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CABINET

CONFIDENTIAL ANNEX

CM(72) 13th Conclusions

Tuesday 7 March 1972 at 11.00 am

The Cabinet had before them a memorandum by the Secretary of State for the Home Department (CP(72) 26), together with copies of letters addressed to the Prime Minister by the Prime Minister of Northern Ireland, Mr Faulkner, on 16 February and 1 March.

THE HOME SECRETARY said that the dangers involved in launching a political initiative were undoubtedly great but that he believed the dangers of not taking action now to be even greater. Over 50 years, under an artificially constructed constitution, the Unionist Party had enjoyed political domination at Stormont to the exclusion of the minority community. As an inevitable result the estrangement of the two communities was greater than ever; and the social and economic structure of the Province was rapidly deteriorating. It was becoming increasingly evident that, however successful the Army might be in disrupting the Irish Republican Army (IRA), it would never be possible by military means alone to prevent individual atrocities or completely to root out urban guerilla warfare so long as a substantial element of the population remained alienated from the forces of law and order. The only hope for the future of Northern Ireland lay in the creation of a united community in the Province, which could be tolerated, if not supported, by the majority of the people of the Republic. But any initiative which contained features attractive to both parties to the dispute was liable, for that very reason, to be heavily criticised from both sides. In particular, no solution could expect to command general agreement unless it reduced the dominance of the Unionist faction; and this could easily be represented as penalising the Protestant community, which professed a strong loyalty to the Crown and had behaved with commendable restraint in recent months. So long as it remained the wish of the majority community in Northern Ireland to remain part of the United Kingdom, this wish must be respected; but only on the understanding that the standards of political tolerance observed elsewhere in the United Kingdom were accepted by Northern Ireland as well and that the overriding authority of the United Kingdom Government and Parliament were

accepted in Ulster as in all other parts of the United Kingdom. For this purpose he proposed that responsibility for law and order should be transferred from Stormont to Westminster; that a plebiscite should be held on the question of the Border at an early date but should not thereafter be repeated for some 15 or 20 years; and that consultations should be initiated in order to seek ways of making provision for the proper participation of the minority community as of right not only in the Parliament but also in the Government of the Six Counties. If Mr Faulkner held to his recent public statements, these proposals would probably be unacceptable to him and he would be unlikely to keep his Administration in being until a reformed constitution took effect. In any event it must be doubtful whether it would be possible to move to a new structure of government in Northern Ireland without a clean break with the past or to establish constructive consultations with all political elements in Northern Ireland so long as Mr Faulkner remained Prime Minister. He had therefore concluded that the least dangerous course would be to proceed initially to a temporary period of direct United Kingdom rule, which might be of something approaching two years' duration. The Unionist Party attached great importance to the Northern Ireland Parliament as a guarantee of the integrity of the Border under the Ireland Act, 1949. He therefore proposed that during the interregnum of direct rule it should not be dissolved but should be temporarily suspended by prorogation, which would permit its being reconvened should the result of the plebiscite make it necessary to seek its consent to the detachment of Northern Ireland from the United Kingdom. Its legislative functions would be discharged by Order in Council at Westminster; and the executive powers of the Northern Ireland Government would be transferred to a Secretary of State, who would be advised by a Northern Ireland Commission. In addition, we should seek to modify the present system of internment by releasing some of the least dangerous internees and by making it clear that we looked forward to the total end of internment when security considerations and the state of public order made this possible.

THE SECRETARY OF STATE FOR DEFENCE agreed that terrorism could not be extirpated by military measures alone. In Belfast the Army had almost completely disrupted the battle order of the "Provisional" wing of the IRA; and the numbers of shooting incidents and explosions would probably soon reach as low a level as it was possible to achieve. But it was not possible to prevent a continuation of spasmodic outrages, some of which were liable to be major in scale and highly destructive of life and property. Moreover, the Army's success in Belfast had led to an intensification of IRA activity in Border areas, where terrorists could find a ready refuge within the Republic; while in Londonderry, by deliberate policy, no military operations of any size had been undertaken, with the result that the Bogside and Creggan districts

had become areas where the authority of the Government had virtually ceased to be enforceable. There could thus be no purely military solution. But a political initiative might have some effect upon the intensity of the terrorist campaign; and, if it could contain elements capable of winning a measure of support among moderate Catholics, the IRA might forfeit much of the benevolent neutrality which they enjoyed at the hands of individuals who sympathised with their political aims even while abhorring their methods.

