

NATIONAL ARCHIVES

IRELAND



Reference Code:	2009/135/721
Creation Date(s):	28 May 1979
Extent and medium:	15 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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28.5.79

SDLP signature to power sharing
only the signature of their
- their election programme
for assembly election
Equally election programme is
nationalist parties will
to resist
with

1. The election in Britain of a Government with a safe Parliamentary margin is an important new political fact which offers both an opportunity and a challenge in relation to our Northern Ireland policy. It is an opportunity, since although there is nothing very encouraging in Conservative statements over the past few years the new Government has an adequate parliamentary base for action if it should be disposed to take it. Furthermore the new Secretary of State will have the benefit of a fresh start, without the personal and political limitations which Mr. Mason imposed on himself during his tenure of office. It is a challenge, since if the policy of mere containment and of the 'acceptable level of violence' is reasserted under the new Government it will have acquired a more permanent and deliberate status and represent a more pronounced setback for those, including the Irish Government, who believe that Britain should live up to its responsibility to sponsor a solution. The presentation of Irish Government policy to the new administration will therefore be of particular importance, and the interval before the first working contact on Northern Ireland seems an opportune time to take stock of how that policy can be defined and presented.

2. We may say that a solution to the Northern Ireland problem requires a stable majority of the people in the South to agree with a stable majority of the people in the North on the constitutional status of Northern Ireland. A major step in the direction of a solution would be to agree on rules and procedures to work towards this end. A solution, as Eamon de Valera summarised it in the key speech in 1947 means that

"You will have to get a concurrence of wills between three parties - we here who represent the people of this part of Ireland, those who represent the majority in the separated part of Ireland and the will of those who are the majority for the time being in the British Parliament"

It is worth trying to summarise the present disposition of those three wills.

3. The attitude of the electorate in this State is best left to the interpretation of elected political leaders, who have the expertise, as well as the authority to assess it. From the policies of the Government and of the Opposition parties it is clear that the will of the electorate is understood as being to work for Irish unity, but to do so exclusively through peaceful means. In various opinion polls over the last five years solutions requiring ultimate British withdrawal have attracted support of around 70% of samples here. It is therefore reasonable to assume that the mandate of any Irish Government for some time to come will be to work for a 'concurrence of wills' involving - or at all events not excluding - the prospect of eventual Irish unity and that an Irish Government, in its endeavours to promote a solution, will not politically be at liberty to disregard nationalist aspirations here or in Northern Ireland.

4. In the interval since partition one central fact of politics in Northern Ireland has remained constant. That is that some 60% of the people there are strongly opposed to Irish unity. In Stormont elections from 1929-1969 unionist candidates obtained on average 62.2% of the vote. In the border poll of 1973, 57.5% of the total electorate voted to stay within the U.K. The unionist first preference in all elections between the Assembly in 1973 and the Convention in 1975 was 62.9%. The figure in the 1979 general election was 59%. This is a tribal rather than a fluctuating vote, and very nearly co-extensive with the Protestant population of voting age. Opinion polls in recent years have indicated that the support for Irish unity among the Protestant population varies between 1 and 2%. It is a matter for speculation how much this voting pattern may be affected by demographic changes: while the number of Catholic children in primary schools in Northern Ireland now stands at roughly 46% of all primary school children (as compared to just over 35% fifty years ago) it is too early as yet to see whether the imbalance in emigration will continue to cancel out, as it has done in the past, the higher Catholic birth rate (natural increase of 19.2 per 1,000 as compared to 7.4 per 1,000 for Protestants in the

period 1961-1971). In the short and medium term, at any rate, it seems reasonable to assume that proposals for Irish unity or parties representing this policy will be out-voted by about two to one in Northern Ireland.

5. British attitudes to Northern Ireland are less clear-cut. At no time in the last fifty years has Britain failed to assert the thesis that Northern Ireland was part of the U.K. for as long as the majority of its inhabitants desired it, and with a few sporadic exceptions, of which Sunningdale was the most conspicuous, successive Governments have been careful/^{either} to deny, or to severely limit, their acceptance of the Irish Governments interest in Northern Ireland. At the same time there appears to be little emotional solidarity on the part of the British public with either community in Northern Ireland (e.g. an opinion poll in 1976 showed a majority of 57% in favour either of withdrawing British troops or encouraging Irish unity).

