

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T65/84

Oifig an Taoisigh
Office of the Taoiseach

Sues

cc Master
OPS.

27 April, 1984

Dear Margaret,

MS

The work of the New Ireland Forum was virtually completed today. It remains for a final meeting of the Leaders on Monday to deal with a couple of outstanding points and for a Plenary session of the Forum to confirm the text which has been effectively agreed by the Party Leaders. I am reasonably confident that no substantive changes will be made in the enclosed text. It is now agreed that the Report will be published next Wednesday afternoon.

I felt it important that you should have a copy of an advance text of the Report in virtually final form as far in advance of the date of publication as possible. I am accordingly sending you, on a strictly confidential basis, the attached text, which cannot of course be described as the Report of the Forum. That will not exist until it has been adopted formally by the Forum.

Copies of this text are also being transmitted to Geoffrey Howe and Jim Prior.

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Oifig an Taoisigh
Office of the Taoiseach

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I believe that the Report is an important event in the political development of this State and for our relations with you and indeed with Northern Ireland. I believe that it marks a consolidation by the four main voices of constitutional nationalism in Ireland, speaking together, of important principles which we hold in common with you, and moreover, that it marks a seminal advance in the acceptance by Irish nationalism of the rights and the ethos of the Unionists of Northern Ireland.

As to the first, the evil of violence is condemned in trenchant terms at a number of points in the document although I feel I hardly need to direct your attention to this since you already know how strongly violence has always been repudiated by successive Irish Governments and constitutional politicians in Ireland.

As to the second, I believe that the parties in the Forum have brought constitutional nationalism very far forward in two particular ways: firstly, by acknowledging the rights and the identity of Unionists in a way in which nationalists have hitherto not done and, secondly, in making it clear that we are open to ideas other than what, in the carefully chosen words of the Report, nationalists "would wish to see", which is, of course, a unitary Irish state. Some of these ideas are to be found in Chapters 7 and 8.

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Office of the Taoiseach

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As we both know, of course, there have always been fundamental differences between the historical assumptions and perceptions of Irish nationalism and the view of British Governments about some of the most difficult issues in the relationship between our two islands during this century.

It is natural therefore that when the leaders of constitutional Irish nationalism speak with one voice of the problem of Northern Ireland, as they do in this Report, they would take as their point of departure their belief that the decision to divide this island sixty years ago was a tragic mistake.

I believe that there is merit in being open in stating our view about the history and origin of the problem and that it was and is necessary to do so in order to maintain the credibility of constitutional democratic politics in this island at a time when it is under threat from men of violence who seek to discredit it and whose aims and methods we both abhor and repudiate.

I know you may not share our view of the origin of the problem nor, indeed, our perspective on the events of the past sixty years. But I am deeply concerned to ensure that the possibility of serious dialogue and close cooperation between us, which I know we both

/very much...



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very much want to develop, is strengthened, rather than diminished, by the appearance of the Report and the follow-up to it.

With this in mind, I would suggest to you, and I hope you will share my view on this, that particular importance should be attached to the formal acknowledgement for the first time by constitutional Irish nationalism that Unionists in Northern Ireland "regard themselves as being British, the inheritors of a specific communal loyalty to the Crown", with a right as a community to effective political, symbolic and administrative expression of their identity and ethos (Chapter 4.8, 4.10, 4.11 and 4.18). This is a dramatic advance on the traditional nationalist view, which in focussing on the aspiration to unity of a majority in the island has always tended to underestimate or ignore the reality of the Unionist ethos and the strength of their feelings on this point.

What I see as being potentially the operational part of the Report, on which I hope we can build together, is the statement of Realities and Requirements in Chapter 5 - paragraphs 1 and 2. The statements in these two sections taken together can be seen as comprising a new and, I believe, more realistic statement of the position of constitutional Irish nationalism. I think it is particularly important and helpful that not alone our two parties in government but the main

/opposition party...



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opposition party here and the SDLP in Northern Ireland have formally subscribed to and endorsed these "Realities" and "Requirements". It is also, I think, of major importance that all four of the parties which participated in the Forum, while stating their preference as an ideal for a united Ireland to be achieved peacefully and by agreement, have committed themselves fully to the concept that this could be achieved only through agreement and consent - a principle reiterated in almost every paragraph of Chapter 5.

Finally, I would add that it has not been easy to bring all our partners with us in this and, as a politician, you will, I know, appreciate that, in order to make this progress, it has been necessary to stress in the earlier chapters the beliefs and hopes which are the inheritance of Irish nationalists, and which, inevitably, will be seen in a different perspective in Britain and by Northern Unionists.

It is my firm hope that you will be able to see, as I do, the real merit of this unusual exercise and, in particular, the fact that it creates a solid and realistic basis for any action we might contemplate in the future.

The Rt. Hon. Margaret Thatcher M.P.,

Prime Minister.

Best wishes

Yours
Janet P. Farrell



B.06732

MR COLES *NYs*
h-a.

c Mr Hatfield

New Ireland Forum: Report

see useful

docs.

I attach two copies of the published version of the New Ireland Forum's Report which were passed to me by the Irish Ambassador this morning with the request that they should be transmitted with his compliments to the Prime Minister.

The Ambassador also handed over a copy for Sir Robert Armstrong.

David Goodall

A D S Goodall

2 May 1984

New Ireland Forum

Report

1. Preface

1.1 The New Ireland Forum was established for consultations on the manner in which lasting peace and stability could be achieved in a new Ireland through the democratic process and to report on possible new structures and processes through which this objective might be achieved.

1.2 Participation in the Forum was open to all democratic parties which reject violence and which have members elected or appointed to either House of the Oireachtas or the Northern Ireland Assembly. Four political parties took part in the Forum: the Fianna Fail Party, the Fine Gael Party, the Labour Party and the Social Democratic and Labour Party (SDLP). These four parties together represent over ninety per cent of the nationalist population and almost three-quarters of the entire population of Ireland. The parties which participated in the Forum would have greatly preferred that discussions on a new Ireland should

have embraced the elected representatives of both the unionist and nationalist population. However, the Forum sought the views of people of all traditions who agreed with its objectives and who reject violence. The establishment and work of the Forum have been of historic importance in bringing together, for the first time since the division of Ireland in 1920, elected nationalist representatives from North and South to deliberate on the shape of a new Ireland in which people of differing identities would live together in peace and harmony and in which all traditions would find an honoured place and have equal validity.

- 1.3 The leaders of the four participating parties met on 14 and 21 April, 1983 to consider arrangements for the Forum. Those present were the Taoiseach, Dr. Garret FitzGerald, TD, Leader of Fine Gael, Mr. Charles J. Haughey, TD, Leader of Fianna Fail, the Tánaiste, Mr. Dick Spring, TD, Leader of the Labour Party, and Mr. John Hume, MP, MEP, Leader of the Social Democratic and Labour Party. The Party Leaders made the following arrangements:

the Chairman to be Dr. Colm O hEocha, President of University College, Galway and the Secretary to be Mr. John R. Tobin, Clerk of Seanad Eireann; the Forum would be assisted by an independent secretariat*; membership of the Forum would comprise 27 members and 14 alternate members from the four parties.

1.4 The members and alternates nominated were:-

* Members:
Mr. Walter Kirwan (Co-ordinator), Mr. Kieran Coughlan, Mr. Hugh Finlay, Mr. Colm Larkin, Mr. Martin McMahon, Mr. Ciaran Murphy, Mr. Richard O'Toole, Mr. Frank Sheridan, Mr. Ted Smyth.

Administration, Press and Secretariat Staff:

Ms. Margaret Beatty, Ms. Josie Briody, Ms. Nora Daffy, Mrs Nuala Donnelly, Ms. Theresa Enright, Ms. Jacqueline Garry, Mr. Desmond Morgan, Ms. Mary O'Leary, Ms. Kathleen Redmond, Mr. Patrick Sherlock.

