

SECRET

CHEQUERS

I & II

SEPT 1971

BRIEF FOR CHEQUERS II

SEPTEMBER 1971

AN TAOISEACH

## Chequers II Opening Remarks

### I At preliminary meeting with Mr. Heath

I do not expect that Mr. Faulkner is in a position to deal with us as a co-equal plenipotentiary. He certainly speaks for the Unionist population in Northern Ireland - or at least for some part of them - but it is doubtful that he can "deliver" them in any matter which appears to them to touch their basic interest. I include in this matters affecting new forms of administration in the North, as apart altogether from matters concerning Irish unity.

If we go into a conversation with Mr. Faulkner on the basis that we must have his agreement to what either one of us might propose I am sure that our discussion will be a failure. Furthermore if we go into a discussion with him in which Mr. Faulkner might attempt to persuade us that he can make "concessions" to the minority only provided that they appear to come from him, so as to maintain his status, we are also wasting our time.

I suggest to you, therefore, that we try to reach some understanding between ourselves as to what you might invite Mr. Faulkner to do. This leaves Mr. Faulkner free to say afterwards, depending on whether it suits him, that certain things came from him and that others came from Westminster.

The sort of consensus we might agree or includes the following elements:

- (i) the end of internment - without that no discussion can be entered into with the real representation of the minority in the North i.e. the SDLP and the Nationalist Party;
- (ii) all licensed weapons must be called in so that further searches for weaponry can include all areas and be seen to be fair and impartial;
- (iii) a re-structuring of Stormont which gives, in a meaningful sense, participation by the minority in Government and administration and in all other public affairs. By this I mean participation as of right, not by grace and favour. Any idea that the Unionist Establishment should grant participation is out of the question; any idea that Mr. Faulkner could be enabled to use a new situation to split the Opposition or to do harm to the Opposition he most detests, is also out of the question;
- (iv) to enable the minority to participate actively in Government they must be protected from extremists on the minority side. The only way this can be done is to create a Dublin/Belfast connection - an active and worthwhile connection e.g. a Council of Ireland which has practical functions.

In matters concerning Irish unity I speak without hesitation for the great majority of Irish opinion. In matters concerning new structures in Belfast, however, I cannot and do not intend to negotiate them on behalf of the elected leaders of the minority in Northern Ireland. They will have to do that for themselves.

II In the discussion with Mr. Heath and Mr. Faulkner

I wish to explain my point of view on the question of Irish unity. I have spoken frequently on this subject; I think it fair to say that the whole trend of what I have said demonstrates a care and consideration for the majority in the North which deserves a response. I would be blunt about this;

As long as the majority in Northern Ireland remain determined to preserve their peculiar condition they will remain unable to achieve general satisfaction among the Northern population as a whole. As long as they remain entrenched in the views expressed by their political leaders on their behalf they will also remain an irritant both in intra-Irish relations and in Anglo-Irish relations.

It seems to me impossible that we should continue to leave to the Northern majority a veto in all these matters. No local majority anywhere is entitled to such a status.

I wish to go further. I have frequently invited the Northern majority to see themselves as a migration of long standing into Ireland - similar to all previous migrations and only distinct from previous migrations in that they came later. Any migration must expect to make political accommodations with their predecessors in course of time. So far as Ireland is concerned enough time has passed for us to begin to find the basis of such an accommodation. This is certainly in the interest of Britain; it is also in the interest of the Northern majority; and I have no hesitation in saying that it is also in the interest of Ireland as a whole. I am unable to agree that this issue should remain incapable of discussion.

*responsive* A main reason why I take this view is that a local majority which refuses to meet the wishes of a national majority runs the risk of turning itself, despite the passage of time, into a colony ~~representative~~ only to the metropole. To me this would be a tragedy greater than any other tragedy that the Irish people have suffered. The Irish people, whatever their origins, cultures and interests have an over-riding interest to serve the wellbeing of the whole country. No group has a right to place local interests against and above the greater interest of the country as a whole.

If the Unionist community in Ireland insist on doing this it has a choice between maintaining by force their present situation or leaving the country. Neither of these courses in my opinion is either desirable or, in the long run, sustainable. We must, therefore, begin to see the true way forward which is that of political accommodation and we must begin to set about it as quickly as we can.



