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Mr Murray. Sh
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2.11.82

ROINN AN TAOISIGH

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To:

NORTHERN IRELAND

From:

Taoiseach,

Please see notes under by Messrs. Kirwan, Murray and Hurley on the suggestion of a "Council for a New Ireland".

In the time available I can comment only tentatively and briefly. These comments must obviously be based on a view of how a solution can come about - in the end.

I think that it can come about only with cooperation, either extorted or voluntary, from the British. For a solution, they need us; and we need them.

If it is extorted through a continuance of violence, war weariness on the part of the British and general exhaustion with the problem, an obvious consequence is that they will not continue their security effort, which may be one-sided and ineffectual, but which works to prevent total disorder, as against dissidence from up to one-third of the population. Security, in conditions where the British were not cooperating, and if two-thirds of the population were disenchanted with what was happening, would be a far more difficult operation, which we, here, just could not handle alone. The last time a Council of Ireland was in the air, thirty people died in Dublin and Monaghan from Unionist bombs; and that was only a foretaste.

Secondly, the British could not, in conditions where their cooperation was extorted, be expected to continue their payments to the Northern economy running at a level of approximately £1-1.5 billion annually in recent years. The result, if these payments ceased, in conditions of outright disenchantment and disagreement, would be economic chaos throughout this island.

If these two consequences follow - and I accept that there can be other views - then, I think, that we should try to develop policies which will ensure voluntary cooperation by the British, in getting an answer to the problem of Northern Ireland. This may not be as hard as we may think. There is good evidence to show that many Britons, even those in high places, believe that the problem is just insoluble - and may be looking for a way out, with minimum disruption. If I thought that a Council for a New Ireland would contribute, in the end, to this type of solution, I think that it would be a good idea - but I see no such future for the idea. On present

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indications, it can only alienate - in the same way, and for precisely the same reasons, as the Prior proposals caused alienation here.

So much for the external consequences. Internally, the suggestion for a Council could lead to sweetness and light. I very much doubt, however, if this would be a consequence. If it becomes a matter of party political dispute, the breaches in whatever exists of bi-partisan policy on Northern Ireland - and that is small enough - will be widened further. It is bad enough to have 10% of the Nationalist vote on one side in Northern Ireland and 18% on another side, without creating here further rifts and divisions. These, of course, may not materialise and I may be unduly pessimistic but this is the sense of what I think I can see emerging from the current proposals. They will lead inevitably to debate on constitutional issues for which we are not ready.

A further internal consideration affects the type of argument which could develop in the Council of a New Ireland. The interests of the SDLP - or indeed of any party in Northern Ireland - are not the same as the interests of the South. There would, for example, be a strong contingent in the North in support of a Federal Ireland. This is not necessarily the best answer to the present problem. The debate on the whole issue, at this stage, could widen further, the rifts down here - and as between this part of the country and Northern Ireland, even on the Nationalist side.

In an area like this there are no hard facts, only opinions. Those in this note, may sound unduly negative. They are, in fact, an argument for a return to the process initiated, in December, 1980, which had, within it, I think, the seeds of a solution to a problem which seems to become more intractable with every passing day. It is, perhaps, pie in the sky to talk now of condominium - but, if we did achieve even that modest step forward, I think that it would be a great deal more desirable than something which could, conceivably, contribute to a serious exacerbation of relations between this country and the UK and of relations, between political parties in this country itself, and as between here and Northern Ireland, where, in the end, the Unionists must also be taken into account.

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Internal Memo on "Council for a New Ireland"

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1 page from the document

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21/11

ROINN AN TAOISIGH

Uimhir.....

To: Mr W Kirwan, Assistant Secretary

From: F Murray

STRICTLY CONFIDENTIAL

An Irish Government Initiative on Northern Ireland

Introduction

1 I have examined the document forwarded to the Secretary to the Government by Dr Mansergh on 8 inst and wish to put forward the views set out in this minute by way of a response. At the outset, I wish to emphasise that these are essentially preliminary views. Before commenting on the paper at greater length, or attempting to suggest a blueprint for Option B, (the proposed Council for a New Ireland) further information would be required, in particular, the detailed and considered views of the SDLP. Accordingly, my comments are based on the information available as set out in Dr Mansergh's minute and enclosures and in certain newspaper reports relating to the SDLP election campaign.

