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D. Nally

ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

Confidential

20 October 1975

Dear Dermot

I enclose for your information copy of the SDLP's draft report dated 18 October to the United Kingdom Parliament. The draft is subject to final clearance by the SDLP Convention Party and to a decision by the Party as to whom and how it will be presented.

Yours sincerely

Seán Donlon

Seán Donlon
Assistant Secretary

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- 1. Seán Donlon
- 2. Taoiseach

✓ To see plep



Part XII of the Agreement

needs particular attention.

A referendum over the whole of Ireland is likely to run into very stiff Loyalist opposition whatever our views here may be.

Mr. Nally, I entirely endorse your view of legitimacy of our institutions & on this aspect our government also seems a bit anachronistic

SOCIAL, DEMOCRATIC AND LABOUR PARTY PROPOSALS

FOR GOVERNMENT IN NORTHERN IRELAND

REPORT TO PARLIAMENT

18 October 1975

INTRODUCTION

The task of this Convention is to report to the British Parliament. The S.D.L.P. proposed that the Convention should produce one Report in which the views of all parties would be outlined and weighed. We felt that only the Chairman and his staff could draft such a comprehensive report after the views of all parties had been submitted to him and discussed by the Convention. In this attitude we had the agreement of the Alliance Party and the Unionist Party of Northern Ireland.

Our proposal was, however, defeated by a U.U.U.C. proposal to the effect that each party should draft its own report in which it would summarise and discuss the views of other parties, and that the Convention would then decide which report to adopt as the report of the Convention.

We do not think that this procedure is a fair one or that any one party should be the final interpreter of the views of any other party.

For that reason we attempt simply to expound our own views in this Report and do not attempt to give a complete summary of the views of other parties.

Signed: _____

Leader, S.D.L.P. Convention
Party

I. TERMS OF REFERENCE OF THE CONVENTION:

As the S.D.L.P. understands it, the task of this Convention is to work out, within certain parameters laid down by Parliament, what provision for the government of Northern Ireland is likely to command the most widespread acceptance throughout the community here.

The parameters are set out in paragraphs 44 to 49 of the White Paper of July 1974. The overriding parameter according to the Secretary of State is power-sharing in government. In his statement to Parliament proposing the Constitutional Convention for Northern Ireland he stated:-

"There is an overriding need that both communities in Northern Ireland must participate in government by a sharing of power".

(Hansard, 4th July 1974, Col. 611).

We understand this sentiment to command the support of the leaders of all of the three major political parties at Westminster. Indeed, the Secretary of State said, referring to the White Paper:

"What we have sought to put down are the parameters of the situation which those elected should consider when submitting a scheme to this House".

(Hansard, 4th July 1974, Col. 616).

The Secretary of State went further when, referring to paragraph 45 of the White Paper, he said:-

"We have firmly set out the parameters there. To be fair to the Leader of the Opposition these parameters arose from legislation and White Papers of his Administration. We do not depart from them; they are important and must be taken into account - especially by people who aspire to be citizens of the United Kingdom".

(Hansard, 4th July 1974, Col. 620).

We take these to be the terms of reference of this Convention. When we refer to these parameters we do not put them forward as a legal interpretation of the Northern Ireland Act, 1974. We regard them as political parameters or guidelines which Parliament has laid down for the guidance of this Convention. We regard these parameters as being of major importance because they, in our opinion, spring not only from the guidance of Parliament, but also from the nature of the problem with which we are confronted.

II. DISAGREEMENT AS TO TERMS OF REFERENCE OF THE CONVENTION

The leaders of the Loyalist Coalition were unable to accept our interpretation of the Terms of Reference of the Convention. Alternatively, they misunderstood or rejected those Terms of Reference. As a result of this disagreement as to the Terms of Reference of the Convention, no fruitful dialogue, within the parameters laid down by the Secretary of State, has yet taken place between the members of the Convention.

III. THE BASIS OF S.D.L.P. POLICY

The S.D.L.P. accepts that the Northern Ireland problem originated in the early 17th century and in the divisions arising from the events of that period. The result has been a cycle of violence and counter-violence which has left deep divisions between the two traditions in Northern Ireland.

