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POLICY ON NORTHERN IRELAND.

DISCUSSION PAPER

JUNE, 1974.

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POLICY ON NORTHERN IRELANDDiscussion PaperIntroduction

1. The purpose of this Paper is to describe the position and some of the policy options, following the collapse of the Northern Ireland Executive on 28th May, 1974. The Paper has been drawn up by the representatives of the Departments of the Taoiseach, Finance and Foreign Affairs, on the Inter-Departmental Unit on Northern Ireland. It has taken as a basic premise that the first priority of policy is to preserve peace in this part of the country and as far as possible to restore it, with equity, in Northern Ireland.

Northern Ireland Executive

2. The Northern Ireland Constitution Act, 1973, provides that the Northern Ireland Executive shall consist of -

- (1) A Chief Executive Member
- (2) The Heads of Northern Ireland Departments, and
- (3) Such other persons as the Secretary of State may appoint.

Members of the Executive must, except in the circumstances mentioned in the next paragraph, be members of the Assembly; and the Executive must be such that it will, in the opinion of the Secretary of State, having regard to the support it commands in the Assembly and to the electorate on which that support is based, be likely to be widely accepted throughout the community. In making appointments, the Secretary of State must, as far as practicable, consult with the parties represented in the Assembly.

3. If it is not possible to make appointments which comply with these requirements, the Secretary of State may make appointments otherwise but any person so appointed cannot hold office for more

than six months. There is no requirement of prior consultation for these appointments. The decision following prorogation of the Assembly to have the functions of the Executive discharged by the Secretary of State and a group of junior Ministers from Westminster was apparently taken under this provision.

4. The Executive holds office at Her Majesty's pleasure. It is under this provision that the S.D.L.P. and Alliance members of the former Executive, who did not resign with the Assembly Unionists, were removed from office on 29th May.

#### Northern Ireland Assembly

5. The Northern Ireland Assembly contains 78 members. The Northern Ireland Constitution Act, 1973, provides that if the Secretary of State cannot appoint an Executive from Assembly members, which is likely to be widely accepted throughout the community, and it is in the public interest to do so, may - (1) dissolve, or (2) prorogue the Assembly.

6. If the Assembly is dissolved, a day is fixed for the election of members of a new Assembly.

7. If the Assembly is prorogued it remains in existence but cannot exercise functions. Any necessary legislation which it could have passed must be passed in Westminster. The members continue to be paid. Prorogation for a period of more than four months - or the extension of a previous period of prorogation - can be done only after the draft order has been approved by resolution of each House of the United Kingdom Parliament.

5.

8. During the period of four months from 29th May, for which the Assembly has now been prorogued, the Secretary of State will hold discussions with the Party leaders in Northern Ireland and develop his thoughts on possible future policies, including the possibility of forming a new power-sharing Executive. The likelihood of his being able to get agreement on a new Executive depends on the attitudes of the Parties in the North.

Northern Ireland political Parties: numbers and attitudes.

9. When the Northern Ireland Executive collapsed, the theoretical strength of the various political parties was as follows:-

Assembly Unionists (headed by Faulkner)	20 (including the Speaker and Mrs. Dickson)
Social Democratic and Labour Party (headed by Mr. Fitt)	19
Official Unionists (headed by Mr. West)	13 (including Whitten, Stronge and Elder who had defected from the Assembly Unionists)
Vanguard Unionists (headed by Mr. Craig)	8
Democratic Unionists (headed by Mr. Paisley)	8
Alliance (headed by Mr. Napier)	8
Northern Ireland Labour Party (Mr. Bleakley)	1
Vacancy	1

These figures bear little relationship to the popular support of the parties, as is evidenced not only by the collapse of the Executive but also by the Westminster elections in February, 1974, when 59% of the votes cast were widely regarded as being "anti-Sunningdale". The comparable figure in June, 1973, based on the Assembly elections, was 62% "pro-Sunningdale" - or at least in favour of the Northern Ireland parties represented at Sunningdale.

