the purpose behind the Bill on the part of those who were working away at it long before the Secretary of State had any notion that he would have the misfortune to find himself at the Northern Ireland Office.

The intention is to have an Assembly for the sake of having an Assembly, but that was not always so. It is a

enement that was arrived at after certain experiences and failed attempts. We had an earlier version of the plan. I am sorry that it is necessary for this purpose again to refer briefly to the immortal passage in the daily notes for candidates. I must confess that as a recipient in years gone by of daily notes for candidates during elections I never treasured them on the assumption that hidden inside them there might be, if not a time bomb, an immortal jewel or a torch which in two or three years' time would illuminate the dark corners of politics. However, it has happened and it is a reality.

The document exists, and it can be verified. It referred to the new Government coming "under considerable pressure to launch a new, high-powered political initiative on Northern Ireland with the object of establishing another 'power-sharing' government in the province, which could pave the way for a federal constitution linking Ulster to the Irish Republic."

That was Mk. I, and we have Mk. II. I anticipate that Mk. II was introduced at some time in 1980. It is really the crude Mk. II. The crude Mk. I is the unimproved version which did not learn from 1974, the version which intended to rush the Sunningdale fence. After contemplating for some time the unlikelihood of obtaining a power-sharing Executive which could do the dirty work, which was the idea behind Sunningdale, and which was why the Sunningdale Executive perished, someone asked—I do not know quite who he or she may have been—"Why do we need an Executive to do the job? Surely we can do it with an Assembly. Nothing can prevent us from getting an Assembly elected. If we have elections for an Assembly, everybody must take part. Therefore, we can always get an Assembly elected."

The true purpose behind the Bill, as illuminated by the notes for candidates of 25 April 1979, is the creation of an Assembly. In the immortal words of the right hon. Member for Leeds, South-East (Mr. Rees) in October 1979 "I can tell you, Enoch, there will be an Assembly and you know how I know that there will be an Assembly." It is the Assembly which is now the working piece for paving the way for a federal constitution linking Ulster to the Irish Republic. Between Mk. I and Mk. II the development which facilitated the transition from Mk. I to Mk. II was the Anglo-Irish Council and its parliamentary tier, which is the new version or expression of what was crudely expressed three years ago as the federal constitution linking Ulster to the Irish Republic.

That has been elaborated in the three successive meetings which the Prime Minister has had with successive Irish Prime Ministers. That has now become the Anglo-Irish Council with its parliamentary tier in which Ulster, via an Ulster Assembly, is to be represented as a third finger. That is the mischief of an idle Assembly. It will do the work that Satan has intended for it. It will "pave the way for a federal constitution" by entering into a federal institution. The Anglo-Irish Council, with the parliamentary tier is a federal institution. It is because that is understood by people on both sides in Northern Ireland that my hon. Friends and I, alas, are all too sure that we are right when we say that moves in that direction, with legislation which could have that effect, will be the cause of additional and avoidable bloodshed.

It is not, as the hon. Member for Belfast, East suggests, that the IRA requires an excuse for murder, but it needs encouragement. It needs the encouragement of faith that it will get its way. It needs the encouragement of being able to tell itself colourably that that is what Her

Majesty's Government want too. It needs to think that the Government of the United Kingdom, the hated English, are themselves about the business of paving the way for the entry of Ulster into a federal constitution linking it with the Irish Republic.

All terrorism thrives on hope. All terrorism dies where hope is removed. The damage of the Bill and the damage of an Assembly without an overt purpose—I am answering directly the question of the hon. Member for Southend, East—is that it inspires all too justified hope on the part of those who, if this is to happen, mean to be on the bandwagon in circumstances which will give them and terror the upper hand when the bandwagon is rolling.

Mr. Teddy Taylor: I cannot recall an earlier occasion when I have disagreed with the right hon. Gentleman, but is he honestly saying that an Assembly packed with Members of the sort that we have in the House of Commons, of great quality and conviction, would be used as vehicles to bring about Republicanism? Bearing in mind the convictions that Northern Ireland Members have expressed and the personal bravery that they have shown, does he think that they could be foxed, misled or used to become vehicles for Republicanism?

Mr. Powell: That is exactly what I am saying. That is exactly what is being said by those who, for the purpose stated, intend that there shall be an Assembly, whatever else there is. "Power-sharing Executive or not" they say "let us have an Assembly".

Let me put one simple proposition to the hon. Gentleman. Let us suppose that there is an invitation to such an Assembly to participate. Why not? There will be one-third of that Assembly who will go off like larks. There will be one-third or one-quarter who will say, "Yes, of course, let us book our tickets". What will the remainder do? Will they remain sitting there and say, "Good riddance to them", or will they say, "We shall not allow those people to speak for Ulster. We shall be in on the act. We shall go along and see what happens. If Ulster is to be discussed in this Anglo-Irish Assembly, as the Prime Minister arranged, which is a fair implication, in her conference with FitzGerald last November, we ought to be there as well". That is how it will happen. That is one of the ways in which it will happen. It is not difficult to envisage.

Therefore, the answer to the question by the hon. Member for Southend, East, "What is the hope and what is the harm in an Assembly in vacuo?", is that an Assembly in vacuo is what Satan wants. It might be thought that even for one who sometimes mistakes the Foreign Office for a nest of vipers, the reference to His Satanic Majesty is inappropriate. If so, I should like to leave a thought for the Committee to ponder.