FIANNA FAIL PARTY

MEMBERS AND ALTERNATES

Charles J. Haughey TD
Brian Lenihan TD
David Andrews TD
Gerry Collins TD
Eileen Lemass TD
Ray MacSharry TD
Rory O'Hanlon TD
Jim Tunney TD
John Wilson TD

Paudge Brennan TD
Jackie Fahey TD
Jimmy Leonard TD
John O'Leary TD

Secretary: Veronica Guerin

FINE GAEL PARTY

MEMBERS AND ALTERNATES

Garret FitzGerald TD
Taoiseach
Peter Barry TD
Minister/Foreign Affairs
Myra Barry TD
Senator James Dooge
Paddy Harte TD
John Kelly TD
Enda Kenny TD
Maurice Manning TD

David Molony TD
Nora Owen TD
Ivan Yates TD

Secretary: John Fanagan

LABOUR PARTY

MEMBERS AND ALTERNATES

Dick Spring TD
Tánaiste and
Minister for Energy
Frank Cluskey TD
Senator Stephen McGonagle
Frank Prendergast TD
Mervyn Taylor TD

Eileen Desmond TD
Senator Mary Robinson

Secretary: Diarmuid McGuinness

SOCIAL DEMOCRATIC AND
LABOUR PARTY

MEMBERS AND ALTERNATES

John Hume MP MEP
Seamus Mallon
Austin Currie
Joe Hendron
E.K. McGrady

Sean Farren
Frank Feely
Hugh Logue
Paddy O'Donoghue
Paschal O'Hare

Secretary: Denis Haughey

Proceedings of the Forum

1.5 The first session of the Forum was held in public in Dublin Castle on 30 May, 1983. It was opened by the Chairman, Colm O hEocha and was addressed by the Leaders of the four participating parties. There was a total of [28] private sessions and [13] public sessions and there were [53] meetings of the Steering Group, comprising the Chairman and the Party Leaders. In addition sub-groups of the Forum examined in detail economic issues and the structures outlined in Chapters 6, 7 and 8.

1.6 Since the Forum was concerned to hear the widest possible range of opinion, in particular from Northern Ireland, written submissions were invited through advertisements in a wide range of newspapers, North and South. [317] submissions were received from both parts of Ireland and from Britain, the United States, Belgium, France and Canada. These reflected many views, including those of the nationalist and unionist traditions, and covered a wide spectrum of topics such as economic, social, political, constitutional, legal, religious, educational and cultural matters. The Forum invited oral presentations from 30 individuals and groups in order to allow for further elaboration and discussion of their submissions. These sessions took place at 11 public meetings of the Forum from 20 September, 1983 to 9 February,

1984. The proceedings of these sessions have been published by the Forum. Appendix 1 lists the individuals and groups who made submissions and those who attended for oral presentations.

- 1.7 A Forum delegation from the four participating parties visited the North on 26 and 27 September, 1983 and met groups representative of a wide range of opinion. On 23 and 24 January, 1984, another Forum delegation held discussions in London with groups from the Conservative Party, the Labour Party, the Liberal Party and the Social Democratic Party.

Acknowledgement of Assistance Received

- 1.8 The following reports, which analyse in detail different aspects of the problem, were prepared by the Forum and have been published separately: The Cost of Violence arising from the Northern Ireland Crisis since 1969, The Economic Consequences of the Division of Ireland since 1920 and A Comparative Description of the Economic Structure and Situation, North and South. These reports contribute to an understanding of the problems involved and provide an important point of reference. The following studies were commissioned by the Forum and have been published:

The Macroeconomic Consequences of Integrated Economic Policy, Planning and Co-ordination in Ireland by DKM Economic Consultants and The Legal Systems, North and South by Professor C.K. Boyle and Professor D.S. Greer.

- 1.9 The Forum records its gratitude to all who made submissions, written and oral. It acknowledges with thanks the contributions of those who acted as consultants on many aspects of the Forum's work. The very positive response to requests for assistance by the Forum and the large number of submissions and offers of help received bear striking testimony to the widespread and urgent desire among all traditions in Ireland that the Forum should succeed in contributing to peace and stability.

2.

Introduction

2.1 The Forum has been imbued with an overriding sense of the importance and urgency of its task. It was established against a background of deep division, insecurity and violence that threaten society, primarily in Northern Ireland but also in the Republic and to a certain extent in Britain. The continuing crisis in Northern Ireland has reached critical proportions, involving intense human suffering and misery for many thousands of people. The persistence of division and of conflict on such a scale poses a fundamental challenge to those who support and practise democratic principles as a means to resolve political problems. In particular, since Britain exercises direct responsibility, it is a serious reflection on successive British Governments. More than thirty years after European statesmen successfully resolved to set aside their ancient quarrels and to work together in the European Community, the continuation of the conflict in Northern Ireland represents a dangerous source of instability in Western Europe and a challenge to the democratic values which Europe shares in common with North America and the rest of the Western World.

2.2 The analysis by the Forum of the crisis in Northern Ireland (Chapters 3 and 4) illustrates the inherent instability of the 1920 constitutional arrangements which resulted in the arbitrary division of Ireland. Each generation since has suffered from the discrimination, repression and violence which has stemmed from those constitutional arrangements.

2.3 The study by DKM Economic Consultants shows that the economic outlook for the North is very bleak as long as the present political paralysis and violence continue. This study indicates that on the basis of foreseeable economic trends, and in the absence of a political settlement leading to an end to violence, there will be virtual stagnation in the economy and a further substantial increase in unemployment. Unemployment in the North would increase from an estimated 122,000 in 1984 to as much as 166,000 (about 32 per cent of civil employment) by the 1990's. Without political progress the scale of economic and social problems will increase greatly, exacerbating a highly dangerous situation. This will make increasingly intolerable the social and economic burden for both sections of the community in the North. It will also lead to a major increase in the financial burden on Britain because of the mounting cost of security

and the increased expenditure necessary to shore up the economy and living standards of the area. For the South, there will be a further diversion of resources to security where expenditure is already disproportionately greater than that of Britain, while the adverse effects on the economy, particularly in the border areas, will be prolonged.

2.4 The immediate outlook for the North is extremely dangerous unless an acceptable political solution is achieved. The long-term damage to society worsens each day that passes without political progress. In political, moral and human terms there is no acceptable level of violence. There are at present no political institutions to which a majority of people of the nationalist and unionist traditions can give their common allegiance or or even acquiesce in. The fundamental social bonds which hold people together in a normal community, already tenuous in the abnormal conditions of Northern Ireland, have been very largely sundered by the events and experiences of the past fifteen terrible years. However, despite the drawing apart of the two traditions since 1969, respect for basic human values was for a time maintained within each tradition. . But as sensibilities have become dulled and despair has deepened, there has been a progressive erosion of basic values which is in danger of becoming irreversible. The immense challenge facing

political leaders in Britain and Ireland is not merely to arrest the cancer but to create the conditions for a new Ireland and a new society acceptable to all its people.

2.5 The need for progress towards this objective is now so urgent that there can be no justification for postponing action. A major reassessment by Britain which at present exercises direct responsibility for Northern Ireland is required. There is an overwhelming need to give urgent and sustained priority to the initiation of a political process leading to a durable solution.

2.6 The conflict inherent in the Northern situation has surfaced dramatically in the last 15 years and the situation is progressively deteriorating within the present structures. The alienation of nationalists in Northern Ireland from political and civil institutions, from the security forces and from the manner of application of the law has increased to major proportions. There is fear, insecurity, confusion and uncertainty about the future in the unionist section of the community. Northern Ireland today is characterised by the fact that neither section of the community is happy with the

status quo or has confidence in or a sense of direction about the future. It is essential that any proposals for political progress should remove nationalist alienation and assure the identity and security of both unionists and nationalists. Accordingly, in the search for the basis of a political solution the British and Irish Governments must together initiate a process which will permit the establishment and development of common ground between both sections of the community in Northern Ireland and among all the people of this island.