10. The common position of the Faulkner Unionists, Social Democratic and Labour Party and Alliance before the collapse of the Executive was that they were prepared to power-share in relation to a wide range of social and economic matters but excluding security and they <sup>also</sup> were/

prepared to recognise the Irish dimension to the extent of setting up a North-South inter-ministerial body which would provide the forum for consultation, co-operation and co-ordination of action between the Executive and the Irish Government on a wide range of economic and social matters. A public opinion poll conducted in Northern Ireland for the BBC in April, 1974, showed that there was a 75% approval for power-sharing.<sup>1</sup> However, only 41% thought the Sunningdale proposals for a Council of Ireland were a good idea in principle and 37% thought they were a bad idea. (Some 22% either had not heard of the proposals or did not know whether they were a good or bad idea).

11. In arriving at the common position, the three parties constituting the Executive had in varying degrees moved from their original positions and it may be useful to note what these positions were, as expressed immediately after the imposition of direct rule in 1972.
- (1) The Assembly Unionists wanted a strong regional parliament and government in Northern Ireland. Parliament would contain about 100 members elected on a non-P.R. basis and the government, which would be formed by the majority party would be comprised of only five or six ministers. Limited powers would be assigned to opposition parties by giving them the chairmanship of at least three of six parliamentary committees. Provided that the Republic met certain pre-conditions on the status of Northern Ireland and the tackling of the problem of "political" fugitive offenders, a joint Irish Inter-Governmental Council would be formed to discuss matters of mutual interest. The basic aim of these proposals was stated as "the safeguarding of the union, and the creation of structures which would permit all reasonable people to play their part in public life".
  - (2) The SDLP's aims were (1) an immediate declaration by Britain to work towards the unification of Ireland on terms which would be acceptable to all the people of Ireland (2) to create an interim system of government which would be fair to all the people of Northern Ireland and (3) to create democratic machinery to

<sup>1</sup>A report prepared by NOP Market Research Ltd. on behalf of BBC Television Ulster, April, 1974.

implement the terms of the declaration at (1) by the agreement and consent of the people in both parts of Ireland. The interim system of government suggested was on the basis of joint Dublin/London sovereignty over Northern Ireland.

- (3) Alliance proposed an Assembly elected by P.R. with limited local government by way of Committees elected from the Assembly by P.R. Westminster would remain the sovereign parliament, even in relation to powers transferred to the Assembly. A tripartite Anglo-Irish Council with limited advisory powers was also suggested but a Council of Ireland was ruled out.
- (4) The Official Unionists ~~are~~ <sup>were</sup> prepared to share power but only on a voluntary basis (i.e. not imposed by Westminster) and along the lines of the committee system put forward by Faulkner in 1972.<sup>1</sup> In principle, they are not opposed to creating inter-governmental institutions between Northern Ireland and the Republic but because of what they see as Dublin's territorial claim and its tolerance of IRA activities, "the normal and friendly character" of North-South relations "briefly achieved in 1925" is not attainable at the moment. They wish to see the relationship between Northern Ireland and Britain restored to a partnership such as that which existed before direct rule.
- (5) The Vanguard Unionists were established primarily to wreck the Northern Ireland Constitution Act, 1973, and insofar as it has stated positive policies, they include restoration of security powers to a local Northern Ireland Government and less specifically the establishment of a federal system of government in the U.K. in which Northern Ireland would be one of up to a dozen states. As a last resort they would be prepared to set up "an independent British Ulster".
- (6) The Democratic Unionists demand that Northern Ireland should be totally integrated within the U.K., given full representation at Westminster and ruled in the same way as any other part of the U.K. If that is not acceptable to Westminster, then Northern Ireland should be left "to hammer out a democracy in which all sections can participate". While Paisley has on occasions been prepared to envisage "special and friendly" relations with the Republic and does not rule out even an eventual coming together of both parts of the island, Craig has never indicated anything but hostility towards the Republic.

12. Though he is a member of West's party, it is worth giving separate notice to the views of John Taylor who believes that most of the people in Northern Ireland now find it impossible to identify with Westminster and that Northern Ireland should therefore negotiate an independent Ulster within the EEC and the Commonwealth. Earlier this year, he envisaged the collapse of power-sharing and the Sunningdale

<sup>1</sup>See article by West in the London Times of 3 April, 1974.

arrangements and said that when this happened it should be followed by a conference of Ulster political parties in order

- (1) to keep the initiative with politicians rather than men of violence and
- (2) to endeavour to develop a constitutional settlement.