Daily Mirror Poll

6. Since the failure of the Convention British policy towards Northern Ireland has essentially been one of containment. There are various reasons why this should be so. The 1974 Loyalist strike not only certified the failure of the Sunningdale experiment. As a demonstration of Protestant strength it may also have persuaded the British Government that the effects of withdrawal would be civil war of loyalist UDI, rather than a controlled situation, that, in short, the risks of British withdrawal were higher than were thought. The progressive improvement of police and army techniques may also have induced the feeling that the cost of remaining was less than was thought. The devolution debate in Britain may have sparked a reflex of hostility to nationalism (a hostility often rationalised in Marxist terms) in some elements of the British Labour Party). The essence of a policy of containment is that short-term security considerations take priority over all others. It thus incidentally puts a political premium on paramilitary violence. At the same time the inherent logic of containment is to conciliate politically the biggest battalion. In Northern Ireland terms it means reassuring the unionists on the constitutional front, minimising the nationalist

dimension of the conflict, which is seen as the destabilising factor, while minimising nationalist discontent as far as possible through economic or other constitutionally neutral means. This has roughly speaking been the basis of the Westminster bipartisan policy over the past three or four years. The only change envisaged is the further stabilisation of the majority position through the upper tier of local government envisaged in the Tory manifesto.

7. Since the policy of mere containment operates to the benefit of the paramilitaries and thus contains the seeds of its own defeat the Government have repeatedly called on the incoming British administration to take a political initiative in relation to Northern Ireland. While it would no doubt be unwise to attempt to prescribe in advance details of an initiative which can only be decided by the interplay of many different political forces both within Northern Ireland and outside it, it might nevertheless be useful to devote some thought internally to the form such an initiative might take.

8. The Northern Ireland problem arises from two communities with conflicting senses of political allegiance being confined in a territory where the unionist community has a hitherto predictable and stable overall majority of almost two to one. This has imposed three inter-related sets of disabilities on the minority community - the primary effects of partition that they were locked into a State which did not command their allegiance or correspond to their sense of national identity, the secondary effect that they were doomed to permanent minority status in the overall decision-making process in Northern Ireland, and finally the record of discrimination they have experienced arising from the psychological compulsion of unionism to protect its majority in face of the high Catholic birth rate by a system of defences operating in almost every facet of life in Northern Ireland. The combined effect of these disabilities has engendered a sense of alienation and frustration in significant sections, if not among the entire minority community in Northern Ireland.

9. In what may be termed the 'Sunningdale period' the British Government made an effort to address all three of these points: The Council of Ireland proposal was a recognition of 'the Irish dimension' and gave a concrete expression, however guardedly to the nationalist aspirations of the minority. The power-sharing executive was designed to give the nationalist community a say in the governance of Northern Ireland. Reforms in local government franchise and organisation, the Hunt report on the police, the abolishing of the B-Specials etc. had already made some headway in limiting the scope for discrimination. In return for their losses on these points the Sunningdale package was designed to offer the unionists gains in relation to the acceptance by the minority community of the constitutional position of Northern Ireland, a greater degree of practical, if not legal, acceptance of that constitution and a prospect of greater co-operation on law and order issues by the Irish Government, and a renewed devolution of power to Stormont - albeit a power-sharing Stormont - by the British Government.

10. One could expend much effort speculating as to whether the Sunningdale arrangement need have collapsed, but such speculation is largely irrelevant. The salient political fact is that whereas Brian Faulkner was supported by one out of two Protestants in the 1973 Assembly elections, in the February 1974 general election he was supported by only one out of five. Even if one accepts that the crushing rejection of the Sunningdale package by the Protestant community could have been avoided, the fact that it happened 'burned up' an option which represented the best balance to date struck by the British Government between the mutually contradictory demands of the unionist and nationalist communities.

