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Note for discussion at meeting on

Tuesday 11 July

There is an immediate tactical impasse on the question of decommissioning, and on the matter of the lack of any meaningful political dialogue between either Government and the range of political parties. I believe that we must think strategically, looking at long term solutions, if we are to break through the tactical impasse.

[AN ANALYSIS OF NATIONALIST ASSUMPTIONS

Part of the problem is that there has been no serious analysis of nationalist assumptions on this side of the border in recent years. On the face of it, unionists have every reason to believe that any move towards cross border institutions will be seized upon by the South as further leverage towards the ambition of a united Ireland. This is not, in fact, the underlying wish of most people on this side of the border. But any unionist, who relies on published documents, will find nothing but evidence that everything is part of a grand design aimed at a united Ireland.

Let me quote two examples in support of this.

The revised formulation of Article 2 of the Constitution, which underlies the Framework Document, and which was as far as the previous Government was willing to go on constitutional change, still contains the words:

"the national territory consists of the whole island of Ireland".

Unionists' criticisms of the Framework Document continually harp back on this failure to "pass the Corfu test" by removing the territorial claim altogether. They ask themselves, not unreasonably, why nationalists insist on maintaining this claim if they are really committed to the principle of consent. What value does this claim have, given that the British have recognised quite separately that they will allow the people of Northern Ireland to determine their own constitutional future? Why do we need a territorial claim as well? Unionists see in this insistence on the maintenance of a territorial claim evidence of lack of sincerity on the part of the South when it says that the Framework Document is vesting the future of Northern Ireland in the hands of the people of Northern Ireland.

Secondly, the proposal for a North/South body, which on the fact of it seems unthreatening and harmless, is seen by unionists in the context of its historical origins. The idea of north/south bodies is traced directly back to the SDLP founding policy document "Towards a New Ireland", published in 1972, which said that its stated aim was to achieve joint sovereignty pending final Irish unification. Unionists see the north/south bodies as the beginning of joint sovereignty, leading in a one-way street towards a united Ireland.

The lack of symmetry in the Framework Document proposals in regard to consent also add to this feeling. While a majority in Northern Ireland may

consent to join a united Ireland at some point in the future, there is no corresponding statement in the Framework Document which says that a majority in Northern Ireland can change their mind and opt out of a united Ireland and back into the United Kingdom. In other words the idea of a united Ireland is an overriding "right", whereas the granting of the principle of consent is simply a matter of convenience and practicality.

The task of persuading unionists that these intentions are not real, and are just rhetorical, is enormous. I believe that public opinion in the Republic does not actually want a united Ireland at all. But there are very few circumstances in which it would be willing publicly to admit that.

It is more difficult to understand the true nature of SDLP thinking. Do moderate Northern nationalists really want a united Ireland? If not, why do they attach such importance to what Article 2 of the Constitution says? If not, why do they insist on formalised north/south institutions to undertake co-operation that would less expensively and more effectively be carried out on an ad hoc basis by cross-border bodies without the necessity of an all Ireland body?

Do we seriously expect unionists to talk to us, when we are unwilling to say that we will remove the territorial claim even on a contingent basis on the assumption of an overall agreement?

DO UNIONISTS REALLY WANT DEVOLUTION?

Are we not being naive in assuming that, at the end of the day, unionists will be willing to accept north/south bodies because they need devolution so badly? Where is the overwhelming demand for devolution coming from?

I quote from Arthur Aughey in the recent edition of "NI Brief" published in the House of Commons, he says:

"Ministers and officials continue to believe that unionists are prepared to pay a high price for the return of devolved powers to Belfast. They aren't.

The SDLP as we know has "no ideological commitment" to devolution. Sinn Fein opposes it. The new political class in the voluntary and community sectors don't need it either, for they already have influence on quangos as well as direct access to officials. Only the Alliance party has been an unequivocal supporter".

If devolution is not a sufficient incentive to get unionists to agree to north/south bodies, what other incentive is there on offer? Is it just the threat of renewed violence? Or is it the threat that, at the end of the day, the British will get tired and pull out and leave unionists on their own?

I think we should give thought to our own underlying assumptions about these questions. Unless and until we have analysed the true nature of the pressure on Unionists to our own satisfaction, it is unlikely that we will apply the appropriate pressure in the appropriate way.

NORTH/SOUTH BODIES AND E.M.U.

