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Oifig an Aire Gnóthaf Eachtracha

30 December 1975

## MEMORANDUM FOR THE GOVERNMENT

Northern Ireland

1. The Northern Ireland Constitutional Convention has presented its report to Parliament pursuant to section 2(2) of the Northern Ireland Act 1974. The report was voted through by the UUUC majority and calls for a restoration of majority rule on the lines of the old Stormont Government together with complete local control of all security matters. It is expected that it will be debated at Westminster during the week beginning 12 January 1976. The general expectation - though we have as yet no specific information from the British authorities - is that, following the debate, the Convention will be reconvened, probably for about a month, on the basis of a message from the Northern Ireland Secretary of State to the Chairman of the Convention asking that the Convention look again at the possibility of reaching agreement on an acceptable form of government and also setting out specific matters (e.g. finance, security) for further clarification.

2. Following the private inter-party talks of August/September 1975 on the idea of a voluntary coalition, there seemed some possibility that a significant segment of the UUUC, led by Craig, would enter into serious discussions with the SDLP, UPNI and Alliance Party with a view to establishing a fixed-term coalition. Even when this possibility did not materialise at the first stage of the Convention, there remained some hope that if the British had moved quickly and rejected

the report, sufficient support for further discussion of the idea at the Convention might have been forthcoming. The delay by the British in making any reaction to the report - it was presented to the Northern Ireland Secretary of State on 8 November 1975 and has not yet received a formal response - contributed at least in part to a total loss of support for Craig and the voluntary coalition idea and there has in the last two months been a general deterioration in the political situation because of the hardening of positions on both sides. The British have been holding private talks with the political parties but there is no evidence that they have used these talks to persuade the UUUC that their report is unacceptable. Our recent contact with Northern Ireland politicians indicates that the hopes of SDLP/UUUC agreement emerging in the near future, either at a reconvened Convention or otherwise, on an acceptable form of government for Northern Ireland are virtually nil. Furthermore, both major parties accept that this is the case and in these circumstances they see little point in attempting to keep alive a political forum whose main purpose is to seek such agreement.

3. The Government may now wish to consider its attitude in its dealings with the British Government and in particular whether it should take any specific action in advance of the forthcoming Westminster debate. At a meeting between the Minister for Foreign Affairs and the Northern Ireland Secretary of State in London on 5 November, Mr. Rees said that he would let the Minister have the British reaction to the Convention Report shortly before the debate and the British have now suggested that a senior Northern Ireland Office official should come to Dublin for discussions very early in the New Year. Before considering the possible reactions which might be made at this stage, it may be helpful to (i) outline the likely

developments in the Northern Ireland situation and (ii) refer briefly to two current factors in Anglo-Irish relations, viz., the Strasbourg case and security co-operation.

4. The UUUC election manifesto demanded, *inter alia*, "a democratically elected parliament with a system of government broadly in line with the provisions to be made for constitutional devolution in the United Kingdom as a whole" and "full representation in the Parliament of the United Kingdom". Recent private conversations with Official Unionists suggest that if the UUUC fail to get agreement on a form of devolved government for Northern Ireland, they will be prepared to accept a situation where there is no local political activity in Northern Ireland and where the UUUC position at Westminster will be represented mainly by Paisley and Powell. As far as the UUUC is concerned at present, anything which maintains the union is acceptable. The SDLP, on the other hand, feel that a serious split might emerge within the UUUC when it becomes clear that Westminster rejects the Convention Report. This feeling is based on the calculation that most UUUC politicians would prefer to have a share in some devolved government in Northern Ireland rather than to have no devolved government at all and in particular that they would not wish the UUUC voice to be almost exclusively that of Paisley and Powell and the other MPs at Westminster. There is, however, little evidence to support the SDLP calculation and it seems more likely that within a few months there will be no local forum for political activity in Northern Ireland.

5. The British appear to have rejected integration, re-partition and independence as options for serious discussion and all the present information points to a continuation of direct rule, though perhaps

in a modified form. Whatever form it takes, it is unlikely to have local Northern Ireland active participation. The SDLP are opposed to participation, e.g. in consultative or legislative assemblies and in any event the Northern Ireland Secretary of State has privately shown no enthusiasm for such adjuncts to direct rule. In such a situation, Northern Ireland political activity would be confined to Westminster which has 12 Northern Ireland MPs and to the 26 Northern Ireland district councils whose present powers are very limited. Even with the very limited powers, however, the UUUC-dominated councils have continued the discriminatory traditions of the old Northern Ireland local authorities and for this reason they cannot be considered as suitable channels for keeping Northern Ireland politics alive. The implications of the cessation of Northern Ireland political activity, particularly when combined with a generally unsympathetic form of direct rule, for the SDLP's position and for the security situation must obviously be taken into account.

