

NATIONAL ARCHIVES

IRELAND



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Notes on the Irish Identity and Irish Dimension in the context of the Arrangements for Devolved Government in Northern Ireland contemplated by Mr. Prior and also of the Anglo-Irish Intergovernmental Council.

BACKGROUND

1. At his recent meeting with an SDLP delegation, the Secretary of State for Northern Ireland, Mr. Prior, said that he would like to have from the SDLP some ideas as to how best the interests of persons in Northern Ireland whose primary self-identification was Irish could be promoted in the Anglo-Irish framework. Mr. Hume has undertaken to go back to Mr. Prior on the subject by Monday next, 25 January, 1982. Mr. Hume has asked the Irish Government to make suggestions in respect of the question posed by Mr. Prior.

INTERNAL ARRANGEMENTS FOR THE GOVERNMENT OF NORTHERN IRELAND

2. It is clear that the interests of the "Ulster Irish" (shorthand for the group Mr. Prior had in mind) can be effectively promoted through appropriate arrangements in any new structure for the internal administration of the North to be set up by the British Government at the instance of Mr. Prior. These notes do not, however, deal with this aspect. However, one possible way of giving recognition to the Irish identity of the "Ulster Irish" would be through a Senate established in parallel with an Assembly and with weighted, perhaps even equal representation, from the two sections of the Community in the North. As discussed below, one does not wish unduly to emphasise the divisions in the area but if a Senate had rather restricted powers and was appointed rather than elected, it would provide an outlet for discussion of public affairs in a more dispassionate climate, especially those on which there is scope for agreement across the divide, than is likely in any Assembly.

3. Hitherto, all parties in the North, including the SDLP have favoured a unicameral local parliament, mainly on the basis that they see little point in bodies without power. However, if appointments to the Senate were largely of persons not active in political parties, there might be little resistance from the political parties.

IRISH DIMENSION AND THE ANGLO-IRISH INTERGOVERNMENTAL COUNCIL.

Establishment and Operation of Council

4. As regards the impact on Northern perceptions, the Irish approach to the Council has had two elements:

- (1) reassurance to the Unionists about North-South co-operation through its being perceived to be in a wider Ireland-U.K. framework in which U.K. resources are available to look after Northern Ireland and particularly Unionists' interests;

- (2) demonstration to the Nationalists that the Irish Government is permanently and institutionally involved in all matters relating to Northern Ireland.

5. On (2) above, the very establishment of the Council and, as events unfold, its operation should buttress nationalist morale. The confidential Joint Memorandum on the Council we have now agreed with the British provides:

2. It will be a basic purpose of the Council to contribute to the achievement of peace, reconciliation and stability and to the improvement of relations between the peoples of the two countries. Within the framework of the Council there will be the closest bilateral consultation at Ministerial or official level, as appropriate, on matters relating to these purposes and on matters of common interest or concern.

The British are anxious to maintain the confidentiality of this Memorandum and are clearly sensitive about any public explicit claim that the Irish Government has been given a right of prior consultation on political aspects of Northern Ireland: they see the quoted paragraph as describing an intention rather than a right. Nevertheless, when the first meeting of the Council at Ministerial level takes place on 29 January between the Minister for Foreign Affairs and the Northern Secretary, it should clearly be seen that, within the Council framework, there has been consultation on the proposed Prior initiative. If necessary, the SDLP could, with due discretion, draw public attention to this fact i.e. the institutionalisation - and therefore establishment on a permanent basis - of what has been an evolving practice, subject to some vicissitudes, since 1972.

Parliamentary tier

6. The British are also sensitive about going public on a parliamentary tier of the Council. They tend to see this as having to come from the two sovereign Parliaments and an Assembly in the North, while accepting that they could use their good offices at an appropriate time. They would see this as being some time after an Assembly commenced work. If this is accepted by the SDLP, they may wish to obtain from Mr. Prior commitments that -

- (1) the British Government will act on having such a tier established once an Assembly/Executive system is established on a firm footing;
- (2) there would be provision for disproportionate representation of Northern Ireland; and
- (3) within the Northern Ireland contingent representation will be proportional to party strength.