He opposed power-sharing on the grounds that it recognised and institutionalised conflicting aspirations and in particular gave the anti-partitionist aspiration great credibility. He suggests a negotiated independence with a government comprising "Catholics and Protestants working together as Ulstermen rather than anti-partitionists and unionists working together as Irishmen and Britishers". He envisages considerable financial assistance from Britain and "consent" from the Republic "as long as we appreciated the North and South are parts of the same island and as such could evolve useful structures for co-operation so long as they did not impinge upon the internal or constitutional affairs of either State". An independent Ulster would be neither Irish nor British and could "therefore hope to command loyalty by Roman Catholic and Protestant alike".

13. The collapse of the Executive will certainly influence the degree of support for the policies outlined above and consequently change the relative strength and position of the various parties associated with them. A party by party analysis might be helpful:

Assembly Unionists In losing control of the traditional Unionist Party to West in January this year, Mr. Faulkner's defeat was even greater than it appeared then or subsequently. At maximum, he has succeeded in bringing with him to his new Unionist Party only 6 of the 52 constituency associations in the old party and some observers put the figure as low as 4. His power base is virtually confined to some middle and upper class areas of Belfast with the addition of a few pockets where either he himself or one of his supporters has a strong personal following. Faulkner is now so closely identified with power-sharing that it seems difficult to

envisage any political future for him in a non-power-sharing situation.

SDLP - the compromises which the SDLP have had to make not only to get to power but in particular to try to keep power-sharing afloat over the last five months have both revealed serious strains within the party and undoubtedly weakened the party's position in the minority community. It must be remembered that as an organisation it is very new - some of its Assemblymen are not yet one year in the party - and that its roots in the community are not very deep. In addition it attempts to combine all shades of minority political opinion from the ultra-conservative, church influenced, predominantly rural, traditionally anti-partitionist group to the civil rights, liberal/socialist, anti-clerical group based primarily in Belfast and Derry. Though the party leadership is drawn almost exclusively from the latter, the overwhelming majority of the 19 Assemblymen fall into the former group and it is by no means certain that they will be able to hold together as a cohesive political unit in the next few months even if there are no Assembly elections. If there are Assembly elections, it is difficult to see how the SDLP could avoid being weakened and though there are already signs of moves within the party towards a more radical approach (e.g. McGrady's call for a British declaration of intent to withdraw) to the "national aspiration", it is likely that an assortment of IRA/resurrected Nationalists, and other such groups would benefit most from the growing feeling that a solution based on the principle of compromise is simply not possible.

Alliance - one of the major disappointments of the Assembly election in June, 1973, was the relatively poor showing of the middle parties which attempted to draw support from both communities. If the middle of the road was narrow in June 1973, it must be almost non-existent now and while it will continue to play a role, albeit merging ever closer with that of Faulkner's group, as long as power-sharing is a possibility, its prospects in any other situation seem poor.

The Unionist Parties led by West, Craig and Paisley, at a conference in Portrush at the end of April, agreed a policy document which has as its main points

- a new Northern Ireland constitution
- a regional parliament under a UK federal umbrella
- a majority rule in Northern Ireland
- new Assembly elections.

More significantly, however, the document emphasised the "Ulsterisation of the fight against the IRA" and since Portrush there has been a rapidly growing emphasis on an Ulster rather than a British solution to the general problem. Lip service is still paid to the union but as doubts about the British commitment in Northern Ireland increase, an "Ulster" solution is being increasingly mooted, especially if a solution could be devised in such a way as to retain the British financial support and economic links.

14. The above analysis suggests that what is likely to emerge in the next few months - during which the British will be busily engaged in another attempt to make the 1973 Constitution Act work, while at the same time pressing home to the people of Northern Ireland the financial cost of the union, and developing their own policies further - is a growing feeling in both communities that the British should step aside and let the people of Northern Ireland work something out.

Whatever happens there appears to be a strong possibility that a new power-sharing Executive cannot be formed, certainly in the four months period. This imposes on the British - and on us - the necessity to appraise the options. Among the many uncertainties in this exercise is the uncertainty as to the timing of the next British General Election and the part that policy on Northern Ireland could play in it.

