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ROINN AN TAOISIGH

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To: Mr. W. Kirwan, Assistant Secretary. *mm 29. 9-80*

From: F. Murray.

Re: Paper by Mr. Paul Arthur, lecture† at the
Ulster Polytechnic, on the Atkins Initiative

I have received this paper from Mr. T. O'Connor of the Department of Finance who in turn obtained it from the author (whom he knows personally) while attending a recent seminar in London on the teaching of politics. Mr. Arthur's paper was prepared for delivery at an academic conference in Cardiff which was arranged for 16-17 September. As Mr. O'Connor was not at that latter conference it was not possible to get an account of the reaction to the paper.

Mr. Arthur's analysis of the Northern Ireland political situation is both interesting and informative. He obviously monitors events very closely. He highlights the existence of the unionist power of veto (bottom of Page 5 etc.). He also refers to the Westminster guarantee and the Paisley position on this as explained recently in the House of Commons ("Their confidence is in their own majority").

The dilemma of the British Government is dealt with in the paper and the author having considered choices such as return to the Stormont system of Government or the modified version of same as presented in the Convention Report (1975); integration; and the inadequacies of the 1920 Act concludes that:-

"Federalism or confederalism or some new partnership between the states and communities in these islands may be the next item on the agenda".

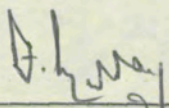
Mr. Arthur describes the development of our national self confidence which he sees as based for the most part of our economic development in modern times particularly since our accession to the European Community. He quotes from the Taoiseach's Ard Fheis speech where he called on the British Government for a declaration of their interest in encouraging the unity of Ireland in agreement and peace.

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In conclusion, Mr. Arthur states that the lesson of the Atkins initiative is that the search for an internal settlement has been futile and that the time may have arrived to expand the territorial dimension. He calls for closer contact between the Government here and what he describes as majority opinion in Northern Ireland beginning with the Alliance Party. At the recent British Irish Association Conference in Oxford Mr. John Cushnahan expressed strong criticism of the political parties in the South on the basis that, as he saw it, they had made no serious attempts to engage in dialogue with Northern Ireland politicians. In discussion with British officials both at the official meeting in London on 11 inst. and also in private conversation at Oxford the matter of the extent of or contact with the unionist opinion in Northern Ireland also arose. While acknowledging that the Department of Foreign Affairs, both through the Embassy in London and occasional meetings with prominent members of the majority community in the North, do maintain a certain degree of communication with non nationalist opinion in Northern Ireland, this, I suggest, is an area where we are on somewhat weak ground. Communication is of course, a two way process and the Taoiseach has already indicated on more than one occasion that his door is always open to representatives of the different sections of the community in Northern Ireland. It may be that like a certain international car hire company we will have to "try harder" in this regard.



22nd September, 1980.

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THE ATKINS INITIATIVE: AN INTERIM REPORT ON AN INTERIM REPORT

A Paper read at the Fifth Annual Conference of the PSA Work Group
on United Kingdom Politics

UWIST, Cardiff 16-17 September 1980

Paul Arthur
Ulster Polytechnic

"If we want a change in the attitude of Ireland we must begin by changing our own."

J R Clyne M P, H C Deb, vol 127, col 955 (speaking on the Second Reading of the Government of Ireland Bill, 1920).

I

With the publication of the latest 'Beige' Paper - 'The Government of Northern Ireland: Proposals for Further Discussion', Cmnd 7590, July 1980 - Ulster has moved into its eighth year of being governed by a system which was initially designed as a temporary expedient, direct rule. This continuing saga in constitution-making has been marked by increased friction between the major Unionist parties, growing frustration among Nationalist politicians in both parts of the island, and an uncharacteristic modesty on the part of British policy-makers. This paper will attempt to put these tensions in some perspective by an examination of the latest initiative. Its conclusion will be tentative since the process is still under way.