11. The British response to this situation was to set up a controlled local experiment, the Constitution Convention, to establish whether, relieved of the liability of the Council of Ireland, parties could reach agreement among themselves on provisions for a Government 'likely to command the most widespread acceptance through the community'. The 'Irish dimension' in the second White Paper had shrunk to the fact

of a common hand frontier. The results of the Convention showed that even the concept of a carefully circumscribed SDLP presence in the Cabinet, divorced from any all-Ireland connotations as in the voluntary coalition idea, was not acceptable to the Protestant community. One can only speculate whether, if it had been, the SDLP would have been able to sell the idea to their supporters. It clearly would not have been easy to do so.

12. In assessing the political initiative which the new British Secretary of State for Northern Ireland might take, one might take account of the following criteria, which have been reflected, with greater or less emphasis, in Government policy statements:

- ✓ (a) the need to ensure full and equal enjoyment of their human and legal rights by all citizens in Northern Ireland;
- ✓ (b) the need to redress the imbalance caused in matters of administration by the permanent minority status of the nationalist community in the internal government of Northern Ireland;
- ✓ (c) the need to recognise the legitimacy¹ and give some political outlet to the aspirations of the Northern minority to eventual Irish unity.

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In terms of British policy towards Ireland as a whole we would wish London:

- (d) to recognise that Northern Ireland is not a normal political entity;
- (e) to acknowledge that Dublin has a strong practical and political interest in the future of Northern Ireland;
- (f) to acknowledge that the long-term interests and the relationship between the two countries can best be served by a coming together of the Irish people.

(g) to use the resources of the British Government to support this process.

13. A solution involving Irish unity would not only meet the aspirations of the majority of people in Ireland. Once reached and accepted, it would offer a prospect of stability which no alternative arrangement could rival. It is evident however that such a solution cannot be easily or rapidly attained. The mandate of the Government to work for progress to unity is qualified by the emphasis on peaceful process and consent, the moral rejection of violence and what might be termed the 'crisis management' responsibility of the Government, to ensure that orderly democratic processes are affirmed and protected against the disruptions of violence both here and in Northern Ireland. Without going so far as Professor Richard Rose who, after a decade studying opinion in Northern Ireland maintains that 'the essence of the Northern Ireland problem is that it has no solution' it seems clear that the degree of polarisation in Northern Ireland is now such that it would be politically impossible to implement a simultaneous programme of action covering all the points in the previous paragraph without a potentially explosive reaction in the unionist community. It would of course require British consent to initiate such a programme and the closest co-operation with Britain to contain and manage its effects. There is nothing in the record of the present British Government to suggest they would be willing to contemplate such a move, and many factors - traditional Tory attitudes, the reflux of British nationalism due to the Scottish question, the probable advice of security chiefs - to suggest they would not. The influences we could mobilise internationally would hardly suffice to change this attitude, and these would be weakened from their present state if the British, no doubt with the help of many Alliance-type spokesmen, could persuade people that we were being irredentist and extreme in our position. The ultimate outcome of major confrontation on this ground is likely to be stalemate, with increasing support for Paisleyism and loyalist extremism in Northern Ireland, abstentionism on the part of moderate nationalists and, perhaps, increased support for the I.R.A.

As is demonstrated by the history of Northern Ireland such a situation, by isolating the two political outlooks in the stability of permanent hostility is inimical to any process of reconciliation. It is also the optimum position from the hardline unionist point of view as was shown by their discomfiture when the negative policies of the old Nationalist Party were reversed in the early seventies by the present SDLP leadership.

A very happy increasing

14. In the absence of any realistic prospect of a fundamental change in British attitudes it seems likely that the policy of gradualism, already reflected in Government policy, remains the course most likely to contribute to progress towards unity. Such a policy requires a selection from the overall programme for unity of those elements which might lend themselves to early implementation, leaving other, more difficult or high risk elements until the dynamic of reconciliation, hopefully, has reduced those tensions which create the present difficulties. The more precisely such a selection can be made, and the more consistently it is reflected in our presentation, the more effective a policy of gradualism is likely to be.

