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No. 5

NEW IRELAND FORUM

Public Session

Thursday, 6 October, 1983

Dublin Castle

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NEW IRELAND FORUM

Public Session
Thursday 6 October 1983
Dublin Castle

Chairman: Dr. Colm Ó hEocha.

FIANNA FáIL

- Mr. Charles J. Haughey T.D.
- Mr. Brian Lenihan T.D.
- Mr. David Andrews T.D.
- Mr. Gerry Collins T.D.
- Mr. Jim Tunney T.D.
- Mr. Ray McSharry T.D.
- Mr. John Wilson T.D.
- Mrs. Eileen Lemass T.D.
- Dr. Rory O'Hanlon T.D.

FINE GAEL

- Dr. Garret FitzGerald T.D.
The Taoiseach
- Mr. Peter Barry T.D.
Minister for Foreign Affairs
- Miss Myra Barry T.D.
- Senator James Doocey
- Mr. Paddy Harte T.D.
- Mr. John Kelly T.D.
- Mr. Enda Kenny T.D.
- Mr. Maurice Manning T.D.

MEMBERS

ALTERNATES

- Mr. Paudge Brennan T.D.
- Mr. Jackie Fahey T.D.
- Mr. John O'Leary T.D.
- Mr. Jimmy Leonard T.D.

- Mr. David Molony T.D.
- Mrs. Nora Owen T.D.
- Mr. Ivan Yates T.D.

LABOUR

- Mr. Dick Spring T.D.
The Tánaiste and Minister
for the Environment
- Mr. Frank Cluskey T.D.
Minister for Trade,
Commerce and Tourism
- Mr. Mervyn Taylor T.D.
- Mr. Frank Prendergast T.D.
- Senator Stephen McGonagle

**SOCIAL DEMOCRATIC
AND LABOUR PARTY**

MEMBERS

- Mr. John Hume M.E.P.
- Mr. Séamus Mallon
- Mr. Austin Currie
- Mr. Joe Hendron
- Mr. E. K. McGrady

ALTERNATES

- Mrs. Eileen Desmond T.D.
- Senator Mary Robinson

- Mr. Seán Farren
- Mr. Frank Feely
- Mr. Hugh Logue
- Mr. Paddy O'Donoghue
- Mr. Paschal O'Hare

Chairman (Dr. Colm Ó hEocha): The public session of the Forum has come to order. The first presentation this afternoon is by Sir John Biggs-Davison, Member of Parliament, who is well known to all of us. He has been involved in Northern Ireland affairs in his official position as Spokesman for Northern Ireland during 1976-78. He was Chairman of the Parliamentary Northern Ireland Committee from 1976 to 1978. Sir John, I do not think it is necessary to go through your submission at this stage. It provides an opportunity for members of the Forum to ask you questions and I now call on the Tánaiste, Deputy Dick Spring, to begin the questions.

The Tánaiste: Have you, Sir John, any concrete evidence as to how an amendment of the Republic's Constitution, to which you refer in your script, would make any change in either the Unionist approach or the Unionist attitude?

Sir John Biggs-Davison: It would be a tremendous act of goodwill on the part of the Republic if the people of the Republic agreed by way of referendum to amend the Constitution in regard to the claim of one sovereign State to the territory of what is another sovereign State, a claim which is repugnant to the citizens of the other sovereign State.

The Tánaiste: You have just repeated what you say in your submission but have you any more positive evidence to offer on that?

Sir John Biggs-Davison: In the view of the Unionist population, the Republic is an expansionist power, setting no bounds to the march of the nation. Have I got that quotation wrong?

The Tánaiste: It is lucky we are such a small island. You say the Unionists' cases is based on the democratic will of the Ulster people. It is too simple to divide it into those who call themselves British and those who call themselves Irish. Who are these Ulster people who take part in sporting and cultural activities and why is the State not Ulster instead of the Six Counties and is it still not gerrymandering to ensure the Unionist majority?

Sir John Biggs-Davison: If I may take the last part of the question first: the implication is that it would have been better to have included in the frontiers of the United Kingdom a larger population of those who did not want to belong to the United Kingdom. Those who say Northern Ireland should include the whole of the historic province of Ulster are saying that more people of the Nationalist Republic ethos should have been included in the

United Kingdom. I know the opposite is also argued, namely, that the whole of the Republic should have the right to the whole of Ireland, but that is not something which meets the wishes of the people. In other words, there is no wish to include more Nationalists within the United Kingdom. The Forum may know better than me but there are many people who have their connections, whether they be in business, banking, trade unions or the Churches, and those connections give them a sense of Irishness. The point I was trying to make is that there are people who consider themselves Irish who wish to remain part of the United Kingdom in their allegiance to the Crown. I remember once, a lady — she was rather angry at the attitudes of some politicians — at a reception in Northern Ireland saying to me that the trouble with you English — I am not very English — is that you do not want us Irish to remain British.

The Tánaiste: What concession would you like to see the Unionist population make to ensure the defeat of terrorism? I would say there is no confidence in the security forces in Catholic areas and this lack of confidence is greatly aggravated by the failure of the judicial system to try members of the security forces who have committed serious offences.

Sir John Biggs-Davison: The last part of the question is incorrect. There has been a recent case of members of the security forces being on trial for certain offences — indeed, for the offence of murder. The facts are available from the Secretariat. It is not true to say members of the security forces are not put on trial. Indeed, the fact that they are put on trial astonishes other countries. There is scarcely any country in which the security forces operate under such restraints as they do in the United Kingdom. In the first part of your question you asserted there is no confidence on the part of the Catholic population in the security forces. That is an assertion, but there is some truth in it, and I think the difficulty probably arises because of not involving the Royal Ulster Constabulary more in security instead of the army since the latter has of necessity less understanding of local people. That factor is coming more and more to the fore and I do not think it is correct to say now that the Royal Ulster Constabulary do not have the confidence of Roman Catholics. I believe they increasingly do and it would be of tremendous help if they could get more vocal support from leaders of the constitutional Nationalist party, for example, the SDLP who could ask for that support of the Royal Ulster Constabulary in the suppression of murder and crime. That would be of the greatest assistance.

The Tánaiste: What do you regard as the legitimate extent of the

influence of the Government of the Republic in the affairs in Northern Ireland?

Sir John Biggs-Davison: The Government of the Republic has no *locus standi* in the affairs of the United Kingdom.

The Tánaiste: How do you envisage the right of the present majority to remain British being reconciled with the wishes of the Nationalist minority and also with the majority in the Republic who would wish to see a change? How would you visualise the rights of the present majority being institutionalised in any future change?

Sir John Biggs-Davison: I speak entirely for myself. I appear entirely for myself and make my submission entirely for myself. I do not want to see the position of any minority being institutionalised in Northern Ireland. I want to see the rights of all citizens fully protected in Northern Ireland as they are in the rest of the United Kingdom so that you may divine that I am a staunch Unionist. In my approach to these problems I am described as an integrationist because I do not wish to restore a parliament to Northern Ireland. Under one parliament, the minority rights in Northern Ireland are much more secure than they would be if you restore what would be an overwhelmingly Protestant Parliament in Northern Ireland. I do not want to institutionalise power sharing. I want power to be shared by the people of different religions and of different cultural origins. I want two things. I want the union to be preserved because that is the wish of the overwhelming majority and perhaps of half of the Catholics in Northern Ireland. I want the union to be preserved but — this is more towards nationalist aspirations — I want the unity of these islands under party political institutions by consent of the governed. The institutions of Government have the consent of the governed in the Republic. The institutions of the UK have the consent of the people of the UK. If the UK and the Republic can become even more intimately associated and can co-operate even more closely it follows that Northern Ireland and the Republic will also co-operate more closely and the barriers are being removed all the time. That is why I say a united Ireland is not on but united islands is something we should work for. We should turn our minds to institutions which would bring the Republic and the UK closer together. They are more closely associated than any other two states in the world but that can be taken even further, if there is the will for that in the Republic itself. It was hardly helpful to the cause of unity in these islands or the cause of Irish unity when an Irish Government broke the link of the punt with the pound. For example, I hope that no Irish person will wish to partition the concerns of the

Commissioners of Irish Lights or the Royal National Lifeboat Institution which runs lifeboats throughout all of these islands. We trust that the Irish Army will not regret sending a Captain to the British Lions rugby team — Captain in both senses with a capital C.

A member: British and Irish Lions.

Sir John Biggs-Davison: That is the team I am thinking about the British Isles Lions.

The Tánaiste: It appears from the recent census figures issued by the Northern Ireland Office that the Roman Catholic population there would appear to be 42 per cent. Do you think that the British Government should come to terms with the majority in Northern Ireland opting out of the UK in years to come?

Sir John Biggs-Davison: If the majority want to opt out of the UK it is open to them to do so because there is provision for Border polls. We have had one such plebiscite with a decisive result. Of course, we know the implications for the Nationalist population and we may say the result is not as conclusive as all that. Nevertheless, provision is on the Statute book to consult the people of Northern Ireland. I would enter a warning against accepting a demographic trend as leading to an eventual wish to opt out, for my case is that it does not follow that because you are a Catholic in Northern Ireland you wish to join the Irish Republic.

Chairman: A final question.

The Tánaiste: Would you accept, given the level of crises in Northern Ireland, that there is a necessity for political development? If you accept that, would you wish a Unionist veto to be a barrier to that development?

Sir John Biggs-Davison: What do you mean by the Unionist veto? I accept that the majority of the people should have their wishes respected. We are saying what we said on the previous question, that while the will to remain with the UK is there, this should be respected. At the same time, if that were to change and the majority wished for something else, that would be respected. I recall the time of the Scottish devolution question when we had Conservative statements that if the Scottish people did not wish to remain part of the same political unit as England and Wales, of course we would respect their wishes. We know perfectly well that the large majority in Northern Ireland want to remain part of the UK. If we mean anything by self-determination, they have the

same right to self-determination — that is the distinct people in the North of Ireland — as you got in this part of Ireland when the Irish Free State, now the Republic, was founded.

Chairman: Thank you, Tánaiste. I call Senator Seamus Mallon.

Senator Mallon: You are described as a Catholic Unionist. By an accident of birth, if you happened to live in a part of “Britain” that I live in, do you think you would ever become an MP?

Sir John Biggs-Davison: I am sorry I did not catch —

Senator Mallon: You describe yourself as a Catholic Unionist.

Sir John Biggs-Davison: Yes.

Senator Mallon: Had you lived in Northern Ireland would you have become an MP?

Sir John Biggs-Davison: I doubt it very much. I recall once being invited by a Unionist agent who was looking for talent to consider standing as a Unionist candidate in Northern Ireland. I was attracted by the idea for family reasons and I said, “I suppose you ought to know that I am a Roman Catholic”, and he said, “I have got nothing against Roman Catholics nor have the leading members of my Unionist association but, of course, other people are not so broadminded and there would be minor difficulties”. That is why the first political speech I ever made in Northern Ireland, at Banbridge in 1970, included a suggestion that the Orange Order should cease their formal contact with the Unionist Party and that efforts should be made to bring Catholics into the Unionist Party.

Senator Mallon: You have stated fairly honestly, that you would not have been an MP and there is no record of anybody who would describe himself as a Catholic Unionist and an MP.

Sir John Biggs-Davison: Oh yes, Sir Denis Henry.

Senator Mallon: From Northern Ireland?

