

Britain's Undefended Frontier:
A Policy for Ulster

*The Report of
an Independent Study Group*

Prime Minister

This is the
paper which Douglas
Hurd sent you,
written mostly by
Tom Utley.

Its main
proposals come in
pages 19-21, and
are expanded in
22-24.

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Contents

	Page No.
PREFACE	5
I. FOREWORD (by Sir Patrick Macrory)	7
II. THE PROTAGONISTS	11
a) The Provisional IRA	11
b) The Irish Republic	11
c) Nationalists in the North	13
d) The Unionist Community	14
e) Public Opinion in Ulster	16
f) The British Government	17
III. ALTERNATIVE APPROACHES	19
IV. A POLICY FOR ULSTER	22
a) Legislation	22
b) Local Government	23
c) British-Irish Relations	25
d) The Border Poll	27
V. CONCLUSIONS	29
Appendix I	31
Appendix II	32
Appendix III	33
Appendix IV	34

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The Institute for European Defence and Strategic Studies was set up in London in 1979 to study political change in Europe and to assess its impact on strategic and defence issues. It is, therefore, particularly concerned with those developments which affect the future of the Western Alliance. It is hoped that the findings of its authors and contributors will be of interest to academics, politicians and others who have an impact on the formulation of policy. It is also hoped that by contributing to the exchange of ideas and information the Institute will increase understanding of the complex issues involved.

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Preface

This publication is the second in our series of European Security Studies. Unlike its predecessor and the issues which will follow, it is the work of a study group rather than a single author. The group comprises a distinguished public servant, a senior journalist and commentator on Northern Irish matters, and three MPs with a deep interest in the affairs of the Province. Motivated by concern about the inability of successive governments to deal adequately with the tangled political and security problems of Ulster, it began its task of analysing these problems and making recommendations accordingly in early 1983, and it has met periodically since that time.

Although this Institute is not responsible for the creation of this group, we are pleased to publish its findings because of the lucidity and rigour of its analysis and because its prescriptions appear to us to display a rare combination of imagination, prudence and realism. Appearing at a time when existing policy shows distinct signs of exhaustion and a new Secretary of State for Northern Ireland has just been appointed, we hope that the group's report will be regarded as a useful and timely contribution to the continuing debate about the future direction and conduct of policy in the Province.

The Institute is especially indebted to T. E. Utley for having distilled the opinions and recommendations of his colleagues with elegance and clarity

October 1984

G.F.

Foreword

A neutral observer, the American Admiral Mahan, who made the study of sea-power his life's work, noted over 80 years ago that "the ambition of the Irish separatists, if realised, would be even more threatening to the national life of Great Britain than the secession of the South was to the American Union." Much the same thought must have been in the minds of those who composed a British Cabinet Paper in 1948, when John A. Costello was about to take Southern Ireland out of the Commonwealth, in what Lord Rugby, the British Representative in Dublin, described as a "slapdash and amateur action":

"Now that Eire will shortly cease to owe any allegiance to the Crown it has become a matter of first strategic importance to this country that the North should continue to form part of His Majesty's dominions. So far as can be foreseen, it will never be to Great Britain's advantage that Northern Ireland should become part of a territory outside His Majesty's jurisdiction. Indeed, it seems unlikely that Great Britain would ever be able to agree to this, even if the people of Northern Ireland so desired."

For present purposes, the last sentence can immediately be discounted, for the British Government has since made it clear – for example, in the Sunningdale Agreement of 1973 – that whatever the risk to Great Britain's national security the union of Ireland, North and South, would not be opposed, if this should clearly be the wish of the majority of the citizens of Ulster. At the time, however, the sentence would have confirmed all Eamon de Valera's suspicions, for he was utterly convinced that Partition was a Machiavellian device, forced upon Ireland by Britain for her own ends. Partition, he said, was "a purely arbitrary act, inspired solely by considerations of British Imperial policy and contrary to every interest of the Irish people. Imposed by force and maintained by subsidies, partition is the worst of all the many crimes committed by British statesmen against the Irish people during the last 750 years." Asked by a British newspaper whether a government under his leadership would "recognise the accomplished fact and have friendly relations with the Northern government," he replied "No, I cannot exactly say that", adding that the Unionists of Ulster, "who have wilfully assisted in mutilating their motherland, can justly be made to suffer for their crimes." (Quoted in Robert Cielou, *Spare My Tortured Peoples: Ulster and the Green Border*; Whitethorn Press, 1983).

Younger and less prejudiced nationalist writers than de Valera have more clearly acknowledged that Partition was not imposed or maintained by Great Britain for her own ends. Thus, Donal Barrington insists that Partition was not forced on Ireland by the British Government against the wishes of North and South and thinks it nearer the truth to say that it was forced upon the British Government by "the conflicting demands of the two parties of Irishmen." (Donal Barrington, *Uniting Ireland*; Dublin, 1957). As John Forgan has written, "To say that Partition was created and is maintained for ulterior motives is untrue. On the contrary, all the British parties without exception have sought at one time or another to find a solution, even to the extent of

betraying their Northern adherents. It was only through the determined clash of rival Irish wills that Partition became inevitable." (*Ibid*). Michael Sheehy talks of the "most childish evasions, the most ignoble of pretences, to ignore the many and fundamental differences which more than adequately explain the political division of Ireland." (Michael Sheehy, *Divided We Stand*, 1955).

Do the Irish comprise a single nation? Those who talk of the *re*-unification of Ireland would do well to remember that, save perhaps for a few years in the Dark Ages under Brian Boru and his like, Ireland in all its long and troubled history has *never* been united, except under British rule. Yet the case against Partition and in favour of the unification of Ireland has been succinctly put by the late Sean Lemass:

"It is indeed the simple truth that Ireland is one nation in its history, in its geography and in its people, entitled to have essential unity expressed in its political institutions. Ireland is by every test one nation. It is on that essential unity that we found our case for political reintegration." (Cielou, *op.cit.*).

In reality, not one of the three tests of nationhood proposed by Sean Lemass stands up to scrutiny. To say that Ireland is "one nation in its history" is meaningless, unless it only means that Irish history happened in Ireland. To claim that Ireland is "one nation . . . in its people" is also demonstrably untrue, when one third of the population of the island, living in the North, are the descendants of the Ulster colonists – English or Lowland Scots (the latter being mainly of Anglo-Saxon descent) who were of a different race from the Gaelic Irish of the South. Nor has there ever been any sign of their being assimilated in a permanent and thorough way. A generation ago the historian Cyril Falls noted that "racial differences have been preserved over three centuries in an astonishing fashion. An experienced observer walking among the crowds of small farmers on Fair Day in Omagh or Enniskillen could pick out settler from native with ease. He would not, of course, use those terms. He would say 'Protestant face! Catholic face!' and he would be right nine times out of ten. If, instead, he were handed a roll of surnames he could find his way equally well." (Cyril Falls, *The Birth of Ulster*; Methuen, 1936).

There remains, therefore, only the geographical test – that Ireland is "one nation in its geography." Ireland is an island, a geographical entity; should it not, therefore, be a political entity? The same argument, it has been pointed out, could be used to justify the "integration" of Portugal with Spain; it is dangerously two-edged. As a glance at the map will show, it can be claimed with equal force that the British Isles, including Ireland, are a geographical entity. Indeed, it was this that led to the British invasion and conquest of Ireland, which were undertaken primarily for defensive reasons, in the conviction that a common defence policy was essential for two islands so closely linked by geography.

The strategic importance of Ireland to the security of Great Britain has been fully appreciated since Tudor times, as both the Spanish and the French sought to establish footholds here as a prelude to the conquest of England.

The importance of Ireland to the safety of the western approaches to Great Britain was demonstrated beyond doubt in the two World Wars of the present century. In both, the submarines of the German Navy came close to starving the United Kingdom into submission. But in the First World War the British enjoyed an advantage that was denied to them in the Second. Ireland was then still part of the United Kingdom, and the British had free use of all her ports and bases. With wartime experiences fresh in their memory, the British, whilst negotiating the treaty that led to the establishment of the Irish Free State, asked for the right to maintain bases in certain ports. The Irish leader, Michael Collins, saw at once the logic of the request and acceded to it. Britain

was granted rights in the "Treaty Ports" of Berehaven, Queenstown and Lough Swilly.

In 1938, only a month before Munich, the British Prime Minister, Neville Chamberlain, surrendered those rights. He had hoped that, in return for the gesture, Southern Ireland would enter into a defensive alliance. But Eamon de Valera, who said later that he had never expected to be given back the Treaty Ports, and could hardly believe his good fortune, refused to have any strings attached. The people and Parliament of Great Britain accepted the *fait accompli* with a complacent equanimity and it was left to a handful of Ulster Unionist MPs to warn of the possibility of Southern Ireland's remaining neutral in the coming war, as indeed she did. As Winston Churchill, a voice crying in the wilderness, emphasised, "It will be no use saying that in the event of war we will retake the ports; you will have no right to do so." Later on, Churchill recorded his impressions: "Personally, I remain convinced that the gratuitous surrender of our rights to use the Irish ports in war was a major injury to British national life and safety. A more feckless act can hardly be imagined, and at such a time. Many a ship and many a life was soon to be lost as a result of this improvident example of appeasement." (Winston S. Churchill, *The Second World War*, Vol. I; Cassell and Co. Ltd., London, 1948).