#### Options

15. If the attempt to form a new Executive fails, the Secretary of State may, ~~under existing law,~~ -

- (1) prorogue the Assembly for a further period, or
- (2) dissolve it and call new elections, or
- (3) follow some other course (integration, re-partition, direct rule, withdrawal etc.)

16. Further prorogation would be a stop-gap measure. It would mean that the extending order would have to be debated at Westminster. It is unlikely that the British Government would go into a debate of this sort unless there is some prospect of achieving the success which has so far eluded them.

17. Orders dissolving the Assembly and calling new elections would also have to be debated at Westminster. The likelihood of opposition there to the course - which would involve a continuation of uncertainty in Northern Ireland - cannot be ruled out. It does, however, on present information, seem to be the more likely prospect - but it would be accompanied, <sup>if</sup> in all probability, by an indication that/the elections did not provide the possibility of a power-sharing Executive, there would be a radical reappraisal of British policy, - based, in fact, on the letting the people of Northern Ireland work something

11.

out. This reappraisal would doubtless cover the following possibilities, as options in either the short or the long term.

(1) Integration

18. This would mean that Northern Ireland would be integrated within the United Kingdom in the same way as Wales or Scotland. Some of the Unionist Parties have been pushing for it, with varying degrees of conviction and force. It was mentioned by the former Prime Minister, Mr. Heath, as a possibility in September, 1973. The mention produced such vociferous opposition that he quickly withdrew the suggestion. Because of its total unacceptability to the minority in Northern Ireland, and because of <sup>the</sup> likely effect on both British public opinion in its present state of disenchantment with Northern Ireland, and on Anglo-Irish relations, it would appear to be a non-starter, as a policy. It was rejected by the Secretary of State in the Commons debate on Northern Ireland on 3rd-4th June. It could, as a remote possibility, be contemplated by the British as part of a devolution arrangement under proposals to implement recommendations of the Royal Commission on the Constitution (The Kilbrandon Commission) about which a Green Paper was published on 3rd June, containing proposals for discussion. A summary of this Report is in Appendix I. Generally, however, this does not seem a likely option. It would entangle the particularly intractable problems of Northern Ireland with what is basically a problem of British home administration.

(2) Repartition

19. The map attached in Appendix II shows the areas in Northern Ireland where there are Protestant and Catholic majorities.<sup>1</sup> This type of map has been used from time to time in the argument that the North should be re-partitioned so as to separate the contending communities. If it were assumed that Protestants were to be moved from the predominately Catholic counties and Catholics from predominately Protestant counties,

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<sup>1</sup> A more detailed map will be available in a week or so.

it would be necessary to contemplate arrangements for the re-location of over 150,000 Protestants and more than 300,000 Catholics.<sup>1</sup> This is of course a highly simplified version of what could be involved but it illustrates the scale of the problem. The troubles of recent years would be small in comparison with those which would follow from an attempt at this sort of solution, no matter how generous the compensation or how compassionate the administration. And, in the end the problem would be as it was. There would still be partition and there would still be opposition to it. The possibility is mentioned here only to illustrate its futility.

(3) Direct Rule

20. This would mean that Northern Ireland would continue to be governed as it is now and has been for periods in the past, from Westminster, but with local Departments and offices situated in Northern Ireland. The sterility of a policy which saw it as a solution to Northern Ireland problems is immediately apparent. It is because he wants to end direct rule, that the Secretary of State is engaging in his present series of discussions. Direct rule may, however, have to be accepted in the absence of any <sup>workable</sup> alternative.

(4) A British withdrawal

21. In the abstract, the arguments, for this are -
- (1) the continuance of violence in Northern Ireland with its toll on British lives, (which is perhaps a marginally more telling argument for a British Labour government than for its Conservative predecessor);
  - (2) the extent of the British financial aid to Northern Ireland, running now at about £400 million a year. This is net after taking into account taxes paid by Northern Ireland. The British are bent, on grounds of economy, on renegotiating their EEC commitments which are costing them less than half this figure; and
  - (3) the growing disenchantment of the British public and politicians with the whole Northern Ireland question when even the "Loyalists" are now in direct confrontation with the Government and there is growing feeling for "Ulsterisation" among even the Unionist politicians.

