

Discussed again with Mr. Hoops.

WJD 14/2.

[Handwritten initials]

SIR EWART BELL:

FODDER FOR A FARROW-DEVOURING SOW

(Joyce: "Ireland, a sow that eats her own farrow")

1. In the light of the discussion at last Wednesday's meeting, and of the note of the Secretary of State's meeting with SDLP, I have been giving some thought to the question of possible concessions to 'minority' concerns in the context of a constitutional settlement.
2. First, I would like to make three broadly contextual points:
 - (i) Minority rights, group identity or the Irish dimension are not the universal staple of conversation in most Catholic homes. As with the population in general, they do talk about jobs and social and economic conditions to a degree not reflected in the SDLP representations. It is true that there are strong emotional, even atavistic feelings which rise to the surface, or are capable of being summoned, at times of crisis, election or choice.
 - (ii) Most Catholics, if pushed hard enough, would deny the possibility of 'democracy' of a simple head-counting type in the Northern Ireland context, arguing that the Border was drawn with a careful eye to the numerical ratio of adherents to the two main constitutional allegiances. However, the more they can secure fair play and a dignified place in the system, the more they are likely to tolerate what they see as the defective nature of the calculus which got them there in the first place.
 - (iii) Most of the reassurances required by a minority in that situation rest in the attitudes of the majority. The more the majority is prepared to be generous, and to grant a place to the minority, the less insecure and alienated the minority feels, but there are questions of attitude - very difficult to provide by legislation - especially where, as in Northern Ireland, the majority of politicians use a rhetoric which indicates a siege mentality.
3. I am not sure what precise questions of 'identity' are involved, or how far it is possible to define a common 'minority' identity in Northern Ireland which is different from the Unionist/Protestant identity other than in terms of politics and political allegiance. It is an over-simplification to assume that Catholics form a homogeneous group whose aspirations and desire for self-expression can be satisfied by harps, round-towers, wolf hounds, colleen bawns and other impedimenta of romantic nationalistic sunburstry. There is, however, a basic truth in the importance of symbols, on both sides, the feeling of adherence to a group, and the wish not to be assimilated to an alien identity. The fact that the groups, seen from a distance, are culturally quite close to

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each other, reinforces the demand for distinctive symbols, and these are mainly negative in character and they are important because of the extent to which they emphasise difference.

4. I think that most Catholics in Northern Ireland wish to retain the right to be different, and to have different long-term political aspirations from the present majority without being regarded as disloyal or in some way inferior citizens. On the other hand, the majority have a well-developed fear of wooden horses which has permeated political life and thought for over half-a-century.
5. I would argue, therefore, for some expression of the principle (whether in legislation or otherwise) that it was neither improper nor unconstitutional for citizens (including elected politicians) in Northern Ireland to advocate or work for some form of Irish unity through the normal accepted political processes. (In fact few of the present advocates have gone beyond the short title and very little thought has been given to, and there is less consensus about, the form eventual 'unity' might take.) The fact that the PIRA also advocate some form of united Ireland does not invalidate the principle, but it should give society a vested interest in channelling what has been an important cause of political instability over the last two centuries into democratic channels (and without the armalite).
6.
 - (i) One way of reconciling 'Irishmen' with 'Britishness' might be to submerge both in a near common citizenship on a UK/ROI basis. Irish citizens in Britain have long had a special status which has survived even the Declaration of the Republic and the 1949 Act. Irish citizens have been able to work, to vote, to stand for election and to hold office. It would seem to require no great extension to achieve something approaching a common citizenship whereby the UK and ROI would agree to treat each other's citizens equally in terms of voting, access to employment and to public services.
 - (ii) In the Northern Ireland context this might extend to allowing people to travel abroad on either an Irish or a British passport. (Indeed in many parts of the world where there is no Irish representation, Irish nationals must depend on British consular services.) It is quite easy for a Northern Ireland resident to acquire an Irish passport, but my point is that his right to do so could be officially recognised, and his election so to do should not be regarded as a sign of disloyalty or a cause for suspicion. If three members of the present Government can describe themselves as Irish citizens, it seems odd that Irish citizenship should be a barrier to membership of a Northern Ireland Assembly or Executive. Equally, applications for Civil Service employment need not be restricted to those declaring themselves to be 'British'.

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- (iii) It seems reasonable to argue, as a matter of general principle, that electoral qualifications should be consistent throughout the UK and that Irish citizens with residence should be entitled to vote in local elections in Northern Ireland as in GB. I would be inclined to concede this, despite the administrative difficulty of compiling registers in a hostile atmosphere in Border areas, and the likelihood of widespread personation which is both endemic and traditional in some Northern Ireland constituencies.
- (iv) I do not see any point in pursuing the more exotic forms of citizenship by choice involving the payment of taxes other than in the area of residence, the delivery of services or voting in elections.
- (v) I would separate these citizenship matters from the Northern Ireland devolution proposals and leave them for negotiation in the Anglo-Irish context.