In the event, the Second World War came, the Treaty Ports remained closed to the Royal Navy, and de Valera not only kept Southern Ireland stubbornly neutral, but loudly protested that the billeting of American troops in Ulster in 1941-42 was a monstrous violation of Ireland's national sovereignty. The denial of the ports was an exasperating handicap to a Britain struggling for survival. "More serious than the air raids", Churchill told the House of Commons in 1940, "has been the recent recrudescence of U-boat sinkings in the Atlantic approaches to our islands. The fact that we cannot use the south and west coasts of Ireland to refuel our flotillas and aircraft and thus protect the trade by which Ireland as well as Great Britain lives, is a most heavy and grievous burden and one which should never have been placed on our shoulders, broad though they may be."

There was also the ever-present risk that a German invasion force might land in Ireland, North or South. De Valera told the American Minister in Dublin, David Gray, that if he were in charge of German strategy he would land in one of the nationalist areas of the North and proclaim himself a "liberator." In fact, the Germans dismissed as "too childish" an IRA attempt to inveigle them into a plot to invade Northern Ireland, but they prepared plans in some detail for an invasion of the South. By the summer of 1940, according to a recent source, "few people could have had a more detailed knowledge of the border than the cartographers of the Wehrmacht's Department of War Maps and Surveys." The German invasion was to be led by General Kaupisch, with the 4th and 7th German Army Corps and a force of some 4,000 men, landing on the south-eastern coast between Wexford and Dungarvan as part of an invasion of Britain launched from the French Ports. These were never more than contingency plans, but as late as December 1941 Hitler, echoing Napoleon, was writing that "the occupation of Ireland might lead to the end of the war." In the event he turned East instead of West, and Eamon de Valera did not have to face his dilemma. (Robert Fisk, *In Time of War: Ireland, Ulster and the Price of Neutrality*; André Deutsch, London, 1983).

There can be little doubt that it was Partition, and the fact that Ulster had chosen to remain in the United Kingdom, that saved Britain and enabled her to win the Battle of the Atlantic. While Southern Ireland stayed neutral, Ulster fought alongside the mother country. In the dark days of 1941 the Prime Minister of Northern Ireland, Lord Craigavon, spoke for the majority of his citizens when, in a broadcast to the nation, he told the people of Britain, "We are King's men and we are with you to the end." The

ports and bases of Ulster remained open to Britain, which had been denied the use of the Treaty Ports in the South. Destroyers, frigates and corvettes sailed out of Belfast and Londonderry to confront the German U-boats in the Atlantic; flying boats took off from Lough Erne on the same errand; the Royal Air Force and the Fleet Air Arm had the use of a whole string of airfields from Aldergrove in the east to Limavady, Ballykelly and Eglinton in the west, along the southern shore of Lough Foyle. The debt was generously acknowledged by Churchill in May 1943: "Loyal Ulster gave us the full use of the Northern Irish ports and waters and thus ensured the free working of the Clyde and the Mersey . . . But for the loyalty of Northern Ireland and its devotion to what has now become the cause of 30 governments or nations, we should have been confronted with slavery and death and the light which now shines so strongly throughout the world would have been quenched."

It all happened less than 50 years ago and many still remember it well. The Ulster Unionist may, indeed, be forgiven if he sometimes thinks that the British, who today seem anxious to opt for the quiet life, and to jettison Ulster as a tiresome, expensive and incomprehensible appendage which should be left to stew in its own sectarian juice, have very short memories. Ulster paid a heavy price for her loyalty in the Second World War, and paid it uncomplainingly, except for an understandable anger at the way in which the lights of neutral Southern Ireland, where there was no blackout, showed the German bombers the way to Belfast, where more people were killed in a single night's bombing than in any other city of the British Isles.

Is Ulster still so important? In the nuclear era, it is tempting to believe that it would not matter whether or not Britain was able to use the Ulster bases in a future conflict. However, this is a short-sighted view. Admiral Gorshkov, since 1956 Commander in Chief of the Soviet Navy, has stated that "it may be necessary to conduct a persistent and sometimes also a rather prolonged struggle, employing various forces and equipment at sea, in the air and, in certain cases, in coastal areas also". NATO too is thinking in terms of a conflict that would require ships, supplies and convoys across the Atlantic. Few would reach Europe unless Ireland, in whole or in part, was committed to the struggle.

In the light of the repeated pledges of successive British governments, to force Ulster into the Irish Republic against the wishes of the majority of her inhabitants would be a betrayal of commitment, obligation and honour. However, it would also present a grave danger to national security.

Strategic considerations do, of course, present only one part of the picture. Britain remains wedded to Ulster by her historic commitments, her ties of blood and kinship, and her repeated promises to protect the rights and liberties of the people of Ulster. Conflict and instability in Ireland will affect Britain in an inescapable way. To allow the present situation to continue is obviously unacceptable; to withdraw, a tempting option for those impervious or indifferent to the realities of the present conflict, might very well prove catastrophic. What, then, can be done? In what follows, an attempt is made to find a new policy for Ulster, which will enable Britain to fulfil her obligations whilst satisfying the legitimate interests and aspirations of both communities.

II. The Protagonists

Discussions about British policy towards Ulster are often faulted by failure to define, with enough clinical rigour, the aims, policies and attitudes of the various protagonists in the present conflict. Accordingly, this report begins with such an analysis.

The Provisional IRA

There is no mystery about the objectives of the Provisional IRA and its political wing, Provisional Sinn Fein. Their immediate aim is to expel the British Army from Ulster and to bring about a total severance of Ulster's links with the United Kingdom. Beyond this, the Provisional IRA is also committed to destroying the constitution of the Irish Republic and to the establishment of some sort of revolutionary regime for the whole of Ireland. It is not possible to describe with certainty what the nature of that regime would be, though the intention is that it should be Gaelic and socialist in character.

These aims are being pursued chiefly by means of sustained guerrilla warfare, directed against the security forces and sections of the civilian population in Northern Ireland. At the same time, however, they are being pursued by a constitutional political campaign under the management of Provisional Sinn Fein. In spite of that party's unconcealed partnership with the IRA (which is, of course, an illegal organisation in both Britain and the Republic), Provisional Sinn Fein is, both in the United Kingdom and in the Irish Republic, a lawful political party. At recent elections in Ulster, it has achieved a substantial measure of success (see Appendix I).

The Provisional IRA and its political wing exclude the possibility of any kind of political compromise in Ulster. They claim to be the contemporary embodiment of the Irish Republic which was proclaimed during the unsuccessful Easter Rising of 1916, and as such to be the only legitimate source of political authority in Ireland. They have declared that their present campaign will be their last campaign, by which they mean that it will be sustained until its purpose has been achieved. Such attempts to negotiate with them as have been made during the present troubles have resulted in nothing more than uneasy and incomplete truces; these have been employed as breathing spaces, allowing them to reassemble their forces, and have had the invariable effect of prompting counter-action by Unionist paramilitary movements. The essential challenge of the IRA, therefore, can be met only by victory or surrender.

The Irish Republic

The position of the Irish Republic is altogether more complex. Its constitution lays claim to political authority over the whole of Ireland and, therefore, to a latent jurisdiction over Ulster. In practice, however, the Republic accords *de facto* constitutional and diplomatic recognition to Ulster's status as a part of the United Kingdom. What is more, the Republic has now formally committed itself to the proposition that Irish unity must not be imposed by force and should come about only with the consent of the people of Northern Ireland.

In recent years, successive governments in the Republic have strenuously demanded the establishment of a devolved legislature in the North, equipped with a constitution which will ensure, as a matter of right, the representatives of the nationalist minority in Ulster a permanent share of executive power. They have also sought the establishment of various all-Ireland institutions (such as a Council of Ireland) which, without involving any formal abrogation of British sovereignty, would ensure that matters of common interest were jointly managed by Irishmen from both North and South.

Resistance from the North to this last proposal led to its being somewhat modified by the introduction of a new concept – that of “the totality of relationships within the British Isles.” The ideal underlying this concept was that co-operation between North and South over social and economic matters would be rendered more palatable if it were set in the context of co-operation between the United Kingdom and the Irish Republic. This idea has been embodied in an Anglo-Irish Inter-Governmental Council, at present in its infancy.