<sup>1</sup>

See Table XVI of Appendix to Statistical Abstract, 1970/71.

The counter arguments are based on the dislike of surrendering what has been regarded as part of the United Kingdom and the strong possibility that withdrawal, if not properly managed, could leave chaos in a ~~sister~~ <sup>neighbouring</sup> island, part of which has for years been the United Kingdom's third or fourth biggest export market. Other arguments for remaining were recently developed as follows:-

"Internationally, Britain would be in bad trouble. At the United Nations, the Irish Government would at once ask for a UN peacekeeping force to be despatched. Britain would presumably support this - though which countries would volunteer their troops?

Britain's relations with America would be, at the least, severely strained. Any American President would be under extreme pressure to take the firmest action to demonstrate the United State's disapproval of Britain's action. Nor would Britain's future relationships inside the European Economic Community be any happier; Europe, after all, is a pre-dominantly Catholic continent. Britain would, in fact, face devastating diplomatic isolation." (Sunday Times 2nd June, 1974.)  
There would, of course, also be the danger of outbreaks of violence in British cities with a large Irish population.

22. Evaluation of the arguments for and against withdrawal must be highly speculative. Much will probably depend on the success or failure of the efforts of the Secretary of State over the next few months and ultimately on the result of the next Assembly elections.
23. If these elections, whenever they are held, do not produce an Executive under the Constitution Act, it is inevitable that the question of a British withdrawal will be taken on an even keener urgency than at present. Withdrawal was, in fact, part of Labour policy in the past. Mr. Wilson in the debate in the House of Commons on 25th November, 1971, made, as Leader of the Opposition, a number of proposals for the settlement of the Irish problem. These proposals are reproduced at Appendix III to this note.
24. The proposals would have involved inter-party talks at Westminster with the principal parties in Northern Ireland. If consensus were reached at these talks, they would lead to discussions between the British and Irish Governments, and

Northern Ireland representatives, directed to the establishment of a Constitutional Commission representing the major parties of the three Parliaments. The terms of reference of the Commission would include examination of what would be involved in agreeing on a Constitution for a United Ireland. This Constitution would come into effect 15 years from the date on which agreement was reached, provided that violence as a political weapon came to an end. The proposals would also have involved our re-entry into the British Commonwealth.

25. While there is no obligation on Mr. Wilson to return to this concept, it is unlikely that it is far from his mind now. In any event, public opinion in the United Kingdom, influenced by the confrontation between the Loyalist workers during the recent strike and the British Government, appears to be moving in the direction of disengagement. The London Times in discussing the imposition of direct rule says -

"Nobody in Westminster politics may (sic) guess what that agreement might prove to be but Ulster will be left in no doubt that the pressures on Westminster politicians are intensifying for troops to be withdrawn and for British economic help to be brought into question." Times - 30th May, 1974.

26. If British policy were to move in this direction, the Government could well announce it when the current moves by the Secretary of State to form a power-sharing Executive are shown to have failed. They would say that if the elections to be held to the new Assembly failed to produce a new Executive, then the British would start to disengage from Northern Ireland. Whatever its other consequences, it would face the people of Northern Ireland with the stark choice of electing politicians committed to power-sharing or of being eased out of the United Kingdom, with or without subsidies. In the event of British withdrawal the most likely possibilities would be -

- (1) an independent negotiated "Ulster";
- (2) a unilateral declaration of an independent "Ulster" (U.D.I.);
- (3) some form of association or federation with London or Dublin, or both;
- (4) re-partition in some shape or form.

27. The likelihood is that the majority of people in Northern Ireland would now vote for an independent Ulster. Whether they would do so after an intensive course of indoctrination in the benefits of British citizenship, in financial terms, is another matter. They could attempt to set up their own Parliament and Government, establishing a Protestant hegemony. The possibility of this being achieved without grave damage to the Northern Ireland economy and the serious loss of life there seems remote. The possibility of international recognition and, for example, membership of the EEC, has not so far apparently entered the reckoning of the proponents of U.D.I.

28. So far as we are concerned, the disengagement of the British from Northern Ireland could have serious consequences for us in relation to -

- (1) Security,
- (2) Finance, and
- (3) Constitutional change.