## Chequers II - Some general observations

A satisfactory outcome from our point of view to the forthcoming meeting at Chequers should include at least the following elements:-

1. Agreement in principle to minority participation in government in the North;
2. Some breakthrough, however tenuous, which could lead to our long-term objective of re-unification, and
3. The avoidance of any commitment which could be presented as acquiescence in the indefinite continuation of the present set-up in Stormont.

### What are the prospects?

The prospects for progress are not entirely negative. Mr. Heath is subjected to the following pressures:-

1. Obvious lack of success of present policy of endeavouring to achieve a military solution.
2. The apparent breakdown in the bipartisan policy and the increase in pressure from Labour and Liberal opposition.
3. The growing criticism of Mr. Heath's present policies in responsible sections of the British press.
4. The increasing awareness abroad that something is radically wrong in Northern Ireland and the possible effects this may have on Mr. Heath's European policy to which he is so closely wedded.

On the other hand, Mr. Heath's personal sympathies are understandably more naturally inclined towards the Unionist elements in the North. He would be anxious to bolster up Mr. Faulkner, if at all possible, because of reluctance to have to resort to direct rule. There is the fear of the Protestant backlash which the British Army might not be able to contain. Finally, there is the desire to placate his Right-wing.

## CHEQUERS II

Some factors in the situation:-

1. The British seem to be entirely committed to the idea that they must suppress violence in the North by the means now in force i.e. military activity, internment etc. Consequently internment will continue with more people being picked up.
2. It seems unlikely that British action will be diverted to interning extremists on the majority side until such time as they go in for patently obvious overt action against the *ghettos and/or* security forces. This means to say that internment for Protestant extremists is unlikely to be brought about by the kind of casual confrontation that happens between the Catholic and Protestant gunmen in the Oldpark area of Belfast.
3. The Parliamentary Opposition Group in the North are determined not to engage in discussions with the authorities while internment exists. Meantime they are also determined to make a success of the civil rights campaign. These stances contain obvious dangers e.g. the rent and rates strike will, sooner or later, come under heavy pressure from the authorities; this in turn may lead to intimidation and other forms of violence; furthermore, ruling out discussion altogether until a rigid precondition is met, may turn out to be strategically unsound. If moderate non-violent leadership refuses a role in discussion it may find itself ceding useful ground to extremist leadership.
4. The Provisional IRA campaign continues. It seems incapable of being brought to an end by conventional military and police action. This provides the danger of extra-legal means being organised to which the authorities might turn a blind eye. There seems to me great danger of such a reaction unless progress can be made soon in the political field.
5. Mr. Faulkner's political strength is probably diminishing from one day to the next. It is doubtful that he could retain the Protestant centre unless he can at least offer them an end to violence. The absence to date of a serious Protestant backlash may be due to a conviction among his extremist opponents that they can replace him soon in government and then enforce their will on London. This brings them to power legally - a concept which is important to them.
6. The preceding paragraph suggests that it might be useful to bring pressure to bear on the question of bringing in ~~new~~ licenced weapons in the North - Wilson has advocated this. An enactment designed to do this <sup>might</sup> put the Protestant extremists on the wrong side of the law. If the enactment were a Westminster enactment it could tend to protect Faulkner who would then be in a position to say that the imperial parliament, in which the North is represented, had made the decision and that their decision must be respected.
7. The idea of Irish unity genuinely frightens most of the Northern majority. Not only would they resist it at present but they could count on the support of London politically and otherwise. Furthermore, our case for unity cuts very much less *ice* ~~ice~~ abroad than does the case for the full establishment of civil and human rights in the North. If this assessment is correct the main point to be emphasised at Chequers II is the re-structuring of the Northern Administration.



8. This implies that the Taoiseach's strategy at Chequers II should rely most heavily on the need to provide bi-polar structures of government in the North designed to respond to the bi-polar nature of the Northern community. On this subject it seems reasonably sure that the British Government can be pushed and that Mr. Faulkner will have to yield very considerably. To devise such structures however it is necessary to bring in the Northern Opposition. For the moment, however, they have ruled themselves out of discussions on an issue which they seem unlikely to win. Once again it is for consideration whether the calling in of licenced weapons cannot provide a loop-hole here. Essentially the Northern Opposition needs some kind of political victory before they can engage in discussions but it is conceivable that the victory could be other than one of internment.

