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PRIME MINISTER

Prime Minister.for discussion at the
Chequers meeting.Northern Ireland

A.J.C. 21/12

After your meeting with Dr FitzGerald at Chequers at the beginning of November, you asked me to prepare a discussion paper on possible policy options in Northern Ireland for consideration by a small group of Ministers and senior officials at Chequers in January. You asked that all possible options should be explored.

2. The attached paper has been prepared in accordance with these instructions. It includes a number of possibilities which we all recognise to be politically unrealistic: they are examined solely for the sake of completeness, so that the Chequers group will have before them the full range of theoretically possible options.

3. I believe that in practice a choice lies between three possible directions for policy, all of them carrying their own risks:

- (i) towards the integration of Northern Ireland in the United Kingdom ("j'y suis, j'y reste");
- (ii) making some move towards accommodating the concerns of the minority community in Northern Ireland (and thus of the Irish Government);
- (iii) carrying on as at present, with direct rule on a provisional basis, and with the declared object of restoring devolved Government if and when there is a sufficient measure of agreement on the form that that devolved Government might take.

4. A declaration of intention to integrate Northern Ireland in the United Kingdom and maintain the union indefinitely - a "j'y suis, j'y reste" policy, discussed in paragraph 12 of the paper - would probably have to be accompanied by action in the political and security fields to reinforce the determination it would express, as well as by legislation to give effect to the administrative changes involved. It would have the merit of

being a clear statement of policy. But it would presumably alienate the minority community in Northern Ireland still further, and reinforce the will and determination of Sinn Fein and the IRA; it would be a kick in the teeth to the Irish Government; and it could cause serious difficulties with the Americans.

5. If there were to be a move towards accommodating the concerns of the minority community, that would probably have to be (despite all the difficulties) in the field of law enforcement. why? Paragraphs 22-26 of the paper discuss possibilities in this field, but they may not be the only possibilities: if that is the direction in which Ministers want to move, we shall need to look into possibilities of this kind in more detail, and perhaps more positively than we have needed to do so far. But any moves of this kind would have to be accompanied by a reassertion of the union, and preferably by some action (or at least firm declaration) south of the border to demonstrate to Unionist opinion that the Republic's territorial claim to the six counties really was in abeyance.

6. Clearly either moving "backwards" or moving "forwards" would carry considerable risks, which cannot be wholly foreseen. In those circumstances carrying on as at present - the course in effect discussed in paragraphs 4 and 5 of the paper - has to be regarded as a serious possibility. The question must be for how long it would be sustainable, in the face of the outcome of the New Ireland Forum, and of the growing influence of Sinn Fein.

7. In the Chequers discussion you will wish to see whether there is any disposition to move to a "j'y suis, j'y reste" policy. At the other pole, you will wish to consider the political case for and against a move "forwards", and to identify the area in which some such move might be made. You will wish to have the considered view of the Secretary of State for Northern Ireland on the feasibility in terms of law and order and of the effective government of the Province of simply seeking to maintain the status quo: and to ask the Foreign and Commonwealth Secretary to assess the international implications, and in particular the

likely impact on our relations with the United States (in what will be an election year) and with the Irish Republic (where expectations of movement are inevitably being raised by the proceedings of the New Ireland Forum).

8. If there is a consensus in principle at Chequers in favour of some change in our present policies, you will no doubt wish to ensure that colleagues are consulted at a fairly early stage about the direction in which the Government might move. It will also be necessary to commission further, more detailed work from officials to flesh out the preferred option or combination of options and to make recommendations on how best to proceed. This will inevitably mean some widening of the very restricted circle of people who have hitherto been involved. It will also be necessary to consider how to handle the confidential approaches about the Government's thinking which we must expect to continue to receive from the Irish in the run-up to the publication of the Forum's final report. If on the other hand Ministers decide on a policy of no change, you will wish to consider how best to present this in relation to opinion at home, in the Province, in the Irish Republic and in the United States.

9. I am sending copies of this minute, on a strictly personal basis, to the Foreign and Commonwealth Secretary, to the Secretary of State for Northern Ireland and to the officials who will be attending the Chequers meeting in January.

RA

ROBERT ARMSTRONG

20 December 1983

SECRET AND PERSONAL

NORTHERN IRELAND

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NORTHERN IRELANDI INTRODUCTIONThe British Perspective

Northern Ireland is a part of the United Kingdom. A majority of the inhabitants feel British by culture, background and attitude and are, in addition, British by expressed choice. Their institutions, administration, educational and business systems are all geared to the United Kingdom. They see the Republic as a largely alien society, culturally and psychologically of only peripheral importance to them. The economy of the Province is closely linked to that of the United Kingdom and is generally in competition with that of the Republic rather than complementary to it.