The past approach of each tradition, based on pursuit of victory for its point of view, has always resulted in conflict, death and destruction and in a deepening of bitterness and division. If we are ever to break out of the vicious cycle we need a new approach; not one which has ulterior ultimate objectives but one, which; while respecting and recognising the aspirations and culture of each tradition, allows for the freely agreed evolution of both institutions and attitudes which, in

the end, will produce the normal political society based on egalitarian principles that we all want to see.

In our view, only the path of partnership will lead to this. The prejudices, the bitterness, hatred and fears can only be eradicated by both traditions working together and demonstrating their joint concern for all the people. Partnership is the cornerstone of the S.D.L.P. approach to a solution, and it necessarily means - for reasons which will be indicated later - partnership between the two traditions in Northern Ireland and partnership between both parts of Ireland.

IV. SPECIFIC PROPOSALS OF THE S.D.L.P.

As previously indicated, the members of the Convention disagreed about the Terms of Reference of the Convention. The private talks between the Loyalists and the S.D.L.P. broke down when the Loyalist Coalition rejected any form of power-sharing in government with the S.D.L.P. As the S.D.L.P. policies were therefore rejected at the level of principle, there did not appear to be any gain in putting forward detailed proposals based on principles which had been rejected by the Loyalists.

In the opinion of the S.D.L.P., no peaceful solution of the Northern Ireland problem is possible without power-sharing in government and an institutionalised Irish dimension. Parliament has already worked out a detailed system of government based on these principles in the Northern Ireland Constitution Act, 1973 (Chapter 36 of 1973) and the Northern Ireland Constitution (Amendment) Act, 1973 (Chapter 69 of 1973).

The S.D.L.P. is, subject to what is stated elsewhere in this Report, satisfied with those Statutes, and is willing to accept them as the basis of the government of Northern Ireland. At the same time the S.D.L.P., while adhering to the principles of those Statutes and the parameters laid down by Parliament, is not irrevocably committed to any one system of power-sharing in government or any one system of institutionalised Irish dimension.

The S.D.L.P. is prepared to discuss other systems which come within the parameters laid down by Parliament. But while a major party in the Convention (the U.U.U.C.) refuses to accept the Terms of Reference of the Convention and dismisses the principle of power-sharing as a basis of any settlement, it is not possible to make progress in relation to specific institutions.

The S.D.L.P.'s position therefore is that they are satisfied with the system of government outlined in the Northern Ireland Constitution Act, 1973, as amended, but are prepared to discuss, with the Loyalists and with other members of the Convention, other systems of government based on the same principles.

It may, however, be helpful to state why the S.D.L.P. considers these principles important, how the problem presents itself to the S.D.L.P., and what the S.D.L.P.'s general approach towards a solution is.

V. THE BRITISH DIMENSION

The S.D.L.P. accepts that the majority of people in Northern Ireland at present have declared that they wish Northern Ireland to remain part of the United Kingdom. The S.D.L.P. considers that this wish should be respected. Every person in Northern Ireland should be made fully to understand that the S.D.L.P. does not wish to force him into a united Ireland against his will.

But membership of the United Kingdom has its duties as well as its rights. It implies accepting the will of Parliament and the rights of all citizens of the United Kingdom including those of the minority in Northern Ireland.

The SDLP is also conscious of the financial and economic advantages which Northern Ireland presently derives from its membership of the United Kingdom. At the same time the S.D.L.P. believes that Northern Ireland has many problems peculiar to itself which are best tackled by a local administration in Northern Ireland. The S.D.L.P., therefore, favours a local legislature in Northern

Northern Ireland exercising devolved powers. These powers should be as extensive as the powers of the Assembly under the 1973 Act and should include the additional power of control of the Police. There should also be provision whereby the legislative powers of the new Northern Ireland Assembly could be increased by Order in Council should a very substantial majority of the members of the Assembly request it.

VI. THE NEED FOR POWER-SHARING IN GOVERNMENT IN NORTHERN IRELAND

On the 27th August, 1975, during private inter-party talks between leaders of the S.D.L.P. and leaders of the Loyalist Coalition, the S.D.L.P. handed over a document setting out five principles on which its policy is based, namely:-

- (1) Maximum devolved power to Northern Ireland Assembly and Government. All sections of community represented at Government level.
- (2) Institution freely agreed between North and South.