There is also another aspect of the matter which needs to be considered. This is the impact on the Republic in the event that the north/south bodies actually came into serious operation. There is, in the Framework Document, a requirement that the north/south body should move towards harmonisation of North and South. Assuming that Northern Ireland remains within the UK, does this not mean that the South is going to have to harmonise a great deal of its legislation with that of the United Kingdom? I believe that people in the Republic simply will not want to do this. We have fought and won our own independence, and I believe that people on this side of the border will not want to harmonise with the United Kingdom in order to create closer relations with Northern Ireland.]

This is also a serious and immediate issue in regard to European economic and monetary union. There is quite a strong possibility that the Republic will enter the single currency in 1999, while Northern Ireland will remain outside. The idea of a common economic policy for the whole island of Ireland is quite impossible in these circumstances. Yet there seems to be no systematic

analysis of this contradiction in Irish Government policy. On the one hand, we are pressing for harmonisation with Northern Ireland which is part of the United Kingdom, and on the other hand we are quite clearly implying that we are willing to go into the single currency without Northern Ireland. The fact that nobody even makes this connection in public discussion, suggests that there is something profoundly unserious about attitudes on this side of the border towards the idea of north/south harmonisation. It is just a lot of tokenism which we do not expect anyone to take seriously. The problem is that Northern nationalists and unionists are liable to take it seriously, and this may place us in a very embarrassing position at some point in the fairly near future

WHEN DO WE EXPECT UNIONISTS TO TALK?

There is another point we need to consider. When do we realistically expect unionists, if ever, to be ready to engage in serious dialogue with the Irish Government and with nationalists around the issues in the Framework Document?

Brian Feeney of the Irish News in Belfast has written:

"it will be 1997 (after both British general and Northern Ireland local Government elections) before unionists begin to talk about the future. But when they do, they know it will be about the shape as described in the Framework".

If this is true, we need to give careful consideration to its implications for the peace process. What evidence is there that Sinn Fein and the IRA will be able to hold in the men of violence for two years waiting for the unionists to talk? I see no reason why the British Prime Minister would want to have a general election early. He will wait until the last minute in the hope that there will be an upturn in his fortune relative to the Labour Party. This lengthy delay could be very damaging, if Mr. Feeney's assumption is correct. It also has implications for the present Irish Government's position. Having completed the Framework Document, this Government will be expected to put something in place based on it.

A NEW APPROACH

All of these arguments seem to lead towards a conclusion that we should aim at some form of interim arrangement which will show political progress, but will not necessarily address all of the longer term and intractable constitutional issues. Already there is some degree of support for this sort of approach in unionist opinion. Robert McCartney M.P. recently wrote:

"Northern Ireland's politicians should declare a moratorium on the constitutional issues. They should concentrate on the here and now and

upon a present solution geared to what is best for the whole community in cultural and socio economic terms".

He went on:

"Sectarianism in any form is self defeating and must be discarded together with the triumphalism that accompanies it. For the rituals and baggage of the past must be substituted a defence of the union, based on pluralism and the practical welfare and fair administration of everyone".

He added:

"the rhetoric of union and unity must be at least temporarily silenced, and an equilibrium established in which trust and mutual confidence can begin to grow".

There is a similar approach in the Official Unionists Party policy document entitled "A problem solving approach to the Northern Ireland problem". This document places the emphasis on the process towards a solution, rather than on the ideal solution itself. It contrasts with the Framework Document which attempts to sketch out a particular solution, in the absence of any agreement on the process whereby it is to be arrived at.

The Unionist document looked for some form of consultative Assembly that would negotiate a new agreement. On the face of it, one could argue that this is just a method for buying more time, and that people elected to this assembly would go to it with a mandate not to negotiate. In other words the proposed Assembly would be doomed from the start.

On the other hand, there is something peculiar about our present approach of granting negotiating status in political talks to parties, rather than to elected representatives. The "electoral mandate" of the various parties is not based on what they are being asked to negotiate, but on the number of votes they were able to get in a contest for election to bodies, like Local Authorities and the House of Commons, which are to have little or no role in the negotiation. In other words, strictly speaking, their electoral mandate is for something else - not for political talks.

The idea that people might be elected to a body whose mandate would be political talks has merit. It would get over the problem of the acceptability of Sinn Fein. If Sinn Fein take their seats in the Assembly Unionists would have no option but to talk to them. The only way unionists could escape would be to abstain from the Assembly themselves, or not to offer candidates. But, as the idea of a consultative Assembly is in fact a unionist idea, not offering candidates would be a rather difficult option for them. The Assembly would, of course, have to be put into some sort of cage by the Government so as to

require that it actually addresses the issues contained in the Framework Document and or other issues which the Governments might decide would be appropriate.

