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SECRET

Draft "consultative document" on Elected Representatives and the
Democratic Process in Northern Ireland

Summary of document

1. The document is very short (6 pages) and, starting from the premise that "any reasonable definition of legitimate political activity must exclude the use or threat of violence" and "a severe challenge to democracy arises when those who will not forswear violence seek to use the electoral process itself with the ultimate aim of undermining democratic institutions", goes on to suggest options which have been considered to cope with the particular problems of Northern Ireland in this area.
2. Having rather cursorily listed, and effectively dismissed, three options - proscription of groups that endorse violence, reintroduction of an oath of allegiance to the Queen by Councillors, and extended disqualification from elections to Councils of those who have been sentenced to imprisonment of three months or more, the paper comes to "its main point: a declaration as a condition" of elected office.
3. Even though this is the nub of the document, it is not dealt with at any great length and is rather simplistic in its treatment. Without adducing any evidence or arguments to support this view, the paper says that "the Government believes that there would be widespread support for the proposition that elected representatives should sign a declaration, unequivocally abjuring the methods of terrorist organisations".

4. The paper then goes on to suggest a form of words for a declaration, as follows:

"I declare and undertake that if elected, i will neither support nor assist the activities of any organisation proscribed by law in Northern Ireland".

It is suggested that such a declaration should be required of candidates at the stage of candidature for election rather than at a later stage.

5. The document then suggests that enforcement of a declaration could be either through the criminal or civil courts, without expressing a preference for either course. In either case, "the issue at stake would be the breach of the declaration rather than the beliefs of the person concerned".
6. Finally, the paper invites the views of the constitutional political parties, and other interested organisations and individuals, on the issues raised.

Comment

7. As mentioned above, the paper's approach is brief and simplistic. It proceeds to its main point by a series of statements and assertions without offering any evidence or reasoned argument to back them up. Perhaps for this very reason, it is difficult to rebut the points made in any detail. For example, it would be impossible to disagree with the phrases in quotes in para. 1 above. Likewise, it is difficult, objectively, to disagree with the idea of a declaration in principle.
8. In practice, and in pragmatic and political terms, however, major difficulties arise. The proposal is clearly aimed primarily at Sinn Fein. In the paper's six pages, Sinn Fein is mentioned by name 6 times, and the IRA 3 times. No

other organisation is named, though it is conceded that "other politicians from time to time are also ambivalent about the use of violence.

9. It is noteworthy that in its conclusion, the document suggests "it reflects deep public concern". There is no doubt that this concern is felt mainly in the Unionist community and the proposal will be seen by Nationalists as an unbalanced one.
10. The question of a declaration has been in the air since 1985 when Sinn Fein decided to take the seats they won in the local elections that year. The British are in no doubt that our reaction to any such proposal is negative. In February last we made clear to them our view that any such move would be counter-productive and would be a propaganda bonus for Sinn Fein. In July last the Tanaiste wrote to the Secretary of State indicating strong personal reservations on the issue, which he regarded as a cul-de-sac. It was pointed out that Sinn Fein would be likely to seek, and find, a way round any declaration. Any action on a declaration would bring into focus again the non-proscribed status of the UDA. Even the publication of a consultative paper would be inadvisable.
11. Last week the Irish Joint Secretary in Belfast was informed by his British colleague that the British now proposed to go ahead and issue a consultative document, possibly this week. The Irish Joint Secretary re-iterated our views on the inadvisability of the idea, pointing out that:
 - the move would be exploited by Sinn Fein, particularly in the U.S., on the grounds that the British were changing the rules because of Sinn Fein's electoral successes;
 - there were many ways in which any legislation could be circumvented, exploited or ridiculed;

- constitutional nationalists would feel obliged to oppose it and would be placed in an embarrassing position vis-a-vis Sinn Fein.
- 12. Almost immediately after the above exchange we were informed that, on his return from the U.S., the Secretary of State had reviewed the matter and decided not to publish the paper as intended as it was not a "propitious time". It was stressed that this postponement indicated no policy change and that publication was still being considered.
- 13. Yesterday, we were informed through the Secretariat that it was now proposed to issue the consultative document next week, and we obtained a copy of the document "on a personal basis".
- 14. The British side can be in no doubt about our strong negative views on any such publication, but they have, apparently, decided to go ahead nonetheless.



T. Corcoran,
8 October 1987.

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