Whoever wrote—it must have been written before 25 April—what was published on that day in the notes for candidates was aware already of what was said to the right hon. Member for Spelthorne (Mr. Atkins) when he entered upon the office that the present Secretary of State now occupies. He was told, "You ought to understand that you cannot carry out your election manifesto, because there is an agreement in existence already with which it is incompatible".

Whoever wrote those words and sent them to be printed during the election knew that that would happen. But how did he know that it would happen? It was because he knew

[Mr. Powell]

that it had already happened. The Civil Service has a habit, when it suspects that there might be a change of Administration—some of us who observed the political scene during the early months of 1979 had a vague notion that there might be a political change of Administration—of getting in touch in advance with those who might be their new political masters to prepare to carry out their wishes in accordance with their election manifesto. Great students of election manifestos are the civil servants.

Therefore, it is not beyond probability that the late Airey Neave, who was murdered at the end of March, had already been told what the right hon. Member for Spelthorne was told early in May. It is for us to decide what reply the late Airey Neave made when he was briefed. All that we know is that he was murdered before May was out. All that we know is that whoever was assisting and working with him in the Conservative Party organisation, whether he did it in pian memoriam or for other purposes, wrote those words into a place where in due course they would be found.

Perhaps those who think that there is no harm in the Bill—no good, but perhaps no harm—might reflect on those matters.

8.15 pm

Mr. Maurice Macmillan (Farnham): I support the amendments in the belief that the Government could accept, if not the details set out on the Order Paper, at least the intention and purpose that underlie them. The Government could accept them without doing violence to their ideas or the internal consistency of clause 5 and without modifying, except a little for the better, their admission in the clause that the Assembly may be unworkable. For there is no point in any part of the clause unless it is to provide for circumstances in which the Assembly will be unlikely to achieve the purposes of devolution, move away from direct government, covered by clauses 1 and 2, and operate in a way that is contrary to the public interest.

Moreover, the intention behind the amendments should be acceptable to a wide range of opinion in the Committee. It is acceptable to the right hon. Member for Down, South (Mr. Powell). The amendments are acceptable to my hon. Friend the Member for Southern, East (Mr. Taylor) who, broadly speaking, perhaps a little reluctantly, supports the Bill. They are acceptable to me and to the Social Democratic Party. Even among those who are seeking different forms of devolution, the general intention of the amendments should be acceptable.

The amendments alter the clause only in altering the timing of the Secretary of State's consideration of the success or otherwise of the new Assembly. The criteria for dissolving the Assembly are left entirely to the Secretary of State. There is no attempt to constrain him in any way. It is still his judgment, as it is in the clause unaltered by the amendments.

The only constraint on the Secretary of State is to force him to consider the proposition of dissolving the Assembly within a certain time limit. The right hon. Member for Down, South suggested two years as a happy mean between the one year suggested in one amendment and the three years suggested in another. I am prepared to leave the period to the Government. Whatever the period

chosen, it is not stated that the Secretary of State must act within that period. It is stated only that the Secretary of State must consider the situation within that period. The Assembly is put under some pressure to seek the objectives in clauses 1 and 2 coherently and not to dilly-dally and waste time in seeking to fulfil the objectives of the Bill.

The wording of the amendment at present also constrains the Secretary of State slightly in the opposite direction. It seems to imply that he would not be able to consider dissolving the Assembly under the terms of the amendments before the period stated in the amended clause. If it forces him to consider the viability or otherwise of the Assembly within a given period—thereby putting pressure on the Assembly itself—it also prevents him from prejudging the Assembly in advance of the period stated—whichever one may be chosen—should the Government accept the amendments.

The only other point that I wish to make is about the wording suggested by amendment No. 104. That would change the preposition from "and" to "or" linking clause 5(1)(a) and (b). As it stands now it seems possible to argue that if the Assembly is not moving at all to the position provided for under clauses 1 and 2 it is necessary at the same time for it to be contrary to the public interest that it should continue. It is almost impossible for it to be in the public interest for a failing Assembly to continue. Equally, as it links the ability of the Assembly to move towards devolution with it being within the public interest, it is possible that leaving "and" would place an undue restraint upon the Secretary of State at a marginal period when the other roles given to the Assembly were being adequately and successfully carried out within the period but had not yet arrived at the point where one could say that a private agreement had almost been reached on the devolved role.

Giving a date would place a limited restraint on the Secretary of State. Changing "and" for "or" would give him greater freedom of action than the present clause does. I ask the Government to consider seriously the arguments that have been put forward. I can see no way in which the amendments damage the Government's intention, much as I may disapprove of it. The amendments remove some of the hazards that the Assembly could bring to the national interest of the Province and the United Kingdom, and give slightly greater freedom of action to the Secretary of State in his appallingly difficult task.

Mr. Budgen: I shall be brief because I recognise the reality of the debate that we are having. We have been brutally and effectively crushed by a cynical guillotine, and it is plain from the lack of passion that the Government know that they can disregard what we say and need not bother any further to persuade us or anyone else. They know perfectly well that the bulk of the amendments that were tabled will go undebated.

None of us can prove what the consequences of setting up the Assembly will be. The most optimistic of us are those who support the Secretary of State. For him the setting up of the Assembly will lead not merely to constitutional stability but to a period of unparalleled personal happiness for each of the citizens of Northern Ireland and unparalleled prosperity for Northern Ireland. He unfolds before us a vastly euphoric scene. On the other hand, the right hon. Member for Down, South (Mr.