Option A - SDLP Proposal for Cross-Border Commissions

2 I have not considered this option in any detail as I believe that the proposal is impractical. The idea, when launched in 1979, did not evoke a favourable response. Without the agreement and participation of the various Northern Ireland authorities, the many different commissions proposed could not operate effectively. The commissions would become mere talking shops which might well have the effect of impairing real cross-border co-operation in functional areas of mutual benefit. Clearly the commissions could have no executive role. Revival of the proposal at this stage could have implications for this State, in that it could well lead to demands for special commissions or boards for particular parts of the country (i.e. Western Development Board). The debate as to whether functions of Government should be organised on a functional or geographical basis might be given a new impetus if this option was proceeded with and this would hardly be in the national interest at present. In addition, implementation of the

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proposal would invariably create expectations as to the likely outcome of the suggested initiative which it would not be possible to realise.

3 In summary, because of jurisdictional and other problems mainly relating to the practicality of the proposal, I would regard option A as a non-starter. I note that the Leader of the SDLP is recorded as being less than enthusiastic about this particular idea.

Option B - Suggested Council for a New Ireland

4 I have examined the implications of this proposal and wish to set out the following arguments for and against:-

Arguments for

Develop Current policy

(1) It could well, in certain circumstances, be useful to sketch out in some detail the shape of a United Ireland. A document along these lines would answer Unionist criticism that we have never spelled out what we mean by the concept of unity. It would also be of use in promoting our policy with Protestant Church leaders.

Enhance Government's standing abroad

(2) A constructive Irish initiative, if well thought out and presented, could enhance the Government's standing among moderate opinion in Britain and with the Irish community in the United States. The promotion of a positive policy in the United States has had considerable success to date and an initiative along the lines envisaged could be of further benefit in this regard.

Examine Obstacles to creation of a New Ireland

(3) A Council for a New Ireland could do much useful work. It could be a fundamental and positive step forward. If a body, composed primarily of elected representatives North and South (assuming participation by all political parties other than the Unionists), were to examine the obstacles to

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the creation of a New Ireland and produce an authoritative Nationalist blueprint (with or without minority reports), a valuable benchmark in the solution of the Northern Ireland problem would be established. Like Unionist representatives, the British Government might find it difficult to sidestep debate on the merits of an authoritative and detailed plan for a United Ireland.

Bring together all 'Nationalist' parties North and South

(4) The proposed Council would have the potential to bring together, in a common cause, all of the political parties represented in the Dail and also the Nationalist political parties in Northern Ireland. In the case of Northern Ireland, it would have to be accepted that only the SDLP and the IIP would be likely to participate. It would, in my view, be extremely difficult to get representatives of the Northern Protestant tradition, of the appropriate calibre, to participate even on the basis of direct nomination. Indeed, the nomination procedure suggested in Dr Mansergh's paper could, in itself, lead to great difficulties not only with the political parties represented in the Dail but also with the SDLP and the IIP. These difficulties, however, need not be insoluble.

Challenge to Unionists

(5) The initiative would be a challenge to Unionists to react to such a positive step. It might be difficult for them to avoid being drawn into debate on the merits of the blueprint which, hopefully, would emerge. Ideally, it could have the catalytic effect envisaged in Dr Mansergh's paper.

Boost to SDLP

(6) The proposal could boost the morale of the SDLP at a time when their standing as a positive political party in Northern Ireland appears to be threatened.

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Arguments Against

Effect on Anglo-Irish Relations

(1) The proposed initiative might have further adverse effects on Anglo-Irish relations. The Northern Ireland Secretary of State, at his meeting with Ambassador Kennedy on 13 inst, said that the Hume proposals would be very much resented in Westminster and would cause further deterioration in Anglo-Irish relations. He saw them as going against and rivalling the concept of an Anglo-Irish Intergovernmental Council. The proposed initiative could also have the effect of damaging relations with the next British Government (if, say, the Conservatives are not returned at the next general election in Britain).

The initiative may be seen by the British as aiding and abetting the setting up of an alternative forum to the Assembly which has a certain statutory and constitutional basis in British law. ^{In the immediate term,} the proposal would certainly not lead to new and closer political co-operation between the British and Irish Governments as we have advocated up to now. Rather than underlining the rift in Anglo-Irish relations, it will further weaken it to a very serious extent, perhaps even beyond repair.

