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Roinn an Taoisigh
Department of the Taoiseach

2nd November, 1982.

Dear David,

I enclose a copy of a paper I prepared here on the SDLP proposals for a Council for a New Ireland. The paper, together with notes by Messrs. Murray and Hurley on the same subject which have already been copied to Ms. Hennessy, have been transmitted to the Taoiseach by the Secretary to the Government. All three papers have also been passed to Dr. Mansergh who, as you know, has been considering this matter in parallel.

I apologise for the length of my own paper and for a certain lack of coherence - but, as you appreciate, one was trying to think one's way forward in a very murky perspective where the way ahead is far from clear. I am passing the paper to you for information and I am conscious that you may not wish to offer any written comment. Indeed, I don't expect any comment at all but, naturally, if you wish to react orally and informally, I shall be very glad to get views. It might be useful for us to have a general informal exchange of views soon, possibly over lunch.

I understand that Messrs. Hume and Mallon of the SDLP are due to see the Taoiseach to-morrow.

Yours sincerely,

Walter P. Kirwan

W. Kirwan,
Assistant Secretary.

Mr. David Neligan,
Assistant Secretary,
Department of Foreign Affairs.

*Mr. Sheehan,
Pl put this DfT
paper on Council for a
New Ireland idea on
relevant file*

2.2.83

*Now
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ROINN AN TAOISIGH

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To: Secretary to the Government
From: W. Kirwan, Assistant Secretary.

SDLP Proposal for establishment of Council [Convention?] for a New Ireland.

Introduction

1. We have been asked by Dr. Mansergh, in anticipation of early discussions between the Taoiseach and the SDLP, to give views on that party's proposal for a Council for a New Ireland. Views were requested on:-

- (a) the implications of the proposal in general;
- (b) elaboration of the forms and functions such a body might have, bearing in mind the views of the SDLP.

I had intended in any case to address these important questions in the wider context of the course of Government policy on the North over coming months. This paper attempts to do this.

2. As I commence, the first results of the Assembly election in Northern Ireland are coming in and disclose some swing towards support for Sinn Fein at the expense of the SDLP. This trend if confirmed and other aspects of the election results will require careful consideration and may well call for modifications of the views now set down. I have proceeded with the paper, as a response to the questions raised is already overdue.

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Outline of SDLP proposal

3. The following is the section of the SDLP Manifesto for the Assembly elections in which their proposal is advanced:-

The immediate objective of the SDLP is therefore a quick end to the proposed Assembly. We believe that a solution should then be sought once again in its proper framework. It is abundantly clear that a purely internal solution to the problem of Northern Ireland is not possible. A solution must deal with the problem which is one of relationships not only within Northern Ireland but within Ireland and between Britain and Ireland. The Anglo/Irish framework is therefore the proper framework for a solution. It is long past the time when the British Government should allow its policies to be dictated by the intransigence of Unionism. It is also time for those who believe in a New Ireland to spell out their proposals in some detail. Towards that end it is the intention of the SDLP following the Election to propose to the Irish Government the setting up of a Council for a New Ireland made up of members of the Dail and those mandated in this election. The Council should have a limited life and have the specific task of examining the obstacles to the creation of a New Ireland and producing for the first time, on behalf of all the elected democratic parties in the country who believe in a New Ireland, an agreed blueprint so that a debate on real alternatives can begin within

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the Anglo/Irish framework. The SDLP would hope to play its full part in such a body.

4. Other SDLP points on the proposal made in articles by Mr. John Hume and otherwise are:-

- (1) the Government in Dublin, together with the other parties in the Dail, should set up the body;
- (2) the body should be representative of all Irish democrats who believe in a New Ireland, would exclude members of Sinn Fein elected to the Assembly and would be open "only to those who believed in the ballot box, not the Armalite";
- (3) the body should have a definite lifespan and specific terms of reference; political, economic and constitutional obstacles to a New Ireland should be examined.