Responsibilities:

- (a) Development of agreed matters of common concern in socio-economic field;
 - (b) Standing agreement on security between North and South to be activated when state of emergency is declared in either part. Small North/South Security Council to implement and oversee the agreement and to operate only during state of emergency.
- (3) Policing powers to be devolved to the new administration.
 - (4) Support for the new institutions to be fully given by all sections in Northern Ireland expressed through a referendum.
 - (5) Request to South to give full support to institutions by means of referendum of the people.

(This document - "Outline S.D.L.P. Position" - is reproduced in Annex C.)

The S.D.L.P. believes that the task of the modern politician in Northern Ireland is to lead the people of Northern Ireland away from the traditional politics of conflict and confrontation towards a new politics of consensus and co-operation. The trouble with the traditional Westminster model of Government and Opposition was that,

when applied to the situation prevailing in Northern Ireland, it tended to institutionalise the traditional divisions of Northern Ireland's society. For instance the swing of the pendulum, which is such a feature of the British Parliamentary system, never applied in Northern Ireland. Neither did a tradition of empiricism which ensures that the system is constantly adapted to meet the changing needs of society. For fifty years one party was permanently in power and the other party permanently excluded. The present necessity is to bridge the traditional political sectarian divide in Northern Ireland and this makes power-sharing in government essential.

Indeed, paragraph 43, sub-paragraph (a) of the White Paper of July 1974 reads as follows:-

"History has caused divisions within the Northern Ireland community. Events of the past few years have amply demonstrated that no part of that community can, let alone should, be compelled into accepting the other's view. Events have also shown that a consensus can be obtained on the basis of serving the interests of the whole community. There must be some form of power-sharing and partnership because no political system will survive, or be supported, unless there is widespread acceptance of it within the community. There must be participation by the whole community."

Paragraph 49 of the same White Paper is as follows:-

"Local institutions in Northern Ireland cannot be established on a basis unacceptable to broad sections of opinion there; equally, they cannot be established on a basis unacceptable to the United Kingdom as a whole or to Parliament as representing it. Any system which results in the permanent exclusion from any real and substantial influence in public affairs of a whole section of the community is inherently unstable and will be unacceptable to Her Majesty's Government."

The Loyalist case, based on the Westminster model, was set down in writing, given to the S.D.L.P. negotiators in private talks, on the 26th August 1975, and is reproduced in Annex A to this Report. The S.D.L.P. criticism of the U.U.U.C. policy position was set down in writing and given to the U.U.U.C. negotiators on the 27th August 1975, and is reproduced in Annex B.

VII. THE BASIS OF THE LOYALIST OBJECTION TO POWER-SHARING

It is important to inquire what is or can be the logical basis for the Loyalist objection to power-sharing. According to the Press Release issued by the U.U.U.C. after the meeting on September 8th, the U.U.U.C. would not in any circumstances share power with "Republicans". But it was widely reported in the Press and not denied by the U.U.U.C. that the actual term of the Motion was to the effect that the U.U.U.C. would not in any circumstances share power with the "S.D.L.P.". A number of questions naturally arise if one is to find out the true basis for the Loyalist objection to power-sharing:-

(a) Is it because the S.D.L.P. advocates or condones violence?

No. The S.D.L.P. totally rejects violence as a means of achieving political ends. It has taken an unequivocal stand against all para-military organisations in Northern Ireland from the I.R.A. to the U.V.F. These para-military organisations are, in the opinion of the S.D.L.P., the bane of Northern Ireland society.

On the other hand, leaders of the Loyalist Coalition have been, to say the least, equivocal in their attitude towards the Protestant para-military organisations. The U.U.U.C. Convention Party contains, as members of the Convention, many known or admitted members of para-military organisations. Indeed, a striking feature of the Convention has been that many leaders of para-military organisations which have admitted responsibility for foul murders (including sectarian assassinations) have come openly to meetings of the Convention at Stormont to confer with leaders of the Loyalist Coalition.

The irony of this situation was particularly obvious on Thursday, September 11th (the day on which the Loyalists introduced their Motion criticising the Secretary of State for want of an effective security policy). While the Loyalists made speeches quite rightly denouncing appalling atrocities committed against the Protestant community, the Protestant para-military were present in

the building. Law clearly meant "Loyalist" law. The forces of the State were to be used to protect "Loyalist" lives and enforce the will of the majority against the minority. This concept of the State is basic to the Northern Ireland problem. It helped to create the problem; it will never solve it.