MATTERS TO BE BROUGHT FORWARD THROUGH COUNCIL OTHER THAN MATTERS RELATING TO IRISH IDENTITY

Security

7. From an SDLP standpoint, agreement to establish a Joint (All-Ireland) Court would involve a major development of the Irish Dimension, along lines which they could sell as demonstrating the beneficial aspects of this dimension for all traditions in the North. One might add here, as a point for the Irish Government rather than for Mr. Prior, that to the extent that the Irish Government are seen to be taking new measures in the security area and if, over time, these measures are seen to be effective, the heat on the minority in the North in terms of blanket suspicion by unionists, attention from the security forces, anxiety of parents etc. will be reduced.

Integrative Action in the Economic Sphere

8. Mr. Prior should be encouraged to favour such action which will have a favourable impact on nationalist opinion in bringing out the essential oneness of the country. The gas pipeline is an immediate case. There are others down the road a little such as the ability of Harland and Wolff to quote competitively for coal-carrying shipping capacity which the Republic will need or tax aspects of the Irish Shipping takeover of the Belfast-Liverpool ferry service (confidential at this stage) where Mr. Prior may have to lean into the wind a bit to promote integrative developments. A bigger departure still - involving a regional tax rate - would be alignment of Northern industrial incentives on Irish ones.

Establishment of joint Anglo-Irish corporate bodies under Council.

9. This is contemplated in the Joint Study on Institutional Structures (paragraph 10). Possibilities in mind on the Irish side were, inter alia,

- (1) an all-Ireland energy body (possibly advisory Council to start with)
- (2) reconstituted Carlingford Lough Commissioners
- (3) joint authority for Lough Foyle (hydrocarbons exploration, navigation etc.)
- (4) joint water management board for Louth Erne area.

It should be mentioned that the relevant line Departments - and with some good reasons, in their own terms - were not uniformly enthusiastic about the specific bodies contemplated. For the present, it might suffice if the SDLP encouraged Mr. Prior to be favourable towards this approach at the right time (later this year, after firm establishment of new arrangements in the North?).

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P.R. for Westminster elections in Northern Ireland

10. As things stand, there is considerable danger that
- (1) due to split votes, nationalists will get a notably smaller proportion of the 17 seats available at the next Westminster election than they should
 - (2) due to successful pressure to avoid split votes, the DUP will get a disproportionate share.

These developments could only be inimical to what Prior is trying to achieve and could hold the prospect of a repeat of the February, 1974 experience. The occasion of bringing forward proposals for new legislation is a good opportunity to amend the law on Westminster elections. Mrs. Thatcher may be expected to be strongly reserved but apart from the arguments above, she might be influenced by the need to avoid a repeat on a wider geographical scale of experience in Fermanagh-South Tyrone in 1981.

11. It might be possible, in the Anglo-Irish context to envisage a "bargain" in the sense of both sides taking action with domestic political risks : the Irish side would presumably relate to security and care is, of course, needed in bargaining openly on this : the parallelism need not be made explicit. Whether, if there was success in getting a change to P.R. it should be seen to emerge in the Anglo-Irish context or autonomously would require careful consideration.

HUMAN RIGHTS AND AVOIDANCE OF DISCRIMINATION

12. A plethora of proposals in this area have been made over the years e.g. enactment of a Bill of Rights, incorporation of the European Convention in domestic British legislation etc. In the time available, it has not been possible to review the subject adequately. However, one could easily overplay this in view of the U.K. adherence to the European Convention and acceptance of the right of individual petition, the range of fair play and anti-discrimination agencies operating under British legislation and the unlikelihood of substantial modification of emergency provisions legislation in the current security situation. One possibility would be consultation in the Anglo-Irish Council on appointments to the fair play offices and boards, with the possibility later that appointments would be made by the Council.

IRISH IDENTIFICATION AND CULTURE

General

13. In anything one does in this area, one does not wish to magnify or exaggerate the extent of differences in the North. While the differences in politics, religion, and national identity and culture coincide to a very large extent, in contrast to the "cross-cutting" found in other plural societies, nevertheless, inter-sectarian mixing and co-operation over wide areas of working and social life is so pervasive that to introduce separate bloc arrangements whether the conventional (as in Holland up to the sixties) or legal/constitutional (as in the Belgian, New Zealand, Fiji etc.) arrangements (see Appendix) would not correspond

with reality - apart altogether from the ideal of substituting, on an all-Ireland basis, the common name of Irishman for the denominations of Catholic, Protestant and Dissenter. Research in the late sixties by Professor Richard Rose indicated that on both sides of the religious divide, people in Northern Ireland saw themselves as more like their fellow-Ulstermen than their religious confreres in their "mother country".