It is worth reminding ourselves that the SDLP has not participated in any Northern Ireland Assembly since 1974. It would be hard for the SDLP, however, to refuse to take part in an Assembly which was recommended by both the Irish and British Governments as a negotiating forum.

This brings up the question of what one should actually attempt to negotiate.

I enclose herewith a very sensible article by Mr. Alan Dukes about the follow-up to the Framework Document. His key point is that the Irish and British Governments should state clearly that the proposed arrangements in the Framework Document represent the totality of what should be attempted and that the system contained therein should be retained indefinitely, unless or until people in Northern Ireland themselves decide that they want to change it. In other words the initiation of any new referendum to move to a united Ireland would have to come from the people of Northern Ireland themselves, as well as having to be approved by the two Governments. This idea is close enough to the one I put forward myself of requiring more than a 50% majority to change the status of Northern Ireland, once a Framework type arrangement had been put in place. Mr. Dukes' proposal gives that added sense of security and permanence which Unionists need if they are to be persuaded to make the

Rewrite

maximum concessions that must be made to nationalists within Northern Ireland.

There is another reason why we should perhaps consider some sort of electoral mechanism for getting unionists and Sinn Fein around the same table. At the moment unionist politicians have power, but they have no responsibility. If things go wrong they can say that they warned that things would go wrong. They are in a position where they can, at the same time, deny any responsibility for the lack of progress. That is something that they can simply say is the responsibility of "Government".

Simple

History shows that politicians are only creative when they are under pressure. Politicians are also only willing to make concessions to the point of view of other people, when they have to. The unionists are under no pressure.

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If the Government was to take up the unionists own proposal for a consultative Assembly, that would put them under some measure of pressure to deliver a solution. If this Assembly was to be put in place while the peace still holds, all those elected to it would be under pressure from their electorate to act within the Assembly, in a fashion designed to keep that peace process going.

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Thought could also be given to the way in which the Assembly might work. It might not be a conventional Assembly with adversarial debates, but rather it could be established as a form of consensus building process with committees,

deadlines, etc. The conventional adversarial element in parliamentary Assemblies could be eliminated or modified.

The strongest argument for devolution to Northern Ireland is that it is a way of forcing people within Northern Ireland to work together. It is their unwillingness to work together that has caused the problem. By setting up some form of elected negotiating body one might have the same effect, without actually having devolution as yet. It might be worthwhile getting the advice of political scientists on how a body or assembly might be designed so that its emphasis would be on consensus building, rather than on "Government" and "Opposition". Perhaps Trinity College could help here?

This brings me to the final point I wish to deal with, which is the British proposals for an assembly and a panel.

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There are articles in "NI Brief" by Sydney Elliott of Queens University (page 18) and by Steve McBride of the Alliance Party (page 16) which contain a pretty severe criticism of the British proposals. The proposals in their present form, it is argued, seem almost designed to institutionalise paralysis and deadlock, leaving all major decisions to be taken by the small three person panel. This panel will not be elected by the Assembly itself, but by direct election. This consular system of Government is very elitist, and will not create the sort of involvement by a range of public representatives in difficult decision making, that is necessary if cross community consensus is to be built.

There may be a consensus between the three panel members, but the members of the Assembly will not be forced to overcome difficult issues themselves. They will, it is argued, tend to pass all these difficult issues up to the panel. I am not absolutely certain whether these criticisms are valid, but I think that they merit some examination by political scientists at our request. 

How does all of this help us overcome the immediate problem of decommissioning of arms and the deadlock in regard to starting talks?

1. The formation of an negotiating Assembly would put Sinn Fein and unionists in the same room without immediate decommissioning.
2. By stating that the objectives were limited, rather than profound, one would reassure unionists about the "one-way escalator towards a united Ireland" problem which causes them so much concern.
3. The election of a negotiating Assembly would bring other politicians to the fore within Northern Ireland, thereby weakening the veto on progress by one or two top leaders.
4. The present artificial distinction between "exploratory" and "substantive" talks would be overcome. The election of people to a negotiating Assembly would leap over that distinction.

5. The election of people to an Assembly would also force Sinn Fein to clarify the remaining doubts about their commitment to peace. In the course of an election campaign it would be very difficult for them not to make it clear that their commitment to peace was permanent.

There is no guarantee that the above approach will actually work, but the present drift seems to be one that is almost inevitably leading back to violence.