One of the problems of the modern politician in Northern Ireland is to replace the concept of the "Loyalist" State by a concept of the State which cherishes all its citizens equally and to which all owe a common loyalty.

(b) Is it because one cannot have in Government, politicians who might wish peacefully to alter the nature of the State or of society?

No. Many members of the Loyalist Coalition favour a negotiated independence for Northern Ireland. But there has been no suggestion that, because of this aspiration to change the status of Northern Ireland, they should be excluded from the power-sharing administration. Neither has it been suggested that those who wish peacefully for the establishment of a United States of Europe should be excluded from government. Indeed, to exclude from government people who wish to work peacefully within the Constitution to attain a political end is to court the kind of disaster which has befallen Northern Ireland.

The matter can be put further. It is well known that some members of the Loyalist Coalition contemplate, in certain circumstances, a U.D.I. Yet even this, with its implication of altering the status of Northern Ireland by force, does not exclude them, apparently, from being eligible to participate in government.

(c) Is it because power-sharing is a departure from the British model?

No. This was the real significance of the Resolution passed by the Loyalist Coalition on September 8th, when they decided they would not share power with the S.D.L.P. even in those situations of emergency where British parliamentary practice traditionally allows or encourages the formation of a National Coalition.

It is significant that the Loyalist document of the 26th August 1975 (see Annex A) was not a casual document. It was a document produced after the private talks had continued for some time. The idea of the Loyalists putting down their position in writing was to ensure that there should be no misunderstanding as to the progress of the talks. The document itself is headed "U.U.U.C. Policy Position", and at paragraph 8, under the sub-heading "Coalition Government" it appears to indicate that a Coalition Government may be formed where an emergency or crisis situation exists and the parties by agreement come together in the national interest for the duration of the crisis.

On Thursday, 28th August, six negotiators, three from the U.U.U.C. and three from the S.D.L.P., went to see the Chairman of the Convention, Sir Robert Lowry and, after a discussion, asked him to see the two teams of negotiators separately, in order to see whether there was any possibility of any progress being made on paragraph 8, sub-paragraph (iii) of the Loyalist document which sub-paragraph refers to voluntary coalition in an emergency (see Report of Convention Debates, Plenary Session No. 25, for Friday, 3rd October 1975, at page 751).

None of the negotiators expressed any commitment to paragraph 8, sub-paragraph (iii), but on Wednesday, 3rd September, the three U.U.U.C. negotiators went to the Chairman and asked him to prepare a paper on a voluntary coalition solution.

Mr. Craig has confirmed that the Chairman was asked to prepare this paper at the request of the three negotiators representing the United Unionist Council, and has added that the three negotiators made that request with the approval of their Policy Committee (see Report of Convention Debates, Plenary Session No. 25, for Friday, 3rd October 1975, page 752).

Yet, on 8th September, the Loyalist Coalition by rejecting power-sharing in government with the S.D.L.P. in any circumstances, thereby rejected paragraph 8 of their own policy document. Moreover, two of the negotiators who had handed over that document to the S.D.J.P. negotiators voted for the resolution rejecting power-sharing

with the S.D.L.P. in any circumstances. In so doing they repudiated what they had led us to believe was U.U.U.C. policy. These men's rejection of power-sharing with the S.D.L.P. cannot have been because they did not believe that a crisis existed in Northern Ireland. Simultaneously one of them went on television advocating that because of the grave security situation, the border between Northern Ireland and the Republic - some 300 miles long - should be mined!

We have dwelt so long on this aspect of the matter because we think it important to understand why men of goodwill and integrity should behave irrationally. In politics we think it not unusual for men to erect elaborate intellectual structures to conceal their prejudices from themselves and from others. We have no doubt that the Loyalist admiration for the Westminster model of government is sincerely held. But in fact, when it appears that that model would indicate an All-Party Government in circumstances such as the present, the Loyalists shy away from it. This shows that the Loyalist objection to power-sharing is not based on power-sharing being a departure from the Westminster model. It is based on something much deeper in Northern Ireland society. This is why the talks broke down on the issue of power-sharing. It also illustrates that power-sharing is the crunch issue in Northern Ireland politics. The matter to be decided is whether Northern Ireland is to be governed by a Protestant ascendancy régime or whether it is to become a modern society, the government of which will cherish all the citizens equally.