2. But the stability of the Province as part of the United Kingdom has been flawed from the beginning by the existence of a large minority which is British against its will. It is moreover a growing minority and the demographic balance is shifting in its favour. There are no exact statistics, but the indications are that the Catholics now comprise nearly 40 per cent of the population (compared with 30 per cent at the time of partition); and although any projections can only be highly speculative, this trend seems likely to continue. After 60 years, this minority remains largely unreconciled and apparently unreconcilable. Culturally, historically and psychologically it looks, as it has always looked, to the South. Politically, its representatives continue to resist assimilation into the British ethos and the representatives of the majority continue to resist any measures calculated to promote such assimilation. In the words of Conor Cruise O'Brien: "The qualification required to represent either community is that of a dependable refusal to agree with anything the other may want."

3. Britain has no major military interest in Northern Ireland except that, together with the rest of the island of Ireland, it should be denied to a potential enemy. Industrially and

U.S. Pressure
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economically Northern Ireland is of no benefit to the rest of the United Kingdom; it is at present subsidised annually from the mainland to the tune of £1.5 billion net. Britain's interests in Northern Ireland arise almost entirely from our obligations to the people of the Province; they are that violence there should be brought to an end; that its inhabitants should be able to live in peace and freedom under an administration which they can accept; and that no part of the island of Ireland should be under a regime hostile to the United Kingdom.

4. The present system of temporary but indefinite direct rule from London, which since 1982 has been aimed at achieving agreed devolution through the Assembly, enjoys the reluctant acquiescence of both communities in the Province. It has put an end to the various forms of systematised discrimination against the minority which led to the eruption of the present troubles in 1968/9, and it has succeeded in reducing violence to a containable if not to a tolerable level. If it were decided that the continuation of direct rule in its present form was the only viable course, the decision could be presented either positively or negatively. A positive presentation would emphasise that the British Government would continue to take full responsibility both for defeating terrorism and for providing the Province, as part of the United Kingdom, with fair and effective administration; and that no political or constitutional changes would be contemplated unless and until the Northern Ireland Parties could reach agreement on some alternative system. A negative presentation would emphasise the failure of the Northern Ireland Parties to reach any kind of accommodation with one another, and the unavoidably adverse consequences of this failure for the prosperity and security of the Province. It would stress that, although the British Government would continue to fulfil its commitments in accordance with Section 1 of the Northern Ireland Constitution Act 1973, it could not deliver a "solution" or an end to terrorism; and that no radical improvement in the situation could be expected until the Northern Ireland Parties were prepared to come to terms with one another. Either way there would for the time being be no British initiatives for political or constitutional change; and the risks of disturbance and of a corresponding increase in violence which any such initiatives would inevitably carry would be avoided.

5. As against this, it can be argued that even the present level of violence, with its periodic eruptions of sectarian killings, is unacceptable; that no progress is in sight towards agreed devolution - indeed the Assembly is close to collapse; and that a policy of total immobilism is impracticable, not least from the point of view of Britain's relations with the United States. Some sort of constructive British response will be needed, for example, to whatever proposals the Irish Government may put forward in the light of the New Ireland Forum's report. More fundamentally, it is questionable:

a. whether it is in the wider British interest to accept the continuing cost in British lives and to the British exchequer which is involved in operating direct rule;

b. whether the two communities in Northern Ireland can ever come to terms with one another so long as they have no participation in responsibility for governing the Province and the British are there to take the blame;

and above all

c. whether direct rule can retain its present limited effectiveness if, as seems likely, Sinn Fein continues to extend its influence over the minority at the expense of the SDLP to the point where its support exceeds that of the SDLP and constitutional nationalism in the North is eclipsed as a political force.

The Irish Perspective

6. The traditional and deep seated Irish view is that the Irish nation is coterminous with the island of Ireland, and that as long as Northern Ireland remains part of the United Kingdom the independence of the Irish nation remains incomplete. The territorial provisions of Mr de Valera's 1937 Irish Constitution reflect this view, which is still common ground (at least in public) across the whole political spectrum

in the South. It is a view which enjoys widespread sympathy in the United States and to a lesser extent in Western Europe outside the United Kingdom where Northern Ireland (in so far as it impinges on the public consciousness at all) tends to be seen as a colonial anachronism. Within the Republic there is, however, widespread if sometimes grudging acceptance that the unification of Ireland can be achieved only with the consent of the population of the North. There is also growing recognition (which Dr FitzGerald personally has done much to promote) that it is a long term objective and that the Gaelic/Catholic/Republican character imprinted on the Irish State by the Fianna Fail under Mr de Valera is incompatible with any prospect of attracting the North into an Ireland united by consent.

