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CHANGES WHICH WOULD BE WELCOMED BY THE MINORITY COMMUNITY

A: Franchise and Eligibility for Election

1. For the purposes of national elections, Irish and UK citizens resident in Northern Ireland are treated in exactly the same way. For local and Assembly elections however Irish citizens are treated differently from UK citizens. In the latter case, the franchise (and the right to stand for election) extends to:-

- (a) those born in Northern Ireland who have resided there for the 3 months preceding the qualifying date;
- (b) British subjects who have been continuously resident within the UK for 7 years and have resided in Northern Ireland for the 3 months preceding the qualifying date;
- (c) those (including Irish citizens) who were on the Northern Ireland register of electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date.

These requirements affect perhaps 5,000/6,000 Irish citizens and British subjects resident in the North.

2. To change the legislation would require a Bill (as elections are excepted under the Constitution Act).

3. Though the different franchise for local and Assembly elections affects comparatively few people, it is a shibboleth which nationalist politicians often attack. If the local franchise were to be brought into line with the rest of the UK (and a good case for doing so can be constructed on grounds of equity), the Catholic community, including the SDLP, would be pleased. However, they would probably view such reform not as a generous concession but as the belated righting of a minor grievance. It would rapidly be swallowed.

4. Unionist opposition would be considerable. The local franchise regulations were introduced to prevent the possible flooding of local electoral registers by 'Republicans' from the South. The Assembly would make a fuss. The amending<sup>legislation</sup><sub>87</sub> would<sup>also</sup> raise the tricky question of Irish voting rights at Westminster.

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B. Flags and Emblems

5. The display of Flags and Emblems is governed by the Flags and Emblems (Display) Act 1954, which provides first that it is an offence to interfere with a Union flag displayed by another person; and second that a police officer may require an emblem (defined as including "a flag of any kind other than the Union flag") to be removed if he apprehends that its display may occasion a breach of the peace - or in the last resort remove it himself.

6. Repeal of the (Northern Ireland) Act would require an Order in Council or a Bill: in either case it would be difficult politically not to consult the Assembly. The arguments for and against are much as set out in paras 3 and 4 above. Though the Act is honoured mostly in its breaching, flags are powerful symbols in Northern Ireland and the 'legalisation of the tricolour' would arouse fears of a British Government sell-out among unionists. Like other issues, repeal of this legislation is not a major demand by the minority population, though its existence contributes to sustaining the view that their right to identify peacefully with the Irish tradition is challenged by law.

C. NI Civil Service nationality qualifications.

7. There are arguments on parity grounds for bringing NICS nationality regulations into line with UKCS regulations and to make it easier for citizens of the Irish Republic to join the NICS. The NI Civil Service Commissioners (and Sir Ewart Bell) <sup>while ready</sup> ~~have expressed the desire to make~~ such a change <sup>see many practical difficulties and are not pressing for</sup> and are currently taking legal advice about the timescale <sup>on which it would be desirable to act.</sup> ~~Taking such action might arouse~~ <sup>a move to parity</sup> ~~majority reaction but, although it would not be regarded as a major~~ concession by the minority, it would be useful in symbolic terms and may be even more useful as an element in assisting the development of a stronger Anglo-Irish relationship. <sup>It would of course arouse a reaction from unionists.</sup>

D. Irish Street Names

8. This issue arises from time to time. On the minority side it excites little general interest though it is used, when it surfaces, to demonstrate that the State does not recognise the minority's right to a separate identity. The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949 gives local authorities the power to name streets and to name them "not otherwise than in English". The questions of interpreting whether this last reference is to "not other-  
wise



than in the English alphabet" and whether it includes names which are Gaelic in origin even if expressed in an English type alphabet, are for the courts to decide; though it would seem hard for a court to exclude the latter without also declaring illegal a great number of place names in Northern Ireland (eg Knock, Shankill).

9. Leaving aside these questions of interpretation, it is not in dispute that it is a local authority function; furthermore under an earlier Act - Public Health and Local Government (Amendment) Act 1907 - local authorities may change a street name if  $\frac{2}{3}$  of the residents so wish.