Attitudes of other "actors" to the proposal

5. Dr. Mansergh has indicated that the Taoiseach is favourably disposed to the proposal, if it can be brought forward in an acceptable way (e.g. not as a variant of what the Leader of the Opposition termed "his constitutional crusade") but that there is no commitment to the idea. The formal position is as published in the Irish News of 18 October where, in response to a query the Taoiseach

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indicated that the proposal for such a Council was an interesting one and the Government looked forward to discussions with the SDLP and others in the North following the elections.

6. Fine Gael also described the proposal as "an interesting proposition". A statement of 1 October said

"It is especially interesting in the light of Garret FitzGerald's speech in Pittsburgh in which he proposed consultations between the Government and opposition parties and all those in Northern Ireland who may be willing to talk to us and help us to identify those aspects of the Constitution, laws and social arrangements of the State which pose obstacles to understanding among the people of our island".

Fine Gael said that they would study "with interest this proposal and the other proposals in the SDLP manifesto". Dr. FitzGerald's Pittsburgh speech, as reported, focussed on his party's previous proposal for an Irish Confederation.

The Leader of the Labour Party said that the SDLP manifesto deserves careful study by all concerned in the Assembly elections and that he intended to comment at a later stage in some detail on that part of the manifesto concerned with the proposals for a Council of Ireland (sic).

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7. In the North, the attitudes of the OUP and DUP make it clear that they regard the proposal as unwelcome or irrelevant in its focus on an all-Ireland objective. The Alliance Party has described the proposal as the Dungiven Parliament, slightly updated, in new clothes. They totally rejected any participation in such a forum and expressed no interest in such an initiative.

8. The position of Provisional Sinn Fein is not fully clear. Before the Assembly elections, they were very briefly reported as having indicated that they would not participate in the proposed Council, if established. This would be consistent with their attitude to the political parties in the Twenty-Six Counties and to the SDLP. Whether they would modify their position in the light of the results of the Assembly elections remains to be seen.

9. The Irish Independence Party in Northern Ireland, in a statement on 1st October, heartily welcomed what they termed "the SDLP endorsement of their proposal for an alternative forum in Dublin". This referred to a proposal they had put forward in July last that the Irish Government might consider the establishment in Dublin of an alternative, non-legislative assembly, apparently with an indefinite life-span. It would be composed of representatives of interested political parties in Northern Ireland based on their respective strengths in the 1981 local government elections or the Assembly elections, representatives from Dail Eireann, all Irish MEPs and invited or visiting organisations and individuals. Its functions were seen as:-

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1. To offer to the representatives of political groups throughout Ireland an opportunity to exchange views and offer opinions on all matters of national interest;
2. To act as an advisory assembly to the British, Irish and other Governments and international organisations on matters pertaining to the people of the North.
3. To consult with interested organisations and individuals throughout Ireland and the rest of the world on the Northern question and to contribute to a better understanding of the origins and dimensions of the problem.
4. To relay to the British Government the views and opinions of the assembly on matters affecting the people of the North.

The IIP referred to the possibility that a full-time secretariat might be necessary to ensure the smooth and proper operation of the assembly.

10. In their recent statement the IIP said:-

"The Dublin Assembly should be set up quickly in order that all interested parties can address themselves to the question of progress towards Irish unity. Mr. Haughey has aptly described the whole Prior plan as detrimental to the solution of the Northern problem. Now he must

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act to unify the nationalist parties and people by providing a platform for realistic discussion in a forum relevant to the needs of Ireland at this time."

11. The only expression of a British Government view on the SDLP proposal was by Mr. Prior to Ambassador Eamon Kennedy on 13 October. The Secretary of State considered that the proposals would be very much resented by the Unionist majority and in Westminster and would cause a further deterioration in Anglo-Irish relations. He said that they went against and rivalled the concept of an Anglo-Irish Intergovernmental Council.

12. In contacts with Dr. Mansergh, Barry White of the Belfast Telegraph and Canon Elliott of the Church of Ireland, directly or by implication, welcomed the idea of a Council for a New Ireland that would spell out the elements of such a future Ireland. Senator John Robb was more reserved but offered some suggestions as to how the idea might be made more acceptable to people of unionist outlook.

Should Irish Government proceed to establish a Council for a New Ireland?