7. The present Irish Government accordingly professes to have lowered its sights on unification: Dr FitzGerald argues that the paramount objective of both the Irish and British Governments in Northern Ireland should be to bring the security situation under control; and that this can be achieved only by winning the confidence of the minority in the forces of law and order, from which it feels profoundly alienated. While no comprehensive or definitive solution to the Irish problem is in sight, limited steps should be taken towards giving the minority a focus for their "green" loyalties while at the same time finding ways of reassuring the majority about Northern Ireland's place within the United Kingdom. Dr FitzGerald also believes that unless the minority in the North can be offered some early reassurance along these lines, the local government elections in Northern Ireland in 1985 will see the collapse of the SDLP, Sinn Fein will become the political voice of nationalism in the North and the polarisation of the two communities will become irreversible. He fears that Sinn Fein will then extend its political challenge to the Republic, and violence will spread from North to South.

8. This analysis deserves to be taken seriously. There is no dispute that both minority and majority attitudes have hardened, or that the SDLP could well be replaced by Sinn Fein as the dominant party - a development which would end any

surviving hope of reconciliation between Unionist and minority politics in Northern Ireland. Even as things are, the SDLP is apparently reconsidering its demand for power sharing, in the fear that any involvement with the administration of Northern Ireland as part of the United Kingdom would be seen as inconsistent with Irish nationalism and risk losing the party further support to Sinn Fein. The Irish analysis may perhaps exaggerate the extent to which alienation of the minority community is a recent development: it has long been an intractable feature of Northern Ireland politics. Although the picture is not wholly negative (nearly 50 per cent of the intake into the Northern Ireland Civil Service, for example, is now from the Catholic community), recent developments indicate a reversion to the traditional pattern whereby Catholics in the North vote (if at all) for politicians who put more emphasis on the ideal of Irish unity than on a fair deal for Catholics in Northern Ireland. One may also question whether the "alienation" is particularly acute in law and order matters: although the RUC are still resented for the State they represent, they are better regarded personally, and respected by a wide range of minority opinion. Nor is the integrity of the judiciary seriously disputed. But the main limitation of the Irish analysis is that it focusses too exclusively on the perceptions and alienation of the minority and takes little account of comparable developments in the majority community, which is even less ready to accept concessions to the minority today than it might have been a few years ago.

9. Within the Republic, Dr FitzGerald also has ground for concern. The Republic is essentially conservative and the overwhelming majority of the population is opposed in principle to violence. Its parliamentary institutions are solidly established. But history shows that the Irish are volatile and prone to violence when their political passions are engaged: and experience over the past 15 years has repeatedly shown how readily incidents occurring - or being engineered by terrorists - in the North can inflame nationalist and

anti-British feelings in the South. Unemployment in the Republic is high, and the percentage of voters between 18 and 25 (the age group most amenable to extremism) is the highest in Western Europe. Traditional social patterns and values are being disrupted by urbanisation and new, radical parties (including Sinn Fein) are competing with the three traditional Parties for the working class vote. If the security situation in the North and the economic situation in the South were to deteriorate, and if Sinn Fein were to strengthen its position and extend its activities in the South from a secure political base in the North, the stability and institutions of the Southern Irish State could be severely tested. The consequences would be felt primarily in Ireland but could also be very unwelcome to the United Kingdom. It is against this background that Dr FitzGerald's government is hoping that the "Forum for a New Ireland", due to report at the end of January 1984, will produce a range of new proposals in the sense of paragraph 6 above which can form the basis for a dialogue with the British Government.

Purpose of the Paper

10. The rest of this paper examines the various ways in which the British Government might change or modify the present arrangements for the government of Northern Ireland either in response to proposals from Dublin or independently of them, and what might reasonably be sought from the Republic in return.