II

When the Conservative party won the 1979 general election there was little indication that a radical initiative on Northern Ireland would be undertaken. Their manifesto had barely touched on the problems of the province save to stress the traditional policy of defeating terrorism and of maintaining the Union "in accordance with the wish of the majority in the Province". A cryptic reference to future government stated that in "the absence of devolved government, we will seek to establish one or more elected regional councils with a wide range of powers over local services". This policy bore the imprimatur of Airey Neave, Opposition spokesman on Northern Ireland and close confidant of Mrs Thatcher. His assassination by the Irish National Liberation Army on 30 March 1979 robbed the Prime Minister of a Secretary of State for Northern Ireland but not, it seemed, a policy. Moreover, the Tories had a comfortable majority in the Commons and could count on the enthusiastic support of the Official Unionists led by James Molyneaux. Their spokesman, Enoch Powell, made no secret of his integrationist stance: in March 1979, for example, he told a meeting in Co Down that 'local democracy' rather than devolved government was the cause to be pursued because the latter would endanger the unity of the United Kingdom.

There was no reason to anticipate major opposition from Labour. Under Roy Mason they had made no serious effort at constitutional innovation but had pursued, to quote a Northern Ireland Office official, a "cotton wool" policy. Mason had engaged in some desultory discussion with local party spokesmen to persuade them to accept a form of interim devolution. Basically both parties were engaged in a retreat from Sunningdale - it was accepted that William Whitelaw had made a valiant effort to set up a power-sharing executive, and that, while the principle of coalition government was still correct, Ulster was not yet ripe for bold experiments. The appointment of the new Secretary of State, Humphrey Atkins, a man without previous Cabinet experience or any knowledge of Ulster, seemed to confirm the view that a period of consolidation was under way.

But all of that is to miss the significance of the attempt made by some politicians to shift the Ulster problem unto an international plane. The SDLP, in particular their then deputy-leader John Hume, sought the assistance of Irish-America through a three-fold strategy designed to discourage Irish-Americans contributing to Provisional IRA funds, to link substantial United States aid to Northern Ireland development if an acceptable political solution could be found, and to invoke the Presidency in seeking out an Irish policy. He won the support of the 'Four Horsemen' of Irish-America - Speaker 'Tip' O'Neill, Senators Edward Kennedy and Daniel Moynihan, and Governor Hugh Carey. Together they put pressure on President Carter who responded in August 1977 with a promise of economic aid for Northern Ireland if peace and stability could be established - although he did insist that "there are no solutions that outsiders can impose". However, his intervention had established that Northern Ireland was a legitimate subject for concern in American foreign policy, and that it was no longer to be regarded as an exclusively British domestic issue. Pressure was maintained by the Horsemen, culminating in a speech made by 'Tip' O'Neill at the height of the British general election: "Britain bears a heavy responsibility for the failures of recent years on the political front"; consequently he demanded "an early, realistic and major initiative on the part of the incoming British government so as to get negotiations moving quickly".

Despite NIO resistance Mrs Thatcher was stung into action. The Government produced a consultative document in November, "The Government of Northern Ireland: A Working Paper for a Conference" (Cmd 7763). It sought no more than "the highest level of agreement . . . which will best meet the immediate needs of Northern Ireland". Gone were the days when British legislation towards Ireland was expected to last "forever". The areas for discussion were narrowly circumscribed; debate on Irish unity, confederation, independence or the constitutional status of the Province were ruled out of order, and an appendix containing six illustrative models of systems of government was added to aid the discussants. The Prime Minister made no secret of her impatience: "We will listen for a while. We hope we will get agreement. But then the Government will have to make some decisions and say 'having listened to everyone, we are going ahead to try this or that' whichever we get most support for." (New York Times, 12 November 1979) In addition, she appointed a high powered Cabinet Committee to oversee the process: it included Mr Atkins, Mr Pym, Mr Whitelaw, Lord Hailsham and Sir Ian Gilmour. Clearly the Prime Minister had invested considerable prestige in the exercise with some commentators comparing it to the Rhodesian negotiations. One vital element missing in an Ulster 'solution' was that, since the principal terrorists represented a minority, free elections were not going to get the major actors of the hook.