6. The SDLP's position in relation to the Convention Report is that the British Government should firstly reject it since it does not meet the basic requirements of the 1974 White Paper and secondly that it should reconvene the Convention to consider the basic question again in the light of the requirements outlined in the 1974 White Paper. In the event of the Convention failing because of the UUUC's refusal to accept these requirements, the SDLP position is that if the UUUC refuse thus to accept the requirements of United Kingdom membership, they thereby renounce their rights to the union between Northern Ireland and Great Britain. Dublin and London should then step in and agree on interim, including joint security, measures for the administration of Northern Ireland in preparation for an orderly British withdrawal and the setting up of new, agreed institutions on

the island of Ireland. The SDLP have pressed for a Government response to this position on a number of occasions over the last fifteen months and are, because of the likely developments in Northern Ireland, likely to press the matter again in the very near future.

7. In regard to the security situation, the position is that despite the IRA ceasefire, 240 people have been killed in the Northern Ireland violence in 1975. Thirty-two of these were members of the security forces. Internment has now been discontinued and the pattern of charges being brought before the courts suggests violence in 1975 originating roughly as 50% Provo, 20% UDA, 8% UVF, 6% IRSP with the Official IRA and loyalist para-military splinter groups comprising the rest (British figures). The extent of support for the Provos in the minority community is, of course, variable but there is little reason to believe that, in the political developments outlined above, the Provos' capacity to continue their campaign would be seriously reduced because of the attitude of the minority. The British Army remains a blunt instrument and though there have been considerable improvements in RUC behaviour and organisation, it is still unacceptable in many minority areas and in the absence of political progress, this situation will continue.

8. North-South security co-operation continues to be organised through Garda/RUC channels and though there are frequent private and occasional public assurances from the British that they are satisfied with the way it is working, demands - at least some of them officially inspired - for improvements continue. Arising out of recent difficulties in the South Armagh area, the Northern Ireland Secretary of State wrote on 1 December 1975 to the Minister for Justice

suggesting that they meet "to consider further steps the two Governments might take. Such steps might be in the field of legislative action; and of further security co-operation and joint operations".

9. The Government's case against Britain before the European Commission on Human Rights has now reached the stage where the Commission will, by the end of January, issue a report in which Britain will be found to have been in breach of the article relating to torture but not in breach of the articles relating to the legal basis for internment and discrimination in the application of internment. The British have recently been pressing hard for a friendly settlement but in the absence of any British proposals which might form the basis for discussion of such settlement, the British Government has recently been informed that there is no alternative but to let the Commission report in the ordinary way.

10. Arising out of the above factors, the Government may wish in its consideration of the Northern Ireland situation to consider in particular

- (i) whether and at what level(s) there should be meetings with the British and what line should be taken at such meetings, and
- (ii) its relations with the SDLP.

11. The basis for Government policy on Northern Ireland in recent years has been support for policies designed to maintain British involvement in Northern Ireland while efforts were being made to have agreement reached between the two communities on a form of

government for Northern Ireland. Thus the Government has supported the moves leading up to and culminating at Sunningdale and, following its collapse, has supported the efforts to reach a new agreement through the machinery of the Constitutional Convention. We may, however, now be moving towards a situation where, though the British may stay, there will be little or no possibility of efforts to reach agreement between the two communities. British Northern Ireland policies may express themselves in an unsympathetic form of direct rule and/or an acquiescence in a limited return to unionist domination, e.g. at local council level or, less blatantly, in an adjustment of policies to placate unionist sensitivities. There have indeed been some signs in recent months of a drift towards this latter position, not only in relatively minor local matters but also in the handling of the Convention Report and in aspects of British security policies, including the recent mobilisation of the UDR in South Armagh. British attitude to minority representation over the next few years is also uncertain. With the ending of the Convention, the British will presumably feel even less obligation than heretofore to deal with the SDLP as representatives of the minority community.

12. Against this background, it is suggested that

- (i) in relation to British handling of the Convention Report, the Government should ask the British clearly to reject the Report and if they appear likely not to do so, they should be informed at a very early stage that we would then have to dissociate ourselves publicly from British policy in relation to Northern Ireland. (Rejecting the Report is unlikely to jeopardise whatever remaining chances of success the Convention may have. Indeed by a show of

firmness at this stage, the British might help to prevent the further development of a loyalist "we'll get what we want" attitude which, if it were allowed to develop, would make direct rule so much more unpalatable to the minority);

- (ii) security co-operation should continue (and be influenced by operational rather than political considerations) and a meeting between the Minister for Justice and the Northern Ireland Secretary of State should be sought for the purpose of clearing recent misunderstandings;
- (iii) early private meetings should take place with the SDLP to investigate the possibility of reaching agreement on a common position in the event of failure in the Convention.