11. This is well trodden ground and virtually everything that might be done has been considered in one form or another over the past ten years. No attempt is made here to be exhaustive. Several theoretically possible courses of action are not examined, in the belief that their impracticability or damaging consequences are self-evident (eg enforced integration of Northern Ireland into the Republic; independent or associated status for Northern Ireland; handing the problem over to the United Nations). The remaining possibilities are examined in summary form only, and no attempt has been made to analyse all the possible variations and combinations. Equally no attempt

has been made to place them in any order of preference. The intention is to enable Ministers to identify in discussion which possibilities, or combination of possibilities, they would like explored in greater detail. The possibilities do, however, fall broadly into two groups: those directed towards consolidating or maintaining the Union (paragraphs 12-18) and those which involve some greater recognition than hitherto of "the Irish dimension" (paragraphs 19-30). In considering the second group of possibilities it should be borne in mind that they would be offered only as part of a package involving some or all of the Irish concessions summarised in Part III.

II. THE POSSIBILITIES

Integration into the United Kingdom

12. Northern Ireland is already an integral part of the United Kingdom. What the present Unionist advocates of integration appear to mean by the term is permanent legislation to replace the provisional direct rule arrangements; local government being organised on a similar basis to that in Britain, with the same responsibilities at each level, and operating, as in Britain, by majority vote; and some form of declaration by the British Government of commitment to a permanent union (perhaps involving repeal of Section 1 of the Northern Ireland Constitution Act 1973, with its implication that Northern Ireland could leave the United Kingdom if a majority there so voted in a border poll).

Advantages It would be welcome to some (but not all) of the majority; and it should put an end to any impression of uncertainty about the British Government's intentions for the Province (which is claimed to be a factor that has fuelled violence). Some suggest that republicans would then give up hope and settle down to making the best of Northern Ireland as part of the United Kingdom, and that there would be a corresponding decline in support for terrorism.

Disadvantages It would be unacceptable to the minority, to the Republic, and to a wide range of international opinion, probably including the United States. There would not be cross party support in the United Kingdom, so uncertainty would remain. It takes no account of the continuing shift in the demographic balance in Northern Ireland in favour of the minority. Violence could well increase. The local government powers would be liable as in the past to be used in a discriminatory fashion against the minority and would certainly be perceived as being so used. The British Government would continue to attract international odium for the situation, British lives would continue to be lost and normal relations between Dublin and London would be impossible for the foreseeable future.

New Local Government Structure

13. Integration into the United Kingdom (while retaining the Guarantee in its present form) might be more acceptable if Northern Ireland were divided into three local government areas of roughly equal population (Greater Belfast, North-East Ulster and The Border), with the boundaries so drawn as to give the Catholics a majority in The Border area.

Advantages It would give the Catholics a fair share of power, without power sharing arrangements as these have hitherto been understood - ie as involving co-operation between Unionists and Nationalists. It would accord with past Conservative commitments, although in a way Unionists may not have expected.

Disadvantages There would be accusations of gerrymandering and of preparing the ground for repartition. The Catholic majority in The Border area would not be large enough to enable the SDLP to govern without Sinn Fein support: Sinn Fein would thus acquire a share of control over an area which would still contain a high proportion of Protestants; and if

the SDLP's decline continued, Sinn Fein could become the controlling party in the area. At the same time large concentrations of Catholics would be under majority Unionist control, notably in West Belfast, which would therefore continue to be a seed bed for IRA terrorism. Dublin's attitude would be at best ambivalent and the British Government would be criticised for imposing an artificial and inherently unstable structure of government with the object of perpetuating British rule at least over the areas east of the Bann.

Devolution

14. Restoration of devolved authority to a provincial government would take account of the distinct character of Northern Ireland within the United Kingdom and help to distance Westminster from the administration and politics of the Province. A provincial government could in principle be established either on a majority rule or on a power sharing basis.

15. Majority rule devolution would fit the democratic principles applied in the United Kingdom. It would please the majority who would run such a system, whether or not the minority accepted it. But to return to Stormont 1922 (even without law and order powers) would outrage the minority and much international opinion. The devolved administration could take decisions which stimulated disorder and led to increased terrorism, leaving the police and army to cope with the consequences.

16. Power sharing devolution, which is among the possibilities envisaged in the Northern Ireland Act 1982, would require radical changes in the positions adopted by the Northern Ireland Parties. The Government could seek to accelerate this process by declaring its intention of introducing a governmental structure in which power would be shared between which ever Parties were prepared to participate. A Party which refused to participate would simply be left out. An additional

element of coercion could be a threat by the Government to curtail or freeze the present level of financial support for the Province until such time as the Parties were prepared to co-operate.

Advantages All Parties would have a strong incentive to participate: the Unionists would fear the prospect of an SDLP/Alliance administration sponsored by the British Government if they insisted on boycott. The SDLP would be given the share in power which they have hitherto demanded.