CHAPTER 3: ORIGINS OF THE PROBLEM

Failure of 1920 Settlement

- 3.1 The existing political systems in Ireland have evolved from the 1920 constitutional arrangements by Britain which resulted in the arbitrary division of the country. Prior to 1920 and during many centuries of British rule, Ireland was administered as an integral political unit. The establishment of Northern Ireland as a separate political unit was contrary to the desire of the great majority of Irish people for the political unity and sovereignty of Ireland as expressed in the last all-Ireland election of 1918. That election also confirmed that the Protestants of North-East Ulster, fearful for the survival of their heritage, opposed separation of Ireland and Britain. Although the (British) Government of Ireland Act 1920 contemplated the eventual establishment of an all-Ireland Parliament within the United Kingdom, the settlement in fact entailed the partition of Ireland into two separate political units.
- 3.2 The Government and Parliament set up in the North were broadly acceptable to the unionist majority in the North and to the British Government. While maintaining their desire for Irish unity, nationalists in the South dedicated themselves to building up the

Southern state when this was not attained. Two groups found that their interests were not accommodated - the Northern nationalists and the Southern unionists. However, the constitutional, electoral and parliamentary arrangements in the South specifically sought to cater for the minority status of Southern unionists and did so with considerable, if not total, success. The intention underlying the creation of Northern Ireland was to establish a political unit containing the largest land area that was consistent with maintaining a permanent majority of unionists. Since they were now in a minority, the Northern nationalists were the principal victims of the arrangements and, although some hoped that the Boundary Commission would bring within the jurisdiction of the South areas of predominantly nationalist population, this did not take place.

- 3.3 Because of the failure of the British government to accept the democratically expressed wishes of the Irish people and because of the denial of the right of nationalists in the North to political expression of their Irish identity and to effective participation in the institutions of Government, the 1920 arrangements did not succeed. The fundamental defects in the resulting political structures and the impact of ensuing policy led to a system in the North of supremacy of the unionist tradition over the nationalist tradition. From the beginning, both sections of the community were locked into a system based on sectarian loyalties.

3.4 The failure of the arrangements was clearly acknowledged by the British Government in 1972 when they replaced the Government and Parliament of Northern Ireland established under the Government of Ireland Act 1920 with direct rule. The subsequent Northern Ireland Constitution Act, 1973 was intended to provide a framework for agreed government in Northern Ireland but, following the collapse in 1974 of the ensuing Sunningdale arrangements, many of the provisions of the 1973 Act have been effectively in abeyance. Thus, over 60 years after the division of Ireland, workable and acceptable political structures have yet to be established in the North.

Consequences of the Division of Ireland up to 1968

3.5 During the Home Rule for Ireland debates in the British Parliament in 1912, many arguments were advanced by British political leaders in favour of maintaining the unity of Ireland. The British Government had introduced a Bill that proposed to give Ireland a separate Parliament with jurisdiction over her internal affairs while reserving power over key issues. However, faced with the unionist threat to resist this Bill by unlawful force, the British Government and Parliament backed down, and when the Government of Ireland Act of 1914 was placed on the statute book in Westminster, there was a provision that it would not come into operation until after Parliament had an opportunity of making provision for Ulster by special amending legislation. The message - which was not lost on unionists - was that a

threat by them to use violence would succeed. To the nationalists, the conclusion was that the democratic constitutional process was not to be allowed to be effective. This legacy continues to plague British-Irish relations to-day.

3.6 Although partition was established by the British Parliament in the Government of Ireland Act 1920, that Act also made provision for the two parts of Ireland coming together again, and it sought to encourage this process through a Council of Ireland. In the period immediately after 1920, many saw partition as transitory. It soon became clear, however, that successive British Governments were in practice willing to allow a system of untrammelled one-party rule in Northern Ireland to be exercised by and on behalf of the majority unionist population. Not only were the wishes of the people of the rest of Ireland as a whole discounted but the identity of nationalists in the North was disregarded.

3.7 Since its establishment, partition has continued to overshadow political activity in both parts of Ireland. The country as a whole has suffered from this division and from the absence of a common purpose. The division has absorbed the energies of many, energies that otherwise would have been directed into constructing an Ireland in which nationalists and unionists could have lived and worked

together. Instead of a positive interaction of the unionist and nationalist traditions, the emphasis in both parts of Ireland was on the predominant value system of each area, leading to drifting apart in laws and practices. The most tragic measure of the Northern Ireland crisis is the endemic violence of the situation. Moreover, the situation has persistently given rise to tensions and misunderstandings in the British-Irish relationship in place of the close and harmonious relationship that should normally exist between neighbouring countries that have so much in common.

- 3.8 In its report on The Economic Consequences of the Division of Ireland since 1920, the Forum noted that division gave rise to considerable economic costs, North and South. For example, in the absence of co-ordinated long-term planning capital investment in areas such as energy, education and health has entailed considerable duplication of expenditure. The impact on areas contiguous to the border was particularly adverse. Not only were they detached from their trading hinterlands, but the difficulties of their location were worsened by their transformation into peripheral regions at the dividing line of two new administrative units. Had the division not taken place, or had the nationalist and unionist traditions in Ireland been encouraged to bring it to an end by reaching a mutual accommodation, the people of the whole island would be in a much better position to benefit

from its resources and to meet the common challenges that face Irish society, North and South, towards the end of the 20th century.

3.9 Since 1922, the identity of the nationalist section of the community in the North has been effectively disregarded. The symbols and procedures of the institutions to which nationalists are required to give allegiance have been a constant reminder of the denial of their identity. Apart from a few local authorities and the power-sharing Executive which was briefly in being following the Sunningdale Agreement of 1973, they have had virtually no involvement in decision-making at the political level. For over 50 years they lived under a system of exclusively unionist power and privilege and suffered systematic discrimination. They were deprived of the means of social and economic development, experienced high levels of emigration and have always been subject to high rates of unemployment. The consequences of this policy became particularly evident in those areas which have a predominantly nationalist population.

3.10 Unionists had to cope with a situation which was not their first choice. Originally, they opposed change and sought to keep all of Ireland in the United Kingdom. They later opposed Home Rule and then independence for the whole island. In the event, the South became a Dominion, and later a Republic outside the Commonwealth. Provision was made for the two parts of Ireland to come together

in a Council of Ireland but the North was also given the option not to be part of the new Irish State and to revert to the United Kingdom. This option was exercised at once and the North found itself with a Home Rule devolved government which it had not sought. From the beginning, unionist insecurity in regard to their minority position in the island as a whole had a profound effect on the manner in which political structures were organised in the North. Political dialogue with the nationalists was avoided for fear of undermining the unionist system of exclusive power and privilege. Fears were stimulated of forcible absorption of unionists into an all-Ireland Republic, dominated as unionists saw it by a Roman Catholic and Gaelic ethos. Those fears led many unionists to equate Roman Catholicism with nationalism and to regard the nationalist minority in the North as a threat to the survival of their power and privilege.

3.11 As a result, the people in both sections of the community lived under the shadow of sectarian politics and the fear of domination of one tradition by the other.

3.12 Irish nationalism found sovereign and international expression in partial fulfilment of its objectives through the establishment of an independent, democratic state in the South. Since 1922, the primary efforts of successive Governments have been concentrated on consolidation and development of the state which has a record of significant achievement. The process of development of an

institutional and legal framework, of international assertion of sovereignty, and of concentration on industrial, economic and social development resulted, however, in insufficient concern for the interests of the people of Northern Ireland. Efforts were made from time to time by all nationalist parties to highlight the effects of the partition of the country, and the injustices which the nationalist population of the North had to suffer, without response from successive British Governments. Moreover, the experience of partition has meant that for two generations there has been no unionist participation in political structures at an all-Ireland level. Rather, the Southern state has evolved without the benefit of unionist influence.