Security

29. In the view of a representative number of SDLP members, the likelihood is that if the British withdrew, there would be an attempt by Loyalist Groups to set up a provisional government. This would be answered by opposition efforts from the IRA. The end result would be a de facto re-partition according to religion - with sporadic fighting in the different areas.

30. In the areas near the border, e.g. Derry and Newry and large parts of South Down, South Armagh and Fermanagh, the opposition "provisional" government might operate. In other areas, particularly North Down and Antrim, including Belfast, "Loyalist" government would operate. In many urban enclaves e.g. Andersonstown, Enniskillen, the

communities are large, homogeneous and would of their nature discourage attempts at military take over. The possibility of attempts at a siege of these areas could not be ruled out. In other areas, there could be fighting as in 1969; but these areas are isolated and are becoming smaller in size and number as people have moved out - and are continuing to do so. In fact, the communities on both sides are now considerably less exposed than in 1969.

31. The British troop commitment to Northern Ireland is now of the order of 16/18,000. There are a further 8,000 approximately in the Ulster Defence Regiment and 6,000 or so in the Royal Ulster Constabulary.<sup>1</sup> These forces have been unable to contain a campaign of violence mounted from within the minority population in the North. The prospects of our Army of say 12,000 men and a police force of about 8,000 attaining even a similar level of success against a campaign mounted from within the majority population there are bleak - even on the assumption that a campaign could be contained in small or well defined areas e.g. east of the Bann. If the security forces here were trebled, they could not match, proportionally, the sort of anti-guerilla campaign which the British are capable of mounting, with support from the majority population, in the North. (It is of course difficult to see that any campaign of this sort could be confined to the North. It would inevitably extend Southwards: and this would extend security problems here even further.)

#### Finance

32. Appendix IV contains some estimates of the financial effects and economic implications of the withdrawal of the United Kingdom subsidies to Northern Ireland. In brief, the appendix evaluates the total (U.K. and Northern Ireland) central Government services expenditure in or for Northern Ireland in 1973/74 <sup>as being</sup> of the order of £800 million.

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<sup>1</sup>There are a further 8,500 or so in the association of ex-B Specials who have weapons and are members of gun clubs. The percentage of Catholics in both the UDR and RUC has fallen to 4 to 5%. This is its lowest level ever and compares with about 15% some years ago.

Northern Ireland itself produced £384 million in current tax and non-tax revenue. In other words, if the British were to withdraw their subsidies completely from the North, the North itself would have to find a further £400 million in tax etc. revenue if they were to maintain their services at their current level. In short, the level of all central Government taxation in the North would have to be double - at least. And this assumes (a) that the Northern economy would still yield proportionately the same from any given level of taxation after the withdrawal of British subsidies as it would beforehand, and (b) that diminishing returns would not set in even with such Draconian taxation. These assumptions are obviously baseless.

#### Constitutional change

33. It is notable that in the Wilson proposals for 1971, reproduced in Appendix III, the possibility of constitutional change here was mooted as part of the work of a Constitutional Conference to be held if some consensus could be found among Northern politicians. The likelihood of this consensus now is less than in 1971; and the influence we can bring to bear on the situation through constitutional change or otherwise, is perhaps even less still. Nevertheless, it would be unwise to omit consideration of the question of constitutional change if only to retain a subject on which discussions can go on. It could provide a focus other than violence for public attention, North and South.

#### Conclusions

34. The two communities in Northern Ireland are moving towards withdrawal demands for widely differing reasons. On the minority side, withdrawal is seen by almost all who are now calling for it as the first step along the road to a united Ireland. On the majority side it is seen as a prerequisite to the restoration of majority government or, at a minimum, government on majority terms. A tendency to make an accommodation to minority interests will probably become evident but it may well be only a short-term tactic designed primarily for British domestic consumption. There is

nothing in the past records, particularly of Paisley and Craig, to suggest that this would be anything other than short-term.