In discussion it was suggested that a comprehensive initiative of the kind proposed by the Home Secretary would entail serious risks both in Northern Ireland and at Westminster. In Northern Ireland it might merely alienate the Protestant community without gaining any support from the Catholics; while at Westminster it might erode support for the Government both among the Ulster Unionist Members and more widely among the Conservative Party as a whole. It had long been the avowed strategy of the IRA, first, to render Northern Ireland ungovernable, then to compel the British Government to resort to direct rule of Northern Ireland and, finally, to achieve the severance of Northern Ireland from the United Kingdom and its absorption within a single United Ireland. The majority of Protestants in Northern Ireland would be liable to see the proposed initiative as marking an advance from the first to the second of these stages and as bringing the final stage even nearer. Moreover, a sense of direct confrontation with the British Government might inspire the IRA to intensify their campaign of terrorism and possibly to extend it to Great Britain on a wider scale than the recent bomb outrage at Aldershot. There must also be some doubt whether the Royal Ulster Constabulary, the Northern Ireland Civil Service and even, perhaps, the Judiciary would be prepared to co-operate with an imposed system of United Kingdom rule. Nor would a plebiscite on the Border necessarily count for much as a counter weight. Its result was so easily predictable that it could not be significant as a concession to Protestant feeling. On the other hand the declaration of a single plebiscite for the whole of the Province might well provoke demands for local plebiscites in specific areas; but the Border communities were so intermingled that the problem of adjustment was insoluble, as had been shown in 1925.

Other elements of the proposed initiative were equally open to criticism. "Community Government", with statutory allocation of Cabinet portfolios according to the representation of Parties in the Northern Ireland House of Commons, could not be reconciled with the democratic concept of responsibility to a Parliamentary majority. In those countries where Ministerial offices had been distributed by statute or by convention among opposing political Parties there had at least been general agreement upon the broad

objective of preserving the integrity of the State. In Northern Ireland this basic prerequisite was lacking. But if for this reason "Community Government" proved unworkable in practice, we might find ourselves committed in perpetuity to the system of direct United Kingdom rule which we had envisaged as only a temporary expedient; and in earlier discussions Ministers had frequently agreed that direct rule represented a policy of last resort. Moreover, a modification of the internment policy would not necessarily lead to any significant reduction in the level of violence; it was the excessive level of violence prior to 9 August, 1971, which had compelled the Government to acquiesce in the introduction of internment.

These objections would not only be liable to be strongly urged by the Government's supporters in the Parliament at Westminster; they would also be voiced by a considerable body of anti-Irish opinion in the country as a whole, which would find it very difficult to understand why the Government appeared to be conceding some of the objectives of the IRA when it might seem more appropriate to declare the IRA illegal in Great Britain and to deprive citizens of the Republic of some of the privileges which they enjoyed in the United Kingdom. Reactions of this kind could seriously jeopardise the Government's political position as a whole, not least as regards their prospect of retaining adequate Parliamentary support for the legislation necessary to confirm our accession to the European Communities.

It was also questionable whether the proposed initiative would in fact secure the support from the Republic which was a necessary element in any ultimate solution. Most citizens of the Republic looked to the objective of a United Ireland; and it must be doubtful whether they could be brought to support any system of Government of a separate Province of Northern Ireland. Nor was it clear how the imposition of United Kingdom rule could assist the Prime Minister of the Irish Republic, Mr Lynch, in taking stronger action against the IRA within the Republic.

On the other hand, while Government supporters in the House of Commons might see difficulty in endorsing the suggested initiative, public opinion in Great Britain generally was demanding that some move should be made. Recent examples of terrorism had created a sense of revulsion in the Catholic community, which made the present a particularly propitious time at which to act. The object must be to satisfy some at least of the legitimate aspirations of each community. The majority of Roman Catholics probably had no real desire for Northern Ireland to be absorbed immediately into the Republic. They were content to remain in the United Kingdom; many of them, indeed, had served in the Armed Forces of the Crown.