14. Nevertheless, from a nationalist and SDLP standpoint, the Irish/Gaelic cultural strand in the North has suffered some eclipse in Northern Ireland. It may be helpful to seek, within the Anglo-Irish context and any new devolution arrangements, to redress the balance, but within the wider framework of programmes to make the areas' cultural heritage available to all in Northern Ireland and to promote Anglo-Irish cultural exchanges and co-operation.

Flags and Emblems Act.

15. On symbols, the question arises as to whether the Flags and Emblems Act is still operative in the North. If so, it would be appropriate to repeal it - but only in an appropriate political climate and at the right time.

Dual nationality and holding of "foreign" passports

16. On dual nationality, this is already allowed by both Ireland and the U.K. and is effectively automatically available to all in Northern Ireland. There may be a minor question of the British permitting the holding of Irish passports rather than simply turning a blind eye to it - with any quid-pro-quo that might be needed in Irish rules. This is being confirmed.

RTE television reception

17. This is now much more extensive in Northern Ireland than hitherto, partly as a result of understandings, explicit and tacit, with the relevant British authorities. One could consider provision that would enable RTE to make it universal in the North - but technological evolution may shortly overtake all such provisions.

Facilities for GAA

18. This relates to financial assistance, provision of pitches and access to local authority pitches where loyalist actions have placed the Association under disadvantages. In order to remedy this in the Anglo-Irish/devolution context, it would appear necessary for the GAA to drop their constitutional prohibition on members of the R.U.C. & British armed forces being members of the Association.

Cultural Heritage Programme

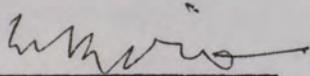
19. This refers back to what was said in paragraph 14 above. I attach as an Appendix, an extract from proposals sent to me some time ago, at his initiative, by Donal O Riagain, Divisional Manager for Educational Schemes in Gael-Linn. He envisages a programme of Irish/Ulster studies in the schools, on television and in third-level

institutions in Northern Ireland covering all aspects of the linguistic and cultural heritage - the Irish language, Ulster dialects of English, placenames, personal names, music, architecture, archaeological remains, folklore, native trades, local customs. Inter alia and with particular reference to the Irish language, he envisages

- facilities for school pupils and adults to learn Irish
- the same official recognition and support for all-Irish schools in the North as for their counterparts in Wales.

One could add an extension of Gaeltacht scholarships and financial assistance to Irish language, music etc. organisations. Mr. O Riagain envisages close co-operation from the Southern educational and broadcasting authorities and he points out that Gael-Linn - which has a strong Ulster base - has relevant experience and competence to assist in developing and implementing the programme.

20. His Memorandum also deals with promotion of and assistance to the opening up of Irish culture to people of Irish birth and descent (on which there are other papers both in the context of the MEMU joint study and otherwise) - and indeed to people generally in Britain. While this is not strictly relevant to Northern Ireland, activity of this sort will tend to make the Council more acceptable and welcome to more nationalist elements throughout Ireland, North as well as South.
21. These possibilities and others for North-South and Anglo-Irish cultural exchanges and co-operation generally might best be pursued through establishment of two Working Groups for North/South and East/West cultural Co-operation and exchanges under the Anglo-Irish Council.
22. In the Northern Ireland context, Mr. Hume will know better than we do whether there are some other irritants in respect of the Irish language which should be remedied. An example that occurs is whether it is permissible to register births, deaths and marriages in Irish form or to obtain driving or other official licences. It might be expected that it would be neither necessary or warranted to raise these matters in an Anglo-Irish context.



W. Kirwan,
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21 January, 1982.

APPENDIX 1

1. In Fiji and Zimbabwe there are separate electoral rolls for different communities.
2. In New Zealand there are four special Maori electoral districts covering the whole country.
3. In Belgium there are separate Cultural Councils, with powers in the sphere of culture and language, each comprising all the members of the appropriate linguistic group in both Houses of Parliament. Three-quarters of either the Flemish or the French Council can refer back to the Council of Ministers any proposed legislation which they consider harmful to relations between the two communities. There is also a guarantee of parity between the two language groups in the Council of Ministers i.e. the Government.