13. My answer to this question is: yes, if an inter-party agreement acceptable to the Government, embracing the parties represented in the Dail and the constitutional nationalist parties in Northern Ireland, can be reached in advance on what the Council should or should not do. This is a rather tentative conclusion and the subject is clearly one for discussion and an interplay of views. I am conscious of disadvantages attaching to the

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proposal and reference is made to these beneath but I believe that these may be outweighed by the potential advantages, if the concept is developed and presented in the right way and forms one element in a wider policy designed (1) to face up to the circumstances of the next year to eighteen months (2) suitable for the longer-term.

Pros and Cons of Council for a New Ireland proposal.

14. In a later section of this paper, I propose to discuss suitable lines of short-term and medium to long-term policy on Northern Ireland for the Irish Government. The following reflections on pros and cons of the SDLP proposal are set in this wider framework i.e. aspects are seen as disadvantageous or advantageous because, inter alia, they promote or retard the wider policies. It may be helpful, however, if two aspects of reality are underlined at this point:-

- (1) the British are in possession in the North; realisation of our objectives requires their getting out eventually and this means that we have to work with them;
- (2) achievement of a new Ireland will require an accommodation of the Northern unionists, desirably in circumstances considerably changed from those which now apply; accordingly, the broad thrust of our policy in the interim should be adapted to that reality, even if we have to challenge or tackle some or all unionists at particular times or on particular issues.

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15. Against this background, one possible disadvantage of the Council proposal is that it will alienate the influential elements in British society who are antipathetic to the unionists and actively or passively sympathetic to the realisation of Irish nationalist objectives on an acceptable basis. One has in mind here people in the political parties, the civil service and the media. If they shared Mr. Prior's perception that the concept ran counter to the AIIC and would exacerbate polarisation in Northern Ireland, the result might be to pre-empt a revival, in due course, of a meaningful Anglo-Irish process. However, Mr. Prior may not be a reliable guide to British views. He naturally sees the proposed Council as keeping Northern nationalists away from the Assembly in which he has made a major political investment and the failure of which could accelerate his demise as a major political figure in Britain. There are, however, good grounds for believing (1) that Mr. Prior acted against the advice of even NIO civil servants in bringing forward his proposals (2) that these and other influential circles in Britain understand the importance of working with the Irish Government. Thus, if the proposals can be said or seen to be complementary rather than antipathetic to the Anglo-Irish approach, the British establishment may not be hostile to their implementation.

16. It had been the intention of the Irish side to present material on structures for a future Ireland achieved by consent within the framework of the Anglo-Irish Joint Study on Possible New Institutional Structures. While the British side made clear that they could only listen to what we had to say on this subject, some interest was expressed in hearing what we had to say. This is consistent with the belief found in some British circles interested

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in the Irish Question that Irish Governments are not really serious about unity, that the expression of our wish for it has a "sacred" or "ritual" aspect and even that advantage is seen in permanently having it as an unsolved problem. In the event, the Irish side did not have the opportunity, in the joint study, to proceed as intended. Suitably developed, the Council idea could deal with these views in such a way that influential British circles could be brought to regard it as having positive effects.

17. The likely line-up of participants in the Council could underline the basic division in Ireland between nationalists and unionists. It might be seen as deepening the polarisation which has emerged so clearly in the results of the Assembly elections. Such a perception could perhaps lead Northern Protestants open to the idea of a united Ireland in the longer-term to opt instead for a policy of containment. More extreme unionists could be led to step up sectarian violence in the North or to again extend violence across the Border.

18. Again, I believe that it should be possible to develop and present the Council concept in such a way that these conceivable disadvantages will be minimised. Much would depend on the position in regard to participation by Sinn Fein. I consider that serious disadvantage, from the standpoint of Protestant perceptions and reactions, would flow from any invitation to Sinn Fein to participate in the Council and that positive advantage would flow from their exclusion, unless they first repudiate the campaign of violence in the North. If the Council is composed of constitutional parties and public figures who believe in a new, united Ireland and who set out, in positive and attractive, even if

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somewhat general terms what such an entity would be like and if there were emphasis on its achievement by consent, Protestant reaction need not be particularly negative and could be, at least in some quarters, reasonably positive.