Sir John Biggs-Davison: He was a member of the Northern Ireland Institution.

Senator Mallon: Was he elected as a Unionist?

Sir John Biggs-Davison: Sir Denis Henry was Unionist MP for

Derry, the last Attorney General of Ireland, pre-partition, and later Lord Chief Justice of Northern Ireland.

Senator Mallon: But not since the foundation of the Northern Irish State.

Sir John Biggs-Davison: I think that is correct.

Senator Mallon: I ask that question because I am trying to find out if you understand the depth of feeling within the Catholic community about this alienation from the Northern Irish State, and the British connection.

Sir John Biggs-Davison: It was because of the feeling of alienation or opposition to the Northern Ireland State at the beginning that accounts for much of our trouble today. If the political minority in the North had taken the same attitude as the political minority in the South there might have been a much happier start to Northern Ireland, as there was a happier start in the Irish Free State. I concede that there was a great deal of liberality among the founder statesmen of the Irish Free State. They took pains to see that Unionists were put into the Seanad. At the same time, you should not under-estimate the feelings of alienation among many of the Unionist population in the Irish Free State that they were no longer part of the Union and so much was done subsequently in this part of Ireland, such as the severing of the Crown and Commonwealth links, further to alienate what was left of them. You cannot call it genocide, but the fall of that Unionist population in the South would repay some examination. What I am trying to say is that the Unionist minority, finding themselves, as a result of double self-determination, on the wrong side of the frontier in terms of the political allegiance they desired, settled down and co-operated. They played a constructive part in this part of Ireland. This was not true of the Nationalist population in the early twenties in the North. Carson tried to bring about reconciliation. He was a Southerner. The Catholics were asked to appoint a chaplain to the Northern Ireland Parliament but the Catholic Church only appointed a chaplain to the Northern Ireland Parliament just before the abolition of that Parliament. Carson and his successors provided generously for Catholic schools but the teachers in those schools, being Nationalists, did all kinds of things, including sending their annual reports to Dublin. All these things did not help the minority or the liberal-minded people among the Ulster Unionist population.

Mr. Mallon: We must contrast the attitudes of the respective minorities, North and South. We must balance the size of the

respective minorities. You are talking about a 15 per cent minority in the South and a 42 per cent minority in the North. Can any State sustain itself if that percentage of the population is totally alienated?

Sir John Biggs-Davison: I do not accept that the whole Northern minority are totally alienated.

Mr. Mallon: In the last test of opinion, an election, a majority of people in the constituency of the Foyle, in mid-Ulster, in the others which comprise all of Northern Ireland west of the Bann, voted against continuation of British rule.

Sir John Biggs-Davison: They are fully entitled to do that. Some people in Scotland voted against the continuation of Scotland as part of the UK. Some people did so in relation to Wales. Nobody expects the UK so to arrange affairs in Scotland or in Wales to suit those people. We are a democracy. Those people had every right to put their case to the people, to put up their candidates for election, and if the time comes when they can persuade a sufficient number of their people to vote for discontinuance of membership of the UK, so be it. It is a bigger minority in the North — the Nationalist minority there has increased since Partition but the Unionist minority in the South has decreased. I wonder why it is so. It does not suggest that everything in the North is wholly repressive and that everything in the South is wholly liberal and tolerant.

Mr. Mallon: You made a point about Scotland and Wales. In your opinion, is Northern Ireland as British as Finchley?

Sir John Biggs-Davison: Northern Ireland's population are a part of the UK, as is Finchley.

Mr. Mallon: I have been using a quotation from your Prime Minister who said that the Northern Irish are as British as those in Finchley.

Sir John Biggs-Davison: I can disagree with Mrs. Thatcher on points of detail. I have ceased to be an official spokesman, on a point of principle. When I am talking about the British I refer to the people of Great Britain which comprises England, Scotland and Wales. I do not apply the term "British" to the island of Ireland, in law particularly. There is the Nationality Act. The people of Northern Ireland are British subjects. That is a technical term. So are the people of Hong Kong. The people of Northern Ireland are Irish but part of Her Majesty's dominions.

Mr. Mallon: You will not agree with your Prime Minister that Northern Ireland is as British as Finchley?

Sir John Biggs-Davison: Of course it is not — all parts are different, one from the other. When one says Northern Ireland is different, of course it is and its institutions will be different. Scottish law is entirely different in many respects from English law. The law in both parts of this island are closer to English law.

Mr. Mallon: How would you view it if the laws in Britain were the same as the laws in Ireland, and would you still use the practices now being used in Castlereagh and in other places in the North?

Sir John Biggs-Davison: I noticed that the Lord Chancellor, Lord Hailsham, said that there is so much concern about the integrity of juries in England that there might be a question of having trials without jurors. There is nothing particularly sacrosanct about the particular forms of our courts. Regrettably, we have the Diplock Courts in Northern Ireland and the Special Criminal Court in this part of Ireland. These things are determined by the necessities of situations. If by any chance the troops were to be removed from Northern Ireland and it could be shown that terrorism had triumphed in Northern Ireland, we might have the same thing happening in Great Britain because it could be said: "The terrorists succeeded on the other side of the water and the same small handful of terrorists might succeed here".

Mr. Mallon: You have deported from one part of the UK to another — you have deported people from Liverpool to Belfast, for instance. Are you really saying that Northern Ireland is part of the UK and that other parts are not?

Sir John Biggs-Davison: These things are related to a special situation, like the Emergency Powers Act — special measures for special situations.

Mr. Mallon: I should like to ask you about an answer you gave to Deputy Spring. You said that the Republic's Government have no role to play in the affairs of the UK. How do you envisage the UK solving the security problem in Northern Ireland if the Government of the Republic have no role whatsoever to play?

Sir John Biggs-Davison: Thank you for reminding me of Mr. Spring's question because perhaps I might amend it to say the Republic has no role in the internal affairs of the United Kingdom, has no role any more than the United Kingdom has a role in the internal affairs of the Republic. I favour — I am speaking entirely

in a personal capacity here — the ending of Southern Ireland's secession from the United Kingdom. My policy is that the secession should end by consent.

Mr. Mallon: Could you keep to the question of security?

Sir John Biggs-Davison: I would not suggest that we should make that official British Government policy although if the United Kingdom were to have a written Constitution, as some people suggest, we should write into that Constitution a claim to all the British islands. I would not do that.

Mr. Mallon: Could we get back to the question? Is it right to ask the Republic of Ireland to bear the financial brunt and the problems that it causes deriving from the British Government's inability to solve the security problems in the North of Ireland and tell them at the same time that they do not have any role to play?

Sir John Biggs-Davison: The Government of the Republic have their international obligations. We note that there is the matter of that international convention on terrorism. For example, we would be glad if the Irish Republic would adhere to that and if there could be a different attitude to extradition. I know you have the special legislation which is designed to take care of the extradition problem. Take extradition. Let us suppose that some British maniac from some extreme fascist organisation for political reasons came over and murdered some Irish politician —

Mr. Mallon: They have done it.

Sir John Biggs-Davison: — and retreated back to England, we would immediately extradite if asked.

Mr. Mallon: The principle of international law is to extradite and that provision exists with the Government of the Republic of Ireland.

Sir John Biggs-Davison: Governments have a duty to help each other in this way. I would say that there is great co-operation between the security forces in the United Kingdom and the Irish Republic. That is most welcome and we are most grateful but that is not to say either of the sovereign powers within these islands has any right to interfere in the internal affairs of the other.

Mr. Mallon: In your document you say that the Unionists would, if necessary, fight even if the mainland power was withdrawn. I take that to mean that even if Britain was to leave Ireland. That is

your statement and I should like to know who they would fight to keep Britain there, who would they fight against and for what reason?

Sir John Biggs-Davison: If there was to be a withdrawal of British troops and sovereignty — we should be clear about what we mean by a withdrawal of British troops because I am in favour of a withdrawal of British troops from their role in support of the police at the earliest opportunity, but British troops do not withdraw from any part of the United Kingdom. United Kingdom forces can be stationed throughout the United Kingdom but when we talk about withdrawal of British troops we mean withdrawal of British sovereignty, do we not?

Mr. Mallon: I am not talking about withdrawal; I was quoting your statement.

Sir John Biggs-Davison: In that event, there are people in the North who, I believe, would fight rather than be placed under the sovereignty of the Irish Republic.

Mr. Mallon: So, it would not be to retain their unionism that they would fight but to retain their own position in Northern Ireland?

Sir John Biggs-Davison: Yes, I think that is so. If there was a withdrawal of British sovereignty there would, presumably, be a movement for an independent Ulster which would possibly seek some relationship with the British Crown but these are all hypothetical questions.

Chairman: I call on Senator Dooge for Fine Gael.

Senator Dooge: I should first like to follow up some of the answers you have already given. It seemed to me, that in answering the Tánaiste, you drew a very close analogy between a devolution for Scotland and the position of Northern Ireland but when you were answering Mr. Mallon you made a much clearer distinction between the position of Newry and, indeed, Hong Kong and that of Finchley. What do you think is the difference between a citizen of Northern Ireland and a citizen of mainland Britain?

Sir John Biggs-Davison: First of all, the reference to Hong Kong was to illustrate the point that a “British subject” is a technical term, a legal term.

Senator Dooge: So, we can forget about Hong Kong in the Forum and return to Newry.

Sir John Biggs-Davison: There are many differences between the people of Northern Ireland and the people on the other side of the Irish Sea. There are historical differences, cultural differences and the rest.

Senator Dooge: But did the House of Commons, of which you are a Member, not treat these problems extremely differently in regard to devolution for Scotland? Did they not, in fact, in respect of very limited powers, put certain constraints in which have not been put into what is called the “guarantee” to the Unionists of Northern Ireland? Does that not recognise a difference?

Sir John Biggs-Davison: When the devolution question was raised and the Labour Government attempted to introduce devolution to Scotland it was then provided by the will of the House of Commons, the Parliament, that there should be a referendum, that there should be a required percentage of the people of Scotland supporting it.

Senator Dooge: But the requirement was stricter than that in regard to Northern Ireland.

Sir John Biggs-Davison: Not stricter in a way, because we had a Border poll in Northern Ireland in 1973 in which the people were simply asked to state if they wished to stay in the United Kingdom or to join with the Republic and they overwhelmingly voted to remain in the United Kingdom.

Senator Dooge: Perhaps we should not pursue that too long.

Sir John Biggs-Davison: If there had been a majority of one for joining the Republic presumably that will would have been respected.

Senator Dooge: But a majority of one for those voting would not have secured devolution for Scotland.

Sir John Biggs-Davison: That was the provision in that case, certainly.

Senator Dooge: It was different. You did mention that you thought that the question of the fall in the Protestant population following the establishment of this State would repay study. Have you studied it or have you read the studies that have been made?

Sir John Biggs-Davison: I have read a certain amount, but I have never made a deep study of it.

Senator Dooge: Would you be surprised to find that it has been put forward that the rate of fall in the Protestant population, say following 1920, was, if anything, less than that from 1880 to 1920?

Sir John Biggs-Davison: Yes, but what we were trying to compare, surely, is the relative rise or fall in minority population in the two parts of Ireland. That is what is relevant to this discussion. The minority in the South decreased and the minority in the North increased.