9. So far as the question of Irish unity goes the Taoiseach is bound to raise it as a future eventuality. It is consistent with his general policy however to get there step by step. All he needs from Chequers II, therefore, is a single step. Perhaps this could be encompassed through the creation of an Economic and Social Council of Ireland designed to harmonise the economic and social conditions of the country North and South. Possibly such a Council could be sub-parliamentary in the initial stages. This could be made to be palatable more easily than could a Parliamentary Council. It seems to me out of the question that a Parliamentary Council could be given any real functions - apart altogether from the question of how it could be formed. A sub-Parliamentary Council, on the other hand, could be more easily formed, could have real functions and stand some chance of being acceptable to the Northern majority.

10. I am satisfied that the Taoiseach is entering into a most difficult political period. It could be, with a great deal of luck and skill, a fruitful period but only if it is understood that unity is a long way off. The condition of the North is treacherous at present; I consider that those who believe that unity can result from further violence are politically insane.

K. 20.9.71.

On balance I think that the pressures on Mr. Heath to move forward are greater than those which might restrain him including his personal feelings. There is also growing evidence that, at last, he, rather than Mr. Faulkner, is tending to call the tune.

#### Possible strategy

##### 1. Short-term

The Taoiseach might begin with a broad sweep of the canvas giving his analysis of the over-all situation i.e. the unsatisfactory nature of the original settlement which set up the Six Counties, how it has failed to operate fairly in the last 50 years, the inadequacy of the reforms introduced, the attempts to find a military solution and, finally, the despair of the moderates in the minority leading to them opting out of Stormont and being driven to passive resistance.

The Taoiseach could then go on to emphasise the importance because of the bipolarisation of the two communities in the North of the minority having real participation in government. While the Taoiseach could not perhaps go into any great detail on possible schemes because of the exclusion of the minority from the talks he might have to indicate in broad terms possible solutions by way of example. For instance he could suggest proportional representation in Government as well as in local and Stormont elections with additional safeguards ensuring a sharing of sensitive positions e.g. if the Prime Minister were a Unionist, the Minister for Home Affairs should be a representative of the minority. A further safeguard could be to provide that where the Minister in charge of a Department comes from one community, his junior Minister or Parliamentary Secretary should come from the other community. At the Parliamentary level there could be some safeguards along the lines of the Parliamentary Commission suggested by Mr. Wilson.

If agreement in principle to work towards genuine participation by the minority could be obtained the Taoiseach could urge a follow-up meeting not necessarily at summit level in which the minority could take part. The British still seem wedded to the approach contained in the Maudling proposals which have not got off the ground because of the SDLP pre-conditions, especially that relating to internment. In a sense the SDLP are, at the moment, boxed in by their own stipulations. I would not rule out the British doing something to let them off the hook after the current Parliamentary debate, if they saw a real prospect of wooing them back from their present abstentionist policy. While quadripartite talks would obviously be preferable from our point of view a series of Maudling bilateral talks including bilateral talks with us should not be rejected out of hand if there were a genuine prospect of progress.

## 2. Long-term

It is clear that the Taoiseach must not and will not abandon the long-term objective of re-unification. It is equally clear that in next week's talks there will be no give on this subject - at least when Mr. Faulkner is present. At the same time it is important that something be achieved which could be construed as constructive in this context. If pressed hard, Mr. Heath might yield something in the middle term which could be represented by us as a move towards the long-term. I have in mind, in particular, agreement in principle to set up a Council of Ireland. Even though this Council might, in the first instance, deal only with economic and social questions, I would look for it as a Council without this limitation in its title. In seeking such a Council there is the merit that the original Government of Ireland Act 1920 provided for it and, therefore, it was contemplated in the original settlement. There is a certain tendency amongst British politicians to talk



about it as a possible path to progress. I remember that during my term as Ambassador in London Sir Alec Douglas-Home expressed some interest in the idea. In the present climate there might be some merit in having it as an inter-Governmental Council in the first instance rather than a Parliamentary one. The representatives of the Government here and the Government in the North would be more sensitive to the possibilities at any point of time and could take decisions which would be implemented without the Council itself having the power of decision which might be premature at the present time. If genuine participation by the minority in government in the North as contemplated in the short-term proposals above had been achieved the minority could be represented on the Council as part of the Northern Government representation.

The short-term objective and the limited medium-term objective outlined above have the advantage that it is difficult for Mr. Heath to argue convincingly against them. They have the attraction that if Mr. Heath is prepared to screw up his courage to accept them, they could take the heat out of the present situation without impeding in any way the fulfilment of our long-term objective. They have the added advantage that they could be effected rather rapidly by a further amendment of the Government of Ireland Act 1920 which even Mr. Faulkner does not rule out. It would be desirable at the same time that Section 5 of the present Act should be strengthened by writing into it a more comprehensive Bill of Rights.