19. Another possible drawback, from the Government's standpoint, is that the Council could be a stick with which the Northern nationalist parties or others participating might beat the "Southern" parties generally or the Government, in particular (in the case of other Southern parties). An example of what could happen is the previous SDLP concept of cross-border functional committees. This paid insufficient regard to the British hold on the levers of power in the North, in the economic as in other spheres: it also reflected unrealistic or misguided views of what the Irish Government could, would or should do in certain areas. If one had to draw attention to these factors in a Council framework, there would be a danger that the puncturing of illusions could bruise feelings and adversely affect relations with the Northern nationalists.

The hazards in domestic, Twenty-Six County politics - quite apart from the dangers from a Northern Ireland policy standpoint of such a development - of providing a platform for criticism of the Government by the opposition parties, with possibly some support from within one or more of the parties organised in the North, do not need to be spelled out here.

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20. Again, I believe that it should be possible to head off both types of difficulty by advance agreements and understandings on the work of the Council. Indeed, I would regard such advance arrangements as a sine qua non for proceeding with the Council idea. It would clearly be disastrous for Irish objectives in regard to Northern Ireland if the Council were seen to be a forum for public disagreement between parties in the Republic or between Northern nationalist parties or between the latter and the "Southern" parties generally. The previous history of inter-party committees, discussions etc. on Northern Ireland is not particularly encouraging while some recent statements by the Fine Gael leader suggest that his approach in this area remains widely different from that of the Government. It would be essential that the terms of reference and work-programme of the Council be settled, by agreement, on a basis that would make it a vehicle for a significant public exhibition of unity among constitutional Irish nationalists on a positive report - not division and dissension. The terms of reference and work-programme are considered further below.

21. Another significant objection that can be raised to a Council for a New Ireland is that it would involve Irish nationalists shooting off much of their bargaining ammunition before battle was joined at all. This, it can be argued, would allow the unionists, at a time when they are not under pressure from the British, to reject any proposals produced by the Council which,

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if held over for a later time when a shift in British policy was putting pressure on the Unionists would receive a better hearing. One has not quite the same confidence in dealing with this argument, as one has with regard to those already discussed. I believe that the answer must rest on the fact that Unionists, already know what is the nationalist objective and already, at this stage, reject it. Change in their position will come about, if at all, by the pressure of circumstances (e.g. continued economic decline, the perception of a changing demographic balance). British political pressure (e.g. modification of the guarantee, statement of intent (eventually) to withdraw) and action from the Irish side designed to bring out the benefits of moving towards unity and to assuage fears. I believe that an outline, in general terms of options for constitutional structures and provisions and of the protections, role and power that would be on offer to the Irish Protestant tradition in a new Ireland would be helpful and may be worth presenting even before the other pressures become sufficiently compelling - and could help to advance the application of British pressure e.g. from a British Labour Party Government. One should, however, avoid short to medium-term elements which would be divisive between the parties, within the State or would shoot off ammunition one may need for short-term battles or would give clues as to one's game-plan on how to get to the eventual new Ireland - which would only circumscribe the options for consideration by British policy-makers when the Prior initiative collapses and when British political circumstances are again favourable to fresh, creative thinking.

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22. The advantages of the proposal have hitherto been stated by way of answers to possible objections to it. On a directly positive note and without repetition, I believe that if the constitutional nationalist parties could reach agreement, on a basis acceptable to the Government, on an outline concept of an ultimate new Ireland, it would:

- (1) have a beneficial effect on Protestant opinion in Northern Ireland and tend to increase the number of Protestants there prepared to contemplate a united Ireland;
- (2) provide support for the constitutional nationalist parties in Northern Ireland, much-needed in the wake of the Assembly election results;
- (3) prevent the initiative passing into the hands of the Provisional IRA and Sinn Fein;
- (4) possibly promote convergence between the SDLP and IIP on policy;
- (5) be advantageous in its impact on the British Government, British public opinion and the Unionists, in that they would be faced with a broadly united nationalist front on the subject-matter of the Council's work and could not take comfort in national disunity;
- (6) possibly, subject to a much further consideration provide a basis - assuming the Council could produce an agreed report-

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for a referendum in the Republic
simultaneously with the next Border Poll
in the North which can be held from March,
1983.