35. If majority Protestant opinion falls in behind Paisley and Craig, the long-term prospect of any progress towards peace must be extremely slim. The minority will simply not acquiesce in majority rule, particularly if, as is likely, it is accompanied by massive repression and discrimination. In addition, the price of such rule would almost certainly be a withdrawal of British economic and financial aids. There are grounds for believing that for both of these reasons, majority opinion will not support the current policies of Paisley and Craig and that, if the right circumstances were created, there would be a return to the support of the old Unionist Party. The required circumstances would appear to be

- the rejection of West as leader. He is a weak and relatively inexperienced politician and since he became leader has allowed himself to be completely dominated by Paisley;
- the return to official Unionism of many of those now supporting Faulkner. This may well happen in any event but would be particularly facilitated if Faulkner were to retire from active politics;
- the adoption by the official Unionists of a policy which would have Ulsterism rather than Unionism as its cornerstone and which would make sufficient concessions to enable the minority to live with it.

36. The Executive announcement of 22nd May on the phasing in of the Council of Ireland marks, for the short term at least, the abandonment of an <sup>all-Ireland</sup> Irish dimension in the solution of the Northern Ireland problem. By publicly conceding on this issue, the SDLP has in effect accepted that the problem can be tackled in the immediate future exclusively in a Northern Ireland context. There seems no way in which an all-Ireland dimension can <sup>in the short-term</sup> be re-injected directly from Dublin and no immediate political development within the minority community is likely or even desirable which would provide a vehicle for an indirect injection. The more we involve ourselves the more material damage we will do both to this country and to the minority in the North. Any practical gain would be hard to imagine.

37. In the immediate future, the sequence of events seems likely to be the failure of the Secretary of State to form a power-sharing or other acceptable Executive.

38. If this happens, elections to ascertain the feeling of the population in Northern Ireland would probably follow. At these elections, the likelihood is that the question would be at issue of British withdrawal in the event of middle of the road parties being unable to form a power-sharing Executive. The realities of a withdrawal both in terms of finance and security would be spelt out far more clearly, and more harshly, than at any time in the past. This would throw the onus of the decision to withdraw, if it were taken, on the people of Northern Ireland.

39. If sufficient support for power-sharing emerged at the elections, the future could be relatively good.

40. If it **did** not then the British would perhaps attempt to settle the problem by means of a Constitutional Conference held on the strict understanding that they would be disengaging from Northern Ireland. At this Conference the question of -

- (1) an independent statelet (U.D.I.) or
- (2) some form of federation or association with London or Dublin or both

would certainly be at issue. Both questions would raise for us security, financial and Constitutional problems of the sort mentioned in this note. (Events elsewhere e.g. Aden,

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may perhaps make this British willingness to accept a programme for a slow rate of withdrawal less likely. In this event, the prognosis for us would be even less favourable.)

41. The scenario is as yet perhaps too vague for the development of firm policy here - except that in whatever policy does emerge -

- (1) the consequences for us of any attempt at intervention in the North with our security forces at their present level, must be borne in mind: they could not, on any realistic assessment, save lives, property or jurisdiction there, except perhaps in limited areas. Any promise otherwise will encourage false hopes and could cost lives;
- (2) the financial consequences of attempting to support the Northern economy - if this should be decided on - at a cost equivalent to almost 1/3rd of our total budget, must also be considered. Similarly the economic consequences, if some such level of support does not continue from somewhere, in unemployment, lost industry etc. would be serious.

42. The question of United Nations participation in peace-keeping or mediation has not been discussed in this note. The matter is currently under examination in the Department of Foreign Affairs.

#### Summary

43. The optimum policy at present seems to be -

##### (1) Short-term

(a) Encourage power sharing talks but do not intervene overtly. Leave it to Northern interests to sustain and develop the Irish dimension;

(b) Continue with the arrangements for the security conference announced recently by the British and the Minister for Justice in the House of Commons and in the Dáil respectively - but in a low key, and as far as possible confidentially. We have much to gain, in knowledge of techniques, exchange etc. of information/from such a meeting.

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- (c) Similarly continue with the preparation of the Bill to implement the recommendations of the Commission on Law Enforcement, the position to be reviewed when the draft Bill is available.
- (d) Defer work on the Bill to establish a police authority here. The purpose of such an authority was to encourage identification of the minority population in Northern Ireland with the police in the context of a Council of Ireland.
- (e) Embark on closer contacts with the unionists generally on the lines of the contacts which have been established with the SDLP, Assembly Unionists and Alliance.