The putative conference ran into trouble from the outset. Only the Alliance Party endorsed it immediately. The Official Unionists described it as a waste of time and as a dereliction of the Conservative manifesto, while the Democratic Unionists reserved their judgement. Soon they were to become enthusiastic participants, and their leader, Rev Ian Paisley, went some way to encourage the SDLP to join the talks: "As an Ulsterman, I don't think they (the British) understand Northern Ireland; they have made a mess of it. Therefore, it would be better for Ulstermen to shape what they want." DUP enthusiasm was part of a wider strategy to upstage the Official Unionists. The Democratic Unionists had done well out of the direct rule period. The party made substantial gains in the last local government elections in 1977, a result which was confirmed at the 1979 general election when it increased its Westminster representation from one to three. The Official Unionists

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were the losers on both occasions, but they had to wait until the European elections on 7 June 1979 confirmed just how badly they were doing in their battle with Ian Paisley. His outstanding victory led him to declare: "I believe at this election that I became the elected leader of the Ulster people and especially of the Protestant people and Unionist people in the Province". Thus participation was being used to distance the Democratic Unionists from the Official Unionists in an effort to establish themselves as the primary voice of Unionism. Interestingly, when the Conference did meet at Stormont some Official Unionists mounted a picket outside, an illustration of the decline of a party which had ruled Northern Ireland for fifty years.

If the Conference was to succeed SDLP participation was essential. Discussions designed to produce a devolved legislature, one of whose tasks was to protect the minority, needed the active support of the mouthpiece of the minority. Initially their leader, Gerry Fitt, welcomed the document but his party balked at the omission of an Irish dimension and refused to participate. Fitt resigned and was succeeded by John Hume, deputy-leader and chief strategist in the party. Hume negotiated an agreement with the Secretary of State which read (in part) that Mr Atkins "will be willing on request, and quite apart from the conference to have separate meetings with the parties represented at the conference on wider issues". So the idea of parallel talks was established enabling the SDLP to invoke the Irish dimension. It was accepted, too, that parties not represented at the conference could submit papers to the Secretary of State. The whole exercise was broadened so that the conference became more like a commission of enquiry which should at the very least educate the Secretary of State as to the state of political thinking in the province.

The first session began on 7 January 1980 with the participation of Alliance, the DUP and the SDLP. Thirty-four half-day sessions were held before the conference adjourned on 24 March while the Government prepared proposals for further discussion. Mr Atkins expressed himself reasonably satisfied with the outcome: "The conference did not result in a full political settlement. . . But it brought to an end a period of political stagnation." (H C Deb, v 988, no 209, col 555) To encourage further dialogue the Government produced its 'beige' paper, Cmnd 7590, which narrowed the options to either another form of power-sharing or a system of majority rule with an inbuilt blocking mechanism to protect the minority. The first option is enough to ensure that SDLP and Alliance will continue to participate whereas the second suits (in part) the DUP. Any realistic assessment of the process, however, must conclude that future discussion will be a dialogue of the deaf.

Mr Paisley, for example, expressed himself in his usual forthright manner: "I utterly reject the first option. I have no time for it. I cannot discuss it because it offers no way forward." (H C Deb, v 988, no 209, col 588) That is not to say that his party governed any satisfaction from the talks: "For the first time in many years the Government recognises that there is an alternative to power-sharing." Furthermore it enabled the DUP "to recover the ground lost by the Official Unionists at Darlington". (Interview Peter Robinson MP, 11 July 1980) This last remark refers to the running battle with the Official Unionists, particularly the Democratic Unionist belief that Official Unionism abandoned its principles in the period leading up to the formation of the coalition government in January 1974. There was the need, too, to protect its flank against accusations of betrayal of the Protestant people. During the parliamentary debate on the discussion paper James Molyneaux made a thinly disguised attack on

Mr Paisley when he referred to the whole exercise as "a continuation of the cynical game of what may be called leadership destruction which has been going on in one form or another for the past ten years" (col 579). Ironically, his party's boycott may have contributed to 'leadership destruction' by highlighting Official Unionist isolation and by clarifying the division between apparently successful Westminster integrationists and clearly unsuccessful domestic devolutionists. The latter formed a pressure group, 'The Unionist Campaign for Government in Ulster' during the lifetime of the conference but it has not appeared to have been very significant to date.