Senator Dooge: If one takes the authoritative studies that have been made on this, one of the major factors which comes out is not the question of emigration of Protestants or the genocide of Protestants — even if that is put in in inverted commas — but rather the effect of mixed marriages. Is not this major factor something which is attributable to your Church rather than our Government?

Sir John Biggs-Davison: If you wish. I only provocatively made that remark about what has been described by some people as genocide in order to try to counter the view that in the North the minority always receive very rough treatment and discrimination.

Senator Dooge: Perhaps we should get away from the possible suggestion that we have killed by kindness in the South. I should like to ask you, as a long-time Member of the House of Commons, if you believe there has been a change in the degree of concern among MPs of all parties in regard to Northern Ireland over the past 15 years?

Sir John Biggs-Davison: Previous Parliaments were much to blame in that they did not take enough interest in the affairs of Northern Ireland. The Parliament of Westminster remained the sovereign Parliament and the Parliament at Stormont was a local parliament, a subordinate parliament. Not enough interest was taken. That is one of the reasons why I did not favour the restoration of a parliament at Stormont. I think it is far better for the minority in Northern Ireland that there should be one parliament. When there is talk of devolution, when there is talk of an assembly, when there is talk of eventually restoring some sort of parliament in Northern Ireland there is always talk of special provisions for the minority. Why? Because of the experience of the past when the minority felt themselves to be discriminated against and unfairly treated by the majority. If you bring the political life of Northern Ireland into the broader framework of the United Kingdom, where there is the one parliament over all, the minority need have no fears because one thing is quite certain, whether the

interest of individual members has increased or not, the parliament at Westminster will not tolerate any injustice or discrimination towards the minority.

Senator Dooge: Are you suggesting that if Stormont had not existed and that we had an administration like the Scottish administration there would have been more concern prior to 1969?

Sir John Biggs-Davison: I think there would have been less cause for complaint by the minority certainly, paradoxically if you wish, but whether it is paradoxical or not, the Unionists never wanted a parliament in Stormont in the early days. They wanted to continue to be integrated, as the whole of Ireland had been, with the parliament at Westminster.

Senator Dooge: That is history. No Irish vote was cast for that solution.

Sir John Biggs-Davison: It was not inevitable that the parliament should have been set up at Stormont. The main reason why it was set up at Stormont was that the British Government, contrary to many of the myths, wanted to heal the rift between North and South and wanted eventually to end Partition, to have a Council of Ireland representing the two parliaments and so on. This was not the wish of the Unionists at that time. They came to like it afterwards.

Senator Dooge: To get back to the question, there has been a growth in concern over the past 16 years. Does this not indicate that, in fact, the parliament at Westminster would not listen to constitutional politicians, indeed did not listen to those who agitated for civil rights and does it not leave all of us here who belong to constitutional politics in the difficulty that it can be suggested that the only thing that will be listened to is violence?

Sir John Biggs-Davison: This is often said. If Lord Brookeborough, for example, had tried to remedy what grievances there were it would have been better than if they had been remedied later under Lord O'Neill, yes, but all this leads me to apprehend that you support the case for integration under one parliament.

Senator Dooge: I can assure you I do not.

Sir John Biggs-Davison: But that is the best security for the civil and other rights of the whole population.

Senator Dooge: Leaving the question of members of parliament and

moving to the Government of the United Kingdom, it has been suggested to us that the United Kingdom Government has only paid serious attention to Northern Ireland over the last 60 years for one very short period around 1973. What would you think was the reason for this?

Sir John Biggs-Davison: Because to all intents and purposes the Governments, whether they were Labour or Conservative, had not decided or wished to interfere with the Northern Ireland Government. Perhaps it would have been better if they had intervened more. It might have been better if there had been no Northern Ireland Government at all.

Senator Dooge: Finally, could I ask you, as a Member of Parliament of some experience, concerned with Northern Ireland, with a military background, how you would answer the following question? It has been suggested there are a number of factors in regard to the position of the British Government — the question that there was an existing settlement, the question of a sense of obligation to the Ulster Unionists and the question of strategic interests. What would you say would be the weighting of the strategic interests of the UK in comparison with the other factors?

Sir John Biggs-Davison: The strategic interest of the United Kingdom was much emphasised — and one can read the Cabinet papers because they are now available — when Éire, or whatever term one should use, became a Republic outside the Commonwealth. At that time, Cabinet papers were circulated in Britain to the effect that because of this event it was even more important that Northern Ireland should remain part of the United Kingdom. The strategic factors may well have changed since then but the fact remains that the only territory in the island of Ireland which is available to NATO powers is Northern Ireland. That is a fact. Whether there would be any change in thinking if the Republic became an allied power, I do not know. I do not think so, but I think that the strategic fact should be put to somebody with more knowledge than I.

Senator Dooge: You seem to be suggesting that you cannot evaluate whether there has been any change since 1949. Are you seriously suggesting that the strategic interest of the territory of Northern Ireland to the United Kingdom is the same now, in a period of submarine-based missiles, as it was at the end of the Second World War?

Sir John Biggs-Davison: No, I think it is probably different but there are those who say that it is still important in that NATO

looking at the possibility, which God forbid, of another world war thinks in terms of the supply of Europe from North America.

Chairman: I now call on Deputy John Wilson.

Deputy Wilson: Sir John, you say you sent your submission to your Prime Minister. What did she think of it?

Sir John Biggs-Davison: She has not told me.

Deputy Wilson: Is this an indication of her interest?

Sir John Biggs-Davison: I have had an acknowledgement but she has been fairly busy. I have not yet had any considered reply from any of the three British Ministers to whom I sent it.

Deputy Wilson: This may be a fuller answer to Senator Dooge's question than the one you gave originally.

Sir John Biggs-Davison: How, Sir?

Deputy Wilson: In that the interest shown is not very deep.

Sir John Biggs-Davison: I think they need time to consider what I said.

Deputy Wilson: The object of your submission was to place before the Forum facts and considerations that might be ignored in the absence of Unionist participants. Do you believe it would have been better if the Unionist parties had put their views directly to this Forum?

Sir John Biggs-Davison: It does not matter what I think, because it was clear that they could not possibly come having regard to the way in which the Forum was set up. I had the advantage of being a private Member of Parliament known to speak very much for myself and, therefore, I thought it might be helpful if somebody did put the Unionist case in this Forum. This is a Forum where there is great goodwill, a desire to achieve better relations in this island and, therefore, it seemed to me that it would do no harm if I offered a submission.

Deputy Wilson: Does it hurt your conscience at all that successive British Governments presided over blatant injustice in the Six Counties for several decades without lifting a finger to stop it?

Sir John Biggs-Davison: I do not necessarily accept the full

implications of that but no, not ever having been a member of any Government I cannot really say that the decisions or omissions of any Government prick my conscience, but I said in answer to an earlier question that I regret that British Governments and British parliaments did not take sufficient interest in the affairs of Northern Ireland.

Deputy Wilson: Would you agree that the Northern Ireland Assembly serves no useful function and should be abolished immediately?

Sir John Biggs-Davison: Since I voted against its formulation, the answer is yes. However, I do not think that in terms of politics it can be abolished immediately. Things do not happen that way, but being an integrationist and having opposed the Assembly and having seen it being even less useful than I had expected, I would not mind if somehow it passed away or perhaps became transformed into a regional council or something which would supply the lack of democracy by way of an upper tier of local government.

Deputy Wilson: You say you are an integrationist. What support did you have in your own party for that position?

Sir John Biggs-Davison: The truth is that not many members of my party or of any party take a detailed interest in the affairs of Northern Ireland. I am not just saying that because I am here. I have said in the House of Commons that it is regrettable that such little sustained and detailed interest is taken but of those Conservative MPs and Peers who have taken a consistent interest in the affairs of Northern Ireland, the majority take my position.

Deputy Wilson: You speak in your paper of the distinct Ulster people. What in your view makes the Ulster people distinct?

Sir John Biggs-Davison: Historical, geographical and economic factors.

Deputy Wilson: Would these factors apply also to my county of Cavan and also to the County of Donegal, both of which were planted at the beginning of the 17th century?

Sir John Biggs-Davison: The folk hero, Cuchulainn was always the fighter for the North against the South.

Deputy Wilson: The West.

Sir John Biggs-Davison: The South West. I think it was Mr. Curry who said that Catholics and Protestants in Ulster have more in common with each other than the Northern Catholic would have with the Southern Catholic or the Northern Protestant would have with the Southern Protestant. I think it was Sir James Craig who had a great affection for a certain Nationalist politician, Joseph Devlin, and a certain mistrust of a certain Southern politician called Carson. The distinctness in that part of Ireland cuts across religion and political differences. That being so, we are talking of something that is much older than the industrial revolution, that is much older than the plantation. Many people think that all the trouble stems from the situation of many Scottish Protestants having come in during the reign of James I but of course the closeness of the north east of Ireland to Scotland has been there all the time as has the movement of people between the two areas and then with the industrial revolution came the tie-up of that part of Ireland with the economy of Great Britain. That made a tremendous difference. This underlay the objection to home rule in Ulster. There are many factors involved but I must not delay the Forum all day examining all of them. Suffice it to say that the long-standing distinctiveness cannot be denied.

Deputy Wilson: I do not like the word "Ulsterisation" but it is one that has cropped up a great deal, particularly with regard to security. May I suggest that the whole business of Ulster should be Ulsterised and that in view of the fact that in the most recent general election there were 412,701 Unionist votes and 352,224 non-Unionist votes, would you not think that if the real Ulster, including Donegal, Cavan and Monaghan, were included, the problem would be resolved very quickly.

Sir John Biggs-Davison: One can draw all kinds of lines on a map in the interest of imperialist expansion or something like that but I have never understood this argument of saying that it would have been more just if more Nationalists had been included in Northern Ireland. I think that it would have made for the health of what is called the Northern Ireland State if the balance had been closer as between Nationalists and Unionists and if there had been a constant challenge to the Unionist ascendancy in the Northern Ireland Government and parliament, but I cannot see that it is just or democratic or in accordance with the principle of self-determination to draw a line on a map in accordance with an historical concept of a province while subjecting a lot of other people to an allegiance they do not want.

Deputy Wilson: You missed my point in that if these three other counties were included, the political entity would no longer exist,

that it would be defeated by the majority vote. Surely you would agree that the majority vote would settle the problem.

Sir John Biggs-Davison: No, because I do not agree that a vote should be taken throughout a particular geographical area.

Deputy Wilson: I do not think it would be advantageous to continue the argument but the whole area was carved out with a view to having a built-in majority.

Sir John Biggs-Davison: As I said before, Carson wanted to hold the nine counties but eventually six counties were agreed. There were people who said that that was more manageable from a political point of view but it also included fewer Nationalists under an allegiance that they wanted to be rid of.

Deputy Wilson: You say you wish to see the rights of all people in Northern Ireland guaranteed. Do you admit the right of Northern Catholics to Irish identity and how would you envisage that right being secured?

Sir John Biggs-Davison: Everybody in the UK has the right to express his cultural identity. One example of respect for that was the BBC starting Irish programmes.

Deputy Wilson: When you say that the Northern Ireland majority will not be bullied or coerced into the Republic, and nobody wants that, do you believe that the minority in Northern Ireland should be bullied and coerced into remaining in the UK?