A lovely way to put it!

15. In terms of the immediate situation in Northern Ireland what might such a selection process imply? The commitment to full and equal enjoyment of human and legal rights, and the absence of discrimination in the process of administration, can be regarded as fundamental and non-negotiable, and something we would have as an explicit element of our policy irrespective of circumstance. Apart from the persistent tendency of the police to engage in ill-treatment of suspects, and the vexed complex of law-and-order questions involving emergency legislation, H-Block, and police and army security operations etc., it must be said that since the reforms of the early seventies and the institution of direct rule there have been no convincing allegations of serious malpractice or active discrimination against the minority. There are of course many areas, for example the composition

Quazy this?

of the Civil Service or employment generally, where the legacy of the past has left patterns of inequality and we would no doubt wish to encourage the British, privately at least, to adopt corrective measures as far as possible. It goes without saying that we should oppose any measures which threatened to undo the reforms carried out, and to reintroduce scope for discrimination. With the exception of law and order problems however this is not an area likely to give rise to difficult policy options.

16. An area where a policy choice may have to be exercised, however, relates to what, for shorthand, may be called 'power-sharing' and 'the Irish dimension'. If, as the experience of Sunningdale and the Convention, as well as election results and opinion polls seem to indicate, the consent of the unionist population cannot be obtained for progress on both fronts simultaneously, then a choice may be required as between the two, at least in terms of emphasis and order of implementation.

17. A devolved Government operating with the participation of both communities would offer very considerable benefits. Apart from offering the minority a respite from the frustration of the role of permanent opposition, such an arrangement would in itself be a practical recognition that Northern Ireland was not a normal society. It would give a new impetus to politics in Northern Ireland by providing a much-needed platform for elected politicians, and the elections it would involve would provide a much-needed opportunity for many politicians, particularly on the minority side, to renew their democratic mandate. Even more importantly by accustoming both communities to work together in harmony it could create a dynamic in favour of reconciliation in Northern Ireland which could ultimately only be helpful to the process of reconciliation in Ireland as a whole.

18. It must however be admitted that the prospects of reaching agreement on such an administration in the short-term are not high. Given the consistent unionist opposition to Irish unity it does not seem realistic

politically to expect the British Government to be able to win support or even acquiescence of the Protestant community for a power-sharing Government associated with moves to all-Ireland institutions so soon after the Sunningdale debacle. Even if power-sharing is resolutely divested of such connotations, it will still be difficult for the Official Unionists to reverse their hitherto adamant opposition to it even on an internal Northern Ireland basis. The pressure from Paisley will be very crucial. It is almost impossible to envisage an arrangement which would limit his compulsive drive for expansion, where he would not consider his best advantage to lie in attacking the Official Unionists from the right or where he would otherwise cease to be part of the problem. The arrangement would therefore have to be such as to persuade the OUP that they could afford politically to confront Paisley on it, in spite of their dismal record on this to date. At the same time it will be difficult for the SDLP to reverse their recent policy emphasis on Irish unity and to accept such an arrangement without accusations of 'careerism' and an increased threat from the Republican fringes, in particular the Provisionals, who would no doubt try to draw any power-sharing administration into a crisis on law and order. It seems probable that if he explores the question of devolution Mr. Atkins may well follow the general lines of Mr. Mason's '5 point plan' for extremely limited 'executive' devolution proposals administered by a committee system. While this is perhaps less alarming to Protestant susceptibilities than Stormont-style devolution with Cabinet power-sharing, it has the disadvantage, as shown in the course of Mr. Mason's soundings, that its very limited nature also limits the willingness of the parties to take political risks to further its cause.

