

NATIONAL ARCHIVES

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THE NORTHERN IRELAND CONSTITUTIONAL CONVENTIONBritish proposals

1. Following the collapse of the Northern Ireland Executive in May, 1974, the British Government prorogued the Northern Ireland Assembly. In July, it published a White Paper which outlined the British Governments' thinking on Northern Ireland generally, and made some proposals on future arrangements for governing Northern Ireland. These proposals were subsequently carried into effect by legislation (The Northern Ireland Act 1974).
2. One of the major proposals contained in the White Paper was the establishment of a Constitutional Convention. The term "Constitutional Convention" is slightly misleading as the Convention described in the White Paper is not a full Constitutional Convention as this term is normally understood. The Convention will not be engaged in drawing up a new Constitution for Northern Ireland and will not have the power to make binding decisions. Its function will be to consider what provisions for the Government of Northern Ireland would be likely to command the most widespread acceptance throughout the community there.
3. The White Paper laid down the following guidelines:-
 - (i) any institutions recommended must be acceptable to the United Kingdom as a whole and to Parliament at Westminster as representing it;
 - (ii) the institutions recommended must not result in the permanent exclusion from any real influence in public affairs of a whole section of the community. Any such system would be unacceptable to the British Government;
 - (iii) from this it follows that there must be some form of power-sharing and partnership;
 - (iv) Northern Ireland has a special relationship with the Republic. The White Paper emphasises that there is an Irish dimension which must be recognised and provided for in any political arrangements;

- (v) a majority does not have the right to impose its will in all circumstances nor does a minority have any absolute/^{right} veto. The British "must weigh respect for majorities and protection for minorities".

However, there is nothing in the Northern Ireland Act, 1974 which reflects the sections of the White Paper stating the need for power-sharing and for the special relationship with the Republic. These matters are, of course, covered by the 1973 Constitution Act which remains in force.

4. The proposed Convention will consist of 78 members elected by the single transferable vote system from the twelve Northern Ireland parliamentary constituencies. It is expected to report to Parliament within six months but may be extended for not more than three months at a time and may be reconvened within six months of its dissolution. There may be one or more referenda on questions arising out of the work of the Convention. It is intended to appoint an independent Chairman "of high standing and impartiality" from Northern Ireland who will not be a member of the Convention.
5. [redacted] The Convention will be essentially a discussion forum of elected representatives. Its only function will be to make recommendations to the British Government on future provisions for governing Northern Ireland. Its recommendations will not be binding on the British Government, but, as stated, the British Government may decide to hold a referendum or referenda on these recommendations. Current indications are that it is planned to hold elections to the Convention in Spring 1975. Mr. Rees is expected to spell out some further guidelines (or parameters) for the Convention in a foreword to a Green Paper on the economic aspects of the link with Britain which is expected to be published during the week of the London talks.

Possible outcomes of Convention

6. The results of deliberations in such a Convention will obviously depend greatly on the degree of participation in and the results of elections to it. Fear has been expressed that, if the more extreme elements of the majority community found themselves with

an absolute majority within the Convention, minority interests would be ignored and the Convention's recommendations would not have the support of the minority community. There is a danger that this might happen but it should be minimized if the British Government adheres to its stated intention not to agree to any proposal by the Convention which is not acceptable to the minority community (Mr. Stanley Orme stated this during a meeting with the Minister for Foreign Affairs on 18th July, 1974). If the Convention did make recommendations which were not acceptable to the British Government a dangerous situation could be created, especially if these recommendations had the support of the majority community.

7. There is also the possibility that no recommendations at all would be issued by the Convention. This in itself could lead to a dangerous situation, because the British Government would have to make new decisions in an atmosphere of disagreement with the majority community in Northern Ireland. In these circumstances the options which would be open to the British Government under the Northern Ireland Act 1974 would be:-

- (1) allowing dissolution of the Convention as provided for in the Act, unless it is expressly postponed;
- (2) postponement of dissolution for periods of three months;
- (3) the holding of new elections to the Assembly under the terms of the Constitution Act, 1973 which still remains in force.
- (4) a new departure in policy.

8. It is also possible that the Convention could agree on recommendations which would command very widespread acceptance among all sections of the Northern community and which would also be acceptable to the British and Irish Governments and Parliaments.

Attitudes of Northern Ireland parties

9. The current position of the SDLP with regard to the Convention elections is that it is likely to produce a loyalist

(i.e. the United Ulster Unionist Coalition of West's Ulster Unionist Party, Craig's Vanguard Unionist Progressive Party and Paisley's Democratic Unionist Progressive Party) majority with which it will not be possible to arrive at an acceptable accommodation. If there are no signs of a weakening of loyalist intransigence before the beginning of the election campaign (four weeks before the actual election), it is possible that the SDLP may not participate in the elections. In view of the guideline numbered (ii) in paragraph 3 above such action may have the result of nullifying the principle on which current British policy is based, that of seeing whether the people of Northern Ireland could resolve the problems of Northern Ireland themselves. The UUUC has refused to enter into discussions before the Convention, thus strengthening the SDLP in their belief that they intend to achieve a majority, reject both power sharing and the Irish dimension, and impose their will by virtue of the moral authority which such a result would give them while counting on a reluctance both of London and Dublin to oppose them and on their para-military strength to support them. The SDLP are convinced that in this situation both sovereign Governments will have to recognise that such intransigence can no longer be tolerated - in the Party's view this involves military confrontation with the Loyalists. The SDLP are therefore demanding that the British spell out the consequences of loyalist intransigence before the election in the hope that this may deter them while cultivating a British determination to confront them should this be necessary.

10. The moderate unionist position, as represented by the Unionists Party of Northern Ireland (led by Mr. Faulkner) and the Alliance Party, is generally regarded as having relatively little support at the present and there is nothing to indicate a substantial improvement in this position within the next few months. For that reason moderate unionists are advocating that the

Convention elections should be postponed as long as possible.

11. After the collapse of the Northern Ireland Executive, it was felt that the Ulster Workers' Council might develop as a Protestant working class political organisation separate from the UUUC and that this development might be a moderating influence on the unionist side and would also reduce the prospects of an overall loyalist majority at the Convention. It now appears that this is not happening. The UWC has not developed as a political force and indeed no longer exists as an effective organisation. The leading Protestant working class organisation appears to be the UDA but the established loyalist politicians, notably Craig, are so far succeeding in their objective of preventing the development of the UDA as a political force distinct from that of the UUUC. It may be that the UDA and perhaps other similar organisations will have some influence over the selection of UUUC candidates for the Convention elections and may also influence the development of UUUC policy but it is at the moment unlikely that they will have any significant separate representation at the Convention.