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CABINET

DISSOLUTION OF THE NORTHERN IRELAND ASSEMBLY

Memorandum by the Secretary of State for Northern Ireland

INTRODUCTION

On 9 June the Defence and Overseas Policy Committee (OD) considered my proposal that the Northern Ireland Assembly should be dissolved. This memorandum seeks the Cabinet's confirmation of the Committee's conclusions.

BACKGROUND

2. The Northern Ireland Assembly reaches the end of its four year term on 20 October. On expiry, an election will automatically follow within six weeks unless action is taken before then to dissolve it. While we wish to see a new Assembly (which would include the Social Democratic and Labour Party (SDLP)) and therefore want a new election, I believe it could be disastrous to be tied to this particular timing. The first anniversary of the Anglo-Irish Agreement will fall within the election campaign and the whole of it would be used by unionists (as they used the 15 Parliamentary by-elections) as a major event to revive what is otherwise a rather flagging campaign against the Agreement. Moreover in the build-up to this election there would be no prospect of serious talks about devolution.

3. The two unionist parties would almost certainly fight on a joint anti-Agreement ticket. The SDLP, faced with an Assembly certain to be dominated by unionists hostile to the Agreement and uninterested in constructive work, might decide not to run; or if they did run, not to sit. The Alliance Party would have grave reservations about participation. If the Ulster Unionist Party/Democratic Unionist Party (UUP/DUP) did not fight on a joint ticket and stood against each other, the prospects are, given present divisions in the UUP, that there would be substantial gains by the DUP at their expense; this would clearly make things even more difficult.

4. OD supported my proposal to dissolve the Assembly to ensure that we do not face automatic re-election later in the year. That then raises the question as to when this dissolution should take place.

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5. Within Northern Ireland there is considerable surprise in responsible circles that we have allowed the Assembly to go on for so long. For a number of months it has refused to perform its statutory functions, which are to consider how to achieve devolution and to operate Committees to scrutinise the work of Northern Ireland Departments. The Assembly instead has indulged in anti-Agreement propaganda and publicity stunts. At present its only business is one afternoon debate per week which consists of diatribes against the Agreement. These are only attended by Unionists with the DUP taking the leading role. The Alliance members have long since departed in disgust, and indeed the Alliance leader, John Cushnahan, believes strongly that the Assembly should now be dissolved, in spite of financial implications for him and his members. Privilege is abused by Members, naming individuals such as civil servants who are members of the Secretariat, Government contractors, and others who they brand as "quislings". There are repeated personal attacks on the Chief Constable and denigrations of the Royal Ulster Constabulary (RUC) as a force. In general, the Assembly is encouraging instability rather than acting as a safety valve. Indeed it was to the Assembly that the unionist leaders went, after retreating from the understanding reached with the Prime Minister on 25 February, to throw their weight behind the 3 March "Day of Action" which saw such violence. The latest antic of the Assembly was for some twenty Members to occupy the Stormont telephone exchange (which also serves Government Departments) until they were ejected by the RUC. As long as they have access to the Assembly precincts within Parliament Buildings it is difficult to protect others who work in the building, including Ministers, from harassment.

6. For some time therefore the Government has been seen in Northern Ireland to be exercising remarkable tolerance in allowing the Assembly to carry on - and in continuing to finance it and pay its Members to the tune of £2.8 million per annum. The Clerk, as its Accounting Officer, is on increasingly thin ice in terms of justifying that expenditure. I have already publicly warned about the risks to the continuance of the Assembly from the failure to discharge their functions. Two weeks ago I invited the leaders of the main Unionist parties to discuss the present position. Their refusal to meet me does defend us against any complaints of lack of consultation in any decision which we choose to take. In addition the leader of the UUP, James Molyneaux, has now made clear that most of his Assembly members expect it to be dissolved, and he expressed no great regrets about its departure.