Effect on Unionists

(2) The question must be asked whether the proposed initiative will, in any effective way, advance or contribute to the achievement of the fundamental objective of Government policy on Northern Ireland, a united Ireland by peaceful means. Instead of, as is hoped, making Unionists more willing to contemplate real concessions, it might well so enrage them and confirm their view of the Nationalist community as a subversive "Fifth Column" as to make them resist more strongly than ever before any concessions, even in the Assembly context-including the parliamentary tier.

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It seems unlikely that Unionists would react positively to the proposed / ^{initiative} given that, whatever about their hopes of devolution, they always have the "second best" option of direct rule to fall back on.

Potentially Serious Security Implications

(3) Dr Mansergh's paper acknowledges that in certain circumstances, the proposed initiative could lead to increased Loyalist agitation and violence. This is a most serious factor which could have potentially disastrous security repercussions here. The views of our security authorities would be needed on this aspect. My view, for what it is worth, is that the proposal could well lead to bomb attacks here such as those in Dublin and Monaghan in May 1974 when Loyalist opposition to the Sunningdale Executive was at its height.

Wisdom of spelling out our position

(4) The suggestion that we should spell out in some detail what is meant by the United Ireland advocated in Government policy is in conflict with existing policy. Do we want to spell out our position at this stage as the SDLP have asked? Would this course be advantageous in the context of future negotiations not only with the British but also with Northern Unionists? Would the blueprint which might emerge from the proposed Council be treated as merely an opening offer both by the Unionists and the British? How would groups such as the AOH be likely to react to such a blueprint which they might see as a sell-out, particularly if it was published in the absence of any ^{movement} / on the part of the British Government and/or Unionist representatives?

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Will initiative help the SDLP in the long run?

(5) The initiative now proposed may not prevent the SDLP from being pressurised into acquiescing in the current British initiative (see second paragraph of conclusion section of Dr Mansergh's paper on Option B). The proposal would not offer the same facilities for 'constituency service' as the Assembly in its scrutinising, deliberative and consultative stage and that is where the real pressure on the SDLP to joint the Assembly may come. ^{In this connection,} I would suggest that the proposed Council should not be used as a forum whereby Northern Ireland representatives could pursue constituency representations except perhaps in certain limited cases, i.e.

matters which the Government here would, in the ordinary way, take up with the British authorities on receipt of representations from reputable sources in Northern Ireland ^{on} general issues such as plastic bullets, prison conditions, etc.

Divisive in 26 County Context

(6) The proposal could be divisive in a 26 County context. The history of All-Party Committees on the Constitution and on North/South relations does not augur ^{well} for the success of the present proposal. It might be difficult to get agreement on the terms of reference for the type of Council proposed among the political parties here. Fine Gael, perhaps with Labour Party support, would surely endeavour to avail of the proposed Council to reactivate Dr Fitzgerald's constitutional crusade. There would be demands for a 'pluralist approach' to constitutional and legislative matters not only from the opposition parties here but also from some, at least, of the Northern Ireland representatives. The Taoiseach, in replying to Parliamentary Questions in March and April of this year, said that he did not propose to have a general review of the Constitution at present.

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The current proposal, if it should go ahead, would almost certainly result in a review of certain constitutional and legislative matters, not only in relation to a possible framework of Government for Ireland North and South, but also in regard to issues such as divorce, education, harmonisation of health and social services (family planning, etc), the so-called 'Catholic' articles of the Constitution etc. Would the political parties here be prepared to recommend that the article prohibiting divorce should be removed from the Constitution of a New Ireland? Again, on constitutional matters, I note that Messrs Hume and Mallon have come out against the idea of a pro-life amendment. Issues such as these could lead to divisiveness not only between representatives from North and South but also within the Northern and Southern groupings themselves. Acrimonious debate in the Council coupled with failure to reach agreement on fundamental constitutional/legal matters could damage the case for peaceful re-unification. It would be unrealistic to imagine that the proposed Council would confine itself to politically 'neutral' issues such as cross-border economic co-operation.