Consequences of the crisis since 1969

- 3.13 Since 1969, Northern Ireland has endured a sustained political crisis. This crisis has been different from previous manifestations of the underlying problem, not only because of the scale of the violence, but also because the crisis has shown no signs of early resolution. On the contrary, the political conflict underlying the violence has worsened and will continue to do so unless there is urgent action to bring about significant political progress.
- 3.14 The present crisis in the North arose when non-violent campaigns in the late 1960's for basic civil rights and for an end to systematic discrimination in the areas of electoral rights, housing and employment were

met with violence and repression. Even modest steps towards dialogue and reform undertaken by the unionist administration of Northern Prime Minister Terence O'Neill met with vigorous opposition from certain sections of unionist opinion. Some of that opposition found expression in sectarian attacks against nationalists and bomb attacks on public utilities. The partial attitude of the local institutions of law and order, especially the B-Special Constabulary, resulted in failure to protect the nationalist population against sectarian attacks, which were particularly virulent in West Belfast. The conditions were thus created for revival of a hitherto dormant IRA which sought to pose as the defenders of the nationalist people. The resulting conflict gave rise to the deployment of the British Army on the streets of Northern Ireland in 1969.

3.15 The British Army was initially welcomed by the nationalist population as providing protection from sectarian attacks. However, the relationship between the nationalist population and the British Army deteriorated shortly afterwards. This was due to insensitive implementation of security measures in nationalist areas and a series of incidents in which the British Army was no longer perceived by nationalists to be acting as an impartial force. 1969 was thus a critical turning point and the experience of nationalists then and subsequently has profoundly influenced their attitudes, especially in regard to security. Among the

major incidents which contributed to this alienation were the three-day curfew imposed on the Falls Road in June 1970; the internment without trial in August 1971 of hundreds of nationalists; the subsequent revelation that some of those taken into custody on that occasion were subjected to treatment later characterised by the Strasbourg Court of Human Rights as "inhuman and degrading"; the shooting dead of 13 people in Derry by British paratroopers in January, 1972; and the beatings and ill-treatment of detainees in Castlereagh Barracks and Gough Barracks in 1977/78, subsequently condemned in the official British Bennett report.

- 3.16 Some hope of an improvement in the plight of nationalists followed the introduction of direct rule by Westminster in 1972. Negotiations in 1973 between the Northern parties and subsequently at Sunningdale between the Irish and British Governments, with Northern nationalist and unionist participation, brought about the short-lived Executive in which nationalists and unionists shared power in Northern Ireland. Provision had also been made as part of the Sunningdale Agreement for a new North-South dimension through a Council of Ireland. Both the Irish and British Governments made declarations on the status of Northern Ireland in which the Irish Government recognised that there could be no change in the status of Northern Ireland until a majority there desired it, and the British Government affirmed that if in the future the majority of the people of the North should indicate a wish to become a part of a

united Ireland, the British Government would support that wish. However, faced with extremist action by a section of the unionist community, a new British Government in 1974 failed to sustain the Sunningdale Agreement. The collapse of the Sunningdale arrangements dashed the hopes of nationalists and seriously damaged the prospects of achieving peace and stability in Northern Ireland. It recalled the earlier backdown of 1912: to unionists it reaffirmed the lesson that their threat to use force would cause British Governments to back down; to nationalists it reaffirmed their fears that agreements negotiated in a constitutional framework would not be upheld by British Governments in the face of force or threats of force by unionists.

- 3.17 Until the Downing Street Declaration in 1969, the plight of Northern nationalists was ignored by successive British Governments and Parliaments. However, notwithstanding the attempts to remedy some of the worst aspects of discrimination and the introduction of direct rule from London in 1972, the structures in Northern Ireland are such that nationalists are still discriminated against in social, economic, cultural and political terms. Their representation and influence in the private and public structures of power remain very restricted. There is, in practice, no official recognition of their identity nor acceptance of the legitimacy of their aspirations. In the economic sphere, as the reports of the Fair Employment Agency have shown, discrimination against nationalists in

employment persists. Their day-to-day experience reinforces their conviction that justice and effective exercise of their rights can come only from a solution which transcends the context of Northern Ireland and which provides institutions with which they can identify.

3.18 Despite the British Government's stated intentions of obtaining political consensus in Northern Ireland, the only policy that is implemented in practice is one of crisis management, that is, the effort to contain violence through emergency measures by the military forces and the police and through extra-ordinary judicial measures and a greatly-expanded prison system. The framework within which security policies have operated and their often insensitive implementation have, since 1974, deepened the sense of alienation of the nationalist population. Inevitably, as during the 1980/81 hunger strikes when the warnings of constitutional nationalists were ignored by the British Government, security issues have been exploited by the paramilitaries in order to intensify alienation and with a view to increasing their support. Such alienation threatens the civilised life and values of entire communities and undermines the belief that democratic policies alone can offer peace, justice and stability.

3.19 The paramilitary organisations of both extremes feed on one another and on the insensitivity of British policy and its failure to provide peace and stability. Their message is one of hatred and of suppression of

the rights of those of the other tradition. Their actions have caused appalling loss of life, injury, damage to property and considerable human and economic loss to the people of both traditions. They succeed only in sowing fear, division and distrust within the whole community.

- 3.20 The negative effect of IRA violence on British and unionist attitudes cannot be emphasised enough. Their terrorist acts create anger and indignation and a resolve not to give into violence under any circumstances. They have the effect of stimulating additional security measures which further alienate the nationalist section of the community. They obscure the underlying political problem. They strengthen extremist unionist resistance to any form of dialogue and accommodation with nationalists. Similarly, terrorist acts by extreme loyalist groups which affect innocent nationalist people have a correspondingly negative impact on nationalist attitudes. The involvement of individual members of the security forces in a number of violent crimes has intensified this impact. Every act of murder and violence makes a just solution more difficult to achieve. The greatest threat to the paramilitary organisations would be determined constitutional action to reach and sustain a just and equitable solution and thus to break the vicious circle of violence and repression. No group must be permitted to frustrate by intimidation and threats of violence the implementation of a policy of mutual accommodation.

3.21 The Forum's report, The Cost of Violence arising from the Northern Ireland Crisis since 1969, has attempted to quantify the human loss and economic costs of violence and political instability in the North. The most tragic loss is that of the deaths of over 2,300 men, women and children in the North. These deaths in an area with a population of 1½ million are equivalent in proportionate terms to the killing of approximately 84,000 in Britain, 83,000 in France or 350,000 in the United States. In addition, over 24,000 have been injured or maimed. Thousands are suffering from psychological stress because of the fear and tension generated by murder, bombing, intimidation and the impact of security measures. During the past 15 years, there have been over 43,000 recorded separate incidents of shootings, bombings and arson. In the North the prison population has risen from 686 in 1967 to about 2,500 in 1983 and now represents the highest number of prisoners per head of population in Western Europe. The lives of tens of thousands have been deeply affected. The effect on society has been shattering. There is hardly a family that has not been touched to some degree by death, injury or intimidation. While the South and Britain have not suffered on the same scale, they too have been affected directly by the

violence - by bombings, armed robberies and kidnapping and by other acts resulting in deaths, maiming and threats to security; they have also had to bear a significant price in terms of extra-ordinary security and judicial measures.

3.22 As the report also shows, the economic and financial costs have been very high. They include additional security costs and compensation for deaths, injuries and considerable damage to property. Since 1969 the estimated total direct costs, in 1982 prices, is IR£5,500 million^[1] incurred by the British Exchequer in respect of the North and IR£1,100 million^[2] incurred by the Irish Exchequer in the South. Over the past 15 years the violence has destroyed opportunities of productive employment, severely depressed investment that could have led to new jobs and greater economic well-being, and greatly damaged the potential of tourism. These further indirect costs in terms of lost output to the economies of the North and the South could be as much as IR£4,000 million^[3] and IR£1,200 million^[4] respectively in 1982 prices.