The other participants have no great optimism in the future of the talks. "The gulf between the parties has grown wider, and the paper exposes that gulf." (Interview, John Cushenan, General Secretary, the Alliance Party, 11 July 1980) Alliance will continue to press for a partnership government devoid of an Irish dimension, and it is at that juncture that it parts way with the SDLP. In the policy document presented to the conference the SDLP make it clear that "the primary responsibility must rest with the two Sovereign Governments involved . . . the Northern Ireland problem is their common problem". They can take some comfort from par 21 of the paper which recognises the 'unique relationship' between the UK and the Republic of Ireland, a fact which was referred to by the Secretary of State in the parliamentary debate: "The geographical and historical facts of life oblige us to recognise the special relationship that exists between the component parts of the British Isles . . . we do improve our chances of success by recognising that the Republic is deeply interested in what happens in Northern Ireland . . . there will continue to be a practical 'Irish dimension.'" (col 557)

III

What has been achieved by the exercise to date? Very little. A new Secretary of State now understands the complexity of Ulster politics but it has been an expensive education. He realises that there is limited common ground among the parties - all desire a devolved legislature - but that there is precious little room for manoeuvre on the vital question of who wields power. All of that information has been freely available since 1975. The one stark lesson which should be learnt is that an internal settlement is impossible to achieve in present circumstances and that the direct rule apparatus has contributed to the difficulty of finding a solution. To put this in perspective it is necessary to examine British policy-making in Northern Ireland over the past decade.

That policy has veered between 'Control' - "a control approach would focus on the emergence and maintenance of a relationship in which the superior power of one segment is mobilized to enforce stability by constraining, the political actions and opportunities of another segment or segments" - and 'Consociationalism' which "focuses on the mutual cooperation of sub-national elites as decisive".¹ The first approach is best represented by such incidents as the 34 hour curfew imposed on the Catholic Falls Road area of Belfast in July 1970, the internment swoop in August 1971 and, most disastrously, the events of Bloody Sunday on 30 January, 1972 when the Army killed 14 innocent civilians in Londonderry. That incident led to Westminster adopting a different strategy: ". . . it is the view of the Government that the Executive itself can no longer be solely based on any single party if that party draws its support and its elected representation

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virtually entirely from only one section of a divided community. The Executive must be composed of persons who are prepared to work together by peaceful means for the benefit of the whole community" (Northern Ireland Constitutional Proposals, Comnd 5259, March 1973, par 52). The publication of that White Paper heralded the most creative period of British strategy culminating in the formation of a power-sharing Executive on 1 January 1974, but the collapse of that experiment in May has led to a more cautious approach being adopted. Probably the most instructive example of British inconsistency has been the attempts made to mediate with the Provisional IRA, notably Harold Wilson's meeting in Dublin in 1970, William Whitelaw's 'secret' talks in London in July 1972, and Merlyn Rees' authorisation for discussion between his officials and Provisional Sinn Fein in February 1975 which appeared to promise a measure of immunity for certain IRA leaders in Northern Ireland for a period.

One explanation for the inconsistency lies in Westminster's fifty year old policy of exercising 'a wise and salutary neglect' of Ulster's affairs while Stormont was in existence. London was unprepared for the current troubles. She resisted the temptation to impose direct rule for as long as possible, so that between 1969-72 she was receiving two sets of advice from the province, one from the political establishment and one from that small group of senior Whitehall officials, visiting firemen flown in to oversee the implementation of Westminster policy. Their presence created difficulties with the indigemous civil service: "Here were a number of officials suddenly descending on us from London. They did not know the geography of the area and could not pronounce the place names. They spoke with markedly English accents. They lived in a luxury hotel and were ferried to and fro in official cars. They spoke of being posted to Ulster as 'coming out' and constantly gave parties for colleagues 'going home'. And to my mind they seemed rather numerous."² The creation of a permanent department, the Northern Ireland Office, in 1972 has not helped matters. Undoubtedly many of the earlier frictions have been ironed out but the NIO remains a curious department, largely because it was created to handle an alleged temporary phenomenon, direct rule. Unlike other Whitehall departments it lacks a prior tradition and a deep knowledge of the province. Its personnel are drawn from many departments and it suffers from a swift and constant turnover of staff: for example, only one of Mr Atkins' coterie of civil service advisers has been in Ulster continuously since 1974; "There is a serious lack of experience of Stormont Castle" (David McKitterick, Irish Times, 26 April 1980). As well, the NIO have had to service five Secretaries of State - William Whitelaw, Francis Pym, Merlyn Rees, Roy Mason and Humphrey Atkins - since 1972, none of whom had had any real contact with the province before, and all of them have had to spend a considerable period of time reading themselves in to their new post.