The foregoing may err on the side of optimism but nevertheless we should not be deterred from trying for something which is not unreasonable. If the worst should happen and Messrs. Heath and Faulkner should prove obdurate the Taoiseach is in a stronger position if, afterwards, he can point to his having made reasonable proposals for political progress.

H. L.  
22/9/71

## CHEQUERS II - Our Possible Proposals

In making these proposals, it is assumed that the immediate abolition of the border is not a realistic possibility and that the link with Britain is not to be severed, at least for the present. The proposals are therefore confined to the restructuring of the Government of N.I. to achieve the following minimum factors:-

- involve the minority in a substantial way in the taking of decisions of government;
- enable the minority to initiate legislation;
- recognise that there are two communities in N.I. with differing but equally legitimate aspirations;
- formalise a link between Dublin and Belfast through e.g. a Council of Ireland. This is particularly important since the proposals assume that the ending of partition is not an immediate aim. The Council would be consultative and would be established by Statutes of the London and Dublin Parliaments and its members would be chosen, in accordance with their elected strengths, from the several political parties represented in Stormont and Dublin;
- strengthen the role of the minority to give them the possibility at least of blocking potentially discriminating legislation;
- increase the involvement of the British Government and Parliament in N.I. affairs.

Since the proposals would involve amending the 1920 Government of Ireland Act, the opportunity might be taken to include in the amendment a bill of rights.

## Proposal A

(i) 26 district councils of which 16 would be controlled by unionists and 10 by non-unionists. Each council would have a deliberative body and an executive arm. The deliberative body would have about 50 members (i.e. about one representative per one thousand constituents) elected on a P.R. basis. The executive arm could consist of four commissioners and would be answerable to the deliberative body. The councils would have considerable delegated power, especially in sensitive areas such as the administration of law and order, housing, education and social services, each one in charge of a commissioner.

(ii) Stormont would remain bi-cameral. Each council would elect one senator so that the senate would consist of 16 unionist and 10 non-unionists. The senate would have the power to block legislation on basic issues. This would be achieved by requiring a two-thirds majority for legislation on such issues. The lower house would be directly elected but on a P.R. basis and with new electoral boundaries so as to ensure a fair distribution of about 75 seats.

(iii) A cabinet would be elected by the MPs and senators acting jointly and elections should be such that the cabinet would reflect the pattern of representation prevailing in parliament. This could be done by having each party caucus elect cabinet members in proportion to their strength in parliament. The cabinet would have 13 members and the constitution should lay down the allocation of posts to ensure a fair distribution and rotation of power e.g. in one cabinet, the Prime Minister might be unionist and the Minister for Home Affairs non-unionist. Next time around, the Prime Minister might be non-unionist and the Minister for Home Affairs unionist. Given the increased size of Stormont, it might also be possible to add an additional political appointee to the main ministries in the understanding that <sup>if</sup> the Minister were Unionist his immediate deputy would be non-Unionist and vice versa.



(iv) Westminster would set up a select committee which would have blocking powers in relation to Stormont legislation, including Ministerial and other orders. It might also be enabled to initiate legislation and to have some control over the spending of grants, subventions and other financial aids.

(v) Legislation could be initiated in selected areas by petition of five district councils.

#### Commentary

This proposal not only offers the maximum participation in government to the minority but also allocates to Westminster greater responsibility in N.I. affairs. The suggested structure for N.I. government is similar to that prevailing in countries such as Switzerland, Austria, the Lebanon and Belgium. It is partly based on the 26 district councils which are to be set up in April 1973 and one of its significant features is to transfer from Stormont to the local authorities responsibility for sensitive areas of administration. This together with the increased role of Westminster would significantly weaken Stormont. For this reason it would presumably be fiercely resisted by Mr. Faulkner but it could be pointed out that it complies with principles he has set out of involving the opposition in a N.I. Government "with real responsibility within powers devolved upon it by Westminster". Mr. Heath may not be inclined to support the proposal partly because it incorporates the basic points of Mr. Wilson's solution and partly because it would bring N.I. into the mainstream of British parliamentary affairs. He might be reminded of the alleged bi-partisan British approach to N.I. and also of the fact that the ultimate responsibility for N.I. clearly rests with Britain.