Disadvantages Devolved government without participation by representatives of the majority and against its wishes would probably be unacceptable to Parliament and lead to disorder and violence in the Province. If the SDLP have in fact reached the conclusion that power sharing is no longer compatible with their stance as a nationalist and republican party, they might refuse to participate. Even if the Parties could be coerced into a broadly based power sharing government, they would be unlikely to co-operate in providing an effective administration and intervention from London would probably be needed again before long.

Devolution Combined with Additional Economic Aid

17. Over the past 12 years virtually all forms of institutionalised discrimination against the minority (in such matters as housing, education and electoral boundaries) have been ended and there is little or no scope for further legislative action. Areas in which the minority continue to complain of discrimination are law enforcement (which is considered separately below (paragraphs 21-26)); the refusal of the majority to allow them a share in any devolved government; and unemployment, which continues to fall more heavily on the Catholic than on the Protestant community. It might be possible to combine an offer of substantial economic aid (say £1 billion) to establish new industries

and create jobs in Northern Ireland with the introduction of a devolved, power sharing government. The hope would be that the prospect of having a say in allocating and administering the economic package and taking credit for the Province's economic recovery would be sufficient to persuade both communities to participate in power sharing arrangements.

Advantages Even if it failed to work, it would be seen in the Republic and abroad as a generous and constructive British move.

Disadvantages The Province is already costing the United Kingdom £1½ billion net per year. No additional economic package which the United Kingdom could afford is likely to overcome the Unionists' resistance to power sharing. Political representatives of both communities would be likely to reject the offer as a bribe. If they did not, the Province's already inordinate economic dependence on the United Kingdom would be substantially increased.

Repartition

18. There is no way of redrawing the border which would not leave a large number of Catholics on Protestant territory and vice versa. The two communities are intermingled throughout the country; the Catholic enclave in West Belfast, which contains about 20 per cent of the Catholic population of the Province, lies in the middle of the Protestant heartland. Enforced movement of population would be impossible without the Republic's co-operation and consent (which would not be forthcoming) and would be inconsistent with Britain's human rights' obligations. It would also be contrary to the Guarantee (see paragraph 19 below). But some degree of voluntary population movement might be achievable by financial inducement, with the corollary that those who remained behind would be seen to be doing so voluntarily.

Advantages A sizeable proportion of the minority would be transferred to the Republic and the demographic balance within the residual province of Northern Ireland would be so heavily weighted in favour of the Unionists that their determination to remain within the United Kingdom would be beyond reasonable challenge. The Republic could hardly refuse to accept the territory and population offered it. Uncertainty over the future of the Province would have been removed.

Disadvantages The financial inducements would be very costly. Precisely because repartition would entrench what was left of Northern Ireland more firmly than ever in the United Kingdom, it would be fiercely resented by all shades of opinion in the Republic which would see it as intended to make the unification of Ireland impossible. There would be widespread international criticism not least in the United States. The Catholics remaining in the North would be more alienated than ever, and would provide backing for continued (and probably intensified) terrorism. Relations between London and Dublin would be severely damaged and the Irish Government would be likely to discontinue cross-border security co-operation. It would also be strongly opposed by the Unionists, who would see it as an unacceptable surrender of population and territory threatening the continued viability of the Province. Despite its attractions, therefore, repartition must be judged liable to exacerbate all the existing resentments without decisively solving any of the existing difficulties.

Qualifying "The Guarantee"

19. The British "Guarantee" that Northern Ireland will not cease to be part of the United Kingdom without the consent of the majority of its inhabitants dates back to 1949. In its

present form it is embodied in Section 1 of the Northern Ireland Constitution Act 1973, which states that -

"..... in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to this Act".

No British Government could abandon this guarantee, or imply that it would be prepared to try to coerce the Northern majority into the South. But it would be possible to add a rider to the effect that the British Government favoured a United Ireland as an eventual solution to the problem, subject to the wishes of the population; and that it was prepared to co-operate with the Government of the Republic in seeking to create a climate in which progress in that direction could be made. (This is essentially the position adopted in the Labour Party's 1983 Election Manifesto.)

Advantages It would be welcome to the Republic and meet with widespread international approval. It would give a fillip to the SDLP and might be used as a bargaining counter to secure their participation in the political institutions of the Province. It would be a blow to Unionist self-confidence and would help to focus the minds of reasonable Unionists on the need to come to terms with Irish nationalism.