10. Removing this power from local authorities would require legislation and would be controversial, since local councils (eg Craigavon) have expressed concern recently about residents illegally using non-approved street names. Although this concern was expressed over names which were overtly political (in that they were the names of dead hunger strikers) the general principle is nonetheless a live issue. The Assembly, of course, would need to be consulted if any change in legislation was proposed.

#### E. Sabbath Observance

11. Northern Ireland licensing laws cause protest from those, Protestant and Catholic, who would like to see hotels and pubs open on Sunday. Relaxation of the present law is opposed by temperance lobbies, mainly Protestant (and in particular the DUP/Free Presbyterians) but including some Catholics. Catholics tend to be less strict about the Sabbath than Protestants - the GAA, for example, has traditionally held matches on Sundays, (and this is one contributory reason for Protestant suspicion of Gaelic games). But although drinking is not an issue which divides the community on sectarian lines, nor discriminates against any definable segment of society except Sunday drinkers, the fact that "Protestant" attitudes are seen as restricting "personal" Catholic behaviour in this way is seen as unfairly discriminating at least, and perhaps a confirmation of the general views of the State as opposed to a section of the State.

12. Of course, the present law is not difficult to circumvent for anyone who wants to get round it. Most hotels are open on a Sunday. Clubs, which are open on a Sunday, proliferate.



13. More important is the control some Sabbatarian-controlled councils exercise over council-run recreation facilities (the "Sunday swings" issue). But even this is a minor irritant. Councils generally follow the local social norm; and, while Catholics are annoyed when their local facilities are shut in Ballymena, Protestants are equally upset when the Sabbath is despoiled in Newry. However, for Government to remove control from Councils would abolish yet another of their few remaining powers, and cause more ill-feeling - from Catholic controlled councils as well as Protestant - than it stilled.

#### F. State Patronage

14. The appointment of nationalists to offices under the State helps reassure the minority that they are accepted as a community, and thus eases their identification with the State. Government already makes a conscious effort to involve members of the minority in quangoes, area boards, etc and to find Catholics who are willing to accept (as well as deserving of) honours. There is still some scope for action, though much has already been done - indeed, Protestants West of the Bann complain that the WELB is too heavily weighted towards the minority. There are no Catholic Lord Lieutenants.

#### G. Bill of Rights

15. The SDLP have long pressed for a Bill of Rights in Northern Ireland. So have Alliance and the DUP. The overwhelming problem has always been that the question of a Bill of Rights for Northern Ireland raises difficult problems in the UK context, where the desirability of such a measure is politically sensitive.

16. A Bill of Rights would also require primary legislation.

#### H. "British" Symbolism

17. The existence of the Union entails important symbols of "Britishness" at the heart of Northern Ireland affairs: the position of the Crown and Parliament; the Union flag; the dominance of Protestant (or non-Catholic) unionism as the social, political and cultural norm; the economic and social security frameworks dictated by the City and Whitehall; the existence of such organisations as the



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'Royal' Ulster Constabulary. There is no way to remove such symbolism without radical political changes which would deeply offend the majority and many in GB: and even if their removal were possible, it would not reconcile the views of those who demanded it. In any case, most members of the minority find far less difficulty in getting on with their lives in the shadow of the Union flag than one sometimes suspects. The few major justifiable complaints of the past have largely been remedied.

18. Practically the only complaint which remains is the oath of allegiance to the Crown and even that has not been a major issue recently. The oath demanded by the Stormont Parliament died with that Parliament, and the members of the 1974 Assembly, like the present Assembly, swore (or affirmed) loyalty to "these institutions". Though Westminster MPs are required to take the oath of allegiance to the Crown, there is no evidence that would-be nationalist MPs are discouraged from standing for election and attending Parliament on this ground alone. However, judges and (more important) police officers still have to take the oath, though there is no evidence to suggest that the oath is a major barrier to Catholics joining the RUC. In a society in which the oath was devised as a sort of litmus-paper for rebels, it still has a certain capacity to embarrass and alienate. If it could be abolished, a minor irritant would be done away with. But again, those most affected by a change would be those least open to mollification; and there would be strong unionist opposition to what would be, and be seen as, a measure directed at the basic nature of the State.

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