Even more difficult now after the 1973 election

19. While the prospects for power-sharing look decidedly unhealthy, this does not mean that we should abandon the idea. In the first place the division of opinion for or against power-sharing has been more evenly balanced than on the question of Irish unity. In the Convention elections, for example, the vote in support of power-sharing or nationalist parties was 45.2%. An opinion poll in 1976 suggested that 60% of Protestants either approved strongly

or approved of power-sharing while another in 1978 indicated 51 of the Protestant community in favour (although it must be said that the figures in a more recent poll by Queens University (Autumn 1978) showed that only 35% of Protestants and 36.5% of Catholics supported this approach.) It is nevertheless just conceivable that there is a small majority in favour of power-sharing which could be mobilised in the right circumstances and therefore the attempt is worth considering. Furthermore any attempt by the British Government at power-sharing is useful, since apart from anything else it reduces the likelihood of a regression to majority rule and constitutes an acceptance that Northern Ireland is a special case and cannot be left to the normal play of majority voting.

The difficulty is that this can scarcely be done to the same extent as for the unit state parties on both sides

20. We might therefore ^{be} encouraging the new British Government to take an initiative on the following broadlines:

- (a) to hold elections at a reasonably early date (e.g. next spring) for a new Convention/Assembly;
- (b) to give a multiple mandate to the new body:
 - (i) to convey the views of the electorate to the Secretary of State
 - (ii) to consider or decide on proposals which the Secretary of State might put to them in relation to the organisation of Government in Northern Ireland
 - (iii) to carry out such functions as the British Government might devolve.
- (c) to negotiate with the new body a devolution of powers providing for the adequate participation of both communities.

21. Whatever slender chance there may be for the political parties in Northern Ireland to reach agreement on power-sharing, they certainly cannot do so on the basis of their present mandates. A referendum would be very unwise from our point of view, both on grounds of practice and principle. An assembly-type election, apart from allowing greater flexibility than a referendum, would be of value in itself in terms of renewing the democratic mandate particularly in relation to the SDLP. It is likely that all political

parties would welcome a forum, and be ready to participate. Salaries and conditions should of course be made attractive.

22. In contrast to the previous Convention, whose members were denied any 'constituency' capacity, the recognition of such a role in the new body - e.g. question time, replies to letters by the bureaucracy, some role in relation to Westminster legislation - would strengthen the relevance and standing of the representatives. A second lesson from the Convention would be to avoid laying the onus of drafting and negotiation on the parties themselves since this would lead to a repetition of the Convention Report. The Secretary of State should do the 'horse-trading' himself. If this proved successful he should have the possibility of delegating powers without the immediate need of fresh elections. If he failed to obtain general agreement on devolved government he would have the option of allowing the Assembly to continue on the constituency representative level with a plan for devolved government on the table, to be implemented whenever the agreement to do so was obtained, or alternatively, he could investigate the possibility of the committee-style approach.

of White Law
avoid problem of reversion in Feb & Oct 74

This can be adapted to go a good way towards worth while power-sharing - did a paper on this in summer 1974 or 75 - M & M are main NI file

23. It would be essential in relation/^{to} even our tacit acceptance of any such plan that we should be fully satisfied as to the commitment of the British Government to power-sharing, since it is power-sharing rather than devolution which corresponds to our policy objectives and a return of a Stormont style majority Government would be a major defeat for these objectives. We would also have to be satisfied that the British Government would not attempt to pressurise the SDLP into excessive concessions geared to unionist pressures, and thus ^{place} ~~case~~ them in a falsely intransigent light. It would be a matter for decision whether such safeguards should be written into the mandate.

This dot be done through a formula such as "acceptable to both sides of the community"

24. Subject to that crucial condition, an experiment would not appear to involve any great dangers from our point of view. If it were to succeed, it would considerably advance the process of reconciliation within Northern Ireland, and consequently in Ireland as a whole. Failure, which is unfortunately much more likely, because of the twin shoals of the Irish dimension and the law and order issues, would have no very serious disadvantage over the present situation. It would provide a more conclusive demonstration that political progress was not possible within the Northern Ireland context, and our record of support for the attempt at reconciliation would heighten our moral authority in renewing the emphasis on the need for action in an explicitly all-Ireland context. The fact that such a failure would almost certainly be followed by a period of direct rule, (the Assembly perhaps continuing in being as a consultative body) would leave greater scope for attempting to negotiate with the British a set of general principles on the future of Northern Ireland, perhaps ultimately on the lines of a formal Government to Government agreement which would furnish our acceptance of the principle of unity only by consent with the necessary counterbalance in terms of formal British acceptance of our interests in relation to Northern Ireland, and thus allow both Governments to implement the logical consequences of these principles and to co-operate more perfectly in the 'crisis-management' of Northern Ireland than can be the case in the absence of such agreement. It is possible that a further failure of attempts at reconciliation within Northern Ireland would help to convince British public opinion of the value of such a move and the by then inevitable prospect of protracted direct rule would make it easier to minimise and contain the initial protests which could be expected from the unionist community.