Disadvantages It would be criticised at home (especially within the Conservative Party) as a betrayal of the Unionist majority and a concession to terrorist pressure, and would be interpreted by all Parties in Northern Ireland as a sign of weakness. It could therefore encourage the IRA to step up the level of violence in the belief that it was winning the fight, while at the same time prompt the Loyalists to be more intransigent than ever, and to use violence as a means of

demonstrating their determination not to be absorbed into the Republic. In time it might also lead to international and domestic pressure on the British Government to act on its declared preference and introduce measures to promote unification.

Shared Sovereignty

20. The indications are that "Joint Sovereignty" - or a range of measures which would constitute a significant move in that direction - will be among the proposals emerging from the New Ireland Forum (although Dr FitzGerald told the press after the November Summit at Chequers that he did not know what joint sovereignty meant). There are no precedents for condominium or joint sovereignty among developed nations (except Andorra). In Northern Ireland, the exercise of authority by the British and Irish Governments jointly and on an equal basis would be a recipe for disagreement and confusion. But it appears that the present Irish Government is ready to claim significantly less than an equal share of authority in the Province. What they seem to be looking for is some degree of visible influence over the affairs of the minority, leaving the position of the Province as part of the United Kingdom and the majority's links with Britain not merely untouched but expressly acknowledged.

21. On this basis, it might be possible to devise a sovereignty sharing formula which could be presented as consistent with Section 1 of the 1973 Act (and even linked to it): in return for the Republic's endorsing the Guarantee by constitutional amendment, the Dublin Government could be allowed a degree of influence in the Province related to the size of the nationalist vote in a border poll - say one third. To express this in institutional terms would be difficult; but one possibility might be an Irish Commissioner in Belfast who would have the right to be consulted by direct rule Ministers and to make nominations (from Northern Ireland residents) to one third of appointments

to public bodies, including the Police Authority and the Judiciary. Alternatively, these matters might be handled through a strengthened version of the Anglo-Irish Intergovernmental Council.

Advantages It would appear fair and should be welcomed by Dublin and international opinion. It would oblige the Irish Government to carry its share of responsibility for the measures needed to ensure security and good administration in the Province while at the same time leaving the power of final decision with the British Government, protecting the position of the majority and securing explicit Irish acceptance of Northern Ireland as part of the United Kingdom. It would not be dependent on the agreement of local politicians in the Province.

Disadvantages It would be seen by all Parties in Province as a major step along the road to unification and hence as a sign of British weakness. It might therefore lead to heightened violence from both sides. There would inevitably be disagreements between the British and Irish Governments, and the exercise of the Irish Commissioner's powers would be a continual source of potential friction. In the short term at least Unionist opposition to power sharing would probably harden still further because of fears of a complete nationalist take over. Although the minority might be happy to regard a Dublin Commissioner as representing them, there would be no democratic basis for his authority.

Irish Involvement in Law Enforcement

22. The Irish ideas for ending what they see as the alienation of the minority from the forces of law and order in the North appear to have focussed so far on two possibilities: Garda policing Catholic areas of the North

under the Irish flag, and associating Irish judges in some way with the judicial processes in the North. (Dr FitzGerald is a long standing advocate of an all Ireland police force and all Ireland courts.)

23. Joint Policing Enhanced co-operation between the Garda and the RUC would be welcome. There is scope for some dozens of Garda officers to operate in Northern Ireland in conjunction with the RUC, eg as liaison officers down to sub-divisional level, in such activities as community relations and traffic control, and possibly in some routine station duties. If these arrangements proved beneficial, it might be possible to go a step further and attach a few Garda to the Divisional Mobile Special Units (DMSUs) which conduct a wide range of police duties chiefly in the border areas, and which are primarily directed against terrorism. A further development along these lines would be the establishment of a joint operational area - possibly extending the whole length of the border to a specified depth on either side - in which there would be joint planning and control of anti-terrorist operations and officers of either force could operate on the territory of the other. But although these moves might be advantageous from the United Kingdom's point of view, it is difficult to see what attractions they could have for the Irish. The appearance of a few Garda uniforms in Belfast Police Stations would not be enough to impart any Irish identity to law enforcement in Catholic areas; while joint operational arrangements along the border would expose the Irish Government to charges of collusion with the British security authorities in the North (and allowing British security forces on to the territory of the Republic) without bringing Dublin any commensurate political gains. Handing over the policing of whole Catholic areas of the North to Garda answerable to their own commanders and not to the RUC or the British Government would appear to present insuperable difficulties as regards both the law which was to be applied

and the arrangements for command and control. Quite apart from the implications for sovereignty, this would be a recipe for confusion and increased violence.