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- [1]. Equivalent to Stg£.4507m. or US \$6501m at current (30 March 1984) exchange rates.
 - [2]. Equivalent to Stg£.901m. or US \$1300m at current (30 March 1984) exchange rates.
 - [3]. Equivalent to Stg£.3278m. or US \$4728m at current (30 March 1984) exchange rates.
 - [4]. Equivalent to Stg£.983m. or US \$1418m at current (30 March 1984) exchange rates.

CHAPTER 4: ASSESSMENT OF THE PRESENT PROBLEM

Assessment of Recent British Policy

- 4.1 The present formal position of the British Government, contained in Section 1 of the Northern Ireland Constitution Act, 1973, is that the only basis for constitutional change in the status of Northern Ireland within the United Kingdom is a decision by a majority of the people of Northern Ireland. In practice, however, this has been extended from consent to change in the constitutional status of the North within the United Kingdom into an effective unionist veto on any political change affecting the exercise of nationalist rights and on the form of government for Northern Ireland. This fails to take account of the origin of the problem, namely the imposed division of Ireland which created an artificial political majority in the North. It has resulted in a political deadlock in which decisions have been based on sectarian loyalties. Sectarian loyalties have thus been reinforced and the dialogue necessary for progress prevented. The Sunningdale Agreement of 1973 introduced dialogue and partnership to the Government of Northern Ireland. However the hopes thus raised were dashed by a number of factors, amongst them, the refusal of the then British Government to support the power-sharing Executive in the face of loyalist extremist disruption.

4.2 Since the Sunningdale Agreement of 1973, several initiatives have been undertaken, in response to circumstances, with the stated aim of resolving the problem in a context limited to Northern Ireland. These initiatives foundered largely because the problem itself transcends the context of Northern Ireland. It is only in a fundamental change of context that the effective exercise on an equal basis of the rights of both nationalists and unionists can be permanently ensured and their identities and traditions accommodated. Although the policy of the British Government was nominally to favour power-sharing, there was no firm determination to insist on implementation of this policy in practice. Nor was recognition of the Irish identity of Northern nationalists given any practical expression. Thus it is that initiatives, which may give the appearance of movement and flexibility to domestic and international opinion, have been inadequate through not addressing the fundamental nature of the problem. Instead the crisis has been addressed as a security problem and the political conditions which produced the conflict and sustain the violence have in effect been ignored.

4.3 The immobility and short-term focus of British policy - the fact that it has been confined to crisis management and does not take account of fundamental causes - is making an already dangerous situation worse. There is increasing frustration with the state of political paralysis, uncertainty as to long-term British intentions and growing mutual mistrust between both sections of the community. The failure to provide the nationalist population of the North with any constructive means of expressing its nationalism and its aspirations is undermining constitutional politics. The net effect of existing policy is to drive both sections of the community in Northern Ireland further apart, alienating them from each other and providing a breeding ground for despair and violence. It has thus contributed to the emergence in both sections of the community of elements prepared to resort to violence, on the one side to preserve and on the other to change the existing constitutional position.

4.4 The problem of security is an acute symptom of the crisis in Northern Ireland. Law and order in democratic countries and, in particular, the introduction of emergency measures depend on a basic consensus about society itself and its institutions. Present security policy has arisen from the absence of political consensus. In Northern Ireland, extra-ordinary security actions have taken place that call into question the effectiveness of the normal safeguards of the

legal process. This has led to harassment of the civilian population by use of abnormally wide powers of arrest and detention, exercised not for the purpose of bringing suspects before a court of justice and making them amenable to a process of law but for the purpose of gathering information and unjustifiably invading the privacy of a person's life; e.g. between 1978 and 1982 more than 22,000 people were arrested and interrogated, the vast majority being released without charge. This has the consequence that the legal remedy of Habeas Corpus has disappeared in Northern Ireland. It has also at different periods led to the use of internment without trial combined with inhuman interrogation methods that have been found to be in breach of the European Convention on Human Rights; the trial and conviction of people on evidence of paid informers; the use of plastic bullets; and killings by some members of the security forces in doubtful circumstances. All these measures were introduced on the basis that they were essential to defeat terrorism and violent subversion, but they have failed to address the causes of violence and have often produced further violence.

4.5 Nationalists, for the most part, do not identify with the police and the security forces. It is clear that the police will not be accepted, as they are in a normal democratic society, by the nationalist section of the community nor will they themselves feel confident in their relations with nationalists, until there is a change in the political context in which they have to operate.

Nationalist Identity and Attitudes

4.6 The parties in the Forum, representing a large majority of the people of Ireland, reaffirm that their shared aim of a united Ireland will be pursued only by democratic political means and on the basis of agreement. For nationalists, a central aim has been the survival and development of an Irish identity, an objective that continues in Northern Ireland today as nationalists seek effective recognition of their Irish identity and pursue their rights and aspirations through political means. For historical reasons, Irish nationalism may have tended to define itself in terms of separation from Britain and opposition to British domination of Ireland. The positive vision of Irish nationalism, however, has been to create a society that transcends religious differences and that can accommodate all traditions in a sovereign independent Ireland united by agreement. The aim of nationalists, therefore, in seeking Irish unity is to develop and promote an

Irishness that demonstrates convincingly to unionists that the concerns of the unionist and Protestant heritage can be accommodated in a credible way and that institutions can be created which would protect such concerns and provide fully for their legitimate self-expression.

- 4.7 The division of Ireland inevitably gave rise to the unconscious development in both parts of Ireland of partitionist attitudes on many political, economic, cultural and social questions of importance, diminishing significantly the development of a prosperous democratic society on the whole of the island. Such attitudes persist up to the present day. However, the tragedy of Northern Ireland and the suffering of the people there has stimulated among nationalists in both parts of Ireland a new consciousness of the urgent need for understanding and accommodation. The work of the Forum has underlined the urgent need for sustained efforts and practical steps in the political, economic, cultural and social spheres to transform the present nationalist/unionist relationship and to promote and secure consensus. In addition both parts of Ireland, North and South, face a number of economic and social realities which contribute to the sense of urgency in providing for a political solution. These include the demographic

profile of the population and the very high unemployment rate in both parts of the island, and the problem of steady emigration from Northern Ireland of a substantial proportion of educated young people.

Unionist Identity and Attitudes

- 4.8 Unionists have tended to view all forms of nationalist self-expression as being directed aggressively against them and the North's status within the United Kingdom. Although the true nationalist ideal rejects sectarianism and embraces all the people of Ireland whatever their religion, Northern Protestants fear that their civil and religious liberties and their unionist heritage would not survive in a united Ireland in which Roman Catholicism would be the religion of the majority of the population. They base this fear on a number of factors including the diminution of the numbers of Southern Protestants since partition and the perception that the Constitution and certain laws in the South unduly favour the ethos of the predominant religion. The Forum has attempted not only to determine "what do unionists seek to prevent?" but also "what do they seek to protect?". What they seek to prevent varies to some degree but includes: an all-Irish State in which they consider the Roman Catholic Church would have undue influence on moral issues, the breaking of the link with Britain and loss of their dominant position consequent upon giving effective recognition to the nationalist identity and

aspiration. In attempting to answer the more important question of "what unionists seek to protect?" and to identify what qualities in the unionist ethos and identity must be sustained, nationalists must first of all acknowledge that unionists, sharing the same island, have the same basic concerns about stability and security as nationalists. The major difference between the two traditions lies in their perceptions of how their interests would be affected by various political arrangements. These perceptions have been largely formed by different historical experiences and communal values.

4.9 In public sessions of the Forum, contributors who put forward the unionist point of view were asked "what is it that the unionists wish to preserve?". Three elements were identified in their replies:

- (1) Britishness
- (2) Protestantism
- (3) The economic advantages of the British link

The degree of emphasis on each of these three elements varied among those who made submissions.