Sir John Biggs-Davison: There is no question of bullying or coercion because there is an equality of civil rights and there is a variety of institutions concerned with ensuring that those rights are defended, whether in the sphere of employment or anything else. One of the reasons why direct rule is pretty popular in Northern Ireland, why it is preferred to what went on before, is that under the rule from Westminster, there is no question of citizens being discriminated against or at least if there is unjust discrimination there is an authority which is against it and which is determined to ensure that it does not happen.

Deputy Wilson: Would you accept that the organisation on an all-Ireland basis of churches, trade unions, learned societies and sports associations is not a matter of ties between the UK and Ireland but is simply a matter of ties between Irish men and Irish women North and South, taking the island as a single unit?

Sir John Biggs-Davison: I think that is so. It may be trivial to make the point that the lifeboats of the whole of these islands are run by the same institution. That is a link not only between North and South but between east and west. There are two prongs to my idea, one is that you defend the right of the Republic to be a Republic and you defend the right of Northern Ireland to be Northern Ireland within the UK, but then you work, whether through special institutions or whatever seems best for — what I have called Iona — a felicitous acronym for the islands of the North Atlantic. I think Iona is a splendid name for it. I have not used the name so much lately because people say that in doing so I am simply being romantic. Anyway, the co-operation is there and we do not need special institutions but I want to do things, I want to make it easier for these people who find themselves on the uncongenial side of the frontier to accept the situation.

Deputy Wilson: Would it please you to hear that, as Minister for Education, I discovered the Protestant population here is increasing, requiring school buildings and so on and that they do not regard themselves as Unionists and the members of my party of the Protestant persuasion are the best workers I have in my constituency.

Sir John Biggs-Davison: That does not surprise me at all and I have tried not to identify Protestant and Catholic with one particular political ideology. Indeed, the opinion polls show that more than 40 per cent — this is a consistent figure — of Northern Catholics want to maintain the link with Britain. Why, you may ask then, do they vote so differently in the elections. They do because the Unionist party presents unfortunately a sectarian aspect and so, when elections come along, tribal voting sets in. This is regrettable. With integration I would hope that political parties would be United Kingdom political parties.

Chairman: Thank you, Sir John. We now have a submission from a group entitled, "The Northern Ireland Cross-Community Professional Group". The group consists of Mr. Terence Donaghy, solicitor, Mr. David Hewitt, solicitor, Mr. Francis Irvine, solicitor, Mr. John G. Neill, solicitor, Professor Desmond Rea and Professor Robert Stout of Queen's University. They have shown great interest in the Forum. Their submission has been circulated and I now ask the Minister for Foreign Affairs, Mr. Peter Barry, T.D., to start the questions.

Minister for Foreign Affairs (Deputy P. Barry): First of all, I would like to welcome the group. The fact that they seem to be of a somewhat different persuasion should be of assistance to our

deliberations. In the submission they say the problem is intolerable and growing worse. Do the group accept that people in this part of Ireland have through this Forum taken an initial step and do they think that initial step will receive a response?

Professor Stout: On behalf of my colleagues, I would like to say that we are honoured to be given an opportunity of addressing this distinguished company. We are a group of individuals. We were born, we grew up and we work and live in Northern Ireland. We are rearing our children in Northern Ireland. We speak from a personal point of view. We are from the two great traditions. We have approached the problems from different starting points. We have discussed those points in great detail over many months. It is significant that we have been able to come to an agreed analysis of the problem and put forward some suggestions for its solution. We welcomed the setting up of this Forum and we wish it well as a constructive contribution towards solving the problems in Northern Ireland. Our purpose in coming here and presenting a submission to the forum is to try to encourage the Forum to look at the realities of the situation, the realities we living in Northern Ireland know from experience. Until people interested in the problems in the North start from the realities no solution will be possible because it is only by starting from the realities we will ever achieve a solution. If the Forum sticks to the realities then it may well make an important contribution to solving the problem.

Deputy P. Barry: You began your discussion with two clearly held convictions. You say the problem is intolerable and growing worse and people of both great traditions must make this task — that is solving the problem — their chief priority. Do you perceive a response coming from the majority down here.

Professor Stout: I think that depends on what the final conclusions of the Forum turn out to be. If they are in any way related to the points we have made in our document, then with time there may well be a favourable response.

Deputy P. Barry: You speak of a broad acceptability. Do you mean a broad acceptability by all the people of Ireland or do you mean the two traditions in Northern Ireland or between this island and the neighbouring island?

Professor Stout: All of those. Basically, our submission is that the problem has to be solved within the context of Northern Ireland and a solution must be evolved which has the support of both the great traditions in Northern Ireland but that Northern Ireland on

its own cannot solve these problems. It must have support and help from both the Republic and Great Britain.

Deputy P. Barry: Is that realistic in view of the major submissions you put forward or, rather, the other document submitted today, the whole tenor of which seems to be that the majority in Northern Ireland will not change because they feel their allegiance is not to being necessarily just Protestant but to the union?

Professor Stout: This brings me back to the reality I mentioned. It is one of the realities we must emphasise. In our analysis of the situation we came to the inescapable point that there are one million people who feel British, are British and are determined to remain British. This is one of the facts of life and to ignore it would not be to take a realistic view of the situation.

Deputy P. Barry: That is one of the things that makes the problem intolerable and growing worse because the allegiances of the two sections in Northern Ireland are different.

Professor Stout: That is the nub of the problem. That is perfectly true. It is an extremely complex problem It is a problem that can be solved. It is a problem that must be solved.

Deputy P. Barry: The tone of your document seems to suggest that the only way it can be solved is by a *status quo* position.

Professor Stout: Any discussion of the Northern Ireland problem must start from the problem with which we are faced today. Going back over history or producing nice political theory will not solve the problems. The present constitutional arrangements are not the responsibility of anybody here today. We have inherited them and to change these constitutional arrangements would, in our opinion, cause an upheaval far greater than anything we have seen so far. The solution of the problem will take all our time and energy because it is very complex and we believe the only realistic way forward is to solve the problem within the current constitutional arrangements.

Deputy P. Barry: Are you suggesting power sharing?

Professor Stout: We have put forward five principles, the second of these principles being that both traditions must have a share in government. We believe that is an essential principle. We are not putting forward detailed mechanisms but that is an essential principle.

Mr. Hewitt: Might I come in here? It is not quite true to say that our solution is with the *status quo*. Our five principles represent a package deal taken together. It is only principle number one that might suggest adhering to the *status quo*. That must be read with principle number two which is that the two traditions be given equal legitimacy and both these traditions must have a share in the responsibility of government and, allied with that is number three, because we Ulster Protestants in our discussions discovered, perhaps for the first time for some of us, that there was a real Irish identity which must find expression.

Deputy P. Barry: It has been suggested in the last few days that the reason why the power-sharing Executive in 1974 did not succeed was not the Council of Ireland but that a majority of Unionists objected strongly to the power-sharing idea.

Professor Stout: We must accept that at present within the Unionist political parties there is not a strong movement in favour of power-sharing. Our contention is that if this package of five principles could be wisely accepted Unionists would, by force of events, have to come round to power sharing.

Deputy P. Barry: Would they accept power sharing?

Professor Stout: We hope so.

Deputy P. Barry: Your submission is divided into three parts, religion, security and economics. On security it has been said that a Nationalist in the North of Ireland if he was to be stopped on the road on a dark night by the RUC, the British Army or the UDR, would choose the British Army.

Mr. Donaghy: Living in Belfast it is impossible to realise the various difficulties that occur particularly in Border areas. To go back to an earlier point, I was annoyed by the fact that you had said your reaction to our document was that we were recommending a continuation of the *status quo*. We are not. We want these five principles, which we produced after many years of discussion and dialogue, to be studied because we believe that they provide the framework which, in conjunction with enabling normal political development to take place in Northern Ireland, would enable the Northern Catholic population to identify with the position of the Government and gradually accept that it was their Government. If Northern devolution could take place in what direction would it be? We do not know. We are not suggesting that the *status quo* is the answer.

Deputy P. Barry: I thought you said that the *status quo* can be maintained because the majority would not accept any other.

Mr. Donaghy: I am sorry?

Deputy P. Barry: You expect the Catholic minority in the North to accept the institutions of the Government included in which would be the security forces, but according to the evidence we have the Catholic minority do not appear willing to accept the security institutions in the Six-County context.

Mr. Donaghy: That is probably true, but it is a symptom of a deeper problem which is that the security forces are part of the institutions of state. The Catholic Nationalist population have never had identification with the State because there was nothing in those institutions which evoked their loyalty. If we can draw the line, forget about the past, move forward, along the lines of these five principles that problem of non-identification with the security forces and all the other problems of identification and alienation would gradually fall into place and thus you would have a new Ulster in which both Catholic and Protestant, Unionist and Nationalist would be at home.

Deputy P. Barry: Have you any suggestion as to how the Catholic minority in the North would have faith in the security institutions?

Professor Stout: We see this as part of the package. As Mr. Donaghy has said, we feel that if the security forces were seen as part of an administrative arrangement with which the people in the North could identify they would have more confidence in the security forces.

Deputy P. Barry: There is a huge gap in the line you now draw in arriving at that position.

Professor Stout: The huge gap is a measure of the size of the problem. It will not be solved overnight. It will require hard work and a change of attitude and a start must be made as soon as possible.

Deputy P. Barry: You stress in your document that even though the Protestant dimension is important in the North of Ireland, the Unionist dimension is far more important to the majority. What suggestions do you think we could make in this part of the country to allay some of the fears of Protestants that would be seen by the Unionists as a step forward on this side? We have already made one step in this country. We were told that one of the Articles of

the Constitution was offensive to the majority in the North of Ireland because it gave a special position to the Catholic Church and if it was removed it would make a difference to the people in the North of Ireland. It was removed but it does not appear to have made any difference.

Professor Stout: As indicated in our document, one of the problems in Northern Ireland is that the Unionist population, although a majority in Northern Ireland, is a minority in the whole of Ireland and as a consequence has a basic insecurity and feels itself under threat. Many of the actions of Unionists, which would appear to be intransigent and acting sometimes against their own best interests, must be seen in the light of this basic insecurity. If you want a suggestion as to what could be done in the Republic to help the situation, then measures to alleviate this insecurity of the majority in Northern Ireland would be a great help. To go back to the five principles, if number one was accepted then the insecurity of the Unionist majority would gradually be relieved and we could concentrate on finding the best arrangement for finding a solution to the problems of Northern Ireland.

Deputy P. Barry: Do you accept that the removal of the Article from our Constitution that gave a special position to the Catholic Church did not make any difference to the people in the North?

Professor Stout: I think it is not that Article in the Constitution which is most troublesome to the Unionists.

Deputy P. Barry: It is not there now but it was there and it was alleged to be the one that gave the most trouble.

Professor Stout: I am not sure that it gave the most trouble. The fact that the Constitution of the Republic lays claim to Northern Ireland is the element which gives the greatest feeling of insecurity among the Unionists.

Deputy P. Barry: The point you make is that the Catholic ethos in the situation gives the most trouble and that you see this as part of our Constitution, yet when we removed it, it did not seem to make any difference.

Mr. Hewitt: The Catholic ethos of the South is troublesome to the Protestants if they are thinking in terms of a united Ireland, but at the moment there is a feeling that their position and their British situation and identity is to some extent under threat and this feature makes them retreat into these entrenched positions.

Deputy P. Barry: If that threat could be removed and they were given a guarantee about their future as British citizens in their position in this island would that be more constructive?