24. Dr FitzGerald suggested in December 1981 a more radical approach: an all Ireland policing system "under whatever umbrella of authority may be most effective for this purpose". He linked it to the idea of an all Ireland judicial system (see paragraphs 25-26 below) and presumably had in mind a single police force formed from the RUC and Garda under joint control. Dr FitzGerald clearly had not thought through what "umbrella of authority" would be needed. But it would be possible to envisage a single all Ireland police authority appointed by the two governments supervising a single force covering the whole island. While most of the Garda and RUC components would stay in their present locations, the fact that they were a single force should mean that specialists dealing with terrorism could move freely throughout the island.

Advantages A unified command, communications and intelligence structure could mean that anti-terrorist action was more smoothly and more efficiently directed and executed. The all Ireland aspect would be attractive to nationalists. It would be possible by cross-posting to meet the nationalist wish to have their enclaves policed by their own kind.

Disadvantages A single force operating in the two countries would not only be difficult to reconcile with the sovereignty of each, but would raise formidable problems of control and accountability. Unless the criminal law and judicial systems were also re-established on an all Ireland basis, the all Ireland police force would have to operate in two different legal environments. Problems would arise from the many differences between the Garda and the RUC (the Garda is an unsophisticated force,

in principle unarmed: the RUC is an armed force, in many respects highly sophisticated. The Garda is traditionally under political control while the RUC is independent. Both forces would resent and resist integration and extensive cross-postings.) Unionists would be intensely suspicious of the political implications and argue they affected sovereignty. The prospect of Northerners policing southern towns would be unwelcome in the South.

All Ireland Judicial Arrangements

25. This is another long standing idea of Dr FitzGerald's. Hitherto such examination as has been given to the possibilities under this heading has been solely from the point of view of whether they would help to deal with fugitive offenders (ie cases where the offence has been committed in one jurisdiction and the suspect arrested in another). The British/Irish joint Law Enforcement Commission, which was set up after Sunningdale specifically to examine ways of dealing with the problem of fugitive offenders and reported to the two governments in April 1974, saw a number of legal and procedural objections to mixed courts. It looked only cursorily at the idea of an all Ireland court to be based on the creation of a special unified code of substantive law and legal procedure to deal with politically motivated crimes of violence: but it did not examine the implications in any detail.

26. The purpose of introducing either mixed courts or an all Ireland court today would be as much political as practical - eg as a major element in any package designed to go some way towards meeting Irish concerns (on a reciprocal basis) short of full joint sovereignty. An all Ireland court, linked with new efforts to bring the Irish and Northern Irish criminal law more closely into line, would be a dramatic step towards meeting nationalist aspirations. But careful study would be needed (in which

the advice of the Northern Ireland judiciary would probably have to be sought) in order to formulate viable proposals.

Advantages The Republic, and nationalist opinion in the North, would welcome recognition of the Irish dimension in such a key area. The association of Irish judges with the judicial process in Northern Ireland (which would be balanced by the involvement of Northern judges in the South) would be a powerful answer to criticisms of trial without juries and verdicts based on evidence provided by informers.

Disadvantages There would be fierce opposition from the Unionists; the judicial function is close to the centre of sovereignty. There is no practical requirement for all Ireland judicial arrangements outside the very limited area of fugitive offenders (where recent Irish courts' decisions appear to have gone a long way towards making our preferred solution of extradition possible). The influence of Irish judges (and possibly through them the Irish Government) on judicial procedures could make convictions more difficult.

A Parliamentary Tier to the AIIC

27. Her Majesty's Government have hitherto resisted such Irish pressure as there has been for a parliamentary tier, accepting that it would in principle be a natural development at an appropriate moment but arguing that it is for the two national parliaments (and perhaps the Northern Ireland Assembly) to decide whether to take the idea forward. The Irish position was formulated in the Joint Studies of 1981. They advocated a parliamentary committee which could be consulted by the two governments on the whole range of matters covered by the AIIC, could advise the AIIC and review its work and the work of ancillary bodies. They

proposed that its membership could be drawn not only from the House of Commons and the Dail but also the European Parliament, the House of Lords and the Irish Senate. They suggested that a significant component of the committee should be drawn from representatives of Northern Ireland in proportion to the relative sizes of the different parts of the community. They implied that these representatives could be drawn from an elected assembly (the Northern Ireland Assembly had not yet then been established).