What the precedents indicate

5 In considering this proposed initiative, the precedents available to us, such as they are, are not encouraging. In the early 1950's, a Unity Council comprised loosely of representatives of the Nationalist MPs and Senators elected to Stormont and Members of the Government here was established in the context of the anti-partition campaign of that era. The role of the Council was to act as a kind of liaison group with and as advisors to the Government of the day on Northern Ireland matters. It was envisaged that Northern Ireland MPs might, by participating in this Council, feel that they were taking just as active a part in Government policy on partition as they would if they had seats in the Dail. While our files show that there was a considerable

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amount of consultation between successive Governments and various Nationalist Representatives at that time (and indeed, between Government and Opposition) the proposal for a Unity Council came to nothing. The Taoiseach, Mr John A Costello, speaking in the Dail on 28 October, 1954, said in this regard:-

"Deputy McQuillan referred to the proposal regarding the Unity Council. Like touchstone, let me say, it is a poor thing but mine own. I started it, and it was taken up and we tried to do our best with it. We had the assistance of members of the Opposition at the time in the Mansion House Committee. What is wrong with trying to get close contact with our northern brethern? We want to get as close as we can with them, with all sections of opinion in the North. That was the idea at the back of the Unity Council - in order that we would get as close as possible contact with them. That was the idea of the Unity Council and it made some progress but never reached fruition."

6 Later in the same debate the Taoiseach advocated that there should be close contact with all sections of the Nationalist community in Northern Ireland so as to devise and operate means and methods by which a systematic approach to the problem of ending partition could be provided.

7 The Leader of the Opposition, Mr de Valera, in the same debate said:-

"The Taoiseach referred to a Council. I appealed at one time for a representative group. Such a group was found and there were some meetings held. The fact of the matter is that there is no particularly easy line of conduct which one can follow in connection with this particular issue, a line of conduct which will guarantee a solution to this problem. That fact is made an excuse for people to pretend that a solution can be brought about by force. If they examine that idea with the same care with which they are apparently examining other lines of approach, they will see that that leads nowhere."

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8 It seems clear from that debate that Mr de Valera did not see the Unity Council idea as a panacea for resolving the Northern Ireland problem. In an earlier Dail debate (19 July 1951) Mr de Valera, as Taoiseach, said in response to a proposal from the Leader of the Opposition, Mr Costello, in support of the Unity Council idea:-

"I think that the proposal of the Leader of the Opposition was one with which I would be willing to agree. If you could get up there a body representative of the attitude of those who are against the partition of the country and if they appointed a small executive group it would be quite easy for a Government group to meet them and consult with them regularly. I would be agreeable to that and support that proposition if I were on the opposite benches and the former Taoiseach was speaking from these. I think it a more practical way of bringing about consultation, co-operation and understanding than the other, though I do say that I have not any great hopes of what would be secured by it, because what would be very likely to happen in circumstances of that kind would be that more danger of misunderstanding than good would be derived. The problem being difficult to solve, the people in the North suffering as they are suffering, our being unable to bring them the practical aid, they would hold that we are not doing what they think we should do and what we believe it is not possible for us to do."

The consideration referred to on the position underlined would still apply.

Other considerations

9 There are a number of other factors which would need to be taken into account in considering this option:

- What attitude should the Government take to the proposed initiative, should the British offer a meaningful parliamentary tier in the aftermath of the Assembly elections? Such an offer would obviously have to be carefully considered. It would almost certainly be made on the basis that the Government here would not be involved in organising an alternative forum.
- If the initiative is proceeded with, I would suggest that salaries should not be payable to the Northern representatives or to any other representatives not

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belonging to a parliamentary body. Instead, an attendance fee, together with usual travelling and subsistence expenses, might be payable in certain cases. Payment of salary would suggest that the body was quasi-permanent in status (it might also lead to allegations that the Government here were subverting the Northern Ireland electoral process).

- There would, of course, also be the overall cost factor in regard to this proposal. This would not be inconsiderable at a time when the Exchequer is under greater pressure than ever before.

Conclusion

10 On balance, I believe that the risks inherent in the proposal have greater force than the arguments in its favour.

However, as indicated at the outset, the only information which I have on the idea is that set out in Dr Mansergh's minute and enclosures together with certain press cuttings which do not, in themselves, expand greatly on the reference to the proposal which was contained in the SDLP election programme. It would help in examining the matter further if the detailed views of the SDLP, in support of the proposition, were available.