### Proposal B

(i) Create two separate representative bodies in NI, one non-unionist and the other unionist. Convenient bases exist in the Alternative Assembly and the Unionist Party respectively. There would be two separate electoral lists, one unionist and one non-unionist. The lists would be based on political and not geographic divisions and when registering a person would have to opt either for a unionist or a non-unionist list. Because of the difficulties of co-ordination and obtaining agreement, the bodies would be largely deliberative in nature.

(ii) The representative bodies would combine to elect a cabinet on a proportional basis. Cabinet posts would be allocated and rotated as in proposal A and there could also be provision for the sharing of political responsibility for sensitive ministries.

(iii) A parliamentary commission, representative of Westminster and of both NI bodies would be set up and it would be the effective legislative forum. Legislative initiatives could also be taken by either of the NI bodies but all legislation and important administrative orders would require the over-riding approval of the commission. The commission would also have direct responsibility in sensitive areas e.g. police and housing.

(iv) the new local authorities would be set up as proposed but would report generally to the parliamentary commission rather than to the cabinet.

### Commentary

This would be the most effective way of recognition and catering for the bi-confessional nature of the NI problem. It would, of course, involve the abolition of Stormont and the transfer of most of its powers to an elected group representative of

Westminster and of both NI communities. The parliamentary commission is on the lines envisaged by Mr. Wilson but it would have the additional power of direct responsibility for the administration of the sensitive services. The proposal falls short of direct rule and indeed probably increases the representative nature of control over N.I. It would represent a considerable weakening of the unionist position and for this reason would presumably be totally unacceptable to Mr. Faulkner. It might, however, be useful to throw it out as a basis for discussion as it might elicit the type of reaction which would enable us to assess how much unionist surrender of power is acceptable to Mr. Heath.



## CHEQUERS II - Their Possible Proposals

1. The following, in order of likelihood, are proposals which may be made by Mr. Heath and/or Mr. Faulkner. They are based on a study of recent public statements by Mr. Maudling and Mr. Faulkner and also on press reports which seem to have been inspired by recent Whitehall briefings:-

- the introduction of PR, probably linked with
- the enlargement of Stormont;
- the reform of Stormont;
- community government.

2. Speculation about the introduction of PR is widespread and the proposal is clearly acceptable not only to the London and Belfast Governments but also to the British Opposition parties and to some N.I. groups such as the N.I. Liberals and the N.U.M. What seems to be envisaged is the introduction for Stormont elections of the single transferable vote in multi-member constituencies. Existing constituencies would be enlarged and the same system might also be applied to local authority elections. There is general agreement that the introduction of PR would not lead to a significant change in the unionist/non-unionist balance at Stormont. It would ensure fairer representation of the various points of view within both communities and this in the immediate future would probably mean increased representation of the ultra-Protestant view together with even greater fragmentation in non-unionist representation. A possible long-term result might be the introduction of an element of instability within the unionist ranks but since this would not be accompanied by a significant improvement in the non-unionist prospects for power, we could not accept PR as a major reform. by itself.

3. The enlargement of Stormont is also generally predicted and Mr. Maudling confirmed during the Westminster debate that it was under consideration. It would almost certainly be linked with the

introduction of PR and would increase the size of the House of Commons from 52 to 70 or 75. It would also increase the size of the Senate and change the system of electing senators to ensure that they did not, as at present, simply reflect the political division of the House of Commons. The N.I. Government would be given the power to nominate senators and would undoubtedly use this power to increase Catholic, if not non-unionist, representation. Taken either alone or in conjunction with the PR proposal, the enlargement of Stormont would do absolutely nothing to break the Unionist monopoly of power since the existing balance of power would remain basically unchanged. The increased Catholic representation in the Senate would certainly be used by the Unionists as a propaganda point but in reality nothing would have altered since decision making would remain in Unionist hands and the proposal could not therefore be given any endorsement <sup>for example,</sup> unless <sup>the</sup> Senate had a voting system which enabled less than a majority to block legislation.