28. The political significance of such a body would depend on the way in which the two governments undertook to treat its advice; the extent to which its responsibilities were directed to Northern Ireland (in particular whether it reviewed Northern Ireland legislation and advised on security and budgetary questions); whether any issues were excluded from its consideration; the administrative support given it and its size and frequency of meeting.

29. The composition of any parliamentary tier would be a crucial issue. It would be desirable to ensure that the body was reasonably balanced between likely supporters of nationalist and unionist opinion. Given the nationalist sympathies of the Opposition in the House of Commons, the likelihood that the Irish would not wish to field a smaller team than the United Kingdom, and the strong likelihood of an Ulster Unionist boycott, this would be difficult to arrange. A Northern Ireland component would be necessary in the interests of balance, but the Unionists would almost certainly refuse to participate. (Although they would strenuously object to a parliamentary tier, if one were set up they would no doubt expect provision to be made for their participation - if only in order to enable them to boycott it.)

Advantages It would offer an Irish dimension to the minority without limiting United Kingdom sovereignty. It might provide a bridge for the SDLP to enter the Assembly. It might produce some valuable new ideas and challenge old ones. It should be acceptable to the Opposition at Westminster.

Disadvantages It would involve conceding to the Irish a right of consultation over the affairs of Northern Ireland. It would be perceived by Unionists as a step towards more substantial powers, and it is unlikely that Unionists would take part unless there were considerable countervailing advantages for them. Having no powers it could prove irresponsible. It could make recommendations which were awkward for Her Majesty's Government to handle. It could generate pressure for further development.

Dual Citizenship

30. Often mooted but apparently meaningless. Anyone born in Northern Ireland is already regarded by the Republic as an Irish citizen and is entitled to an Irish passport. Members of the majority have no interest in Irish citizenship and most citizens of the Republic have no interest in British citizenship.

Unilateral Withdrawal of British Forces

31. Although this would seem to come into the category of courses of action whose impracticability is self-evident, it perhaps merits a brief analysis: in principle, the idea of simply pulling the troops out of Northern Ireland and thus obliging the two communities to come to terms with one another without further British interference has attractions. In practice, however, this course could be implemented only in conjunction with some form of political settlement which transferred responsibility for the Province elsewhere. As long as the British Government retains ultimate responsibility for Northern Ireland, the Secretary of State must have at his

disposal the security forces he needs to enable him to exercise the British Government's authority there. (The same objection would rule out any policy of reducing British forces in the Province below the level which the GOC and the Chief Constable judge necessary in order to maintain a reasonable degree of law and order.) If Britain were to withdraw its troops, the only viable sources of alternative authority would be either the government in Dublin or a majority rule - ie Protestant dominated - government at Stormont. Transfer of responsibility to Dublin against the wishes of the majority community in the Province would be impossible both politically and practically. Different but equally self-evident objections apply to the establishment of an independent Protestant-dominated state in the North.

III PRICE TO BE PAID BY THE REPUBLIC

32. A number of the foregoing possibilities would involve action or participation by the Irish Government. In addition, some or all of the following concessions could be required from Dublin as part of an eventual package, depending on the extent to which it was judged to meet Irish concerns.

- a. Solemn declaration of intent by the Irish Government to respect the Union combined with assurances to the majority as might be appropriate.
- b. Pressure on the SDLP to participate fully in the political process in Northern Ireland.
- c. Referendum to modify or remove the territorial provisions of the Constitution.
- d. Acceptance (in principle or even in practice) of police/security forces from the North operating in part of the South.

IV HANDLING

33. The shape of further discussions, if any, with the Irish and the United Kingdom's public response to the report of the Forum, will depend on whether the Government is prepared to contemplate any of the radical policy options discussed above. A round of confidential exploratory talks with the Irish would probably be desirable in order to establish whether or not there are the makings of a package; but protracted secret discussions with them would be both dangerous and unsatisfactory, given the risk of leaks and the Irish tendency to shift position. Any substantial movement may need to be developed at some kind of conference. The Dublin Forum itself illustrates the impact which process rather than substance can make. It has the advantage of being the first such conference of Republican groups. The United Kingdom has been round the course of conference, convention and assembly so often as to leave less scope for establishing a consultative process which stands much chance of achieving constructive results; but an all party conference (to which the Northern Ireland Parties would probably have to be invited even if they chose to boycott it) might at least help to prepare public and parliamentary opinion for changes.

15 December 1983