Council (Convention?) should form part of wider policy
framework.

23. I do not see adoption of the SDLP proposal as representing a complete shift in Government policy away from the Anglo-Irish approach promoted hitherto. I deduce that this is also the view of the SDLP from their indication in their Assembly election manifesto, that they were also seeking a mandate for the continuation of the Anglo-Irish process. I see the Council concept as supportive of this process - in outlining a benign ultimate destination for it - but primarily as carrying us through a period in which it may be difficult to make significant overt political progress through collaboration between the sovereign Governments. In the interim, I consider that it would be an error to make any formal retreat from the positions we had reached in the Anglo-Irish process. These provide a base from which we may be able to advance again in more favourable circumstances in the future. I think that in order to facilitate such a possibility, we should consider ways in which the AIIC structures could be kept "ticking over". This is dealt with further below.

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To:

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24. The pessimistic assessment of prospects for early progress in the framework of the Anglo-Irish process, at which I have hinted above, rests on the assumptions that:

- (1) the Prior Assembly may be kept in being for a year or 18 months, possibly until the next British General Election and so long as the British pursue this line of policy, the Government here will wish to restrict Anglo-Irish dealings on Northern Ireland to low-key practical matters; and
- (2) the British Prime Minister will maintain an attitude of coolness towards the Government and a marked disinclination to accommodate our views on the political development and future of Northern Ireland.

25. The basis for my view that despite the pessimistic outlook for the immediate future, we should not write off the Anglo-Irish process completely is:-

- (1) the possibility - not too strong, admittedly, at present - that the Conservatives will lose the next British election or at least fail to get an overall majority and that as a result, a Labour Government or a coalition Government of one type or another but without Mrs. Thatcher as Prime Minister will come to power and that this will reopen the

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way for political progress along lines favoured by the Government here;

- (2) the belief that an alternative policy of confrontation with the British, possibly in conjunction with efforts to bring international pressure to bear on them is unlikely to yield results of fundamental significance and would only alienate neutral and sympathetic circles in Britain, for little or no gains in terms of progress towards our objective of Irish unity (this is not to say that international pressure should not be orchestrated in a forthright but non-confrontationist manner or that such pressure cannot cause some non-fundamental course changes by the British);
- (3) the perception that economic factors dictate a relatively slow pace of progress towards Irish unity;
- (4) the belief that the Anglo-Irish Inter-Governmental Council provides a basis for moving towards Anglo-Irish condominium over the North which I see as the best shorter-term objective in that it would best reconcile the political imperative of a major change in British policy pointing firmly towards ultimate Irish unity and the economic imperative that progress towards unity should be over a reasonably long period of years of continued (jointly sovereign) British involvement, primarily to ensure their continued financial involvement.
- (5) the reality that the British are the people in possession of what we want.

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26. In relation to the proposal currently under review, an advantage of condominium as an interim objective is that it switches the focus away from constitutional reform in the Republic in the shorter-term, insofar as if one reached the stage of joint sovereignty, debate on Articles 2 and 3 of the Constitution would be academic, while legislation on social matters could continue to differ in the two parts of the country. These features would also apply in any ultimate solution that would involve a form of autonomy for the North - whether federation, the Scottish model of administrative and legal devolution or the confederation option espoused by (the Leader of?) Fine Gael. These points might be helpful in ensuring that the work-programme of a Council or Convention for a New Ireland was focussed on longer-term constitutional issues on which the political parties in the Republic may be able to reach agreement.

27. This is not the place to flesh out other aspects of a possible Irish policy centered on joint sovereignty over Northern Ireland as a medium-term objective which might be pursued in more favourable circumstances through the Anglo-Irish Inter-Governmental Council. We are still a good distance from the starting-point for such a policy. I attach (Appendix 1) an extract from a paper prepared in October, 1980 which could still, mutatis mutandis, form the basis for a possible Irish approach, if the auguries became auspicious again.

28. The extract raises two issues on which a clearer definition of the Government's policy would provide helpful guidelines for the conduct of policy over the months ahead. The first issue is the pace of progress towards Irish unity which the Government deem desirable and feasible. One answer is: the quicker the better.