4. The reform of Stormont which is envisaged in London and Belfast is one that would give the minority "an active, permanent and guaranteed role in the life and public affairs" of N.I. It would certainly fall short of any surrender of power by the Unionists and would probably be limited to (i) creating all-party watchdog committees; (ii) increasing the power of the Senate and (iii) creating machinery which would enable the minority to initiate legislation. On the basis of the information available, it is not possible to formulate a definitive attitude towards a reform proposal but on the assumption that it would involve an increase in the watchdog role of the opposition rather than an active participation in decision making, it would not be endorsed. In the long term, the watchdog role would inevitably lead to frustration, particularly when the N.I. situation might simmer to the point where British official and media interest reverted to the pre-1969 level and the Unionists would thereby be enabled to disregard the banking of the watchdog. The proposal might have some short term advantages in that it would give the minority access to new sources of information

with which the N.I. Government might be embarrassed. If, as suggested by some reports, reform proposals were presented as an interim measure while long-term proposals were being formulated, it should not be rejected with the same vehemence as the other proposals but it should be made clear that it is regarded only as a temporary measure while more fundamental reforms are being formulated.

5. The proposal which might provide a basis for fruitful discussion is that relating to community government i.e. the involvement of the minority in the decision making process. There are a number of ways in which the minority could be represented in the cabinet and Mr. Faulkner is, in principle at least, apparently prepared to give a number of cabinet posts to non-Unionists. He would certainly dilute the offer as much as possible and would probably confine the offer to non-sensitive posts such as community relations and agriculture. In this way the maximum optical effect could be <sup>CONTAINED</sup> continued with the minimum surrender of power. However, it is now almost certain that a pre-condition even to this limited participation in government would be an undertaking to oppose any change in the "constitutional position of N.I. within the UK". Without the pre-condition the proposal might be welcomed at least as a basis for discussion but as at present envisaged by the other side it is totally unacceptable. The fundamental differences between the two communities in N.I. are based on partition and any proposal which not only refuses to recognise this, but is based on the assumption that unionism is an essential pre-condition to participation in decision-making does not represent any advance on the present arrangement. This point is not yet clear.

6. A separate paper exists in relation to the Wilson proposals.

7. Further comments may be necessary at the end of the current Westminster debate.



## Economic Social and Cultural Council of Ireland

### Structure

1. The Council should be inter-governmental and be composed of the Dublin Ministers for Finance, Agriculture and Fisheries, Industry and Commerce, Education, Local Government, Transport and Power and their opposite numbers in Belfast.
2. The Council should have a permanent secretariat jointly drawn from Dublin and Belfast sources.
3. The Council should meet at least five times annually.
4. The Council should have a deliberative arm representative of Senators, T.D.s and M.P.s from Dublin and Belfast.
5. The Council should have the power to set up at its discretion committees on e.g. trade, tourism, veterinary matters, arts, regional and physical planning, ecology etc. These committees would be representative of Chambers of Commerce, Arts Councils, professional and voluntary organisations, tourism bodies and other appropriate groups.
6. Council decisions should be referred as recommendations to both the Dublin and Belfast Governments which would decide if and how they might be implemented.

### Terms of Reference

1. To co-ordinate economic development so as to lead to progressive harmonisation of the economies north and south of the border.
2. To develop cross-border trade.
3. To co-ordinate regional development programmes with a view to stimulating employment in depressed border regions.
4. To improve transport and communication facilities serving both sides of the border.
5. To undertake joint studies possibly leading to joint action in the areas of physical planning, conservation, pollution and related matters.
6. To develop and maintain increased co-operation in scientific research, particularly with a view to ensuring that the limited human and other resources in this sector are effectively utilised.
7. To develop and maintain increased links in the cultural field, particularly in matters relating to promotion of the theatre, music, art, literature and ballet.
8. To encourage increased co-operation between sporting organisations with a view to bringing about where feasible increased all-Ireland representation at an international level, e.g. soccer, athletics.
9. To harmonise educational and related standards to ensure maximum mutual recognition of professional and academic qualifications.
10. To consider the feasibility of joint investment in education, e.g. the joint financing of a university in a border town such as Derry.

Features of the Debate

1) Internment

This subject was thoroughly ventilated in the debate. Technically the Government speakers defended internment - as might have been expected. There were, however, nuances. Mr. Maudling referred to the Advisory Committee and announced the appointment of Mr. Dalton to it (the other members are Judge Brown and Mr. Berkeley).

Mr. Fitt, both in the debate and in a statement issued later, said that the SDLP would not enter into negotiations until all the internees had been released or brought to trial.

Mr. Paisley also condemned internment.