11 In considering this option, one element in particular is of paramount importance - the need for an all-party approach to the concept. If the Parties represented in the Dail agree on a framework for a proposed Council then the idea might have some hope of getting off the ground. Without a bipartisan approach to Northern Ireland matters (which John Hume has stated has now "clearly broken down").

I would see little hope of success in getting the suggested initiative off the ground. The main difficulty in this regard would be in getting agreement on broad terms of reference for the proposed Council.

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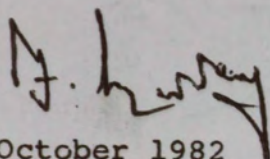
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12 Finally, all of the foregoing was written before any of the Assembly election results became known. The whole matter would, obviously, need to be reviewed further in the light of the results which have come to hand yesterday and today.



22 October 1982

ROINN AN TAOISIGH

Uimhir.....

To: Mr Murray

From: J Hurley

to Vignman
I am forwarding a separate
Submission on this subject - JH 21
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22

Following our discussion this morning, the following points occur to me as relevant to the proposal for a Council for a New Ireland:

(1) A Council could review the Constitutional structures and provisions which would be required in a United or Federal Ireland. It could also look at economic and financial aspects. It would be a response to the frequent demands by British and other public figures that we should put our cards on the table as regards what would be on offer in a United Ireland.

(2) The Council idea would be likely to strengthen support for the Taoiseach among the more militant section of Irish/American opinion. The support which the Taoiseach has got from this quarter in recent times might revert to the IRA and its fellow travellers if radical steps are not taken. At the moment, the Irish Government is criticising the British for retreating from the Anglo-Irish process. Mere continuation of this criticism without some other initiative will make the Government appear ineffective in the eyes of many Irish Americans.

(3) If the idea for a Council commends itself, consideration will need to be given to its relationship with the Anglo-Irish process. On the face of it, there is no reason why the work mentioned at (1) above could not be undertaken by the Council parallel with meaningful Anglo-Irish discussions or the establishment of the Anglo-Irish Parliamentary tier.

(4) There would be the potential for some divisiveness in the proposed Council. Up to now, the SDLP have had good relations with all the main parties in the South, though there is a recent rift with the Labour Party. These good relations have been on the basis of fairly regular bi-lateral discussions with the Parties here. In the Council situation, one would have discussion

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and argument on many contentious points and there is the possibility of a North/South split or of an alliance forming between the SDLP and one or other of the main Southern parties. Such developments would be very harmful because they would signify to the supporters of partition that the representatives of nationalist Ireland could not agree among themselves about crucial features of a United Ireland.

(5) It can be argued that the establishment of a Council would be seen by the British Government and opposition as a direct attack on the new Assembly and in some way as a challenge to British sovereignty in the north. This largely depends on the way in which the Council is presented. The work on which it would be engaged would certainly be likely to find a favourable response among moderate British politicians. If the Council had a limited duration, nobody could credibly argue that it was purporting to be some kind of alternative parliament. If, as would be necessary, the Council had the support and participation of Fine Gael and Labour, it would be extremely difficult for the British Government to discredit it. It is true that the Taoiseach's views have been misrepresented in Britain but Dr Fitzgerald has not had this experience and if there was all-party agreement on this matter, it is hard to see any British Government being totally hostile. On the contrary, the British media and the SDP and British Labour Parties together with many conservatives might be favourable.

(6) The Taoiseach might be accused of an about-turn if he supports the Council idea. The Government's policy hitherto has been that blue-prints for a new Ireland should be avoided until we were at a stage where the Unionists would discuss them. The Government, when in opposition, opposed Dr Fitzgerald's Constitutional crusade. While the case for the Constitutional crusade might dispose Fine Gael and Labour to participate in this

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Council, the Council process would be different from the crusade in important respects. The crusade involved the amendment of our Constitution to make it more acceptable to Unionists and was based on the principle that the Constitution and laws of the 26 Counties should be as they would have been if we didn't have partition. The Council on the other hand would deal in a very specific though perhaps not in a dogmatic way with the Constitution and laws of a new Ireland. It would not involve the amendment of our Constitution in advance of agreement with the Unionists. Articles 2 and 3 which were an important part of the Constitutional crusade need not arise at all in the Council and would probably be irrelevant. In short, support for the Council would be a development of existing Government policy rather than be directly inconsistent with it.

P.H.
21 October 1982