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What I have in mind, however, is a certain oscillation in our thinking in the past between:

- (1) a process, with the implication that progress towards unity would be gradual and steady over a rather lengthy period; and
- (2) a conference e.g. that envisaged on "the totality" of relationships within these islands in the 1980 Dublin Castle communique: at times, this appears to carry the implication of a constitutional conference at which the problem would be settled once and for all.

29. I believe that the two concepts need not be mutually exclusive. From the outset, we might aim to use the Anglo-Irish Council to promote an integrative process and when opportunity offered we might seek to persuade the British Government to join us in a conference, the outcome of which would mark a major shift in British policy e.g. agreement to share joint sovereignty and declaration of intent to promote Irish unity by consent as a British Government objective.

30. These reflections raise for consideration whether the Government should seek, even in the present atmosphere of coolness and in parallel with implementation of the New Ireland proposal, to initiate some low-key activity within the AIIC, tied as far as possible to North-South integration e.g. a meeting of Ministers responsible for education about the possible upgrading of Magee

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University College and other aspects of co-operation in third level education. Another possibility, going beyond the previous example and therefore requiring even more careful consideration, would be a meeting of the official-level Co-ordinating Committee of the Council, again focussed on a practical agenda, at which the Irish side could, if necessary, make clear that political exchanges would have to remain in abeyance while the Prior initiative was maintained.

31. The second issue in question in the reference at the commencement of paragraph 28 above is whether the Government's attitude to a separate Northern Ireland administration/executive would be negative in all circumstances, even if set in a satisfactory wider Anglo-Irish context. From the standpoint of efficiency in administration such a devolved government would be a desirable element of a condominium interim settlement. If it gave them power, it could be a persuasive influence on Unionists to acquiesce peacefully in such an interim settlement. It would be possible however, to divide power by reverting to the concept of a separation of powers or American system, with a power-sharing Executive formed other than in the Cabinet Government system (by appointment by the condominium authority?), as apparently considered at one stage by Mr. Prior.

32. All this is rather "pie in the sky" but if one regards the Council (Convention?) for a New Ireland as designed to tide us over a period when other opportunities to significantly advance our objectives will be few, it is no harm to have in mind some ideas on how we would

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proceed once opportunities again opened up. Similarly, if the Council (Convention?) is to outline a future ideal Ireland, it is desirable to have ideas on how one might get to that ideal.

33. There are some subsidiary aspects of policy for the short-term on which some comments may be helpful. One issue is the attitude of the Government to the establishment of the Anglo-Irish Parliamentary tier, although after the Assembly election results, it seems less likely that Mr. Prior will attempt to use establishment of the Council as a carrot to induce the SDLP to take their seats in the Assembly.

If such an attempt is made, it should probably be rebuffed by the Government at this stage. Our highest expectations of the potential of such a tier to contribute to the achievement of Irish aims, were never particularly high and much of the work of such a body would always be centered on practical matters. Nevertheless, to proceed now when political discussion on Northern Ireland within the AIIC is at a standstill would be to set the tier off on the wrong footing. In any case, it can be assumed in the present mood of the British Prime Minister and the Tory Party that proceedings within the tier would not be meaningful in Irish nationalist terms. It appears preferable to wait until the tier could be assigned functions, still deliberative and advisory but related to meaningful activity at Ministerial and Summit level in the AIIC and until the parliamentary exchanges enjoy a fair wind from the British Government.

34. It may, however, be worth considering, in due course, whether in 1983 when the Council (Convention?) for a New Ireland was at work, the normal inter-parliamentary exchanges between Leinster House and Westminster might not be encouraged as a way of maintaining minimum contacts with interested British parliamentarians.

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35. It should be a continuing feature of Government policy - but one which may assume additional importance in the present valley period in the Anglo-Irish approach - that we seize any opportunities that arise to promote direct North-South integrative action, of the kind exemplified by the gas pipeline, the contacts with Harland and Wolff or the recommencement of the Belfast-Liverpool ferry service by a subsidiary of Irish shipping. In some cases, for example in agriculture it may be necessary to weigh up carefully the reactions of the Northern administration to initiatives they would see as cutting across their functions and to any adverse effects on existing beneficial co-operation. In others, as exemplified by the gas pipeline, it may be possible to harness political forces in a way that makes it difficult for the Northern authorities to give preference to an alternative option.