There is, then an uncertainty about the department and the personnel who monitor direct rule. The vacuum has been filled by the paramilitaries while the administration attempts to extricate itself from the present unsatisfactory circumstances. The most recent consultative document believes that is "is not desirable to continue indefinitely with the system of 'direct rule' as a means of governing Northern Ireland". (par 63) And yet there is a curious indecision on the part of the policymakers. The one consistent theme during the period of direct rule has been the passivity of Westminster leadership. It suffers from one of the faults which brought about the collapse of the 1974 consociational experiment. The elite is deferential. It will not attempt to shift majority opinion towards some bold constitutional experiment but meekly accepts that that majority has a veto. Its position would be understandable if it were held on point of

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principle but, so far as one can tell, this is not so. Certainly the spokesmen of the Protestant majority have no illusions about Parliament's role as the protector of the Union. Mr Paisley explained his position in the recent debate: "I do not believe that any guarantee from this House will give confidence to the people of Northern Ireland. Their confidence is in their own majority. That is the fact of the situation. They have a majority. As long as they have a majority, even if the House wanted to put them into the Republic, it could not be done." (col 587) He intends to use that majority to block any deviation away from the Westminster model. During the conference his party produced twelve reasons why they were opposed to Executive power-sharing, most of them based on the sanctity of the Westminster model, although the nub of DUP objectives is contained in proposition 7: "Whereas in countries like Belgium power-sharing has in a measure been acceptable and able to function, it could not operate on the same basis as Northern Ireland because one of the parties with whom power would have to be shared does not support the constitutional status of Northern Ireland, and indeed is working to establish the sovereignty of a foreign state over this territory." That particular objection has been sustained by the Official Unionists: James Molyneaux told a meeting in Co Fermanagh on 23 June 1980 "We have to say, in considered terms, that the SDLP have forfeited any right to be included in any structure of devolved government in Northern Ireland, at any level or in any form".

Given these attitudes the British government faces a series of choices. It can restore the status-quo ante, that is return to the Stormont system of government or the modified version of it as presented in the Convention Report (1975). Since it has set its face against this approach consistently since 1972 on the practical grounds that it is unworkable it is unlikely to embark on that course. It could make direct rule permanent through a policy of integration. Again it is unlikely to be seduced in that direction if only because Britain has been trying to extricate itself from the Ulster imbroglio for most of this century. It could face up to the fact that the Government of Ireland Act 1920 offered at best a half-cocked solution because it satisfied only one of the contending parties: "In respect of substance, the 1920-1 Anglo-Irish Settlement had one aspect, so evident as to be deserving of comment . . . It was that no reduction in the number of parties involved was achieved as a result of it. They remained as before, their conceptual approaches fundamentally unchanged, though now there were two sovereign states and a subordinate government where there had been a sovereign state, a national movement and a minority resistant to it." ³ For recent times the above can be amended to apply to two sovereign states, one fragmented majority community with receding attachments to one of these states, and a disillusioned minority with attachment to the other. Perhaps the time has come to broaden the discussion to enable all the contending parties to state their case.

Two objections may be raised to that approach. The first is that that was what the 1920 settlement was about, and if it did not supply the ideal solution it was the best possible compromise under the circumstances. Secondly, the consequences of that settlement has hardened the resistance of one of the parties. Again it is Ian Paisley who puts it succinctly: "We ask only to be allowed to live as a free people with an uninhibited right to self-determination." (Belfast Telegraph, 3 March 1980) Ultimately that point of view can be challenged only by coercion, or else by attempting to defuse the lethal problem of national allegiance among all interested parties.

A IIII [Federalism or confederalism or some new partnership between the states and communities in these islands may be the next item on the agenda.]