VIII. THE IRISH DIMENSION

Because the U.U.U.C. and the S.D.L.P. differed as to the terms of reference of the Convention, no fruitful or constructive discussions have taken place within the parameters indicated by the Secretary of State. However, the second of the five principles set out in Annex C is the necessity for an institutionalised Irish dimension. In the opinion of the S.D.L.P. the present crisis in Northern Ireland cannot be solved without such an institution.

Geographically, Northern Ireland is part of the island of Ireland. It shares a border with the Republic of Ireland. This border is 300 miles long and passes, in places, through mountainous territory where the local population on both sides of the border resent the partition of Ireland which they consider to be an affront to their national aspirations and inconvenient to their everyday living. Many more of the minority in Northern Ireland regard themselves, not as a minority in Northern Ireland, but as part of the majority of the inhabitants of the people of Ireland whose will to national unity has been frustrated as a result of partition. Similarly, any disaster suffered by the minority in Northern Ireland will inevitably send shock waves through the entire Irish community south of the border. For this reason, I.R.A. violence cannot be solved in a purely Northern Ireland context. It necessarily has an all-Ireland dimension.

These facts were expressly recognised in the 1972 Discussion Paper on "The Future of Northern Ireland". Paragraph 76 of that Discussion Paper reads as follows:-

"A settlement must also recognise Northern Ireland's position within Ireland as a whole. The guarantee to the people of Northern Ireland that the status of Northern Ireland as part of the United Kingdom will not be changed without their consent is an absolute; this pledge cannot and will not be set aside. Nevertheless, it is a fact that Northern Ireland is part of the geographical entity of Ireland; that it shares with the Republic of Ireland common problems, such as under-development of Western areas; and that, in the context of membership of the European Communities, Northern Ireland and the Republic will have certain common difficulties and opportunities which will differ in some respects from those which will face Great Britain. It is also a fact that an element of the minority in Northern Ireland has hitherto seen itself as simply a part of the wider Irish community. The problem of accommodating that minority within the political structures of Northern Ireland has to some considerable extent been an aspect of a wider problem within Ireland as a whole. Even if the minority had themselves been more disposed, and more encouraged than they were, to accept the settlement of 1920, they would still have been subject to those powerful influences which regard the unification of Ireland as 'unfinished business', declined to accept the institutions of Northern Ireland as legitimate, and were made manifest in the Irish Constitution of 1937. As long as such influences continue to exist they are bound to be a powerful factor to be taken into account in the search for stability in Northern Ireland. Moreover, the problem of political terrorism which has reached such proportions in Northern Ireland today, has always had manifestations throughout the island (although, of course, the great majority of those who wish to see the unification of Ireland do not advocate or approve of the use of violence to achieve it)."

The policy of the S.D.L.P. is to establish partnership institutions in Northern Ireland in order to provide a stable and civilised system of government. To confer the necessary authority on the new system, an all-Ireland institution reflecting the Irish Dimension is necessary. This institution ought to be freely agreed between North and South and should have the authority to pursue and punish anyone who exercises violence against the agreed institutions, North or South, or against any section of the people who live on the island of Ireland. In Annex C the S.D.L.P. refers to a standing agreement on security, between North and South, to be activated when a state of emergency is declared in either part. The exact form of the security arrangement is open to discussion. The principle involved is of vital importance for the security of Northern Ireland and of all Ireland.

An all-Ireland institution has five vital roles to play in solving the Northern Ireland crisis. The first relates to security and particularly to the security of the majority in Northern Ireland. The second relates to the economic development of the whole island of Ireland in the manner most advantageous to the people of Ireland, North and South, and in particular to those people who live in areas along the border which have suffered economically as a result of partition. The third is to provide a means whereby the common economic interests of the whole island of Ireland would be protected within the E.E.C. The fourth is to channel the energies of the people of Northern Ireland into common economic, social and cultural endeavour where the exercise is non-controversial and of obvious advantage to people living in Ireland, North and South. The fifth role, however, is the most elusive, but, in many ways, the most important. This is, by reconciling the minority, to the constitutional arrangements within Northern Ireland and in Ireland generally, to establish a stable and peaceful system of government in Northern Ireland.