Bill of Rights

- 7. (i) All the parties to the Convention advocated a Bill of Rights of some sort. The UUUC saw it as a Bill of Rights and Duties which laid rather more stress on the need for the state to abrogate the rights of the citizen in times of stress. Their Bill would have included the classic anti-wooden horse clause that 'there was no protected right to engage in activity aimed at the destruction of the principles contained in the Bill of Rights'.
- (ii) The technically simplest way of providing a Bill of Rights is to incorporate the European Convention on Human Rights in the domestic law of the UK. If the ROI were to do so too, there would in effect be a common court of appeal for human rights cases in the European Court when domestic remedies in either jurisdiction has been exhausted. It is likely to be politically difficult to achieve this for the UK as a whole. There is still a case for separate incorporation of ECHR in Northern Ireland law, although I am sure jurists would argue against what would be a double-appellate system.
- (iii) This and other 'complaints' procedures would be provided in separate legislation.

Border Polls

- 8. I would avoid Border Polls as giving grounds for triumphalism or insecurity. It might be possible to reconcile the SDLP to a weighted majority in the Assembly by linking it to a similar weighted majority on constitutional issues. This would suggest that the Constitutional position were re-affirmed, not to be re-opened unless a 70% majority vote of the Assembly asked the Secretary of State to run a Border poll. If this referendum produced a 70% majority in favour

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of change, HMG would agree to open discussions with all parties, including ROI. SDLP could hardly argue against the need to secure the concurrence of a sizeable number of Protestants. On the other hand loyalists are likely to regard even this as a dilution of 'the guarantee'.

9. North-South Institutions

If SDLP wish to participate in any future Parliamentary ties of the AIIC, the majority should not be able to frustrate. Obviously a minority could not be regarded as representing the Assembly, but it should be possible to secure their inclusion as invitees or on a personal basis. It might be possible for the Assembly to be allocated a number of places, even on a pro-rata basis from the various parties, to be taken up to the extent the separate parties wish to do so. It should not be a cause for suspicion that they do so - although here we are dealing with attitudes which cannot be ordered by legislation.

10. Police Complaints

(i) The most widespread cause for alienation relates to police/security procedures. It is still the case that Catholic areas are more likely to be visited by road-checks and house searches, and Roman Catholic young people are more likely to have direct experience of interrogation, surveillance and arrest than others. There is also alienation as a result of the perceived immunity of police and security force personnel to prosecute or even disciplinary action for what the community regards as criminal actions. This is a very difficult and complex area - which is being uncovered by Lord Scarman and others in relation to the British Inner City.

(ii) As another manifestation of a particular defensive mentality, I keep seeing reports from the RUC that since 'X' (against whom nothing incriminating is recorded) comes from 'a known republican area' he or she should not be employed in sensitive work. This attitude is mirrored in some Departments.

11. (i) In relation to flags and emblems, I would make the likelihood of a breach of the peace the only test, with perhaps recourse to the courts against arbitrary refusal by police. For the purposes of this exercise, both national flags should be given equal status. (It is interesting to note proposals in GB to prevent provocative use of the Union flag by National Front.)

(ii) Similarly, Sunday use of facilities may be subject to some very local polling of opinion, and to the simple test of nuisance.

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- (iii) For most Catholics, the Irish language is not a live issue much less a medium of communication. For some it is. For most it falls into the category of destructive difference noted above. Most Catholics do, however, fear cultural submergence and this has been an underlying factor in the current Chilver controversy. The right to a separate cultural identity was also referred to in the Pope's anti-violence address in Drogheda, presumably on advice. It may be possible to engender more enthusiasm in the Education and Library Boards to provide greater opportunities in further education. The work of the Arts Council in supporting Traditional Arts (which incidentally includes the study of Orange regalia) might be substantially extended. There is something to be said for closer integration of the two Arts Councils. There is a Gaelic school in Belfast which could be grant-aided if it meets educational standards. The AAC in particular might do more to recognise the cultural values of the minority.
- (iv) None of this is mainly a matter for legislation. As I have said before, what the minority most want from the majority is an acceptance that their different culture has a value, and that these values should neither be despised nor regarded as a threat to society.

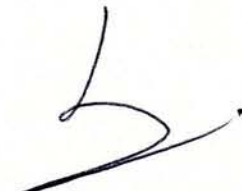
12. Reciprocity

The SDLP in their turn might be asked to recognise and respect the values of the majority - to whom the term 'Royal' is not necessarily pejorative. ~~That~~ pluralism requires the mutual acceptance of values and symbols. The SDLP for their part should recognise the validity of the majority view, for example, of royalty by participation in Royal visits, etc.

13. I found the SDLP paper rather over-stated and I question whether it is in fact a ^{true} ~~time~~ reflection of the values, aspirations, and interests of most of their potential constituents. At one level it represents an attempt not to be overbid by the IIP (much less the PIRA) in the rhetoric of militant romantic rationalism. It is sadly reminiscent of the pre-1968 irredentist tone of the then Nationalist party. I think their reference to direct rule as a job market for Unionists should be refuted - both by reference to the Civil Service and to the staffing and membership of the Area Boards in Health and Education and the Housing Executive. SDLP should be asked to submit a list of names of people who might be considered for appointment to Quangos. Apart from this, SDLP seem to have greatly overbid their hand - perhaps wittingly. An all-Ireland court is scarcely conceivable without the supra-national body from which it would draw authority and law, and this cannot at present be delivered. I know of no country which hands over its policing to a neighbour.

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14. I am not circulating this paper, though I may draw on it, if asked, at the next meeting. You may also be interested to see my comment on a paper by David Blatherwick and a draft note on perceptions of discrimination in which I have previously attempted (with little success I fear) to tease out some of these issues.



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