Most recently, the New Ireland Forum, established in Dublin in 1983 by Dr. Garret FitzGerald’s government, has put forward for discussion proposals which ostensibly represent the current position of the three main political parties in the Republic and the nationalist Social Democratic and Labour Party in Ulster. Three constitutional models have been offered for consideration: a unitary Irish state, separate from the United Kingdom; a federal or confederal Irish state which would ensure a degree of local autonomy to the North; and a somewhat ill-defined arrangement, described alternatively as joint British-Irish sovereignty over the North and joint British-Irish authority over the North.

The precise status of these proposals was uncertain from the outset. It now appears that the main opposition party in the Republic (Fianna Fail) will accept nothing short of an all-Ireland unitary state; the Republic’s coalition government (Fine Gael and Labour), on the other hand, puts greater emphasis on the third constitutional model, and Dr. FitzGerald has been at pains to stress the point that this model would not necessarily involve the abandonment of British sovereignty in Ulster.

Whether he or anyone else would regard this compromise as a final resting place, however, must at least be open to serious doubt, so long as the Republic’s constitution continues to lay claim to political authority in Ulster. Some ambiguity also surrounds what Southern Irish politicians mean by the word “consent.” All the main parties in the Republic repudiate violence as a means of unifying Ireland; all are formally committed to the view that unification should only come about if the people of Ulster freely choose it; yet all the Southern parties object to what they describe as the British Government’s guarantee that Ulster will remain part of the United Kingdom. They would like the British Government to embrace Irish unity as its objective and “to persuade” Ulster to accept it – though the means by which this persuasion would be administered are not clearly specified.

It may be said with some certainty, however, that neither the government nor the opposition in the Republic seeks the immediate withdrawal of British troops from Ulster. All constitutional parties in the Republic feel deeply menaced by the IRA’s campaign in the North and believe that a British withdrawal would put their own country in the gravest peril.

For this reason, there has for long been substantial cross-border co-operation over security. That co-operation, however, continues to be limited by various historical factors. The Republic is, for example, unwilling to agree to direct contact between its own army and the British Army in Ulster, though it permits direct contact between the two police forces. This limitation makes the effective policing of the long and winding

border between North and South harder than it need otherwise be, and makes it easier for terrorist criminals to escape to the Republic. The Republic also refuses to extradite for political offences, though some recent judicial decisions have narrowed the definition of a "political offence." Arrangements also exist for the trial in the Republic of people accused of terrorist offences in Ulster and elsewhere in Britain, but the difficulty of persuading witnesses to cross the border, and the fact that the Royal Ulster Constabulary is not permitted to send officers into the Republic to examine accused persons, have rendered this system largely useless.

Although the Republic has strong anti-terrorist laws and special courts to enforce them, there can be little doubt that there is still much scope for greater co-operation in the common battle against the IRA. This cooperation is also made harder by the continuing tendency of governments in the Republic to impugn the impartiality of the security forces in Ulster. One of the underlying themes of government policy in the Republic has for several years been the suggestion, often tacit, that greater co-operation over security might be forthcoming if the British Government would make gestures in favour of ultimate Irish unity in return. But experience has shown that gestures of that kind, however tentative, have the countervailing effect of prompting Unionist discontent, and even violence, in the North.

In essence, the policy of the Irish Republic towards Northern Ireland remains in some degree ambiguous. The Republic is emphatically against the IRA; it has done much to discourage support for the IRA from the American Irish community. On the other hand, it has missed few opportunities to arraign Britain before the court of world opinion for what it alleges to be her imperfect respect for the rule of law in governing Ulster – and this in spite of the extremely tough measures applied by the Republic itself against IRA terrorism. The Irish Republic seems to want British forces to remain in Ulster for the foreseeable future as a barrier against Republican terrorism; it also seems to want to encourage British participation as an instrument of its aspiration to Irish unity.

Nationalists in the North

The Social Democratic and Labour Party in Ulster, under the leadership of John Hume, represents the constitutional opposition to Unionism. In terms of the votes cast for it at various elections (see Appendix I), it is still the strongest nationalist party there, though serious inroads into its support have recently been made by Provisional Sinn Fein.

At its formation in the early 1970s, it presented itself as a new and modernised nationalist party, which would not be obsessed with the issue of Irish unification, and would concentrate rather on a programme of political, social and economic reform, designed to improve the lot of the Roman Catholic community. However, as violence increased, the SDLP, while opposing Republican terrorism, felt increasingly alienated from the constitutional authorities. Its members withdrew from the old Stormont parliament – in protest against a security incident in Londonderry – in July 1971 and later engaged in a campaign of civil disobedience, chiefly directed towards the abolition of the newly introduced practice of internment.

The SDLP re-emerged onto the political stage towards the end of 1973, and agreed to take part in the power-sharing executive and devolved assembly which were set up under the terms of the Sunningdale Agreement. These arrangements were short-lived, however, and both the executive and the assembly collapsed under the impact of a Loyalist industrial strike in 1974.

The present position of the SDLP is essentially similar to that of the Dublin Government. The New Ireland Forum was largely its brainchild and John Hume signed the Forum's report, which was published on 2 May 1984. The chief planks in the party's programme are the re-establishment of some sort of power-sharing, devolved government in Ulster (though the party now increasingly despairs of achieving this), the establishment of strong all-Ireland or British-Irish institutions and the ultimate unification of Ireland by consent. The party wants the British Government to embrace this last objective. When in October 1982 the Secretary of State for Northern Ireland, James Prior, an elected consultative assembly in Belfast, the SDLP contested the elections but declined to sit in the Assembly, adopting the same abstentionist tactics as Provisional Sinn Fein, although for different reasons. It does, however, contest British and European elections—and is represented in both the British and European Parliaments.

The Unionist Community

The chief political representatives of constitutional Unionism in Ulster are the Official Unionists, under the leadership of James Molyneaux. In terms of votes cast and candidates returned in the Parliamentary and Assembly elections, it is the strongest party in Ulster, though its chief Unionist rival, Ian Paisley's Democratic Unionist Party, tops the poll at European elections (see Appendix I).

The fundamental premise of Official Unionist policy is the inviolability of the constitutional status of Ulster as a part of the United Kingdom. The party does not address itself to the question of what would happen if the majority of the people of Ulster should ever choose incorporation in a united Ireland, since it refuses to envisage the possibility of such a choice being made. It vigorously opposes all plans for compulsory power-sharing, arguing that it is a violation of democracy to give minority parties an automatic place in government and to insist on the formation of coalitions between parties with fundamentally different views about the legitimacy of the State. It is equally opposed to all-Ireland political institutions (such as a Council of Ireland), though it does not, with any definiteness, exclude forms of institutional co-operation between the United Kingdom and the Republic based on a mutual recognition of sovereignty.

The majority of its members would choose, as their ideal constitutional structure for Ulster, a form of devolved government, closely resembling Stormont and based firmly on majority rule and collective Cabinet responsibility, though including certain guarantees of adequate minority participation in consultative committees. The party is, however, increasingly reconciled to the view that such arrangements would not be acceptable either to the SDLP or to the British Government.

In a recently published party document, *The Way Forward* (April 1984), the Official Unionists have struck a new note. Their immediate aim now seems to be the creation of an upper layer of local government in Ulster, combined possibly with the devolution to an elected assembly of certain administrative powers. There would be no local legislature and therefore no Cabinet. The party envisages that an assembly in Ulster, equipped with such local government and administrative powers, would operate largely through committees and that, in conformity with the well-established convention of local government in the rest of the United Kingdom, the chairmanships of these committees would be distributed in accordance with the respective strengths of the participating parties. This, it is claimed, would go a long way towards securing minority participation in government without involving compulsory power-sharing. These arrangements would also have the advantage of filling the vacuum created by the absence of an upper tier of local government in Ulster since the suspension of the

Stormont parliament, which decided to combine local government and legislative powers in 1972.

The Official Unionists now also express their willingness to see enacted some sort of fundamental law, designed to protect minority rights and to offer State support for the cultural activities (such as the learning of Gaelic and the playing of Gaelic games) through which the nationalist minority asserts its identity. These important developments in the Unionist position have substantially influenced the conclusions of this report.

The chief Unionist rival of the Official Unionist Party is Ian Paisley's Democratic Unionist Party. This party is held together chiefly by personal loyalty to Ian Paisley. He has, in the course of his career, adopted a variety of attitudes in respect of constitutional matters. He is not a politician who is deeply concerned with detail. His aim has been to be the principal spokesman of Protestant Ulster, and in the process of pursuing that aim he has been a loud critic of the British Government.

His current position, like that of the Official Unionists, rests on the assumption that Ulster must, in all circumstances, remain a part of the United Kingdom. He calls for the establishment of a strong, devolved parliament in the Province, with powers that include the control of security. He asserts that this parliament should be based firmly on majority rule, though he would be prepared to allow minority parties to hold the chairmanship of committees*. He appears to be strongly opposed to all plans for a closer partnership – certainly of an institutional kind – between Britain and the Irish Republic.