For similar reasons the S.D.L.P. considers that the Irish dimension should also be reflected by a Consultative Assembly where

Parliamentarians from both sides of the border would meet regularly to discuss matters of mutual benefit to both parts of Ireland. We think it important that constitutional politicians be seen to be working together, in non-controversial matters, for the benefit of all. In the past our politics have often institutionalised division and hatred. We should now try to see if we can devise institutions with a built-in tendency toward peace, compromise and consensus and which provide the facility for the progressive development of mutual understanding.

The S.D.L.P. accordingly recommends that Section 12 of the Northern Ireland Constitution Act, 1973 (which deals with relations with the Republic of Ireland) should be continued in the new constitutional settlement and that there should be added to it a power in the Northern Assembly, by a substantial majority, to have transferred to any agreed all-Ireland authority certain functions which may, for the time being, be reserved to Westminster.

IX. POLICE SERVICE

Any system of administration worthy of the name must have control of its Police Service. It would be idle here to repeat the history which lost the R.U.C. its authority in many minority areas in Northern Ireland. These matters have been documented by Government Commissions.

Prior to 1968, the R.U.C. drew over 12% of its strength from the minority population. This has now fallen to 4%.

It is a fact of life in Northern Ireland that at present the R.U.C. does not enjoy the confidence of the minority community. In some areas this is shown by physical rejection, but everywhere it is manifested by lack of trust. Fundamental political changes of the kind outlined in this Report are required to give the Police Service the kind of authority it ought to have in Northern Ireland.

What are required are institutions of government, including a Police Service, with which the whole community can identify. Here, as everywhere, one comes back to the question of authority.

There are many forms of police structure in Western Europe, many of them acceptable. What distinguishes a successful Police Service, apart from its professionalism, is that it is defending institutions of government which the mass of the people accept and are prepared to support.

The first fundamental step, therefore, in making the Northern Ireland Police Service acceptable throughout Northern Ireland is to restore to the institutions of government in Northern Ireland, the authority that springs from consent. Once this is done, the rest of the task will be easier.

The S.D.L.P., however, has already made to the British Government, certain suggestions which it thinks would be helpful:-

- (1) To establish a new image for the Police Service.
- (2) To civilianise the Service.
- (3) To make the Service more professional.
- (4) To help communication with the public.

The fundamental problem however, is to devise agreed institutions of government. If we can do that, it would be the duty of all citizens to support the institutions of government and the Police. Not only would it be their duty but - perhaps more important - they would feel it to be their duty because they would feel that they were supporting their own Government and their own Police Force. This matter is further dealt with in the next section.

X. HUMAN RIGHTS

In our view, a Bill of Rights has a very important part to play, not only in protecting the rights of the individual in this community, but also in making all the institutions of the State, including the Police Force, acceptable to all the people. In presenting our case for power-sharing we have pointed out that one of the weaknesses of the British system applied to Northern Ireland, was that it tended to institutionalise the divisions which already exist in our society. The British Parliament can afford the luxury of institutionalising

Party conflict because the British are a cohesive society and they are agreed fundamentally about how political power should be exercised. In Northern Ireland we are divided on fundamentals, and this problem goes much deeper than even the discussions on power-sharing would indicate.

In Britain, the majority in Parliament enacts laws and the Courts and the Police enforce them. But because the society is fundamentally in agreement on how it should be governed, the people accept the law, the Courts and the Police as "our law, our Courts, our Police". If you apply this system of majority rule in a divided society like ours, you get a situation where the majority think of "our law, our Courts and our Police", but the minority thinks of "their law, their Courts and their Police". This is one of the facts of life in Northern Ireland. It may not be obvious in ordinary civil cases or where the Courts and Police are dealing with ordinary crime, but when the institutions of the State themselves are under attack, this peculiar attitude of both the majority community and the minority community towards the state and the police service becomes obvious. This has been the fundamental weakness of the State in Northern Ireland and subversive organisations, using violence to overthrow the institutions of state, have consistently exploited it. What the S.D.L.P. is trying to do is to remove this fundamental weakness in Northern Ireland by creating agreed institutions of government which all citizens will feel committed to defend.

Other countries have shown us - the United States in particular - how it is possible for people of diverse backgrounds, religion, nationality and race to build a society around the ideal of civil and religious liberty. So here, in adopting an agreed Bill of Rights, we would be setting up the standards by which we wish to be governed. At the same time we would make the Courts the interpreters of our agreed standards. In this way we would place the Courts outside of party politics and outside the security system

and make them, not only the implementers of the law, but the guardians of the conscience of the community and of the rights of the individual.