In fact it has been on the agenda since the 1860s with the federal proposals of the Irish Home Rule MP, Isaac Butt, and discussions over the Canadian constitution in 1867. It merited serious consideration in Gladstone's 1886 Home Rule Bill but failed chiefly because a "federal system required each of the units within it to display at least as much loyalty to the Imperial Parliament at Westminster as would be necessary in a unitary state", and "Ireland, unlike Canada, was not prepared to accept the status of a subordinate community, because her relationship to Britain was marked by hostility and not friendship".⁴ It was back in vogue in the period 1910-12 when the Third Home Rule Bill was being discussed, and even warranted the appointment of a powerful Cabinet Committee in February 1911 to examine the wider question of United Kingdom devolution. That debate threw up some highly original schemes - one spokesman even suggested that a federal system gave the Ulster counties the option of joining a Scottish parliament instead of an Irish assembly - but foundered on the attempt to link federalism to the Ulster question. Lord Loreburn, chairman of the Cabinet Committee, produced an ingenuous scheme to solve the Ulster impasse when he wrote that Irish Home Rule should be treated as the first step towards Home Rule for all parts of the United Kingdom. A 'legislative enclave' would be created for Ulster, so that laws affecting the four north-eastern counties could only pass the Irish parliament with the assent of a majority of the members representing those counties - hence a form of Home Rule all round encompassing Home Rule within Home Rule. Constitutional innovation, then, was not the problem but a lack of will arising from divided counsels on the part of the legislators. In consequence, the 1920 compromise was adopted and, in due course, failed.

The time may be ripe for a reconsideration of earlier schemes. Ireland is no longer, to borrow a phrase from George Bernard Shaw, the Malvolio of nations 'sick of self-love'. Since the 1920s it has readjusted its attitude to the United Kingdom and no longer views itself as the subordinate unit in these islands. In conversations with civil servants and politicians in Dublin earlier in the year I was struck by a strong sense of self-confidence and a constructive desire to move beyond the rhetoric which passed for reasoned discussion in earlier decades. They are aware of some of their own failings - to quote Garret Fitzgerald, "I doubt . . . if anyone, North or South, foresaw how the political division then (1920-22) effected would create its own dynamic, and how vested interests would grow up, in the South as well as the North, in favour of this division - without, however, succeeding in stabilising this division in political terms". (Irish Times, 26 February 1979) Since 1922 Ireland has been too busy in the exercise of state-building, in removing itself from the Commonwealth and declaring a Republic to concern itself with the realities of relations between the communities on the island. And it remained very much dependent on the British market so that as late as 1952 "economic ties between the two old enemies were so strong that a firm of American experts called in to analyse the Irish economy, came to the conclusion that the country's dependence on Britain was so strong as to be incompatible with the status of political sovereignty".⁶ The Republic's 'economic miracle' in recent years and its accession to the European Community have altered that relationship with the result that Dublin can now make economic and financial choices without continual reference to decisions already taken in Britain - "In 1972, two-thirds of Irish exports went to Britain. However, by 1977 that figure had fallen to a little over one-third, representing a major shift in trade to other EEC member states. This new found economic dependence is significant . . . in terms of our national self-confidence". (Dr John O'Connell, Irish Labour MEP, Sunday Independent, 27 July 1980) Additionally, European

search for an internal settlement has been futile, and that the time may have arrived to expand the territorial dimension. That can only succeed if the Government of the Republic takes the initiative. There needs to be closer contact with majority opinion in Northern Ireland, beginning modestly enough with a dialogue with such as the non-sectarian Alliance Party. But above all some positive constitutional innovation is essential in the long term. Why not begin with an examination of the Nordic Council?

Footnotes

- 1 Ian Lustick, "Stability in Deeply Divided Societies: Consociationalism versus Control", World Politics, xxi, 3 April 1979, p 328. See too Arend Lijphart, "Democracy in Plural Societies: A Comparative Exploration", Yale University Press, 1977, passim.
- 2 John A Oliver, "Working at Stormont" (Dublin, Institute of Public Administration 1978), pp 104-5.
- 3 Nicholas Mansergh, "The Prelude to Partition: Concepts and Aims in Ireland and India". The 1976 Commonwealth Lecture (Cambridge, 1978), p 45.
- 4 Vernon Bogdanor, "Devolution", (Oxford University Press, 1979), pp 37 and 40.
- 5 See Patricia Jalland, "United Kingdom devolution 1910-14: political panacea or tactical diversion?", History, October 1979, pp 757-785.
- 6 E Rumpf and A C Hepburn, "Nationalism and Socialism in Twentieth Century Ireland", (Liverpool University Press, 1977), p 118-9. See, too George Boyce, "From war to neutrality: Anglo-Irish relations 1921-50," British Journal of International Studies, 5, 1978, pp 15-36.