Ian Paisley consistently condemns violence and denies that he has ever had any association with Protestant paramilitary movements. On the other hand, he took a prominent part in the Loyalist strike in 1974 and he was also prominent in the first phases of the Loyalist strike of 1977. He believes himself to belong to the Carson tradition and is fond of organising demonstrations designed to exhibit the readiness of the Unionist population to resist by force any attempt to unite Ireland politically.

His forte is political protest. His permanent political base is provided by the support of an extreme Protestant sect, over which he presides and which commands considerable funds. There is no doubt that a great many Ulstermen who do not share his theological views nevertheless regard him as the most uncompromising defender of Ulster's cause and are prepared to vote for him as such. Though he stoutly proclaims his Unionism, some believe that he would not disfavour the establishment of an independent Ulster state within the Commonwealth. Any apparent threat to the Union invariably increases his political influence. If the British Government were ever to show serious signs of an intention to withdraw from Ulster or to promote the establishment of a united Ireland, Ian Paisley would become a figure of even greater political importance than he already is.

Outside the constitutional parties, there are a number of paramilitary movements committed to the Unionist cause. The largest of them is the Ulster Defence Association, which is not proscribed by law. It regards itself as an organisation of vigilantes, devoted to the defence of the citizenry against Republican violence. Though its influence has diminished, largely as a result of the success of the police in suppressing the activities of Protestant paramilitaries as a whole, it has a considerable membership and considerable fire-power. The Ulster Volunteer Force, by contrast, is proscribed by law and has undoubtedly been responsible for a number of sectarian murders. These and other associated movements continue to present a powerful potential threat to public order in Ulster. They also commit sporadic acts of violence in reprisal for Republican terrorism.

*In its recent policy document, *The Unionist Case*, the DUP emphasises that there would be ~~no~~ "no executive places as of right for anyone", but that "the rights of all minorities" would be fully protected.

The danger of a massive Protestant rebellion, however, does not at present seem great, and is not likely to become so unless some action by the British Government is seen to signify an intention to abandon Ulster or actively to promote the cause of a united Ireland. Nevertheless, the possibility of such a rebellion must continue to be one of the principal considerations governing British policy.

Public Opinion in Ulster

To this analysis must be added a few words about the Alliance Party – a small, ostentatiously non-sectarian group deriving support largely from the middle classes and including Roman Catholics as well as Protestants in its membership. Although committed to the maintenance of the Union (it refused, for example, to attend the New Ireland Forum), it favours power-sharing and the creation of an Anglo-Irish Inter-Parliamentary Council to promote co-operation within Ireland and between London and Dublin*. It does not have great public support, though it may have done a certain amount of inadvertent damage, by convincing British politicians and civil servants that opinion in Ulster is, in British terms, more “moderate” than it really is.

The task of estimating how much support there is within Ulster for each of the numerous settlements which are theoretically available is obviously difficult. Although much research has been done on the subject (see Appendix IV for some recent findings), not too much reliance should be placed on the results of opinion polls in Ulster.

The broad picture, however, is plain. A million or so Protestants and a significant proportion of Catholics are resolved to maintain the Union with the rest of the United Kingdom. A very substantial proportion of them (to be counted in tens of thousands rather than hundreds) is prepared to engage in industrial action, or even to take up arms, in order to secure that object, should it ever seem to be seriously threatened. No Unionist party of substantial size is willing to take part in a power-sharing executive. No considerable section of Unionist opinion will freely accept all-Ireland institutions, though there is a greater readiness to accept organised forms of co-operation between the United Kingdom as a whole and the Republic.

On the nationalist side, a small minority of the approximately 500,000-strong Roman Catholic community actively supports Republican terrorism and embraces the aims of the IRA. A somewhat larger proportion is prepared to give political support to Provisional Sinn Fein, in spite of that party's open approval of violence and full acceptance of the IRA's programme. Provisional Sinn Fein engages in what is known in Britain as “community politics”. It is adept at exploiting local economic and social grievances, and it espouses radical socialist policies with a particular appeal to the unemployed, who are numerous in Ulster. Whereas a willingness to vote for Provisional Sinn Fein is not necessarily to be regarded as proof of a whole-hearted adherence to the cause of the IRA, the fact that a party which has so stridently proclaimed its support for the Republican terrorist campaign should do so well at elections is a sign of how much “alienation” there is among the Roman Catholic minority.

Most members of that minority, however, do not owe any sort of direct allegiance to either Sinn Fein or the IRA. Those Catholics who are “politically conscious” and publicly articulate vote, for the most part, for the SDLP, which opposes violence, supports Irish unity by consent, looks for some sort of power-sharing arrangement in

*The Alliance Party's recently published *Proposals for Political Progress* also include “the creation of a political right of appeal” from Ulster to Westminster, and the introduction of a Bill of Rights.

†In the 1983 General Election the nationalist vote was divided in the proportion 57:43 between the SDLP and Sinn Fein. In the European Election of 1984 the proportion stood at 63:37.

Ulster and favours, for the immediate future, a closer link with the Republic. There always has been, and still is, a very substantial section of Catholic opinion which is content with the maintenance of the Union, and which sees London as a better custodian of its interests than either Dublin or Belfast.

Those who are genuinely looking for a consensus in Ulster politics must be driven to the conclusion that, of all possible constitutional settlements, the continued exercise of sovereignty by the Westminster parliament is the one most likely to command the widest degree of acquiescence in the Province.

The British Government

The British Government is committed by statute not to impose any change in Ulster's status as a part of the United Kingdom without the consent of the people of Ulster. This could, of course, be amended, though only at the cost of perpetrating a serious breach of faith. It is also committed not to obstruct the unification of Ireland should Ulster's consent to unification ever be forthcoming. This last undertaking, made at the end of the Sunningdale Conference in December 1973, has since been strengthened by an undertaking to support legislation in Parliament for the purpose of bringing about Irish unification should Ulster give her consent. Legislation also exists to provide for border polls to test the feelings in Ulster on this subject. One such poll has already been held, in March 1973, and this recorded a majority of 97.8 per cent in favour of continued membership of the United Kingdom, although only 58.5 per cent of the electorate voted. Clearly, the basis of British policy towards Ulster, therefore, is the principle of self-determination (see Appendix II).

The chief preoccupation of successive British governments since 1969 in their handling of Ulster's affairs has, of course, been to defend the Province against terrorist attack. This has necessitated the continuous presence of large British military forces in Ulster. In recent years, however, the aim has been to transfer the conduct of security operations increasingly to the Royal Ulster Constabulary. The RUC, nevertheless, still looks to the British Army for substantial assistance. It relies in particular on the Ulster Defence Regiment, a locally recruited and largely part-time force, which is an integral part of the British Army.

A constant source of difficulty for British governments has been the accusation made by Irish nationalists from both North and South that locally recruited elements in the security forces are "sectarian" in character. Great efforts have been made to recruit Roman Catholics into the RUC and UDR, but the IRA's policy of directing its attacks particularly against Ulster Catholics in the security forces has been a growing hindrance to recruitment.

The anti-terrorist campaign has also necessitated, in the Republic as in Ulster, serious modifications of the legal and judicial systems. In 1971, the steady advance of Republican terrorism led the Government to reintroduce the system of internment, or administrative arrest. IRA threats against potential witnesses and juries had made it necessary to find some way of removing known terrorists from active service without recourse to the normal – but lengthy and vulnerable – judicial procedures.

Nationalist opposition to internment, plus a certain amount of censure from abroad (both carefully fostered by the IRA), led to the system's being phased out. Other procedures, such as the rigorous interrogation of suspects by the police, were similarly assailed and have since been modified. Increasingly, the security forces now depend on their ability, as a result of intelligence operations, to intercept criminals on their way to committing terrorist offences. As several cases have shown, however, this procedure can lead to terrorists being killed or injured by the security forces, and this in turn prompts

Stormont /

the charge that the police and the Army have adopted a policy of "execution without trial."

It must be recognised that a satisfactory answer has not yet been found to the question of how terrorism is to be defeated in Ulster without still greater modifications being made to the legal and judicial systems than those which already exist. Like the Republic, Ulster has special courts for the trial of terrorist offenders, and these courts do not include juries. But the terrorising of witnesses and potential witnesses continues. Magistrates and judges are also under constant threat. The sheer volume of terrorist crime, plus the increasing exploitation of the possibilities of delay in bringing terrorist cases to a conclusion (defence lawyers are particularly adept at this), are seriously impeding the operation of the judicial system. Add to this the fact that the prisons are over-crowded, and their populations intensely and skilfully rebellious, and it is impossible to feel any optimism about the ability of present legal and judicial practices to put terrorism down.