Need to work
remote
possibility of
negotiated
independence
following British
disengagement.

The context
of this is
somewhat
obscure -
perhaps
deliberately so

Indeed ✓

25. A key difficulty in any attempt at an interim accommodation in Northern Ireland is to balance the unionist insistence on the non-involvement of Dublin with nationalist insistence on 'Irish dimension' to reflect their all-Ireland aspirations. Broadly speaking the Irish dimension is used as shorthand for three sets of possible relations:

- (a) a factual network of North-South relationships due to the history - geography & interlinking.

- (b) possible all-Ireland structures to correct the disruption caused by partition to some of these relationships e.g. all-Ireland courts, Council of Ireland;
- (c) formal acceptance by Britain that the inter-Irish relationship should take precedence over the relationship of Northern Ireland with Britain e.g. declaration of interest in Irish unity.

26. There is, by definition, general acceptance by the British and the unionist community in relation to the first factual category. Indeed it is vehemently insisted on in relation to security. The problem of acceptability begins with the question of structures. Apart from the Council of Ireland element in Sunningdale the most the British have conceded in this respect is the Steering Group on Anglo-Irish economic relations composed of senior officials from Dublin and London. It is noteworthy that they have insisted on the Anglo-Irish rather than North/South label for the exercise, and it remains an ad-hoc body rather than a permanent or structured one. The exercise on economic co-operation is a very valuable one from many points of view. It has been carried out with pragmatic rather than political emphasis and with maximum sensitivity for the susceptibilities of all concerned. In spite of all this some criticisms have been voiced from the nationalist side that the emphasis on economic co-operation, limited by these criteria, has, in effect, provided the British with a cheap substitute for an effective 'Irish dimension'. On the unionist side, while there is fairly wholehearted co-operation in Derry and Fermanagh, Councillors in Armagh have vetoed cross-border meetings and those on Down and Newry and Mourne Councils refuse to participate personally. Economic co-operation is the least controversial, though by no means the least valuable manifestation of 'the Irish dimension' but it too manifests the recurrent dilemma in North/South relations that emphasis on the form can damage the substance of contacts and co-operation. Nevertheless if the British were to seek to make a concession on the Irish dimension this might well be the area they would choose to investigate. The value

of such a development would depend largely on the terms of reference, in particular the degree to which it reflected a North/South as opposed to an Anglo-Irish basis and was capable of playing a dynamic role as opposed to being limited as the present exercise is, to the areas where the interests of the two administrations, judged by their existing and separate criteria, happen to coincide. To judge from what we know of their existing position it would require a major effort to persuade the British to make a move in relation to all-Ireland structures or a declaration of intent.

27. The extent to which the Government might wish to lessen emphasis on 'the Irish dimension' in the hope of facilitating agreement between the two communities in Northern Ireland is essentially a question for their political judgement and of course relates not only to the minority in Northern Ireland but to public attitudes in this State as well. The foregoing paragraphs attempt to outline one possible answer to the query that we may anticipate from the British as to what political initiative should be taken. We must bear in mind that the British will be fully aware of our capacity to inhibit any attempt at internal structures in Northern Ireland if we should choose to do so, and that they believe that an excessive insistence on 'the Irish dimension' or our part would have this effect. Whether or not they make any real effort in this direction will therefore be influenced, among other factors, by the signals we give them on this point and how they interpret these signals.

*Important
next occasion
for signals?*

*Whelan
28/5*