4.9.1 Unionists generally regard themselves as being British, the inheritors of a specific communal loyalty to the British Crown. The traditional nationalist opposition to British rule is thus seen by unionists as incompatible with the survival of their own sense of identity.

Unionists generally also regard themselves as being Irish even if this does not include a willingness to live under all-Ireland political institutions. However, many of them identify with Ireland and with various features of Irish life and their culture and way of life embraces much that is common to people throughout Ireland.

4.9.2 The Protestant tradition, which unionism seeks to embody, is seen as representing a particular set of moral and cultural values epitomised by the concept of liberty of individual conscience. This is often accompanied by a Protestant view of the Roman Catholic ethos as being authoritarian and as less respectful of individual judgement. There is a widespread perception among unionists that the Roman Catholic Church exerts or seeks to exert undue influence in regard to aspects of the civil and legal organisation of society which Protestants consider to be a matter for private conscience. Despite the implicit separation of Church and State in the 1937 Constitution, many unionists hold the view that the Catholic ethos has unduly influenced administration in the South and that the latter, in its laws, attitudes and values has not reflected a regard for the ethos of Protestants there.

4.9.3 There is also an economic concern in the perception of unionists in the North which is shared by nationalists. Studies by the Forum show that while living standards, North and South, are now broadly comparable, the North is heavily dependent on, and its economy sustained

by, the financial subvention from Britain. While a settlement of the conflict entailing an end to violence and the dynamic effects of all-Ireland economic integration would bring considerable economic benefits reconstruction of the Northern Ireland economy and the maintenance of living standards in the meantime would require the continued availability of substantial transfers from outside over a period of years whether from Britain, the European Community, and the United States or from Ireland as a whole.

4.10

There are other factors that are important in understanding the unionist opposition to a united Ireland. Among unionists there are fears, rooted in history and deriving from their minority position in Ireland as a whole. In more recent times the campaign of IRA violence has intensified those fears. Tensions have also arisen in regard to the South's extradition laws. There are similar fears in the nationalist tradition, based on experiences of discrimination, repression and violence. In modern times, the unionist sense of being besieged has continued. Unionist leaders have sought to justify their opposition to equal treatment for nationalists in Northern Ireland on the basis that the demand for political

expression of the nationalist identity, no matter how reasonable and justified, would lead to nationalist domination over the unionist population in a united Ireland.

Need for Accommodation of Both Identities
in a New Approach

- 4.11 The Forum rejects and condemns paramilitary organisations and all who resort to terror and murder to achieve their ends. It strongly urges people in Ireland of all traditions and all those who are concerned about Ireland elsewhere in the world to refuse any support or sympathy to these paramilitary bodies and associated organisations. The acts of murder and violence of these organisations and their denial of the legitimate rights of others, have the effect of undermining all efforts to secure peace and political progress. Constitutional nationalists are determined to secure justice for all traditions. The Forum calls for the strongest possible support for political progress through the democratic process.

4.12 Before there can be fundamental progress a major reassessment by Britain of its position is now essential. Underlying British thinking is the fear that the risks of doing something to tackle the fundamental issues are greater than the risks of doing nothing. This is not the case. The situation is daily growing more dangerous. Constitutional politics are on trial and unless there is action soon to create a framework in which constitutional politics can work, the drift into more extensive civil conflict is in danger of becoming irreversible, with further loss of life and increasing human suffering. The consequences for the people in Northern Ireland would be horrific and it is inconceivable that the South and Britain could escape the serious threats to stability that would arise. With each day that passes, political action to establish new structures that will resolve the fundamental problems becomes more pressing. Such political action clearly carries less risk than the rapidly growing danger of letting the present situation drift into further chaos.

4.13

The new Ireland must be a society within which, subject only to public order, all cultural, political and religious belief can be freely expressed and practised. Fundamental to such a society are freedom of conscience, social and communal harmony, reconciliation and the cherishing of the diversity of all traditions. The criteria which relate to public legislation may not necessarily be the same as those which inform private morality. Furthermore public legislation must have regard for the conscientious beliefs of different minority groups. The implementation of these principles calls for deepening and broadening of the sense of Irish identity. No one living in Ireland should feel less at home than another or less protected by law than his or her fellow citizen. This implies in particular, in respect of Northern Protestants, that the civil and religious liberties that they uphold and enjoy will be fully protected and guaranteed and their sense of Britishness accommodated.

4.14

It is clear that a new Ireland will require a new constitution which will ensure that the needs of all traditions are fully met. Society in Ireland as a whole comprises a deeper diversity of cultural and political traditions than exists in the South, and the constitution and laws of a new Ireland must accommodate these social and political realities.

4.15 The solution to both the historic problem and the current crisis of Northern Ireland and the continuing problem of relations between Ireland and Britain necessarily requires new structures that will accommodate together two sets of legitimate rights:

- the right of nationalists to effective political, symbolic and administrative expression of their identity; and

- the right of unionists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life.

So long as the legitimate rights of both unionists and nationalists are not accommodated together in new political structures acceptable to both, that situation will continue to give rise to conflict and instability. The starting point of genuine reconciliation and dialogue is mutual recognition and acceptance of the legitimate rights of both. The Forum is

convinced that dialogue which fully respects both traditions can overcome the fears and divisions of the past and create an atmosphere in which peace and stability can be achieved.

- 4.16 A settlement which recognises the legitimate rights of nationalists and unionists must transcend the context of Northern Ireland. Both London and Dublin have a responsibility to respond to the continuing suffering of the people of Northern Ireland. This requires priority attention and urgent action to halt and reverse the constant drift into more violence, anarchy and chaos. It requires a common will to alleviate the plight of the people, both nationalists and unionists. It requires a political framework within which urgent efforts can be undertaken to resolve the underlying causes of the problem. It requires a common determination to provide conditions for peace, stability and justice so as to overcome the inevitable and destructive reactions of extremists on both sides. Both Governments, in co-operation with representatives of democratic nationalist and unionist opinion in Northern Ireland, must recognise and discharge their responsibilities.

Chapter 5

Framework for a New Ireland
Present Realities and Future Requirements

5.1 The major realities identified in the Forum's analysis of the problem as set out in earlier chapters, may be summarised as follows:-

(1) Existing structures and practices in Northern Ireland have failed to provide either peace, stability or reconciliation. The failure to recognise and accommodate the identity of Northern nationalists has resulted in deep and growing alienation on their part from the system of political authority.

(2) The conflict of nationalist and unionist identities has been concentrated within the narrow ground of Northern Ireland. This has prevented constructive interaction between the two traditions and fostered fears, suspicions and misunderstandings.

(3B) An effect of the division of Ireland is that both parts of Ireland unduly reflect the moral values and religious beliefs of the respective majorities to the detriment of the minorities.

draft
under
consideration
by Steering
Group

[(3A) The present formal position of the British Government; [namely the guarantee] contained in Section 1 of the Northern Ireland Constitution Act, 1973 has in its practical application had the effect of inhibiting the dialogue necessary for political progress. It has had the additional effect of removing the incentive which would otherwise exist on all sides to seek a political solution].

- (3) The above factors have contributed to conflict and instability with disastrous consequences involving violence and loss of life on a large scale in Northern Ireland.
- (4) The absence of political consensus, together with the erosion of the North's economy and social fabric threaten to make irreversible the drift into more widespread civil conflict with catastrophic consequences.
- (5) The resulting situation has inhibited and placed under strain the development of normal relations between Britain and Ireland.
- (6) The nationalist identity and ethos comprise a sense of national Irish identity and a democratically founded wish to have that identity institutionalised in a sovereign Ireland united by consent.
- (7) The unionist identity and ethos comprise a sense of Britishness, allied to their particular sense of Irishness and a set of values comprising a Protestant ethos which they believe to be under threat from a Catholic ethos, perceived as reflecting different and often opposing values.