But they regarded the Army in Northern Ireland as being merely the tool of the Northern Ireland Government and saw no future for the peace and prosperity of the Province if Stormont were perpetuated in its present form. The only hope of loosening the grip of the IRA on the minority community was to adopt an initiative on the lines proposed by the Home Secretary. Any other course would simply enable the IRA to gain even firmer control.

In further discussion it was suggested that it might not be necessary to give immediate effect to all the proposals in order to achieve the stability required for political discussions leading to reforms in the constitution. It might be wiser to appoint a Secretary of State with specific responsibility for Northern Ireland and to invite him initially to concentrate on the main points of disaffection. Thus, there were strong arguments in favour of a referendum on the Border, which would reassure the Unionists about the constitutional integrity of Northern Ireland as part of the United Kingdom. There was also a good case for transferring responsibility for law and order to Westminster and combining this change with a substantial modification of the internment policy. These measures were regarded by Mr Lynch as a fundamental necessity and were felt by a considerable body of opinion in Great Britain to be highly desirable. It was inherently unsatisfactory that, although the Army was constitutionally under the control of the United Kingdom Government, Ministers at Westminster had no responsibility for law and order in the Province which the Army played the principal part in maintaining. Moreover, they had publicly to defend the policy of internment while having neither the power to influence the detention orders which were made in particular instances nor proper access to the information upon which these decisions were made. There must be room for some doubt whether all the internees were active and dangerous terrorists; and a policy of gradually releasing the less dangerous on suitable conditions should be pursued.

On the other hand Mr Faulkner had said both publicly and privately that he could not continue to lead a Government which surrendered the responsibility for law and order. When he was confronted with the alternative he might not adhere to this position. If he did, however, it would probably be unrealistic to hope that an acceptable alternative Government could be formed at Stormont. No Unionist politician could hope to lead an Administration from a more moderate position than that held by Mr Faulkner; and, although Dr Paisley had in recent months seemed to adopt a more reasonable posture (and had, indeed, stated that he would support government by commission), he did not command the majority in Parliament which was necessary to enable the Governor to invite him to form an Administration. The most probable consequence of Mr Faulkner's resignation on the issue of law and order, therefore, would be a disintegration of the political structure in the Province, which would make it necessary for us to impose United Kingdom rule, whether we wished to or not.

Other points made in discussion were as follows -

- a. Although public opinion in Great Britain might be increasingly disturbed by the high price which we were paying in order to try to maintain order in Northern Ireland, it would be liable to be even more offended by any suggestion that we should disclaim all further responsibility for the Province, withdraw the troops and let the Six Counties collapse in the violence and bloodshed of a civil war.
- b. Although there might be advantage in a plebiscite on the vexed issue of the Northern Ireland Border, it might be invoked as a precedent by nationalist groups in other parts of the United Kingdom.
- c. Although there were some analogies between the situation in Northern Ireland and the communal disputes in Cyprus following independence, it would not be politic to invite the United Nations to maintain order in the Province. If Mr Lynch chose to call upon the United Nations to patrol the Republican side of the Border, that was another matter; and it might be a helpful step. But it was in fact unlikely that Mr Lynch would resort to action of this kind.

THE PRIME MINISTER, summing up the discussion, said that the Cabinet were not yet ready to reach a decision about the course to be adopted in the current situation. Misgivings had been expressed about the Home Secretary's proposals taken as a whole, particularly as regards the institution of direct United Kingdom rule and the ultimate possibility of "Community Government" as the basis of a constitution for Northern Ireland. On the other hand there was support for the view that we should assume responsibility for law and order; that we should then embark on a policy of gradual release of internees; and that we should institute a plebiscite on the constitutional status of Northern Ireland as an integral part of the United Kingdom. The Cabinet must resume their discussion at an early date, since timing was of the essence of any initiative and time was not on our side. Meanwhile, it was essential that strict secrecy should be maintained about the Home Secretary's proposals and the Cabinet's deliberations.

The Cabinet -

Agreed to resume their discussion at an early date.

Cabinet Office

7 March 1972