Professor Stout: That would be an extremely helpful step.

Chairman: Thank you. Now Deputy Eileen Lemass of Fianna Fáil will put her questions.

Deputy Lemass: Professor Stout, is Northern Ireland not too narrow a ground on which to find reconciliation? Is a broader framework not required?

Mr. Hewitt: It may be narrow ground if you look at it geographically but there are still one million Unionist Protestants who would have something to say.

Deputy Lemass: You mentioned one million Protestants in Northern Ireland. Are you aware that in the last Westminster elections the Unionist vote was 54 per cent and the Nationalist vote was 46 per cent? Is that a more realistic situation?

Mr. Hewitt: There are two communities in the North and the figures do not matter. It does not matter which at any given time is in a minority or a majority. At the moment there are two irreconcilable claims from each. If you have two bodies whose claims are mutually exclusive there is only one solution. There must be compromise and our plea in our five principles is for compromise from both sides and that must of necessity come from within Northern Ireland rather than from without.

Deputy Lemass: You say that Unionists in the North view the problem purely in terms of security and feel that a military solution with defeat of the terrorists would bring peace. After 14 years of violence in the North and no solution how legitimate can you regard that solution?

Mr. Hewitt: We are quoting the Unionist position. That is not the view of this group. Our five principles make it quite clear that that is only one of five points that were mentioned when we referred to the rule of law. There is no security-only solution in the North.

Deputy Lemass: You state that in your submission.

Mr. Hewitt: In quoting the Unionist position, if you read the submission you will see that we are trying to get across to the Forum

what we as a cross-tradition group believe to be the Unionist viewpoint in this case.

Deputy Lemass: Is that your personal view?

Mr. Donaghy: I would like to come in here for a moment, in answer to your question about narrow ground.

Deputy Lemass: Yes.

Mr. Donaghy: Northern Ireland is a narrow ground and the problem will not be solved within Northern Ireland alone because the province is not just an area isolated in the Atlantic. We are talking about the problem being settled primarily in Northern Ireland and that the two warring communities there will give each other respect and tolerance and a real place in the institutions of government.

Deputy Lemass: Could we have an answer to the other question? The question was what the people of the Republic of Ireland can do to assist.

Mr. Hewitt: We hinted in our submission that we believed strongly that the actions of the Government in the Republic will be extremely important in assisting the creation of a climate. We hope the findings of this Forum will assist in the creation of this climate.

Deputy Lemass: If no satisfactory solution can be found, do you foresee political efforts being evolved to help to solve the problem?

Mr. Donaghy: We have outlined it in our submission but we have not an answer to this. It may be that groups of people can do something in the form of reports and other things, but it is not for laymen like us to start the political ball rolling. We hope that something will emanate from this Forum and that there will be a response to it from the Unionists in the North.

Deputy Lemass: You state in your submission that Unionists must be prepared to concede power sharing up to the highest level.

Mr. Hewitt: That is precisely our position. We are not constitutional lawyers and we leave it to them and to the politicians to put flesh on the bones.

Deputy Lemass: Does that mean that there can be power sharing despite the fact that the Unionist population have said they will not concede it?

Mr. Hewitt: A climate must be created and in the absence of such a climate the Unionist population have been taking up that position. There must be compromise from both sides. It is important that we should not continue to be side-tracked by history. Unfortunately, we are the products of history, and in 1983 we must recognise the problem that history has produced and we must go on from there. The different groups in Northern Ireland must live with each other.

Deputy Lemass: You have spoken about compromise. The Unionists in Northern Ireland have never shown that they will even consider it.

Mr. Donaghy: We would not be here if we did not believe in compromise. It will be a long hard slog. It would not be right to say that simply because there has not been compromise to date there will not be compromise in the future. That is a counsel of despair. We have seen a whole generation being blighted by the problem in Northern Ireland. We are extremely grateful that we are able to be here, but we realise that extraordinary efforts must be made by politicians here, in Northern Ireland and in England because the problem is not so much intractable as intolerable. We must get the politicians to give this matter absolute priority. We have the advantage over some of the politicians here of having lived in Northern Ireland during the last 15 years and having seen our families growing up in anguish and bitterness. We are asking the people here to look at this matter unfalteringly.

Deputy Lemass: All the members of the Forum can assure you that will be done. We accept what you have said. You have made much of the fact that Unionists regard themselves as British. Do you accept that there are many Protestant people in the North who regard themselves as Irish and who would accept the break with Britain?

Mr. Donaghy: The Protestants of Northern Ireland are not English in the same way as the Scottish and Welsh are not English. They may describe themselves as British but when abroad they will want themselves to be regarded as Irish. At this stage they will not give up their British citizenship, and compromise on that issue will be difficult. This will require a lot of effort by all, including the Government and the people of the Irish Republic. There must be some movement towards recognising the British identity.

Deputy Lemass: Deputy Peter Barry referred to this. Is it not a negative attitude to suggest that the constitutional *status quo* imposes a real problem?

Mr. Hewitt: We do not accept that it is a real problem because the *status quo* came upon us through evolution of history. The two communities have found it impossible to compromise. We are not talking about jettisoning any of the elements we believe in. We are talking about adhering to our principles, and that is not the same as saying we will not give anything away.

Deputy Lemass: Continuing discrimination in employment is being documented by the Fair Employment Agency but that issue is not mentioned in your submission. Is it not the case that radical action is required to create more equal employment opportunities? Would you think this would help to get the two communities closer together? Would it help if they felt they were equal, at least, on that issue?

Professor Stout: The answer to that problem is to create more employment opportunities in Northern Ireland and to do that we need a peaceful solution in Northern Ireland. We need encouragement from all quarters for more industry and more jobs in Northern Ireland.

Deputy Lemass: Would you not agree that you are not getting any help at all from Britain in that regard?

Professor Stout: We are getting considerable help from Britain at the moment. Of course, Britain has her own economic problems, as do most countries in the Western world.

Deputy Lemass: Do you accept that multinationals, if they have to close down one of their factories, pull out of Northern Ireland first?

Professor Stout: There is no doubt that multinationals have pulled out of Northern Ireland and that represents two things, the general worldwide economic recession and the geographical remoteness of Northern Ireland from most of the main markets of the world.

Deputy Lemass: You do not think that it is British policy to allow that to happen?

Professor Stout: I do not.

Chairman: Mr. Austin Currie of the SDLP.

Mr. Currie: I wonder if we could get some terms of reference right first. You say in your five principles that the two traditions must have a share in the responsibility of government and that the insti-

tutions of Government must reflect the different traditions. What do you mean by "different traditions"? How do you define "traditions"?

Mr. Donaghy: We are not constitutional experts but ordinary citizens of Northern Ireland. Mr. Currie knows well what being an Irish Northern Nationalist means. Professor Stout knows well what being a Protestant Unionist means.

Mr. Currie: We want everybody to know; we do not want to keep it just between you and me.

Mr. Donaghy: To share it around. I am speaking in a personal capacity and not for the group. When we examined this question in our discussions I put it to the other members of the group in the following way: when I was a boy every time I went to the post office, the police station, local government offices or Government offices there was nothing which spoke to me as an Irishman. There was nothing in the trappings, the furnishings, the photographs or anything else.

Mr. Currie: Let us short-circuit this, we are not just talking about two religions?

Mr. Donaghy: Good heavens no.

Mr. Currie: We are taking traditions in the wider context of those who believe in a united Ireland on the one side and those who believe in the link with Britain.

Mr. Donaghy: That is going a little too far. To believe in a united Ireland is a political statement which comes after my statement, "I am an Irishman". I am an Irishman because I was born in an Irish home and I have no difficulties whatsoever about my statement that I am an Irishman.

Mr. Currie: But I am not too far off the mark when I put it in those terms?

Mr. Donaghy: No.

Mr. Currie: Effectively — you talked about realism — the realistic position in Northern Ireland is that there are people who look towards a united Ireland under some arrangement and there are people who prefer to remain linked with Britain. Effectively, they are the two traditions.

Mr. Hewitt: It has got to be linked also with the fact that those two political traditions have become intertwined with the two religious traditions.

Mr. Currie: We will take that for granted. You also said that the two traditions are represented in your group.

Mr. Donaghy: That is correct.

Mr. Currie: In the statement you issued today you say that the problem of Northern Ireland must be solved within the constitutional unit of Northern Ireland. My definition of a basic Unionist is one who believes that the problem of Northern Ireland must be solved entirely within the constitutional unit of Northern Ireland. Is that statement acceptable to both traditions?

Mr. Donaghy: It is extremely difficult, as you are aware, to put into short form the sort of complex ideas that we have tried to discover over the years. That is why we ask people who want to know what we are saying to study our submission. That two-page effort was produced in the last couple of days because we thought we had to make an oral opening submission. What we mean when we say that is that we must start with reality and the reality is that there has been a certain wavy line from Donegal Bay right through to the Irish Sea for 60 years and if you attempt, as a first move, either to reposition it or remove it you are going to court absolute disaster. You have to start within that Border and then see where you should go.

Mr. Currie: I want to get the terms of reference right, and you, and others, will know that I am not trying to be offensive when I say that really your basic position, as elaborated here and in response to the questions I have been asking is effectively a Unionist position from the point of view that to believe that a solution to the Northern Ireland problem can be found entirely within the context of Northern Ireland is a Unionist position. Is that so?

Mr. Donaghy: That is a misquotation because you have added the word "entirely".

Mr. Currie: Then I put it in this way, that the problem of Northern Ireland must be solved within the constitutional unit of Northern Ireland.

Mr. Donaghy: If you read our submission you will find that that is not the *status quo*.

Mr. Currie: So you are saying that the problem of Northern Ireland will not be solved entirely within the constitutional unit of Northern Ireland?

Mr. Donaghy: We are saying that unless a method can be evolved gradually of creating institutions within Northern Ireland which attract the loyalty of both traditions the war will continue. Whenever those institutions have evolved, who can say what will happen in the future? Who is to say what will evolve out of that situation? What we can say for sure is that in those circumstances relations between the North of Ireland and the Republic of Ireland would certainly improve. How far they would improve only the evolution of history can say.

Mr. Currie: I do not think there is any future in going along that road. The fourth principle is that all must give full support for the rule of law, impartially enacted and administered. You and I, and all present, know that the security problem is the Achilles heel of any possible solution; the whole future in relation to security is central to the problem of Northern Ireland. Where in your submission are you suggesting ways and means by which this Achilles heel problem can be remedied.

Professor Stout: We would not agree that the security situation is central to the problem of Northern Ireland. It is our submission that the central issue in Northern Ireland is the fact that there are two traditions which we have just discussed and which have different aspirations, one of which does not identify with the institutions of Government and security in Northern Ireland. We believe that is the central issue and the security problem will follow from a solution to that.

Mr. Currie: Why do they not identify with the security forces? Is it because they do not identify with the political institutions?

Mr. Hewitt: Because they do not take part in those political institutions.

Mr. Currie: The reason that a section of the population in Northern Ireland do not identify with the security forces is that they do not see them as their security forces. How, in the terms of what you have submitted and in the context of Northern Ireland which you insist on, do we remedy that situation.