Certainly, violence has declined from the peak which it reached in the mid-1970s (see Appendix III). Protestant counter-action to the IRA has been reduced particularly. Certainly, the IRA's sources of support from abroad have ~~been~~ diminished; but they have not dried up. We do not doubt that the IRA is still capable of intensifying its campaign of violence when it judges the moment to be ripe. It is also plain that the Protestant paramilitary movements retain a substantial military capability, which could similarly be brought to bear if there appeared to be advantages in doing so.

Hence it is that successive British governments have pursued what they describe as "a political rather than a military solution to the problem of Ulster." One or two attempts to reach a direct accommodation with the IRA have ended in failure and disgrace. The main theme of government policy, however, has been to try by political concessions to achieve a measure of active support from the Catholic community and from the Dublin Government great enough to daunt and, ultimately, to defeat the IRA. It is remembered that the IRA campaign of 1956-62 was a signal failure, precisely because London and Dublin were united in whole-heartedly opposing it and in particular because internment was in operation on both sides of the border. If these conditions could be reproduced, there can be little doubt that the present IRA campaign would also fail in the foreseeable future. Alternatively, it is arguable that, if the Republic were willing to extradite those accused of terrorist crimes and to establish close and uninhibited co-operation between its own security forces and those of the United Kingdom, it would be possible to defeat the IRA without reverting to such a contentious measure as internment.

It is clear, however, that this degree of co-operation will not be forthcoming from the Republic, nor will the co-operation of nationalists in the North, unless they are bought by political concessions. The trouble is that the concessions demanded so far are seen in the North as gestures towards Irish unity and as such are bitterly opposed by the Unionist community. The danger of making such concessions is that they could lead to the British Government being faced with what it has sometimes had to endure in recent years - a war on two fronts in Ulster, against the IRA and against the Protestant paramilitaries.

Is it possible to find a policy for Ulster which will unite the Republic, the nationalist minority in Ulster and the bulk of the Unionist community in full support of the security forces? This, in a nutshell, is the "Ulster Question," and the question which this report attempts to answer.

III. Alternative Approaches

We reject from the start the notion that any kind of tolerable settlement in Ulster can be achieved by seeking an accommodation with the IRA. That organisation may accept temporary truces for the purpose of improving its own military position; but it will go no further than that. Its aim is the elimination of the British presence in Ulster, to be followed by a revolution in the Republic. Nothing except force will induce it to abandon that aim. The only possible agreement with it would be total capitulation.

The result of total capitulation would not be a united Ireland but a full-scale civil war in Ulster. The Republic would be neither prepared nor able to intervene for the purpose of restoring order on its own terms. Unionists now loyal to the Crown, once relieved of that loyalty, would unite for the purpose of destroying militant Republicanism. It is virtually certain that the conclusion of the matter would be the establishment in Ulster of a nervous, authoritarian Protestant state. This result would be highly uncomfortable for the Republic and a disgrace to Britain. It would also create on Britain's western flank a sea of discontent in which the enemies of NATO could fish with advantage. It is a policy which, but for the mental condition of some of our contemporaries, would otherwise earn the epithet "unthinkable."

If such a blatant abandonment of Britain's obligations were under consideration, it could be more tolerably achieved by the decision to establish a fully independent state in Ulster with or without dominion status. In that case, some attempt could at least be made to fill the vacuum created by British withdrawal. A constituent assembly could be charged with the task of framing a constitution, which would almost certainly turn out to be based on pure majority rule, though it might include paper safeguards for minority rights. British military withdrawal could be phased, to enable the new state to develop its own defence forces, the nucleus of which would almost certainly be supplied by the RUC and the UDR. It is impossible, however, to imagine such a "Protestant state" ever achieving the degree of continuous and widespread public support necessary to a stable and liberal regime.

Another proposition which can be advanced with equal certainty is that there is no point in Britain's offering constitutional settlements which depend for their successful operation on the willingness to co-operate of politicians who will clearly not be willing. This describes all the various plans for compulsory power-sharing in a devolved executive sustained by a devolved legislature. There is no way in which a politician can be forced to serve in a government in which he is resolved not to serve. The pursuit of this particular object is, therefore, absurd. It is impossible to envisage a constitutional settlement in Ulster which would command the unanimous enthusiasm of the Unionists, the Irish Republic and the nationalists in the North. The most that can be rationally attempted is a settlement which would command a high degree of acquiescence from the various parties to the conflict - high enough to prompt them to co-operate more actively in the defeat of the IRA.

If the choice were simply between vesting authority over Ulster in Dublin, Belfast or London, there is not a shadow of doubt that the arrangement which would command the greatest degree of inter-community co-operation in Ulster and cause the

least degree of conflict between Catholics and Unionists would be that which vested authority in London. The maintenance of the authority of the Parliament at Westminster over Ulster's affairs is, in our view, an essential condition of any acceptable settlement.

Within the limits set by this condition, however, it is necessary to make some provision for a degree of local autonomy in Ulster. Legislative devolution, such as existed under Stormont, is no longer politically possible. It would not be acceptable to the nationalist community unless it were accompanied by guarantees that nationalists would be able to participate in the executive. Such guarantees are unacceptable to the Unionists.

Purely local government, however, is a different matter. Since 1972, Ulster has no longer enjoyed the full range of elective local government institutions. Ulster should be equipped with local government institutions, and it is even possible that an elected assembly in Ulster which formed the upper tier of local government could be given certain additional powers over administrative matters which are now in the hands of Government departments.

A local government authority in Ulster such as we envisage would function largely through committees dedicated to particular aspects of policy. The normal convention applying throughout British local government is that the chairmanships of such committees are distributed between the parties in accordance with their respective strengths in the assembly concerned. Because of the largely well-founded belief that in the past local authorities in Ulster have been guilty of sectarian discrimination, it would be necessary to convert this convention, as far as Ulster was concerned, into a statutory requirement.

This would be a valuable concession to the nationalist minority, but it would not suffice to secure its whole-hearted co-operation in the battle against the IRA. There would be additional demands for some recognition of the "Irish dimension." Plans for all-Ireland institutions to bring North and South more closely together are faulted in Unionist eyes by the implication that Ulster is in some way separate from the United Kingdom. Ambitious plans for a common police authority for Ireland, or all-Ireland courts to deal with terrorist offences, are seen simply and understandably as attempts by the Irish Republic to exploit the present crisis for the purpose of establishing a united Ireland.

On the other hand, the concept of a "Community of the British Isles", designed to increase co-operation between the whole of the United Kingdom and the Irish Republic, is less distasteful to Unionists. Something approaching that concept was agreed between the British Prime Minister, Margaret Thatcher, and the Irish Taoiseach, Charles Haughey, at their summit conversations in December 1980 and was embodied in the decision to establish an Anglo-Irish Inter-Governmental Council in 1981. Given a full mutual recognition of sovereignty, such arrangements could be developed, in our view, without incurring massive Unionist opposition in Ulster. They could even include the establishment of a joint security commission and the setting up of regular contacts between the security forces on both sides of the border. All this would be done in the general context of promoting co-operation within the British Isles. Yet such arrangements would give the Irish Republic what it wants - the guarantee of a chance to influence British policy towards Ulster.

It is even possible that Unionist opinion could be reconciled to the establishment of some sort of consultative inter-parliamentary assembly, recruited from the Parliaments at Westminster and Dublin, to deliberate periodically on matters of common interest to the British Isles. What Unionist opinion would not accept, and could not legitimately be asked to accept, is the inclusion in such an assembly of representatives drawn from

whatever elected body or bodies may be charged with the conduct of local affairs in Ulster. The specific representation of Ulster would blur the principle essential to the whole scheme – that of co-operation between sovereign and independent states, the United Kingdom and the Republic. Nevertheless, it would be natural for the Westminster delegation to this inter-parliamentary body to include many members who sit at Westminster for constituencies in Ulster.

It would also be necessary to provide some protection against this assembly's laying claim to a moral authority in Irish affairs which might challenge the lawful authority of either of the two parliaments. The whole question of Ulster's constitutional status should be excluded, at any rate for the foreseeable future, from its proceedings.

Since British Government policy towards the Province is based on the principle of self-determination, that principle should also be given some regular institutional expression. At present, the law provides for polls on the future status of the Province to be held no more frequently than at 10-year intervals. It imposes no obligation, however, to conduct such polls. A regular referendum (held every 10 years, for example) would be open to the objection that it would provide grand occasions for divisive debates on Ulster's future. Such a system would be a source of recurring instability. Yet the absence of provisions for regularly testing Ulster's wishes is a serious defect. One proposal which we commend for consideration is that at every general election for the Westminster Parliament the Ulster electorate should be given two ballot papers – one on which to vote for the candidate of their choice, and the other on which to express their wishes about the constitutional status of Northern Ireland. Neither nationalists nor Unionists show much interest at present in such referenda – nationalists because they know they would lose, Unionists because they dislike the implication that the status of the Province is in any kind of dispute. Nevertheless, much foreign misunderstanding of the British Government's policy in Ulster (the belief, for example, that it is an "imperialist" policy dictated by Britain's desire to maintain control over a reluctant population) arises from sheer ignorance about the state of opinion in Ulster. A regular plebiscite such as we propose would help to dispel these illusions and would provide a clear moral basis for British action in the Province.