That is a wider role for the Courts than has been envisaged under the British parliamentary system where the Courts, like everything else, are subject to the ultimate sovereignty of Parliament. We appreciate that there are difficulties in having an entrenched Bill of Rights where Parliament is sovereign. These problems do not arise however, in relation to a devolved legislature and system of government of the kind we recommend for Northern Ireland. By making a Bill of Rights part of our domestic law in Northern Ireland, we are trying to ensure that every citizen can look to the Courts as the final interpreter of his rights as well as of community standards. In this way we can get for the Courts the kind of respect from the entire community that is enjoyed, for example, by the Federal Supreme Court in the United States.

That is on the side of creating the standards by which we wish to be governed. But if we can agree not only on a set of standards by which we wish to be governed, but also on a set of institutions by which we wish to be governed, then we have changed the role of the Police Force immediately. For, in such a situation, the Police Force instead of being the defender of the majority tradition, becomes the defender of the agreed institutions and standards of the entire community.

We all subscribe to the notion of government by consent. The highest form of consent is express agreement, and if the Police Service is defending institutions of government expressly agreed by the elected representatives of all sections and endorsed, as we suggest, by the people in a referendum, it immediately gains an authority and respect which it could get in no other way.

The Bill of Rights we suggest is the European Convention on Human Rights because we understand that lawyers regard it as the best drafted document on human rights produced to date. We also suggest the retention of Part III of the Northern Ireland

Constitution Act, 1973, because it deals with specific problems which have arisen in Northern Ireland.

XI. THE EUROPEAN DIMENSION

The European Convention on Human Rights is important, not only because of its intrinsic value, but also because it may anticipate the future destiny of the European peoples. In the context of Europe the old sectarian feud in Northern Ireland, and between Irish nationalism and British rule in these islands, may be accommodated in a larger loyalty. It would be tragic if the people of Northern Ireland and of all Ireland were to tear their respective societies apart in pursuit of political objectives which, not many years from now, may be seen to have been irrelevant.

XII. AUTHORITY/LEGITIMACY/CONSENT

The proposals contained in this Report are interdependent and all of them are designed to protect the interests of all the citizens of Northern Ireland and to give authority to new institutions of government there. Such authority necessarily springs from the consent of the people. As previously stated, the highest form of consent is express agreement. Possibly, one of the mistakes made at Sunningdale was that it was an agreement between Governments only. Perhaps the crisis in Northern Ireland runs too deep to leave its solution to Governments alone. The S.D.L.P. therefore proposes that any new institutions of government proposed for Northern Ireland, should be presented for approval by all the people of Northern Ireland.

The Northern Ireland White Paper of October 1972 stated (at paragraph 78) that:-

"It is therefore clearly desirable that any new arrangement for Northern Ireland should, whilst meeting the wishes of Northern Ireland and Great Britain, be, so far as possible, acceptable to, and accepted by the Republic of Ireland."

The S.D.L.P. accepts this statement, but feels that the

problem goes deeper than even the statement quoted allows. The problem is the problem of legitimacy of all institutions in Ireland, North and South. A person born outside Ireland might not easily understand the significance of this problem, but we feel that it is one of vital importance to all the people of Northern Ireland and indeed of all Ireland.

The S.D.L.P. therefore believes that if institutions of government acceptable to the majority and the minority traditions in Northern Ireland can be devised, that the Oireachtas should be requested to offer the people of the Republic an opportunity to endorse the new institutions in a referendum in the Republic. In this way, the authority of all the people of Ireland could be thrown behind the institutions of government, North and South. For the first time the people of Ireland would be united on how they wished Ireland to be governed - North and South.

The policy outlined in this Report offers, in the opinion of the S.D.L.P., the best hope of peace and justice for all the people of Northern Ireland.

NOTE: There are three Annexes to this Report.

Annex A is the document dated the 26th August 1975 and headed "U.U.U.C. Policy Position".

Annex B is the document dated the 27th August 1975 and headed "Comments of the S.D.L.P. on the U.U.U.C. policy document, dated the 26th August 1975".

Annex C is the document containing the five principles of S.D.L.P. policy and headed "Outline of S.D.L.P. Position".
