



An Chartlann Náisiúnta
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PA on Political Developments and Opsahl Report Files

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Opsahl Commission Report: Summary

1. The key conclusions and recommendations are as follows:

- If the current or resumed talks should fail, the British Government should, in consultation with the Irish Government, set up a commission to study the situation and put forward views and recommendations. These should be the basis for a further consultation with the political parties and, if necessary, for direct consultation with the people of Northern Ireland.
- Provided that Irish nationalism is legally recognised in Northern Ireland, a government of Northern Ireland should be put in place, based on the principle that each community has an equal voice in making and executing the laws or a veto on their execution, and equally shares administrative authority. This Government should be free to discuss and negotiate its relationships, institutional and others, with the Government of the Republic. In these circumstances, immediate changes in the constitutional status of Northern Ireland or in Articles 2 and 3 are unnecessary.
- "Parity of esteem" between the two communities should be given legal approval. It is recommended that the British Government examine the feasibility of drafting legislation explicitly to recognise Irish nationalism in Northern Ireland in relevant ways.
- In relation to discussions or negotiations between a new Government in Northern Ireland and Dublin, the Commission believes that both Unionist and Nationalist concerns could be accommodated simultaneously. For Unionists, "no relationship would be established which did not have their consent". For Nationalists, "such relationships as

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were established would be between Irishmen and women, without any involvement by the UK Government".

- The Report states that the proposal for a new Northern Ireland Government would have as one implication a "refocusing of the Anglo-Irish Agreement on the 'east-west' relationship, as the confidence of ... a new administration in Northern Ireland grew".
- It is recommended that the creation of an appropriate cross-border economic institution should be an immediate priority of the Irish Government and a new Northern Ireland Government. In the meantime, all possibilities of economic cooperation for mutual advantage should be officially encouraged.
- Marginalising Sinn Fein in Northern Ireland by means of the broadcasting ban, exclusion from local Council Committees and removing funding from community groups in the areas where it is strongest, only plays into the hands of violence and should be reconsidered. It is recommended "that the Government open informal channels of communication with Sinn Fein with a view to testing the party's commitment to the constitutional process, without resort to or justification of violence". The Commission also believes that the broadcasting ban in the Republic should be reconsidered.
- It is recommended that the British Government - either directly or through intermediaries - open informal discussions with Sinn Fein, in the first instance, with a view to persuading the IRA first to move towards a de-escalation in the level of violence and eventually to a ceasefire that would lead to a drastic reduction in the number of

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security forces deployed and/or returns to barracks. On policing, the Report concludes that nationalist support for the RUC will take place only in the context of new political structures. In the interim, a study should be initiated into alternative decentralised and multi-level models of policing.

A Bill of Rights in the form of incorporating the European Convention, accompanied by a review of available domestic remedies, is strongly recommended.

On Criminal Justice, the following proposals are endorsed: that the single judge in the Diplock Courts be joined by one or two judicial or lay assessors; that the inquest process requires reform because of delays and other inadequacies; the introduction of a charge of a manslaughter in cases involving intentional use of lethal force; an independent appeals tribunal within the Criminal Justice system; the ending of indeterminate sentences for prisoners under 18 convicted of terrorist offences.

2. In the analysis section of the Report, it is suggested that the consent formula in Article 1 of the Agreement would be inoperable without the consent of a sufficiently large number of Protestants. The Report describes the concept of majority consent as "not useful as a tool on which to build policy" and expresses the view that it makes sense to require the "consent of a majority of the majority".

Anglo-Irish Division

9 June 1993

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