The restoration of a degree of local government in Ulster, plus guarantees of minority participation in such government, the development of inter-governmental co-operation between Britain and the Republic, and the establishment of a regular means of testing Ulster's wishes on her constitutional status, seem to be the main elements in a political settlement designed to win the greatest possible degree of support for the anti-terrorist campaign in Ulster.

IV. A Policy For Ulster

Legislation

In the absence of the necessary degree of agreement between the political parties in Ulster, we believe that legislative authority over Ulster's affairs must be firmly and unequivocally vested in the Westminster Parliament, and we believe that this would constitute the best available guarantee of minority rights. To make this policy effective, however, radical changes in the present arrangements for legislation applying to the Province are needed. A brief examination of the historical background to the present system will help to explain why this is so.

After the Act of Union in 1800, subsequent Acts of the Westminster Parliament generally applied to Ireland just as to the rest of the United Kingdom, though the pre-1800 legislation of the Irish Parliament remained in force, and new Bills were occasionally promoted which applied to Ireland only.

The 1920 Government of Ireland Act devolved all legislation to Stormont, apart from matters which were *excepted* (imperial responsibilities, such as the making of peace or war, the Armed Forces, treaties, wireless telegraphy and coinage) or *reserved* (such as postal services, savings banks, certain taxes and the Supreme Court). The latter were to be transferred to the All-Ireland Parliament into which the Council of Ireland was to have been transmuted.

Although Ulster seems for the most part to have kept in step with legislation at Westminster, considerable differences in detail, and some of greater significance, developed over the years until, by the time Stormont was prorogued in 1972, it had become quite right to speak of a distinct Northern Ireland statute book.

The 1973 Northern Ireland Constitution Act, which brought in power-sharing, added prosecution, elections and the franchise, judiciary, taxes, powers to deal with terrorism, the criminal law and the RUC to the *excepted* and *reserved* categories which were to remain with Parliament at Westminster. All other legislative responsibilities were transferred to the new Ulster Assembly.

When the power-sharing executive collapsed, the Northern Ireland Act of 1974 provided that during the interim period legislation on transferred matters was to be, by Order in Council, laid before Parliament by the Secretary of State. Judging by the practice during recent years, there are now between 20 and 25 such Orders each year. *Excepted* and *reserved* matters continue to be legislated for by Bills coming before the House of Commons in the normal way.

As the word "interim" implies – and the fact that it has to be renewed annually confirms – this system was designed as a temporary device, to be used until a new scheme for devolved responsibilities could be put into effect. However, it has now been in operation for 10 years, and what may have been adequate and acceptable as a stopgap has revealed fundamental and damaging defects as a long-term legislative procedure. In particular, it has failed to provide for a proper scrutiny of legislation affecting Ulster, an opportunity to amend it and an adequate role for Ulster MPs. These shortcomings should now be remedied as far as possible.

To this end, we make the following proposals:

- Where a Bill is introduced in Parliament, and the intention is to apply it to Northern Ireland, provision should be made to do this at the outset. In other words, the Bill should apply to the whole of the United Kingdom, with any necessary minor variations applying solely to the Province included in a schedule within the Bill. This would dispose of the need for about half the Orders in Council which are now annually made.
- Uncontentious legislation applying exclusively to the Province should in future be considered in principle by a Northern Irish Grand Committee on the Scottish model. Such a committee (which would, in practice, be based on the present Northern Ireland Committee which considers draft Orders in Council) would consist of all Ulster MPs, plus additional MPs from other constituencies. As in the case of Scotland, it would be unnecessary for the Government of the day to have an assured majority on this committee. As in the case of Scotland also, a Bill approved in principle by the Northern Irish Grand Committee would normally be given only a formal second reading in both Houses of Parliament.
- A Northern Irish Standing Committee on the model of the Scottish Standing Committee would consider these Bills up to the Report stage, when they would pass to the floor of the House of Commons. This committee would consist of all Northern Ireland MPs, plus additional MPs representing other parties. Because it would be necessary to ensure a Government majority on such a committee, a "reserve team" of Government back-benchers would be held in readiness. This special device is rendered necessary by the fact that, unlike Scottish MPs, Ulster MPs at present represent parties which function only in the Province itself, it would be impossible, therefore, to construct a Northern Irish Standing Committee in which the Government of the day had a secure majority.
- The various Select Committees which are at present appointed to examine the conduct of Government departments should continue to be free to extend their examinations to Northern Irish departments.

These proposals are designed to make it clear that for legislative purposes Ulster is to be treated as far as possible on the same basis as other parts of the United Kingdom, and to do this without seriously increasing Parliament's work-load. They are also designed to ensure that the minority in the Province shall not be subject to a legislative authority permanently vested in the majority group within the Province. None of these arrangements, however, would be incompatible with the continued existence of an advisory assembly in Belfast, which could offer recommendations to Parliament.

Local Government

Probably the largest deficiency in present arrangements for the government of Ulster is the absence of any effective system of elective local administration. The second plank in the policy which we recommend is, therefore, the remedying of that deficiency.

The Review Body on Local Government in Northern Ireland, reporting to Stormont in 1970, recommended a two-tier system for the Province. The first tier would consist of the Parliament and Government of Northern Ireland (Stormont), which would assume direct responsibility for such major local government services as health and education, which until then had been the responsibility of the six County and two County-Borough Councils. The second would comprise not more than 26 District Councils (in place of the existing 65), which would be responsible for more localised services, such as environmental health, refuse collection, urban drainage, building by-law control and so on. As the Review Body's report noted, "Stormont would thus be a

Parliament in the ordinary sense of the word and also a metropolitan or regional authority in the local government sense." Stormont had already announced its decision to transfer housing from the existing district councils to the newly created Central Housing Executive.

The Review Body's recommendations were widely welcomed, and were accepted almost unaltered by Stormont. The most fundamental – and the one to which the Review Body attached the greatest importance – was that such major regional services as health and education should *not*, as had been urged in some quarters, be entrusted to independent, autonomous Boards, nominated and not elected, but should be the responsibility of Stormont, a democratically elected body. There was plenty of evidence to show that the ordinary citizen with a problem or a grievance much preferred to be able to raise it with his elected representative, rather than with a paid official who was all too likely to fob him off with the bland evasions of bureaucracy. There was also evidence to show that he took comfort from the thought that in the last resort his problem or grievance could be raised "on the floor of the House", where the Minister ultimately responsible for the service in question would have to stand up and answer.

Yet this, the keystone of the arch, was fortuitously destroyed two years later, when Stormont itself ceased to exist. The demise of Stormont could not have come at a worse moment for local government, since the County and County-Borough Councils were being dismantled. They have never been restored. As a result, for over 10 years the major local government services of Ulster have been subject to no local democratic control whatsoever, giving rise to a phenomenon sometimes called the "Macrory Gap".

This state of affairs, which has for long been an understandable grievance with the citizens of the Province, should not be allowed to continue. As long ago as 1976 the New Ulster Movement, which by no stretch of the imagination could be described as an extremist Unionist body, submitted an excellent paper on the subject to the then Secretary of State for Northern Ireland; but it fell on deaf ears. We believe that a single, elected Regional or Provincial Council for Northern Ireland should at once be set up and given responsibility for all major local government services: education, public libraries, personal health, welfare and child care, food composition, standards and labelling, roads and traffic management (but with the delegation to district councils of responsibility for minor roads and local streets, as was recommended by the Review Body and is long overdue), water, major sewerage systems, electoral arrangements, criminal injuries compensation, local tourism and motor taxation.

This Regional or Provincial Council should also be given responsibility for certain functions which are more in the nature of trading undertakings than administrative services, such as major harbours, gas, electricity, road passenger transport and the fire services.

There are, of course, alternatives. It would be possible to create three Regional Councils, or even to resurrect the County and County-Borough Councils. But bearing in mind the size and financial resources of the Province a single Regional Council is greatly to be preferred and comes closest to what the 1970 Review Body had in mind. This would give Northern Ireland a system of local government similar to the two-tier system of Regional Councils and District Councils enjoyed by Scotland as a result of the Wheatley Commission, and it is worth noting that the area of at least one of the Scottish Regional Councils (Strathclyde) contains a population (2½ million) considerably greater than that of Northern Ireland.

There is no need at this stage to discuss such questions as what should be the electoral constituencies of the Ulster Regional Council, what method of voting should be used, and what system of Committees should be adopted. These problems are far from insoluble and can be quickly resolved once the basic principle has been accepted.