Mr. Hewitt: Our section on security makes clear, as does the whole submission, that the security thing has got to be taken in context and there is no security solution outside a political solution. There-

fore, our main points are towards a political solution. Where else does one start in a solution to the Northern Ireland problem rather than the basic problem itself which is the irreconcilable claims of two legitimate communities? That is where you start. Therefore, you start with the necessity of a political compromise settlement. Security will flow from that; it cannot precede it.

Mr. Currie: I agree that that is the only way to approach it but are you sure that the particular type of institutions which you have suggested and which are confined to the current unit of Northern Ireland will provide that solution to the problem?

Mr. Hewitt: We have not suggested any particular institutions at all.

Mr. Currie: You are suggesting that the two traditions must have a share in the responsibility and you are talking about the institutions of Government reflecting the different traditions. I assume we are talking about a power-sharing operation?

Mr. Hewitt: It is quite clear that that is what we are saying, power sharing, but we will leave it to you experts to dress that up constitutionally and politically. We are absolutely convinced that at present the air is not right to produce structures and institutions and we first of all in the North of Ireland must clear the air to produce in the North a situation in which structures can survive.

Mr. Currie: I get the gist of what you are saying. I hope you get the gist of what I am saying. You say on page 15 of your submission:

Both the Unionist community and the United Kingdom Government must also recognise the legitimate interests of the Government and people of the Republic.

What do you mean by legitimate interests? Do you mean involvement in a solution or do you mean legitimate interests in relation to the security problem?

Mr. Donaghy: We agonised over that particular sentence for a considerable time. What we meant by that sentence was basically what I said earlier on — Northern Ireland is not in the middle of the North Atlantic. We recognise that no attempted internal solution which insulated or isolated Northern Ireland from the Republic of Ireland and from Britain could possibly work. We are geographically so close and we are socially so inter-mixed with our brothers in the South of Ireland and in Great Britain that they must have a role to play but we have not got a crystal ball, we did not attempt to spell out the modes in which that interest might be expressed but we felt that for completeness we had to state it in that particular way.

Mr. Currie: So you see a pretty substantial involvement, in a helpful way, of the Government and people of the South in a solution in Northern Ireland?

Mr. Donaghy: I cannot put proportions on it but commonsense tells me that what happens in the Republic of Ireland is very important to the creation of a solution.

Mr. Currie: Is that commonsense shared by all your colleagues?

Mr. Donaghy: Yes. But we would appeal to the politicians here, if we have to appeal to them and in many cases we do not, to continue their courageous and positive efforts. There was a certain amount of negative questioning by the earlier speaker which I suppose is only human nature but we are making a strong appeal to the politicians today to continue, no matter how discouraging, their efforts to find an honourable compromise.

Mr. Currie: My time is limited and I have a lot of questions I would like to ask but I cannot. You can take it for granted that not only I but, I am sure, every single member of this Forum has taken on board your opinions. This is what the Forum is about — responding to the feelings of people like yourself. I hope you will take an early opportunity of making the same appeal to the British Government to get their fingers out and get something done. On page 17 you say:

In addition a way must be found to enable the nationalist people of the North to express their Irish identity and to find that Irish identity recognised and respected in the environment in which they live.

How is this to be done in a totally Northern Ireland context?

Mr. Donaghy: My colleagues asked me this question several times when I kept on popping up with this point so I sat down and wrote a paper. I am speaking personally here. A few of the ideas would be a new set-up in Northern Ireland in which the five principles would come into operation in conjunction with one another. Perhaps a new flag, perhaps a new anthem. The repeal of the Flags and Emblems Act. The placing in post offices, police stations and so on of a certificate headed: "Government of Northern Ireland" with a logo on it which was acceptable to both communities. Better brains than mine could work out the way in which this could be done if the principles were accepted.

Mr. Currie: I am wondering where we would draw the line between that and, say, an independent Northern Ireland. Would you accept

the view that full equality of the two traditions includes an equal right to sovereignty?

Professor Stout: At the moment that is probably going further than we are saying. It might evolve to that but I think equal sovereignty is a totally novel concept so far as I am aware in the world context. I think we should not go as far as that at present. In case there is any misunderstanding in the dialogue between yourself and Terry Donaghy, we all accept everything that is in this document. Terry was speaking for us all.

Mr. Currie: All of us appreciate the fact that you have come here. We understand the tensions inherent in this sort of operation and we are all very grateful for your attendance. While I am feeling like being helpful could I throw in a suggestion which is a product of my experience. I have found that if a problem seems insuperable in a particular context, sometimes it is a very helpful thing to change the context. Maybe you ought to bear that in mind in relation to the context entirely within Northern Ireland.

Professor Stout: As Mr. Donaghy said, the word "entirely" is your insertion into the sentence.

Chairman: I call on Deputy Frank Prendergast of the Labour Party.

Deputy Prendergast: May I hasten to reassure you, gentlemen, that if generosity on our part will solve the problem you can take it that that will not be wanting. I am a bit worried when I hear somebody addressing us as experts. I think of Chesterton's definition of an expert as an ordinary guy from some place else, but at least we will do the best we can. May I ask you to comment on your statement that you accept power sharing should apply up to the highest level? Would you accept that this should apply in Britain up to the position of sovereign?

Professor Stout: I think the complete sentence reads "up to the highest level which will be devolved to Northern Ireland".

Deputy Prendergast: In your opinion what would the Unionist reaction be if a Nationalist majority at some time in the near future, say, by the end of the century, voted for a change in the link between Northern Ireland and Westminster?

Mr. Hewitt: I think Mr. Paisley is on record, demonstrating that he is a democrat, as saying that he would accept that.

Mr. Donaghy: This is a very important point. To think of solving the problem of Northern Ireland by the numbers game is on the road to nowhere. The substitution of one narrow majority of one persuasion by a narrow majority of another persuasion, without curing the underlying problem involved, will just mean a continuation of the violence of the past 15 years.

Deputy Prendergast: I accept that fully but nevertheless it is within the bounds of demographic and political possibility. You speak of the necessity to have full support for the rule of law. Do you consider that at present it is impartially enacted and administered in the North?

Mr. Donaghy: That is a question to which, honestly, there is no simple answer. There are aspects of the rule of law in Northern Ireland which worry us as lawyers. There are also aspects of the rule of law in Northern Ireland where we can see definite and distinct improvements over the last 15 years. I am afraid there is no simple, single answer to that question.

Mr. Hewitt: It is a fact that the legislation that has been enacted in recent years in our province has appeared to be bending over backwards to correct any imbalance that there may have been. We who are solicitors and therefore close to the judicial process, and speaking I am sure on behalf of both positions, are most impressed by the integrity of our Judiciary. The more abnormal a situation in a country, unfortunately, the more abnormal must be the processes of law in that country. When one is faced with very militant terrorist organisations and where, as we have described in our submissions, there are all the dreadful problems of intimidation and so on, one must move from the normal processes of the judicial process.

Deputy Prendergast: Then you are into the area of cause and effect, a road that I shall not go down. What in your view would happen to the large number of political prisoners who are serving sentences as a result of the present Northern Ireland judicial system in the event of a solution being found to the whole problem?

Mr. Hewitt: We have not discussed that but as a group we would query whether anyone who has gunned down an innocent person in the street is a political prisoner.

Deputy Prendergast: In that context do you consider that the recent case of *McGlinchey v Wrynn* in the Supreme Court here which rejected a submission that a murder claimed to be carried

out by the IRA was political has percolated to Unionist thinking on extradition?

Mr. Hewitt: We very much hope it has. It certainly has impressed us as a group. If there was more of this it would be bound to have an effect on Unionist thinking.

Deputy Prendergast: You replied to an earlier question from another member as to what might be done by us in the South to help the Unionist position. Perhaps you would outline what action in your view could be taken by the British Government or by the Unionists to ease the position of the Nationalist minority in Northern Ireland.

Professor Stout: As we have said, we have tried not to go into details in our submission as to what should be done. However, we recognise that the British Government is the sovereign Government for Northern Ireland and we consider the British Government to have an important role in encouraging and in other ways moving Unionists towards the sort of solution we envisage.

Deputy Prendergast: Would you accept that successive British Governments down through the years have been greatly remiss in that regard?

Chairman: On behalf of the Forum I thank Professor Stout and his colleagues for coming here and sharing their views with us. The final presentation is from Mr. Desmond Fennell. Since time is running on I will not delay proceedings by introducing him in detail. He is a lecturer in Communications at Rathmines College of Commerce and is also known as a weekly columnist in *The Sunday Press*. Mr. Fennell was born in Belfast and grew up in Dublin.

Deputy Haughey: What about the time factor?

Chairman: Perhaps we could continue until 5 o'clock or shortly afterwards.

Deputy Haughey: I submit that Mr. Fennell be given as full as hearing as anybody else is being given.

Chairman: That is my intention.

Mr. Mallon: I agree with Deputy Haughey. It is imperative that Mr. Fennell be given the 45 minutes to which he is entitled.

Chairman: We can continue until 5.10 p.m.

Deputy Haughey: We are now very much at the tail-end of the evening and I am a little disappointed that we have gone so much over our time. In these circumstances, I would not be averse to having Mr. Fennell back again. I would not mind continuing for 30 minutes now and perhaps using the remainder of the time on another occasion.

Chairman: First question, please, from Deputy Brian Lenihan of Fianna Fáil.

Deputy Lenihan: I should like to ask Mr. Fennell why he refers to the two communities in the North simply as the Irish and the British while making little reference to the religious dimension which would appear to be a factor in this whole matter?

Mr. Fennell: It seems to me that in solving a political problem of this nature it is important that the elements involved be clearly seen and understood, and in that sense it is important to have terms that are accurate, and not misleading, for each of the principal elements. In the case of the British Government and the Irish Government, the matter is exceedingly clear. In the case of the two communities in the North, there is often confusion. This arises largely out of the conventional and conversational ways of naming them. For instance, the terms Catholic and Protestant do not describe the divide. We all know that there are Catholics who are Unionists and that there are Protestants who are Nationalists, so to say that the two communities are Catholic and Protestant is not accurate and does not give the politician or the statesman attempting to resolve the situation an accurate idea of what is involved. Regarding the terms, Nationalist and Unionist, both sides are Nationalists — British Nationalists or Irish Nationalists — and both elements are Unionists — British Unionists or Irish Unionists — each wanting union with a neighbouring State. The terms, minority and majority, are appallingly misleading because of the implications involved. It is implied by these terms, as was intended by those who set up Northern Ireland, that the minority have inherently fewer rights because they are a minority, while the majority, because they are a majority, have inherently greater rights, whereas in fact no such question arises. We are talking of two ethnic communities as, for instance, in Belgium, but there nobody talks of the Walloons as the minority and the Flemings as the majority. There is no Walloon politician who says he is a leader of the minority. Similarly, in Cyprus: nobody speaks of the Turks as a minority and of the Greeks as a majority. In other words, that is not a normal way to describe a two-community situation. It is misleading in the extreme. So we come to Irish and British, simply on the grounds that one group claims to be Irish while the other

claims to be British and each behaves in that way. The British element honour the symbols of British nationality. I am talking of Protestants and Catholics combined. The Irish group do the same in their own terms. Therefore, the terms, Irish and British, are accurate. They are not misleading. That, then, is my first reason for using those terms. The second reason is that at the root of the Northern problem is this question of recognition. The Nationalist demand as I see it is that the British Government and the Ulster British recognise the Irish community in the North, in other words, recognise the Irish nation throughout Ireland. However, it is incumbent on us in reply to recognise the British community in the North. Indeed, our case is weakened if we fail to do so. Therefore, for my part I am using the terms, Irish and British, and in that way giving verbal recognition to the Britishness of the Ulster British. In my submission I recommend that the Forum do that also.