36. One area in which we have been under political pressure over the years, sometimes from the British but mainly from the Unionists is security, with particular reference to the problem of fugitive IRA offenders. I believe that more radical steps against the Provisionals would be helpful in promoting progress towards unity but I consider that any such action should be held over for use in a possible bargaining situation with the British in due course.

Terms of Reference and Work Programme of a Council (Convention?) for a New Ireland.

37. It will probably have emerged from preceding sections that I see the purpose and work of such a body as being to establish the maximum possible area of agreement between the constitutional nationalist parties in Ireland, North and South, on the shape of a New Ireland or on options, to any one of which the parties could agree, for such an Ireland in which in the Taoiseach's words, "the affairs of Ireland would be managed by Irishmen and women, without a British presence but with active British goodwill". The shape to be set out

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would embrace constitutional structures and provisions and legal provisions, as necessary, and bring out, in particular, the role and power of former unionists in such an Ireland and the safeguards for Protestants and those of the British-Irish tradition. I consider that in the interests of ensuring unity among the parties, it should not, as the SDLP suggest, examine the obstacles to the creation of a New Ireland. I see it rather as addressing itself to a situation in which those obstacles would have been surmounted. This would cut out disagreement about short-term constitutional reform which may be contentious. I recognise that a major problem in this approach is that it assumes away the economic and financial problems, in a situation where commentators would note that the solution of the latter could not be brought about simply by an act of political will and would probably require continued British financial involvement over a lengthy period. It may be that this obstacle to unity should exceptionally be dealt with in the Council (Convention?) but there are problems about giving clues to one's intentions, specifying periods over which the difficulties would be resolved, etc. I envisage a report which would be published.

38. The body could also have private, secondary objectives which would not be dealt with in a published report. It might attempt to establish an agreed line on the role, functions and timing of establishment of an Anglo-Irish parliamentary tier. It could also explore whether agreement could be reached on a common medium-term objective such as an Anglo-Irish condominium over the North but in view of the dangers of leaks, it might be preferable not to pursue this aspect in such an extended forum.

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39. It would be most desirable to obtain inter-party agreement on the purpose and work-programme of the Council or Convention, before any decision to establish it was announced. In particular, it would be necessary to have advance agreement that it would not deal with possible short-term reforms of the present Constitution of the State. A first step in that direction might be to get agreement on this point between the Government and the SDLP.

Name of and duration of existence of body.

40. In this paper, I have generally referred to the proposal as one for a Council for a New Ireland. This is the title suggested by the SDLP. The IIP proposal referred to an Assembly. The word Council has connotations of permanence while Assembly suggests wider functions than appear desirable, as well as a continuing existence. I agree with the SDLP view that as the body would have a particular job to do, its duration should be fixed and not too extended - say 6 months. Given this span and its suggested purpose, I believe that a better title would be "Convention for a New Ireland". This would also help to present it as not running counter to the Anglo-Irish Inter-Governmental Council. The title "Convention" would have resonance of the Dungannon Convention of 1782 and the concept is indeed of Dungannon reversed.

Membership and Proceedings.

41. I have previously suggested that, as envisaged by the SDLP and despite the results of the Assembly election, membership should be confined to constitutional nationalist parties i.e. Sinn Fein would be excluded. They could not be expected to accept an invitation in any case and there appears to be no good reason to afford them an opportunity to rebuff the Government. Moreover, in the light of the effect on SDLP morale of the support obtained by Sinn Fein,

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the present is not the time to deviate so significantly from an SDLP proposal. Sinn Fein could not be expected to play other than a disruptive role, if they did attend. The effects on British and Northern Protestant opinion of an invitation to Sinn Fein would be highly adverse. Finally, it would scarcely be possible to obtain the agreement of the other parties in the Republic to such an invitation.

42. I consider that there is no point in inviting participation by unionist parties, including the Alliance Party who are not committed to an eventual new united Ireland. The concept is and can reasonably be presented, of a coming together of the nationalist parties in Ireland to outline what the New Ireland they advocate might be like.