TIMING

7. I have sought in the opening paragraphs to explain the importance of dissolution so that we are not tied to an automatic re-election. This requires an Order in Council subject to affirmative resolution in both Houses. It would have to be approved before the Recess (we cannot wait until the spill-over) and it would be undesirable for debate on it to coincide with the height of the marching season in mid-July. I therefore propose that the Dissolution Order should be debated alongside the Order renewing the "interim period" of direct rule for a further year. The latter Order has already been laid and is usually debated mid-to-end June. This would mean laying the Dissolution Order as soon as possible.

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8. For the reasons I have given in paragraphs 4 and 5, I believe that it should come into effect without delay. If we merely announce that dissolution will take effect sometime ahead, that will encourage the Assembly to maximise the mischief it makes in the time remaining to it. I have considered carefully whether the absence of the Assembly over the marching season might add to our troubles. Undoubtedly unionist propaganda will have it that by dissolving the Assembly we are stifling the democratic voice and forcing politics onto the streets. In fact, for the reasons I have described, I believe that the continuation of the Assembly would, if anything, make matters worse, not least since I happen to know that they are planning not to go into recess on 10 July, but instead to maintain the Assembly through the marching season.

PRESENTATION

9. I would propose to announce a decision to dissolve by way of an Oral Statement to the House to accompany the laying of the Dissolution Order. I would argue that the present Assembly, for a number of months, has been refusing to discharge the functions for which Parliament established it and for which it has authorised funds, but instead has concentrated on attacking the Anglo-Irish Agreement, which is not part of its functions; that the leaders of the parties had refused to come and discuss the position with me; and that there could no longer be a justification for expenditure for purposes totally removed from the original concept of the Assembly. This decision might provoke some disorder, for which the unionists would blame the Government, but politicians have been seen on the streets in recent months, Assembly or no.

10. I would at the same time make clear that I am announcing not the abolition of the Assembly, present or future, but simply the dissolution of the present Assembly and that the Government remains committed to achieving devolved Government and that we shall seek elections for a new Assembly as soon as practicable. Nothing would be said which could encourage a belief that the Government could consider greater integration of the Province into the United Kingdom. I would emphasise our desire to see a new election at the earliest possible opportunity; and our determination to take all possible steps to establish the political conditions in which they could be held. To that end, I would make it clear that the Government remains willing to talk to the unionists about the four matters on which the Prime Minister had offered them a dialogue in her letter of 25 February, namely devolution and the possibility of a round table conference, the future of the Assembly, the handling of Northern Ireland business at Westminster, and new means of consultation between the Government and unionist leaders. I would emphasise my readiness to discuss with all the party leaders, including the SDLP, how best a constructive dialogue could begin. In the meantime, in place of institutionalised consultation with the parties through the Assembly, I would seek through correspondence to continue to consult them about on-going Government business, including proposals for legislation.

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11. Thus I would seek to present dissolution as positively as possible. In announcing the decision, I would look forward to a new Assembly, which would conduct constructive business, in which representatives of both communities would feel able to participate, and which might pave the way to restoration of devolved Government.

CONCLUSION

13. I am in no doubt that the Assembly must go and that it should be sooner rather than later. The longer that it continues in its inflammatory ways, the more encouragement it gives to irresponsible forces as the marching season approaches. OD agreed, subject to clarification of legal and Parliamentary points, on which I shall report orally, that it would be right to do so quickly. I therefore invite colleagues' agreement that:

1. I should lay a Dissolution Order after Cabinet on 12 June.
2. I should make a statement in the House that afternoon announcing not the abolition of the Assembly, present or future, but simply the dissolution of the present Assembly and that the Government remains committed to achieving devolved Government and that we shall seek elections for a new Assembly as soon as practicable;
3. The Dissolution Order should be debated alongside the Direct Rule Renewal Order as soon as possible and be made at a Privy Council immediately thereafter.
4. Dissolution should take effect immediately after the Order has been made at Privy Council.

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Northern Ireland Office

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