Deputy Lenihan: Over the years, you have put forward various constitutional proposals relating to the North. But in your submission here to us you seem to recommend that the Forum confine itself, in its report, to proposing and outlining a united Ireland. Would you elaborate on the reasons for this restriction?

Mr. Fennell: First of all, let me say that of the various proposals I put forward in the course of the seventies and worked out in collaboration with the parties involved from time to time, all of them, except joint sovereignty, are matters of territorial power-sharing — in other words, power-sharing on a territorial basis either in the Six Counties or in Ireland as a whole — and, therefore, all those various schemes of a regional or cantonal nature can be incorporated into a united Ireland. By a united Ireland I understand an all-Ireland independent State, which would be multi-centred and have territorial power-sharing — in other words, different regional units sharing the power of the State. Why I believe the Forum should confine itself to that single recommendation is that I think there is first of all the representative nature of the Forum to take into account. It has been said to be, and is, a gathering of the representatives of Nationalist Ireland to the exclusion of those who believe in physical force. That means it has a greater representative role than the Government of the day or, indeed, the Dáil, because it includes the SDLP. It represents Nationalist Ireland as it exists today and it also represents nationalist Ireland in the past. It represents 200 years of a consistent aim to establish an all-Ireland independent State. In a more particular sense the Forum represents the last 60 years of effort to reunite Ireland. And it might be said the Forum has a moral obligation to represent the thousands in the North who pursue the same goal by means of which the

Forum disapproves, to represent in some way their aspirations if they are not represented here — the thousands who have gone through the jails and so on. For that reason I think it would be self-betrayal by the Forum not to put forward this 200-year-old goal of Irish nationalism and finally explain what we mean by it, something that has not yet been done.

Secondly, for the Forum to propose anything less than a united Ireland could be used to cast aspersions on non-violent nationalism. It could be used to prove the old adage, common in Ireland since the 19th century, that it is only physical-force Nationalists who are really serious. Thirdly, I think the proposal of a united Ireland is the one which is expected by the politically interested element of Irish America, and that the only proposal from this Forum which would mobilise their support solidly and completely would be a proposal for a united Ireland. Similarly, throughout the world, it is the general understanding of the Northern problem that it is about the question whether there should or should not be a united Ireland. I think the Forum would disappoint that expectation by not recommending it. Then again, for quite a long time the whole notion of a united Ireland has been used by our opponents as a bogey which represents oppression, domination and so on, and I think it is time that bogey was destroyed by showing that we mean something generous and just. Another point — a party-political point, if you like — is that the party which called for the setting up of this Forum, the SDLP, would hardly like to return to the present political, electoral situation in Northern Ireland with a proposal of something less than a united Ireland. I think those are the reasons for proposing that. But when I make that recommendation, I also suggest the Forum should propose only that — I say *only that* — because I think the best statesmanship and leadership is always in simple, clear and uncomplicated terms — at least in its public manifestations. But I envisage the possibility of the Forum, six months after issuing its report, reconvening to review the situation and then, perhaps, deciding to propose something else.

Deputy Lenihan: You say in your submission “that the Irish community (in the Six Counties) while demanding that the British Government and the Ulster British recognise their Irish identity, themselves refuse to recognise, even verbally, the Britishness of the Ulster British”. But would that not undermine or weaken the force of the demand for a united Ireland?

Mr. Fennell: Let me say at the outset that the normal way in which European nation-states have been constructed is by force and conquest, and in that case a reasonable case can be made for not recognising the existence of some minority ethnic group. Then you simply send in the tanks, you occupy the place, you send the child-

ren to school and you teach them they are all French — no Bretons, or Corsicans, or anything else — and, in Bulgaria, you tell them they are all Bulgarians, not Macedonians *et cetera*, and, in Romania, you say there are no Hungarians. It is then logical not to recognise the minority ethnic groups. In our case, since we are, somewhat exceptionally, attempting to create a nation-state by persuasion rather than by force, it is bad tactics. In other words, part of the persuading process is to show that you respect and honour and recognise the minority group you are hoping to draw into your State. Also, as I have already indicated, I think it springs logically from the fact that, since we are asking for recognition of Irish identity in the North, then we should recognise *them*. However, you asked me if that does not in some way weaken our moral or legal claim to an all-Ireland State. My answer is in no way because — to change the context — the fact that one million Frenchmen live in this country, let us say, would in no way take from the natural and generally recognised right of the Irish nation to unity, because the Irish nation exists in Antrim as it exists in Kerry. That is the first point. The Irish nation has a right to political unity within its own national territory. Moreover, irrespective of any non-nationals who exist within the country, the right to the integrity of that territory has also to be recognised. These rights are not diminished by the residence within our shores of another ethnic group. However, as I explain in my submission, it is then incumbent to recognise of the minority ethnic group.

Deputy Lenihan: Would you comment on the notion that the Forum should redefine the Irish nation so as to include the Ulster British?

Mr. Fennell: One does hear that talked about a bit and it seems to me a logical absurdity. You cannot redefine the French nation to include a few hundred thousand Germans. A nation is defined by a fact, and the essential fact that defines a nation is consciousness in a group that they have shared experience over a very long time. That is the basis of all the best definitions of a nation. They have a consciously shared historic experience, and you cannot by making a statement or saying something alter that experience. Apart from the fact that I consider it a sort of nonsense, a thing that has no sense, to attempt by words or statements to redefine a nation, I find the present definition of the Irish nation entirely adequate for our purpose. I come back to the Irish and British elements in the North; I pointed out in my submission that it is important to think of the different ways in which these two communities are constituted. The British element represents itself as Protestant for the reason that its communal organisations do not allow Catholics in, although it includes Catholics, whereas the organisations of the

Irish community, from its political parties and the Gaelic League through the IRA to its other organisations, admit Protestants, and the underlying assumption is that the Irish nation is a multi-denominational association. The practical definition of the Irish nation is a multi-denominational association with open doors for anyone who wishes to identify with it and there is no exclusion on religious grounds. That is a satisfactory definition.

Deputy Lenihan: You say in your submission that the primary function of the Forum is to propose a scheme for a united Ireland. However, some people have expressed the view that the primary function of the Forum is to persuade the Northern Unionists and that the report from this Forum should be directed primarily to them. Do you agree?

Mr. Fennell: The primary audience that the Forum reports to is the people of Ireland, Britain and the world in general. One can expect, since we know the reality, to persuade only a minority of Unionists to do anything that this Forum would propose. We know also that part of our strategy in achieving a solution of the Northern problem through unification of the country is to persuade British, American, Irish-American and world opinion that what we mean by that is a generous, reasonable and democratic arrangement. By succeeding in that we bring added moral persuasion to bear on the Unionists.

Chairman: Thank you, Deputy Lenihan. I call the Tánaiste, Deputy Spring.

The Tánaiste: Arising out of one of your replies to Deputy Lenihan, you said that the Forum represents the culmination of attempts for a united Ireland over the past 60 years. Have there been any serious efforts to unite Ireland over the past 60 years?

Mr. Fennell: I believe there has been a consistent nominal aspiration inscribed in the aims of all the political parties.

The Tánaiste: But that is all. It has not been developed or pursued in the 60 years?

Mr. Fennell: Very little was done and much more could have been done.

The Tánaiste: You speak in terms of generosity in comparing the two solutions you propose. How do you suggest that we go about convincing the British Government and the Ulster British of the merits of those proposals?

Mr. Fennell: You mean if we outline an all-Ireland State with a federal system and so on? The initial act of persuading is to produce the document itself. After that it is high time for a real diplomatic offensive based on that proposal. I would not be alone in thinking that the Irish Government have in the last 15 years never put their full resources into an attempt to solve the Northern Ireland problem. Equipped with an obviously generous and reasonable proposal for a united Ireland, we would be enabled for the first time to do something which it is agreed the Dublin Government has failed to do — to mobilise Irish-American opinion behind us. That depends on a Government coming to power with the political will to give that priority. During the H-Block hunger strike, I suppose about 30 activists in a few rooms in Dublin and Belfast, with ten typewriters between them and one or two telex machines, managed to mobilise opinion practically throughout the world. I remember thinking at that time that if all the much greater number of personnel, telex machines, typewriters, telephones etc., at the disposal of the Irish Government were put behind a diplomatic campaign for the achievement of a united Ireland and an arrangement with Britain, it would have an effect on Britain and it would not be possible for the British Government to persist in their ignoring of the matter.

The Tánaiste: Do you think that the Northern Unionists are susceptible or would they be receptive to whatever proposals would come from this Forum?

Mr. Fennell: At most you might get three to five per cent of them interested in a positive way. Already, some people classified as Unionists in the North, a small minority, at least wish to hear something from Dublin. I have met such people myself, Unionists in high positions, and one in the course of conversation, when the question of federation came up, said, "Yes, fine but have your Government ever put anything on paper about that?" and I had to say, "No, as a Government they have never given a commitment." Again, I have talked with Unionists who are farmers and who envy the better agricultural subsidies which the Republic's farmers are getting through the EEC. But this element, which might make up at most 5 per cent, have never really had the kind of thing the Forum can now offer them to look at and say, "You know, there is something in that."

The Tánaiste: You use the term Ulster British in your submission. Do you think that the people you refer to are trying to protect their Britishness or their Protestantism?

Mr. Fennell: The majority of the Ulster British who are Protest-

ants — the minority being Catholics — have this old-fashioned idea, which was once widespread throughout Europe, that religion and nationality go together, in other words that Protestantism is an intrinsic part of being a Britisher, and the Britisher who is not a Protestant is not quite 100 per cent British; and there is some basis to this since Britain is by definition and constitution a Protestant state. Therefore, in answer to your question, for those people to defend their Britishness and their Protestant heritage is identical. It was expressed to me pretty clearly by a statement of Ian Paisley who said his creed was political Protestantism derived from the revolution of 1688. That was his concept of an all-inclusive Britishness. Protestantism and the British heritage are interfused and these people are defending both together.

The Tánaiste: Can you accept the Unionists have a right to self-determination?

Mr. Fennell: Not to the self-determination which is accorded to nations by common consent. They have that subordinate right to self-determination which any substantial community have. They have the right to have some form of control over their affairs, the right of ethnic communities, but that right is subordinate to the right of the Irish nation in whose territory they live.

The Tánaiste: Do you think there is any possibility of reconciling that and the giving of recognition to the Nationalist population in the North?

Mr. Fennell: I have suggested that the Forum adopt a policy of an all-Ireland state, which would give recognition to the Irish identity throughout the country. I believe that state should contain a number of self-governing units. I would not go as far as Mr. MacBride's 32 units. I would go for six or seven, one or two of which would have an Ulster-British majority. It is interesting to observe how Catholic and Protestant cantons were set up in Switzerland. That is what I call territorial power-sharing. There is another notion which I mention in my book — part of which I have made available with my submission. I mean the separation of the legal concepts of citizenship and nationality, as is done in the Soviet Union and Yugoslavia. In Yugoslavia all citizens have Yugoslav citizenship, but their nationality — whether Serb, Croat, Slovene or whatever — is separately recognised. In the Soviet Union, many nationalities are legally recognised. The all-Ireland state, with Irish citizenship for all, could recognise, constitutionally, that it contains people of British, as well as Irish, *nationality*.