(8A) Irish nationalist attitudes have hitherto in their public expression tended to underestimate the full dimension of the unionist identity and ethos. On the other hand, unionist attitudes and practices have denied the right of nationalists to meaningful political expression of their identity and ethos.

(8) The basic approach of British policy has created negative consequences. It has shown a disregard of the identity and ethos of nationalists. In effect, it has underwritten the supremacy in Northern Ireland of the unionist identity. Before there can be fundamental progress Britain must re-assess its position and responsibility.

5.2 Having considered these realities, the Forum proposes the following as necessary elements of a framework within which a new Ireland could emerge:-

- (1) A fundamental criterion of any new structures and processes must be that they will provide lasting peace and stability;
- (2) Attempts from any quarter to impose a particular solution through violence must be rejected along with the proponents of such methods. It must be recognised that the new Ireland which the Forum seeks can come about only through agreement and must have a democratic basis;

draft [3A(i) Agreement and consent means that the
under consid- political arrangements in a new and
eration by sovereign Ireland would have to be freely
Steering negotiated, agreed and consented to by the
Committee people of the North as well as by the people
of the South;]

- (3) The validity of both the nationalist and unionist identities in Ireland and the democratic rights of every citizen on this island must be accepted; both of these identities must have equally satisfactory, secure and durable, political, administrative and symbolic expression and protection;
- (4) Lasting stability can be found only in the context of new structures in which no tradition will be allowed to dominate the other, in which there will be equal rights and opportunities for all, and in which there will be provision for formal and effective guarantees for the protection of individual human rights and of the communal and cultural rights of both nationalists and unionists;

- (5) Civil and religious liberties and rights must be guaranteed and there can be no discrimination or preference in laws or administrative practices, on grounds of religious, belief or affiliation; government and administration must be sensitive to minority beliefs and attitudes and seek consensus;
- (6) New arrangements must provide structures and institutions including security structures with which both nationalists and unionists can identify on the basis of political consensus; such arrangements must overcome alienation in Northern Ireland and strengthen stability and security for all the people of Ireland;
- (7) New arrangements must ensure the maintenance of economic and social standards and facilitate, where appropriate, integrated economic development, North and South. The macro-economic and financial implications are dealt with in a study by DKM Economic Consultants published with this Report, which is based on a range of assumptions with regard to the availability of external financial transfers;
- (8) The cultural and linguistic diversity of the people of all traditions, North and South, must be preserved and fostered as a source of enrichment and vitality;

(9) Political action is urgently required to halt disillusionment with democratic politics and the slide towards further violence. Britain has a duty to respond now in order to ensure that the people of Northern Ireland are not condemned to yet another generation of violence and sterility. The parties in the Forum by their participation in its work have already committed themselves to join in a process directed towards that end.

5.3 It is clear that the building of a new Ireland will require the participation and co-operation of all the people of Ireland. In particular, it is evident that the people of the South must wholeheartedly commit themselves and the necessary resources to this objective. The parties in the Forum are ready to face up to this challenge and to accommodate the realities and meet the requirements identified by the Forum. However, Britain must help to create the conditions which will allow this process to begin. The British Government have a duty to join in developing the necessary process that will recognise these realities and give effect to these requirements and thus promote reconciliation between the two major traditions in Ireland: and to make the required investment of political will and resources. The British and Irish Governments should enter into discussions to create the framework and atmosphere necessary for this purpose.

5.4 Among the fundamental realities the Forum has identified is the desire of nationalists for a united Ireland in the form of a sovereign, independent Irish State to be achieved peacefully and by consent. The Forum recognises that such a form of unity would require a general and explicit acknowledgement of a broader and more comprehensive Irish identity. Such unity would, of course, be different from both the existing Irish State and the existing arrangements in Northern Ireland because it would necessarily accommodate all the fundamental elements in both traditions.

5.5 The Parties in the Forum are convinced that such unity in agreement would offer the best and most durable basis for peace and stability. In particular, it would have a number of advantages and attractions:

- It would restore the historic integrity of Ireland and end the divisions in the country.
- It would enable both traditions to rediscover and foster the best and most positive elements in their heritages.
- It would provide the most promising framework for mutual interaction and enrichment between the two traditions.
- It would give unionists the clearest sense that all of Ireland, in all its dimensions, and not just Northern Ireland, is their inheritance and the opportunity to share in the leadership and shape the future of a new Ireland.

- It would end the alienation and deep sense of injustice felt by nationalists.
- It would provide a framework within which agreed institutions could apply economic policies suited to the particular and largely similar circumstances and interests of both parts of the country, and in which economies of scale and the possibilities of integrated planning could be fully exploited.
- It would best allow for the advancement internationally of the particular and largely common interests of Ireland, North and South and for the contribution, based on distinctive shared values, which the people of all traditions can make to the European and international communities.
- It would end the dissipation of energies in wasteful divisions and redirect efforts towards constructive endeavour, thus giving a major impetus to the social, cultural and economic development of the entire country.

5.6 The parties in the Forum will continue to work by peaceful means to achieve Irish unity in agreement. There are many varying constitutional and other structures of political unity to be found throughout the world, for example, the United States, Switzerland and Australia which recognise to the extent necessary the diversity as well as the unity of the people concerned and ensure constitutional stability. It is essential that any structures for a new Ireland must meet both these criteria.

5.7 The particular structure of political unity which the Forum would wish to see established is a unitary state, achieved by agreement and consent, embracing the whole island of Ireland and providing irrevocable guarantees for the protection and perservation of both the unionist and nationalist identities. A unitary state on which agreement had been reached would also provide the ideal framework for the constructive interaction of the diverse cultures and values of the people of Ireland. A broad outline of such a unitary state is set out in Chapter 6.

5.8 Constitutional nationalists fully accept that they alone cannot determine the structures of Irish unity and that it is essential to have unionist agreement and participation in devising such structures and in formulating the guarantees they required. In line with this view, the Forum believes that the best people to identify the interests of the unionist tradition are the unionist people themselves. It would thus be esssential that they should negotiate their role in any arrangements which would embody Irish unity.

5.9 The Forum in the course of its work, in both public and private sessions, heard suggestions put it as to how unionist and nationalist identities and interests could be accommodated in different ways and in varying degrees in a new

Ireland. The Forum gave careful consideration to these suggestions. In addition to the unitary state two structural arrangements were examined in some detail - a federal/confederal state and joint authority - and a broad outline of these are set out in Chapters 7 and 8.

5.10 The Parties in the Forum remain fully open to discuss other views which may contribute to political development.

Secretariat suggestions as to how to take on board points from Fianna Fáil draft.

6.30 p.m. 27 April, 1984

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Chapter 6
Unitary State

6.1 A unitary state would embrace the island of Ireland governed as a single unit under one government and one parliament elected by all the people of the island. It would seek to unite in agreement the two major identities and traditions in Ireland. The democratic basis of a unitary state in Ireland has always existed in modern times. Historically up to 1922 Ireland was governed as a single unit and prior to the Act of Union in 1801 was constitutionally a separate and theoretically equal kingdom. Such a state would represent a constitutional change of such magnitude as to require a new [non-denominational] constitution [that would be non-denominational]. This constitution could only be formulated at an all-round constitutional conference convened by the British and Irish Governments in which all sections of the Irish people, North and South, would participate. Such a constitution would contain clauses which would guarantee civil and religious liberties to all the citizens of the state on a basis that would entail no alteration nor diminution of the provisions in respect of civil and religious liberties which presently apply to the citizens of Northern Ireland. These guarantees could not subsequently be changed, except in accordance with special procedures involving weighted majorities.