There really is no justification for allowing the present state of affairs to continue any longer. "Our inability so far to agree on a constitutional formula that would make possible a devolved legislature does not lessen the urgent need for the establishment of a central elected body with local government powers. Without it confidence is undermined in the rest of the local government system". These words were written by the chairman of the New Ulster Movement as long ago as 1976 and the need is no less urgent today.

Finally, the establishment of an Ulster Regional Council will provide a much-needed outlet for the legitimate aspirations of those people in Northern Ireland who wish to come forward through the electoral system to serve in public life. Moreover, there has been some encouraging experience at District Council level, which suggests that political opponents tend to forget their ancient antagonisms and prejudices when they get down together to the brass tacks of local government and find themselves co-operating in the more mundane but perhaps more satisfying business of trying to improve the daily lot of the ordinary citizen.

It is, however, on this last point that the strongest objection will be raised to our proposals. It is widely held that during the period of Stormont's existence local government (rather than that area of government for which the Stormont Parliament was responsible) was the chief area of sectarian discrimination in Ulster. This view was no doubt exaggerated, and in the form in which it is commonly presented it does not allow for the fact that councils controlled by the minority in the Province were at least as inclined to discriminate as Unionist councils. Nevertheless, it has some force and should be taken into account in proposing local government reform.

It is the generally accepted convention in local government throughout the rest of the United Kingdom that the chairmanships of particular council committees with specific departmental responsibilities should be distributed between the parties in proportion to their representation. We believe that this principle should apply to the upper tier of local government in Ulster, and we recognise that the nationalist minority will have no confidence in the willingness of the Unionist majority to observe it. We therefore recommend that in the case of Ulster the principle should not depend solely on convention but should be converted into a statutory obligation.

By these means, we believe that Ulster could be equipped with an efficient and equitable system of elective local government. We would also point out that Acts already on the statute book provide effective remedies for discrimination, and that Ulster has and should retain an ombudsman charged with the task of exposing any discrimination that may take place in any local or public body. The prevention of discrimination is one of the major responsibilities of the Westminster Parliament and of the Secretary of State, and it should continue to be regarded as such.

British-Irish Relations

We believe that the nationalist demand for an "Irish dimension" can be properly satisfied only within the general context of co-operation between the two sovereign states, the United Kingdom and the Irish Republic. For this reason, we favour the development of the Anglo-Irish Inter-Governmental Council which has already been set up.

It is obvious that the two countries have many interests in common. It is also obvious that Ulster is the area in which most benefit could arise from a marked improvement of understanding between London and Dublin. The Parliament of the United Kingdom must insist, without any reservation, on the proposition that it holds,

and will retain for the foreseeable future, sovereign authority over Ulster. But within the limits of that proposition there is vast scope for closer collaboration. No government in the Republic can abandon the aspiration to Irish unity, but if all the main parties in the Republic genuinely adhere to their professed view that unity should only be achieved with the consent of the North, this aspiration should be no obstacle to closer co-operation.

We therefore make the following recommendations:

- There should be regular summit conversations at fixed intervals between the Prime Minister of the United Kingdom and the Irish Taoiseach, assisted by such Ministers from both sides as may be necessary. It is no secret that at such meetings in the past the affairs of Ulster have been discussed; it should now be made clear that these discussions will continue on a regular basis, and that they are in no way incompatible with a mutual recognition of sovereignty.
- The Anglo-Irish Inter-Governmental Council should be given an administrative staff, drawn from both Civil Services and adequate for its task.
- A joint security commission with the special task of co-ordinating the campaign against terrorism in the British Isles should be established. In view of the special importance of Ulster in this connexion, a sub-committee of this commission – consisting of the GOC Northern Ireland, and representatives of the RUC, the Garda and the Irish Army – should meet at regular intervals. The Irish Government should withdraw its objection to direct contact between the British and Irish Armies. These proposals presuppose a whole-hearted commitment in Dublin to the defeat of terrorism, and the machinery suggested here would have to be abandoned if that assumption proved false. In return for this commitment, however, the Dublin Government would get the opportunity of airing its views, and of influencing British policy on several security issues which at present cause it anxiety. It would be the British hope that this would lead in Dublin to a more sensitive appreciation of the efforts and difficulties of the British security forces in Ulster.
- Schemes for commercial co-operation, such as sharing of gas and electricity resources, should be pursued, according to the economic benefits they produce for North and South. The advantages of a joint tourist board should be examined, particularly with a view to encouraging a greater readiness on the part of Southerners to visit the North and Northerners to visit the South. In any area of policy in which genuine practical advantages could be achieved by closer co-operation between the two governments the necessary machinery should be set up, provided such machinery is placed firmly under the joint control of both governments, each of which would have an absolute veto on policy decisions.
- At a later stage, and assuming that these arrangements are working well, an Inter-Parliamentary Consultative Council might be set up, consisting exclusively of MPs from the two Parliaments, representative of all parts of the British Isles.* This council would have no power, and would be forbidden to discuss changes in constitutional status.

In a recent pamphlet, Sir John Biggs-Davison suggests that the Nordic Council set up by the Scandinavian countries might serve as the model for such an institution; *United Ireland?? United Islands*, p. 12.

The Border Poll

In the last analysis, however, it must be recognised that the root causes of Ulster's troubles are the ambition of the Irish Republic and part of the Catholic minority in the North to achieve a united Ireland separate from the United Kingdom, and the dogged determination of the majority of Ulstermen to resist this ambition.

In this matter, Britain has taken her stand on the principle of self-determination. Legislation is already on the statute book permitting the holding of plebiscites in Ulster on the Province's future constitutional status at intervals no shorter than 10 years. The Acts in question, however, are permissive, not mandatory.* Moreover, these plebiscites are intended to be consultative in character, and the results in themselves carry no automatic political consequences.

The British Government nevertheless committed itself by the Sunningdale Agreement not to obstruct the attainment of Irish unity if that were ever shown to be the will of the people of Ulster. Later on, it added to this a more rigorous commitment – to support legislation for the purpose of bringing about Irish unity should Ulster ever choose that goal. As we have already pointed out, this commitment is fraught with potential difficulties and dangers for the future. We do not believe that any British government could feel morally obliged to initiate such legislation unless it was clear that there was deliberate and sustained support in the Province for Irish unity, and unless Parliament were satisfied that in a united Ireland there would be adequate constitutional safeguards for the rights of the Protestant population. We welcome the concern which the New Ireland Forum has shown on this question of Protestant rights. We also welcome Dr. Garret FitzGerald's recent suggestion that, in the event of some system of joint Anglo-Irish authority being established over Ulster, the Republic might not press for the unification of Ireland – even if there were a majority in the Province in favour of such a course.

In spite of all these considerations, however, it is a major British interest to ensure that the wishes of the people of Ulster on their constitutional status should be clearly tested and regularly registered. After all, those wishes provide the fundamental justification for British policy, and there is plenty of evidence that in the outside world – and particularly in the United States – there is widespread ignorance about the state of opinion in the Province.

As we have also pointed out, both nationalists and Unionists in Ulster at present have their own reasons for not wanting border polls. We do not believe, however, that the British Government should accept those reasons.

On the other hand, we believe that plebiscites held at fixed intervals and in total isolation from the normal political process would be a source of recurrent tension and even violence in the Province. We are, therefore, attracted by the alternative proposal – that at every General Election for the Westminster Parliament voters in Ulster should be given two ballot papers, on one of which they would record their choice of a parliamentary representative and on the other their views about the Province's constitutional status. We believe that this system would be far less dangerously emotive than any other, and we also believe, though without undue confidence, that it might eventually induce the Ulster electorate to cast its parliamentary votes on issues of general policy,

* The Northern Ireland (Border Poll) Act, 1972 lays down that "the poll shall be held on such a date as the Secretary of State may by order direct"; that "the questions to be asked of those voting in the poll shall be the alternative questions in the form set out in the Schedule to this Act"; and that no poll shall be conducted without the approval of an Order by both Houses of Parliament.

The Northern Ireland Constitution Act, 1973 stipulates that no poll may be held "earlier than 10 years after the date of a previous poll."

rather than exclusively on the question of the Irish border. If this were to happen, British political parties might be induced to put up candidates in the Province, a development which would greatly assist the administration of Ulster so long as the Province remains within the Kingdom. Initially, the choice presented to Ulster on the ballot paper concerned with the Province's constitutional status should be the same as it was in the referendum of 1973 – a straight one between continued membership of the United Kingdom or unity with the Republic and separation from the United Kingdom. It should be possible, however, if changes of opinion in Ulster justified it, to test opinion on a third possibility – that of full independence, with or without dominion status.

V. Conclusions

All our proposals and recommendations are based on the assumption that for the foreseeable future the people of Ulster will wish to remain within the United Kingdom, a wish which it will continue to be Britain's duty to respect.