Chairman: Thank you, Mr. Spring. I call on Mr. O'Hare of the SDLP.

Mr. O'Hare: We thank you for your submission. You were an early proponent of condominium. Have you moved away from it? I wish to make it quite clear that I am neither advocating nor am I pre-empting the debate which will follow in that regard.

Mr. Fennell: At one point in the early seventies it seemed that condominium was a good thing to propose. That was during the Whitelaw regime and it seemed to be an acceptable solution then. The reason I am not proposing it now is that we are discussing what this Forum should propose. This Forum has a representative quality of historical dimensions and therefore it is a solemn and august body. Consequently, the Forum should define the enduring and continuing aim of Irish nationalism. This does not mean that I do not think condominium is a good idea to have up one's sleeve.

Mr. O'Hare: In paragraph 7 you say that the Irish nationalist demand for verbal and political recognition of the Irish national identity in the Six Counties is on weak ground while Irish Nationalists in general, and in the Six Counties in particular, refuse to give even verbal recognition to the British community there. Contrary to that, is it not a fact that the Nationalists in Northern Ireland, as represented by the SDLP, always have given recognition to the British section of the Northern community?

Mr. Fennell: I have never heard an Irish nationalist politician referring to his "British fellow countrymen" and I have never heard that the partnership proposed in Ulster would be a partnership between the British and the Irish. I have never seen these terms used in the newspapers. Indeed, I notice that while political leaders on the British side in the North often refer to their own people as "British", political leaders on the Irish side hardly ever refer to their own Northern people as Irish — though even the last British White Paper recognised them as Irish rather than British.

Mr. O'Hare: I will ask you the \$64,000 question: how would you change the present British policy on the North, or their lack of policy?

Mr. Fennell: I tried to answer that when Deputy Spring was questioning me. I said that the Irish Government should be in a position to launch a diplomatic offensive of such strength that it would make it impossible for the British Government to continue to ignore it. I do not know the inner feelings of the political leadership in this country well enough to be able to explain why that kind of

extreme attempt has not been made — a full-scale attempt for which the Irish political leadership is well equipped. It seems obvious to me after what I have heard said about my country in America and on the Continent, that getting rid of this incubus in the North, and the way it causes our country to be spoken of abroad, is a first patriotic duty, but I have not seen an Irish Government actually making it a first priority. If that were done, Britain could not continue to be indifferent. It was suggested to me recently that it is really remarkable that Mrs. Thatcher has not seen that there would be a lot of international credit for her if she could be described as the person who solved the Irish problem. It was suggested to me that one of the reasons the idea has not occurred to her is that the Government of the Republic has allowed that to be the case.

Chairman: Deputy Enda Kenny for Fine Gael.

Deputy Kenny: Why do you consider the primary function of the Forum to be the introduction of a scheme for a united Ireland?

Mr. Fennell: In answering Mr. Lenihan's questions I gave several reasons. I will briefly recapitulate them. The Forum is understood to be a forum of the Nationalist persuasion in Ireland with the exception of the element who believe in physical force. As such it is more representative than the Government of the day or the Dáil and, in fact, represents the Nationalist tradition throughout the island. It also represents 200 years of Irish striving for an all-Ireland independent State and 60 years — I take Deputy Spring's remarks to heart — of nominal aspiring towards Irish reunification. Because this gives the Forum a solemn dimension it would betray itself by not clarifying at long last, and recommending, Irish unity. A failure to do so could be used to cast aspersions on non-violent Irish nationalism, to infer that it is really not serious. Because a commitment to Irish unity is expected by Irish-Americans, it is the only goal that would fully mobilise Irish-American political opinion behind the Irish Government. Also because world opinion expects us to pronounce on this issue since they understand, simplistically, that a united Ireland is what this is all about. Over the years our enemies have converted a united Ireland into a fearsome bogey of oppression and domination. Therefore, it is very much to our advantage, and high time, that we show this is not the case, but that it is a generous and reasonable notion.

Deputy Kenny: In one of your articles some years ago you said that "the net result of continuous United Ireland talk hardens Protestant opposition to giving the Catholics a generous deal,

makes them determined to keep Northern Ireland entirely British while bringing an all-Irish State no whit nearer". You also said that it deprives the Republic of a half-share in the North and the Northern Nationalists of effective Irish citizenship. I believe that was generally recognised by the leaders here because on 11 March the Government statement announcing the setting up of the Forum said it was being established for consultations on the manner in which lasting peace and stability can be achieved in a new Ireland through the democratic process. In your submission you state that a united Ireland is not the basic demand, I should like to ask you what is the basic demand? How can this Forum direct itself towards answering that demand?

Mr. Fennell: The quotation read by the Deputy I believe was from a comment by me in 1972 on the SDLP's joint sovereignty document. At that time I believed in condominium and, therefore, I had another set of priorities. The basic demand is stated in my submission. I quote:

The kernel of the N. Ireland problem is that the British state and the Ulster British do not recognise the existence of the Irish nation in the Six Counties. The demand of Irish nationalists is, basically, that this recognition be verbally and politically given. In the case of the 600,000-strong Irish community in the Six Counties, this is a demand that their Irish identity be verbally and politically recognised. A united Ireland is the method and form proposed for doing this. (For giving that recognition). In other words a united Ireland is not the basic demand, but the usually proposed way of satisfying the basic demand — of formally expressing recognition of the Irish nation in the Six Counties.

Deputy Kenny: If the basic demand is for that recognition, I should like to point out that many speakers in the last two days have said that if the crunch came the Unionists would fight. Do you consider therefore that the Forum in its final paper should state that we would be prepared to recognise the Britishness of the Ulster Unionists?

Mr. Fennell: I believe that the Forum document should recognise that, should, in fact, refer to that community as the Ulster British or whatever way you like to put it — the British community in Northern Ireland. In other words, not express preparedness to do it, but do so as I am doing so.

Deputy Kenny: You stressed the need for accurate definitions and I should like you to define for me, what exactly is an Ulster Catholic Unionist? Will you tell me if that person bases his allegi-

ance to Unionism on the realities of economic advantages rather than on political links?

Mr. Fennell: My understanding is that an Ulster Catholic Unionist is a Catholic who for one reason or another identifies with the British nation rather than with the Irish nation. There are various reasons for that. There may be a family tradition of service in the Forces or employment in the Empire, or there may be economic reasons or reasons of a social nature.

Deputy Kenny: You referred to the question of political illiteracy. Would you define or explain the difference between devolved government and the federal system of government as proposed in your document?

Mr. Fennell: It is important to lay some stress on that because uniquely in Britain there is an illiterate use of the word "federal" in political speech. When the British talk of devolved government in Edinburgh and Cardiff they call it a federal arrangement. Of course, that is not federal: that is devolved. They are completely different concepts. Federal is the system of the United States, West Germany, Switzerland, Canada, Australia, Yugoslavia and so on. One reason it is important to be clear about the difference is that the offer of the one or the other to the Ulster British would constitute two very different things. In the case of devolution, which is the kind of autonomy that the Six Counties had under Westminster until 1972, the powers vested in the region are lent out by the central government in whom all sovereignty remains vested. The powers are dependent on an Act of Parliament; they are given through an Act of Parliament. Therefore, those powers can be withdrawn by a similar Act of Parliament, as we know in the case of the North. There is also the fact that because all sovereignty is vested in the centre, and that the power is only lent out, that the centre is superior constitutionally to the region. In a federal situation the powers of the region, unit or province, are anchored in the constitution itself. The state of Massachusetts is part of the American Constitution and is not dependent on some law that is passed in Washington. Therefore, there is more security of tenure. In fact, there is practically total security of tenure. Also constitutionally the region or state within the federal set-up is not subordinate to the central or federal government. Its government shares sovereignty with the central government. That is an important element because very much of the fear psychosis of the Ulster British consists of their fear of domination by Dublin. Under devolution Dublin would dominate, under federation Dublin — supposing the federal capital were in Dublin — would not dominate but would be an agent of the various federal states or provinces

to carry out overall functions — posts and telegraphs, financial, defence, foreign affairs, kinds of activities.

Deputy Kenny: If you say that two-unit federations have seldom been attempted and have never succeeded, why do you propose that the Forum should decide to propose a two-unit federation in the light of that knowledge? Would that not be hedging the issue?

Mr. Fennell: I thought for a moment that you had discovered a two-unit federation somewhere or other and you were going to put me in a spot! There have been attempts in the Middle East in the last 10 or 15 years — Syria and Egypt or Libya and Egypt. They always last a few months. I simply made the point that the Forum might, by suggesting a two-unit federation, show itself open to the federal idea. However, if the Forum should find my basic argument cogent — that it should propose an all-Ireland state and nothing else — then a whole new dimension opens out which might involve a certain lengthening of the Forum's work. It relates to the submission of Mr. MacBride the other day. Remember that we Irish have never yet created a state. We have never yet shaped a state as we think it should be shaped. We took over here in the Twenty-Six Counties a British machine of state which we simply continue to run. They drew a line on the map which made the Six Counties. It was decided by them, not by us. In other words, the idea of the Forum proposing an All-Ireland state — federal and multi-centred — involves the idea that for the first time a representative group of Irish politicians would be addressing themselves to the question: "What kind of state will we Irish decide to create?" We have never yet exercised creativity in that sphere. If the Forum should come to the conclusion that a united Ireland should be proposed, then I would suggest that the Forum also say to themselves: "Does this not raise what we are doing to another dimension entirely?" which might require special time, or a committee or commission to investigate it and come up with a form of state which would be intrinsically attractive, given modern conditions. You all know, for instance, that the big nation-states, at least the more rational elements within them, sigh for more decentralisation. I was reading a book recently on the condition of America today. The conclusion in the last chapter was: decrease the size of business, decrease the size of government, come back to the small unit. Why? Because rational control can only be exercised there and the general feeling today is that things have got beyond the human scale, beyond rational control. Another challenge enters here. The Forum could find itself in quite momentous territory, asking itself the most basic creative question of all — what political form do we consider would be a good form to live in in the late 20th century and going towards the 21st century? I

would hope that when this country of ours is at last united it will be in a state which is as admired for its shape as, let us say, the Swiss or the Yugoslav state, the Yugoslav state being, I think, one of the greatest political creations of the second half of the 20th century.

Deputy Kenny: Tá tú i do chónaí i gConamara le fada. Cé chomh tábhachtach agus atá an teanga Gaeilge in aigne Chaitilicigh Uladh?

Mr. Fennell: Ceapaim féin go bhfuil sí an-tábhachtach faoi láthair, go mór mhór i mBéal Feirste. Cuireann sé iontas orm go minic a fheiceáil an méid suime atá á cur sa nGaeilge sa chathair féin agus i gCampa na Ceise Fada. Sílim go bhfuil níos mó suime beo sa nGaeilge sna Sé Chontae faoi láthair ná mar atá i gcuid mhór den Phoblacht. Dhéanfainn eisceacht de Bhaile Átha Cliath.

Chairman: The Forum is very grateful for your contribution. I apologise to you and the members for running late. I hope you are not inconvenienced. That concludes the public session of the Forum for today.

5.20 p.m. Session concluded.

Chairman: Dr. Colm Ó hEocha.



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