43. The Irish Independence Party should probably, as a constitutional party with elected representatives on District Councils in the North, be asked to participate. I say "probably" because of the fact that their boycott of the Assembly elections raises the apparent difficulty of including representatives elected in the 1981 local elections in the North while excluding recently elected representatives of Sinn Fein. I believe, however, that this difficulty is more apparent than real since attachment to constitutional politics and repudiation of violence can legitimately be made the criteria for involvement.

44. The paper forwarded by Dr. Mansergh tentatively suggested that membership could be open to Northern elected representatives and to a similar number of Oireachtas members nominated by the parties. While one would not have to adhere to the suggested equality of representation, there could be some practical advantage in it. It would be desirable, in current

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circumstances to involve all 14 SDLP representatives elected to the Assembly. Proportionate IIP (and Workers Party?) representation based on the results of the 1981 local elections in the North might bring the number of Northern members to or close to 20. To have "Southern" representation on a proportionate basis might give too large a body and an equal number (say 20) from the Oireachtas might be preferable.

45. Other possible difficulties can be foreseen. The parties represented in the Oireachtas but not in Government here would probably be in a position to nominate their leading members. This would argue for Ministerial involvement on the Government side but experience shows that the pressures on Ministers' time might considerably reduce the time and energy they could devote to the body's work. A system of alternates, at least for Ministers, might be helpful in this regard. Some -- or all -- SDLP Assembly members would probably have other commitments that would prevent their continuous attendance in Dublin over a period of say, six months.

46. Having regard to these considerations, to other practical aspects and to policy and confidentiality considerations, it may be helpful to envisage the body meeting in public for an initial launching session, marked by co-ordinated speeches striking the right, pre-agreed notes, following by private committee sessions in which the report or draft report was presented and debated. Such a procedure would minimise public perceptions of differences. It would also minimise requirements for verbatim reporting,

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as in the Oireachtas. Another advantage would be that continuous attendance by all members might not be necessary.

47. Dr. Mansergh's paper referred to a power of the Irish Government to nominate say 10 additional members and his covering minute indicated that in the Taoiseach's view, it would be essential to devise a means of involving at least Northern Protestant New Irelanders in the work of the Council. This certainly should be sought. However, I note from Dr. Mansergh's report of a recent discussion with Dr. John Robb that the latter's preliminary reaction was that he would be prepared to participate only on conditions which appear unlikely to be fulfilled. A similar disinclination could be the reaction of other Protestants open to the idea of a New Ireland who might feel that the conditions are not right for them so openly to align themselves with an overwhelmingly Catholic Nationalist body. This is not to say that we should not explore whether such persons would be receptive to nomination. This method of getting Protestant involvement need not unduly worry us as it is consistent with our previous position that nomination should not be ruled out as a method of bringing representatives of the Protestant tradition into an Anglo-Irish Parliamentary tier. It may be, however, that one might be compelled to fall back on other methods of getting Protestant involvement e.g. through receiving deputations or personal "evidence" from individuals or written submissions. This need not devalue the exercise in my view.

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Other practical aspects

48. The body would require a secretariat to prepare and submit working papers, to respond to requests for factual information or research and to draft a report. Any such secretariat should probably be provided from the Departments of the Taoiseach, Foreign Affairs and Finance, possibly with assistance from the Staff of the Houses of the Oireachtas, from whom reporting staff could also perhaps be drawn.

49. There is no provision for the expenses of a Convention or Council for a New Ireland in the 1983 Estimates. Depending on decisions in regard to the payment of salaries to some or all members, the expenditure involved might not be too great. If it is decided to proceed with the idea, an allocation of moneys could presumably be made in the Budget Speech, if it were not possible to amend an appropriate Estimate before the commencement of the 1983 financial year.

50. Reference has been made to the possibility of the body meeting in the old Irish Parliament chamber in the Bank of Ireland. However, in the present tight voting situation and unless pairing arrangements could be made, the body might have to meet in Leinster House.

Walter P. Kirwan,
Assistant Secretary.

27th October, 1982.