(2) Long-term

If power sharing breaks down

- (a) exert pressure, discreetly, directly and indirectly e.g. through EEC partners and others on the British to continue direct rule. The question of whether this might be made more palatable domestically by the presence of an outside mediator would need consideration,
- (b) conduct here a discreet educational exercise among the public on the (1) security, and (2) economic consequences of a British withdrawal - in particular, the likelihood of the decimation of the minority in Northern Ireland and as a consequence the embroilment of the whole island in a disastrous civil war,
- (c) investigate further the possibility of United Nations participation.

Appendix 1.Royal Commission on the Constitution (The Kilbrandon Commission)

Lord Crowther-Hunt who was a member of this Commission was appointed by the Prime Minister Mr. Wilson as advisor to the Government on Constitutional questions. He now works within the Cabinet Office. His remit covers advice to Ministers (particularly the Home Secretary and the Secretaries of State for the Environment, Scotland, Wales and Northern Ireland) in connection with discussions about the Kilbrandon Commissions reports.

The main report recommended the establishment of Scottish and Welsh Assemblies directly elected by the single transferable vote system of proportional representation for a fixed period of four years. These Assemblies would have transferred to them legislative and other responsibilities for local government, town and country planning, new towns, housing, water supply and other environmental services, roads, harbours, health, education, agriculture, forestry, etc. There would be no similar assembly for England or the regions of England.

The minority report presented by Lord Crowther-Hunt and Professor Peacock opposed the recommendations, which they said was akin to the old Stormont system of Government, because of -

- (1) their belief that it makes no sense today to seek to move "sovereignty" downwards when in more and more of it is actually moving upwards - to Brussels;
- (2) it would be giving to the people of Scotland and Wales additional political rights which would be denied to the people in the different regions of England. This would be the more unacceptable in that some of the English regions would be providing, perhaps for Scotland, and certainly for Wales, substantial economic and financial support while being denied the same degree of self government;
- (3) the belief that it is right or acceptable that the Westminster Parliament should be precluded from legislating for Scotland and Wales in a wide range of subjects, (including education, housing and health) while the same time, about 100 Scottish Welsh M.P. s at Westminster would have a full share in legislating in these same matters for England alone.

These views are important because of Lord Crowther-Hunt's present position within the Cabinet Office. He will no doubt have a considerable influence on whatever scheme is finally devised for settling the Northern Ireland problem.

The recommendations to which he subscribes in the minority Kilbrandon Report are, in essence, to establish seven democratically elected assemblies and governments - one for Scotland, one for Wales, and one for each of, say, five English regions. These assemblies would be elected by the single transferable vote system of proportional representation. They would be given substantial powers. Thus, the assemblies and governments would -

- (1) take control of, and responsibility for, virtually all the out-posts of central Government now operating in their areas. Thus, for example, the Scottish and Welsh offices would be detached from Whitehall and Westminster and be placed instead under the full control of Scotch and Welsh assemblies and governments;
- (2) take over the functions of a non-commercial, non-industrial ad hoc authorities operating in their areas. Thus, for example, the functions of the projected regional health authorities would be transferred to and absorbed by the regional assemblies and governments - similarly the projected water authorities;
- (3) be given some supervisory responsibilities in respect of the various commercial and industrial ad hoc authorities, e.g. gas boards, electricity boards; the responsibility for devising policies for the general welfare and good government of their respective areas within the framework of the legislation and overall policies of the United Kingdom Parliament and Government and, within the framework, too, of any regulations and directives emanating from the European Commission in Brussels;
- (4) have some independent revenue raising powers and sufficient financial "independence" of central government to give them the requisite degree of freedom in carrying out their duties and responsibilities - while still leaving central government with the tools it needs for the overall management of the economy.

If the question of independence, or some other form of regional government for Northern Ireland, is being considered in Westminster, it is probably being done within this sort of framework. The pressures will probably be, in fact, to cut the link with Westminster altogether and to allow whatever form of Assembly or Executive is produced in the North to go its own way - with or without a British subsidy.

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Since this was written, a Green Paper on the Kilbrandon Report has been published. Copies are not yet available.