It seems to follow from this that the British Government should now address itself urgently to the task of setting up equitable and efficient arrangements for the administration of the Province's affairs. With this in view, we have proposed improvements in the Parliamentary machinery for dealing with business concerning Ulster. We also regard it as a matter of urgency to equip Ulster with an upper tier of representative local government, but we recognise that such a reform must include statutory safeguards for the nationalist minority.

We believe that, in the interest of mobilising the greatest possible resistance to Republican terrorism, an attempt should be made to meet such of the political aspirations of the Irish Republic as are unequivocally consistent with Britain's obligations to Ulster. We hold that the only available way of doing this is to increase as far as possible co-operation based on a mutual recognition of sovereignty between the Irish Republic and the United Kingdom as a whole. For this purpose, we recommend that ways should be explored of expanding the work of the Anglo-Irish Inter-Governmental Council. In particular, we would like to see a consultative British-Irish security commission established, with the object of co-ordinating, as far as possible, anti-terrorist measures throughout the British Isles. We do not exclude the eventual establishment of an Inter-Parliamentary Consultative Council, recruited exclusively from members of the Westminster and Dublin Parliaments:

Recognising that British policy in Ulster now rests on the principle of self-determination, we would like to see regular and mandatory means established for testing the wishes of the people of Ulster on the Province's constitutional status, and we think that the least divisive means for doing this would be to provide Ulster voters with two ballot papers at every General Election to the Westminster Parliament – one on which to express their choice of a representative, and the other on which to register their choice on the question of constitutional status.

One of the merits we claim for these proposals is that many would not require the agreement of all parties to the Ulster conflict but could be introduced solely at the discretion of the Westminster Parliament. Constitutional nationalists in Ulster do not at present boycott that Parliament, and it is scarcely conceivable that the procedural reforms we propose would induce them to do so. We think that there is at least some hope that the nationalist parties would be prepared to participate in an upper tier of local government, given the safeguards we recommend, and we believe that the Unionists' desire for such an upper tier might well overcome their objections to the statutory provision of conventions which at present prevail throughout local government elsewhere in the United Kingdom.

Border polls can, of course, be boycotted, but only at the risk of injuring the cause of those who boycott them. In the same way, any arrangements which may be made for closer inter-governmental co-operation between London and Dublin can be brought into operation by the two governments and would not require the agreement of any

Northern Irish political party. Provided such arrangements scrupulously safeguard national sovereignty, in practice as well as in theory, it is our belief that they would command the acquiescence of Unionists in the North, even if few Unionist politicians would give them positive approval.

The timing of the various provisions in the policy outlined above would depend on circumstances. The most urgent need is to improve the machinery for governing Ulster and thereby to reassure Unionists of Britain's determination to maintain the Union. What progress can be made towards closer inter-Governmental co-operation with the Republic must depend, of course, on the willingness of Dublin to participate in arrangements which, by Dublin's standards, will necessarily seem modest; but there is no reason why the task of exploring the possibility of closer co-operation, particularly in relation to security, should not begin at once.

It would, in our view, greatly enhance the prospects for the general policy which we are recommending if the British Government clearly and promptly committed itself in principle to that policy. The most convincing form which such a commitment could take would be a speech by the Prime Minister. In recent years the Government's policy towards Ulster has too often suffered from a suspicion that the Cabinet is both divided on the subject and largely indifferent towards it. The Prime Minister has it in her own power to remove this defect and thereby convince the public that she herself is taking the degree of detailed interest demanded by what is beyond doubt the greatest single internal danger to the authority of the State.

We are far from believing that the policy we recommend provides an infallible answer to the "Ulster Question". It has yet to be seen whether wholly effective co-operation in the defeat of the IRA can be achieved between London and Dublin. If it cannot be achieved it will be the British Government's duty to take, without Dublin's approval, whatever measures may be necessary to improve the government of Ulster and, most important of all, security in the Province.

We believe that British policy has suffered in the past from an excessive and misconceived regard for the sensibilities of the Irish Republic. The plain truth of the matter is that both government and opposition in the Republic would regard an imminent withdrawal of the British presence from Ulster with total consternation. We do not recommend a public slanging match between London and Dublin, but we think that the British Government should show greater candour than we believe it has hitherto shown in its dealings with Irish Government.

We think that it should be made clear to the Dublin Government that the degree of force which must be used in the attempt to restore order in Ulster will be in inverse proportion to the degree of effective co-operation on security which can be achieved between the two governments. We believe that it should be impressed upon Dublin with remorseless clarity that if the attempt to restore order in Ulster fails the result will be not the unification of Ireland but a bloody civil war, spreading across the border. In all probability, this would lead to the establishment of an independent Protestant state in Northern Ireland, a consummation which would be as unacceptable to the Irish Republic as it would be to Britain.

Appendix I

The electoral performances of the principal parties

	Percentage of vote and number of seats			
	Sinn Fein	SDLP	OUP	DUP
1975 Convention Election (78 seats)	—	17 23.7%	19 25.8%	12 14.8%
1979 General Election (12 seats)	—	1 18.0%	5 36.2%	3 10.1%
1979 European Election (3 seats)	—	1 24.6%	1 21.9%	1 29.8%
1982 Assembly Election (78 seats)	5 10.1%	14 18.8%	26 29.7%	21 23.0%
1983 General Election (17 seats)*	1 13.4%	1 17.9%	11 34.0%	3 20.0%
1984 European Election (3 seats)	0 13.3%	1 22.09%	1 21.5%	1 33.6%

*At this election the number of Ulster constituencies was increased from 12 to 17.

Appendix II

The British Government's commitments to maintain the union

A. The Ireland Act, 1949:

"It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland."

B. The Northern Ireland Constitution Act, 1973:

"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."

C. The Sunningdale Agreement, 1973:

"The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish."

D. The Anglo-Irish Summit Communique, 1981:

"The Prime Minister affirmed, and the Taoiseach agreed, that any change in the constitutional status of Northern Ireland would require the consent of a majority of the people of Northern Ireland. The Prime Minister said that if that consent were to be expressed as a result of a poll conducted in accordance with the Northern Ireland Constitution Act 1973 the British Government would of course accept their decision, and would support legislation in the British Parliament to give effect to it."

Appendix III

Violence in Ulster: statistics on security

	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Shooting incidents	10,628	5,018	3,206	1,803	1,908	1,081	755	728	642	815	382	290
Explosions	1,382	978	685	399	766	366	455	422	280	398	219	266
Bombs neutralised	471	542	428	236	426	169	178	142	120	131	113	101
Armed robberies	1,931	1,215	1,231	1,201	813	591	442	434	412	587	580	622
Malicious fires*	—	587	636	248	453	432	269	315	275	536	499	528
Houses searched	36,617	74,556	71,914	30,092	34,939	20,724	15,462	6,542	4,106	4,104	4,045	1,494
<i>Finds</i>												
Firearms	1,264	1,595	1,260	825	837	590	400	301	203	409	317	200
Ammunition (rds.)	183,410	187,399	147,202	73,604	70,306	52,092	43,512	46,280	28,078	47,127	41,452	32,451
Explosives	41,488	38,418	26,120	11,565	21,714	3,809	2,108	1,996	1,810	7,536	5,066	3,762
<i>Deaths</i>												
Civilian	322	171	166	216	245	69	50	51	50	57	57	44
Army/UDR	129	66	35	20	29	29	21	48	16	23	28	15
Police	17	13	15	11	23	14	10	14	9	21	12	18
<i>Injuries</i>												
Civilian	3,813	1,812	1,680	2,044	2,162	1,027	548	557	530	878	328	280
Army/UDR	578	548	483	167	264	188	135	153	77	140	98	88
Police	485	291	235	263	303	183	302	165	194	332	99	142
Persons charged with terrorist-type offences*	—	1,414	1,374	1,197	1,276	1,308	843	670	550	918	686	613

*Consolidated figures not available for 1972

(Source: Northern Ireland Office)

Appendix IV

MORI Opinion Poll, August 1984.

A. Which of the following constitutional options would be "very" or "fairly" acceptable?

	Protestant	Catholic
Full integration with the rest of the United Kingdom	87	28
Continuation as part of the United Kingdom, but with own Assembly and guarantees for Catholics	80	50
Return to majority rule	59	7
Continuation of direct rule	66	36
Joint government by the British and Irish Governments	8	46
A Federal Assembly	9	58
A United Ireland	6	75

B. Should the Government of the Republic of Ireland have any say in constitutional changes affecting Northern Ireland?

Yes	10	61
No	86	23
Don't know	4	16

C. Would combined patrols on both sides of the border by British and Irish police and troops be acceptable or unacceptable?

Acceptable	51	56
Unacceptable	38	25
Don't know	11	19

D. Do you think there should or should not be co-operation on non-constitutional affairs, such as agriculture, industry and tourism, between Northern Ireland and the Republic?

Should	66	85
Should not	26	4
Don't know	8	10

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