E.R. SECRET

FUTURE POLICY GROUP

POLITICAL SETTLEMENT: THE "IRISH DIMENSION"

Introduction

1. In preparing Papers on possible arrangements for the future government of Northern Ireland, whether in the context of devolution or of integration, we have of course been considering how Northern Ireland may best be governed as a part of the United Kingdom. We do so against the background of HM Government's decision to legislate for a referendum, whose results will almost certainly demonstrate the wish of a majority to preserve that status.

2. It must however be the aim of any settlement to eradicate the causes of continuing conflict in this community. Three of these have an "internal" character, viz -

a. discontent with existing economic and social conditions;

b. concern about the equitable treatment of all elements of the community; and

c. frustration at the inability of a minority, however fair the electoral system, to share in the exercise of executive power.

But there are also significant factors which have a wholly or partly "external" character -

d. tension arising out of the conflict within Northern Ireland of national aspirations as between a largely British-orientated majority and a largely Irish-orientated minority; and

e. the deep influence upon the Northern Ireland community both of the sustained claim of the Republic to exercise jurisdiction in Northern Ireland (as evidenced by the 1937 Constitution), and of the virulent anti-British nature of the "republican" tradition throughout Ireland. While isolation and exposure may reduce the adverse effects of that tradition, we would fear that it will remain a factor for many years to come.

3. In making the ultimate choice as to whether a settlement should be sought along devolutionary or integration lines, the ability to deal with causes 2d. and e. as well as with causes a., b. and c. ought to be taken into account.

Attitude of the Government of the Irish Republic

4. It is also necessary to recall Mr Lynch's recent statement in his definitive article published in "Foreign Affairs" -

> " .... I consider that any attempt to follow it [ie direct rule] up by integrating Northern Ireland fully into the United Kingdom would be disastrous. A substantial minority in the North would permanently resist it with the support of the great majority of the people of Ireland. Such an attempt would drive a wedge between the majority populations of the two islands; and, as I have explained, Northern Ireland cannot be dealt with without reference to the Anglo Irish relationship as a whole."

The entire article is, indeed, of the greatest relevance to the subject of this Paper.

The Constitutional Relationship

5. The general assumption hitherto made about Northern Ireland's constitutional position has been that the issue of sovereignty must be determined one way or the other. Yet the 1920 Act settlement itself - which became operative only in Northern Ireland - did not envisage the creation of an international frontier but the establishment of devolved institutions in two parts of the United Kingdom, and with the possibility of unity by agreement very much in mind. It was the events of the intervening years - with the South enhancing its separateness even while sustaining its claim to unity - which created an "either/or" mentality. And yet, in many ways, a conflict about sovereignty and nationality in such absolute terms has a curiously old-fashioned character in the context of the EEC and other modern developments.

6. Moreover, it is a continuing source of instability in the relationships between Great Britain and both parts of Ireland that the Anglo-Irish "Treaty" and all which followed from it have never been accepted as valid and morally as well as legally binding obligations by important sections of public opinion - those sections, in fact, which have been the backbone of FIANNA FAIL, the most successful and the strongest political party in the Republic. Thus the status of Northern Ireland as defined in these agreements is not seen as a sensible recognition of hard facts, but as an injustice to Ireland imposed under duress by a greater power. While those committed to the direct use of violence in the Republican interest have never been very strong numerically, their physical campaigns and the propagandist efforts which have accompanied them have always enjoyed a degree of sympathy and even support in much wider circles. Unless means can be found to withdraw such sympathy from militant Republicanism, it is only too likely that no political settlement in the North will achieve more than a temporary stay of violence.

'External' Aspect of a Settlement

7. For these reasons a political settlement for Northern Ireland ought to have an external as well as an internal dimension, taking the form of a re-definition of Northern Ireland's present constitutional status and possible future course, to be embodied in new, internationally-registered Treaty arrangements between the United Kingdom and Ireland. We believe that it should be a primary objective of HM Government's policy, using every means of influence and even pressure which can be exerted upon the Irish Republic to secure the Republic's commitment to such arrangements. They should be based on recognition of the reality of the situation:- that Northern Ireland at present has a majority wishing to be associated with the United Kingdom and a minority wishing to be associated with a united Ireland. In recognition of this, the present status of Northern Ireland should be defined as that of a part of the United Kingdom, but a part enjoying a special relationship with the Irish Republic by virtue of common interests etc. This special relationship should be acknowledged at once by the establishment of a joint Council for co-operation and consultation, but without - in the first instance - major executive functions. It is noteworthy that a number of political interests in Northern Ireland have already advocated the formation of such a Council. In considering its precise form and functions, the Nordic Council, for consultation between the Scandinavian countries, may furnish a useful parallel. It should not be overlooked here that, quite apart from such formal joint ventures as the Foyle Fisheries Commission and the Erne drainage and hydro-electricity scheme, there has been throughout the years a continuing pattern of informal but highly practical (if necessarily unpublicised) co-operation and consultation between officials in Belfast and Dublin.

8. The re-definition of constitutional status should proceed from this to set out an acceptable means for movement towards Irish unity in stages, subject to consent at each stage. This would again represent an acknowledgment of reality:- that unity can never be achieved unless the people of Northern Ireland can be convinced that it is in their interests; that even in calmer times people will not take such a vital decision without knowing the "terms of entry"; and that if unity is ever to come about at all, it must be in a staged, orderly way. Moreover, the device of a referendum or plebiscite, (to which the United Kingdom Government is committed and which is used in the Republic) makes much more sense in the context of "stages" than as an all-too-simple question, "In or out of the United Kingdom?" or "In or out of a United Ireland?" which is more likely to polarise than to conciliate. A possible scheme is attached as an Appendix to this Paper.

9. It has already been noted (para. 4) that the Irish Republic is strongly opposed to an integration solution. This apart, it is a reasonable assumption that the necessary consent of the Republic to any such constitutional mechanism will involve some machinery for joint consultation, even if this does not involve joint exercise of executive power. Clearly it is much easier to envisage such machinery in a devolutionary context, with a Northern Ireland executive able to participate as a separate interest. True, joint institutions could be composed of elected members rather than persons with executive powers, and it is possible to envisage some sort of limited Assembly even in an integrated Northern Ireland. But the basis of participation (one side from a sovereign Parliament, the other from a kind of superior local authority) would be so unequal as to create great embarrassment and the absence of any real powers on the Northern Ireland side would point to a "talking shop" rather than an effective Council.