- 6.2 The rights of all citizens would be guaranteed in the constitution. Reinforcing guarantees would incorporate in the constitution the clauses of the European Convention of Human Rights with a right of access to the European Court of Human Rights.
- 6.3 In a unitary state, there would be a single legal and judicial system throughout the island. The study by Professors Greer and Boyle, The Legal Systems, North and South showed there would be no significant technical obstacle to the creation of a unified legal system.
- 6.4 Political [and administrative] arrangements in a unitary state would be devised to ensure that unionists would not be denied power or influence in a state where nationalists would be in a majority. For example, provision could be made for weighted majorities in the Parliament in regard to legislation effecting changes in provisions on issues agreed to be fundamental at the establishment of the new state. In the Senate unionists could be guaranteed a minimum number of seats. The powers of the Senate could include effective blocking powers in regard to the issues agreed to be fundamental. [In view of the divergent practices in a wide range of areas in the North and South over the past 60 years and having regard to the prevailing fears and suspicions, a period of gradual harmonisation and evolution over a period of years would be required.] The arrangements for the new civil service would ensure full Northern and Southern participation.

- 6.5 A unitary state would have a single police service, recruited from the whole island so designed that both nationalists and unionists could identify with it on the basis of political consensus.
- 6.6 A redefined relationship between Britain and Ireland would take account of the unionist sense of Britishness. In a unitary state, persons in Ireland, North and South who at present hold British citizenship would continue to have such citizenship and could pass it on to their children without prejudice to the status of Irish citizenships which they would automatically acquire. The State could develop structures, relationships and associations with Britain which could include an Irish-British Council with intergovernmental and parliamentary structures which would acknowledge the unique relationship between Ireland and Britain and which would provide expression of the long established connections unionists have with Britain.
- 6.6A All the cultural traditions in Ireland, North and South, would be guaranteed full expression and encouragement. The educational system would reflect the two main traditions on the island. Freedom of choice would be fully guaranteed. The Irish language would be fostered and made more widely accessible to everyone in the island. However, nobody would be placed at a disadvantage for not having a knowledge of Irish.

- 6.7 A unitary state achieved by agreement between the nationalist and unionist traditions would for the first time allow full participation by all traditions in the affairs of the island. This would require that the traditionally perceived sense of Irishness be considerably deepened and broadened to accommodate the values and traditions of the unionist Delete identity. [All the cultural traditions in used in Ireland would be guaranteed full expression
- 6.6A and encouragement.] A unitary state would promote administrative and economic efficiency in the island by ending duplication and separate planning and investment programmes and by facilitating integrated promotion of investment, exports and tourism. Natural resources, oil, gas and minerals will be developed for the benefit of all the people of Ireland and could make a significant contribution to securing the economic basis of the State. With no scope for conflicts of jurisdiction and with single taxation and currency systems, the implementation of an integrated economic policy suitable to the largely similar needs of the economies, North and South, would be facilitated, with consequent benefit. Integrated economic policies would ensure a united voice in advancing vital interests of both parts of Ireland, especially in the European Community, within which both North and South have common interests in sectors such as agriculture and regional policy which diverge from the interests of Britain.

Chapter 7
Federal/Confederal State

7.1 A two state federal/confederal Ireland based on the existing identities North and South would reflect the political and administrative realities of the past 60 years and would entrench a measure of autonomy for both parts of Ireland within an all-Ireland framework. While protecting and fostering the identities and ethos of the two traditions, it would enable them to work together in the common interest.

7.2 In a federal/confederal Constitution which would be [non-denominational] and capable of alteration only by special procedures, involving a weighted majority there would be safeguards within each state and in the country as a whole for the protection of individual and minority rights. There would be a Federal/Confederal Supreme Court to interpret the Constitution and to adjudicate on any conflicts of jurisdiction between federal/confederal and state governments, which could be made up of an odd number of judges, one of whom could be from another country - possibly a Member State of the European Community - with the

remaining judges coming in equal numbers from North and South. There would either be a Special Bill of Rights or alternatively all the rights already defined and accepted in international conventions to which Ireland and the UK are signatories would be incorporated in the new Federal or Confederal Constitution.

7.3 In a federation residual power would rest with the central government. Certain powers would be vested in the two subordinate states. A confederation would comprise the two states, which would delegate certain specified powers to a confederal government.

7.4 In a federal/confederal arrangement each state would have its own parliament and executive. Authority for security would, however, be vested in the federal/confederal government in order to gain widespread acceptability and to ensure that the law and order functions were administered in the most effective and impartial manner.

7.5 In a federation, the federal parliament could have one or two chambers, a House of Representatives, and/or a Senate. Laws relating to previously agreed fundamental issues could be passed only if they received the support of a weighted majority of the Senate in a two chamber system or of the House of Representatives in a one chamber system. The federal government would be approved by and be responsible to the federal parliament. The powers held at the federal level would be a matter for negotiation but in an Irish context matters such as agriculture, industry, energy, transport, industrial promotion and marketing might be more efficiently administered on an island basis at federal level, while other services such as education, health, housing and social welfare might best be administered by the individual states. The functions of Head of State could be carried out by a President, the office alternating between persons representative of the Northern and Southern States.

7.6 In a confederal arrangement the powers held at the centre could be relatively limited, (for example, foreign policy, external and internal security policy and perhaps currency and monetary policy,) requiring a less elaborate parliamentary structure at the confederal level. It might suffice to have an arrangement whereby the

representatives of the two states would determine jointly issues of policy relating to the powers of the confederation. The decisions taken by the confederation would, as appropriate, fall to be implemented by the authorities in the Member States.

7.7 A federal/confederal arrangement would, in particular, provide institutions giving unionists effective power and influence in a new Ireland. The Northern parliament would have powers which could not be removed by an Act of another parliament. Existing civil and religious rights in the North would be unaffected. With a federal/confederal framework unionists would have parallel British citizenship and could maintain special links with Britain. Provision would be made for the full recognition and symbolic expression of both traditions.

7.8 A federal/confederal arrangement would allow the retention within the North and South of many laws and practices reflecting the development of both areas over the past 60 years.

7.9 Federal/confederal arrangements would allow all those living on the island to share and give expression to the common aspects of their identity while at the same time maintaining and protecting their separate beliefs and way of life. The central authority would promote their common interests while the state authorities protected individual interests.

Chapter 8
Joint Authority

- 8.1 Under joint authority, the London and Dublin governments would have equal responsibility for all aspects of the government of Northern Ireland. This arrangement would accord equal validity to the two traditions in Northern Ireland and would reflect the current reality that the people of the North are divided in their allegiances. The two governments, building on existing links and in consultation with nationalist and unionist opinion, would establish joint authority designed to ensure a stable and secure system of government.
- 8.2 Joint authority would give political, symbolic and administrative expression to Northern nationalists without infringing the parallel wish of unionists to maintain and to have full operational expression of their identity. It would be an unprecedented approach to the unique realities that have evolved within Ireland and between Britain and Ireland.
- 8.3 Joint authority would involve shared rule by the British and Irish Governments. Although this could be exercised directly there would be enabling provision for the exercise of major powers by a locally elected Assembly and Executive.

- 8.4 There would be full and formal recognition and symbolic expression of British and Irish identity in Northern Ireland and for the promotion of the cultural expression of the two identities. Joint citizenship rights would be conferred automatically on all persons living in Northern Ireland resulting in no diminution of the existing rights of Irish or British citizenship of persons living in Northern Ireland.
- 8.5 A comprehensive and enforceable non-denominational Bill of Rights for Northern Ireland would be promulgated ensuring the protection of both individual and communal rights and freedoms.
- 8.6 The overall level of public expenditure would be determined by the two governments.
- 8.7 Problems of external representation of Northern Ireland would be resolved between the two Governments.
- 8.8 Under joint authority the two traditions in Northern Ireland would find themselves on a basis of equality and both would be able

to find an expression of their identity in the new institutions. There would be no diminution of the Britishness of the unionist population. Their identity, ethos and link with Britain would be assured by the authority and presence of the British government in the joint authority arrangements. Security arrangements in which for the first time both nationalists and unionists could have confidence could be developed thus providing a basis for peace and order. The climate would thus be created for the emergence of normal political life, of compromise and mutual confidence based on security in the reciprocal acceptance of identity and interests.