Mr. Callaghan virtually conducted an open negotiation in Commons with Mr. Fitt on the subject of whether the SDLP would enter discussion provided that the internment issue had received a satisfactory solution.

Mr. Heath said that the discretion of the Advisory Committee was wide enough for it to consider all cases of internees whether or not they themselves appealed.

It seems clear from these various comments that the British Government feels itself on shaky grounds on the subject of internment. It is possible to conceive that the Advisory Committee could be made into a genuine Appeals Court thus removing from Mr. Faulkner, in his capacity as Minister for Home Affairs, the final decision on internment. If this were done no doubt some internees would be let go and the others charged - possibly before the Advisory Committee (turned into a Court for the purpose). Some might be granted bail and others remanded without bail but internment without trial would have disappeared.

2) Stormont structures

There appears to be a genuine shift in the direction of creating structures at Stormont which will bring the non-Unionist community into government - and at the same time possibly removing some functions, at least in the security field, from Stormont altogether. Mr. Maudling repeated his phrase - attributed generally to Mr. Fitt and Mr. Hume - about obtaining for the minority "an active, permanent and guaranteed position in the life and public affairs of Northern Ireland". He discussed in some detail "the question of decision-making at the political level as opposed to the administrative level". He tried to "find, within the democratic system and within the democratic principle of an elected assembly ways and means of reconciling the rights of the minority and the rights of the majority". This brought him to the problem of "executive government - the Cabinet". On this he said that "governing makes no reality unless there is collective Cabinet responsibility and one cannot create a cohesive government if people do not denounce violence or if people are not prepared to accept the will of the majority on the fundamental point about the border.....".

In his winding up speech Mr. Heath said that, in the matter of obtaining a genuine participation in Government, the SDLP should be willing to discuss arrangements, adding "there are no preconditions, except there should be proposals in a democratic framework". He characterised Mr. Wilson's proposals as being within such a framework although they raised difficult constitutional points.

The position taken by Mr. Maudling and Mr. Heath is somewhat in advance of the position lately taken by Mr. Faulkner on the question of bringing minority representatives into Government but the sense of their remarks suggests reasonably strongly that quite radical changes are negotiable.

### 3) Irish unity

Many speakers referred to this matter in favourable terms including Mr. Michael Stewart, Mr. Fitt and other prominent personalities. Most importantly Mr. Heath also referred to the subject in the final part of his speech which is not included in Hansard but was issued later as a press release. He said: "Mr. Lynch desires to see a united Ireland.

But he has never ceased to maintain his belief that this can only come about by peaceful means - by consent.

We have it embodied in statute that change in Northern Ireland's constitutional relationship with the United Kingdom can only come about with the agreement of the Parliament of Northern Ireland. There is no room for misunderstanding on either side.....we can respect each other's positions on the border".

This by itself seems to be very subtly in advance of previous formal statements on such a subject insofar as it just ~~opposes~~, obviously deliberately, the Taoiseach's position and the 1949 clause. It may presage a further development in the direction of the desideratum expressed by the Taoiseach in his speech of July 11, 1971. It is unlikely that such a further advance could be made at Chequers II but there is nothing to stop the Taoiseach from suggesting it.

### 4) Licensed guns

Numerous references were made to this subject but nothing concrete emerged from the Government ~~speakers~~. It still seems to be a subject on which further pressure can be exercised - perhaps in the direction of calling in all licensed weapons in urban areas and all licensed weapons, other than shot guns, in rural areas for a period of years (5?).

I understand that Mr. Fitt was happy with the debate and with the vote afterwards which brought in a number of unexpected people on the Fitt side.



Main points made by Principal Speakers during the Debate in the Houses of Lords on Northern Ireland - 22nd September, 1971.

Lord Carrington (Secretary of State for Defence):

Trouble in Northern Ireland has got worse for two reasons - viz:

- (i) increasing IRA campaign of terrorism and
- (ii) minority in Northern Ireland can never in the foreseeable future hope to form a Government.

The talks which the Home Secretary would like to have with N.I. Opposition leaders, and also of the talks next week between the three Prime Ministers, are intended to resolve the second problem.

Regarding terrorism, while there can be no solution to the Northern Ireland problem, equally, there can be no political solution so long as violence continues.

Criticism that the Army is concentrating solely on the IRA and ignoring Protestant extremists is not justified. The Protestants are not conducting a campaign of terrorism.

Internment was brought in only after a greatly increased campaign of bombing and shooting in July. Not correct to say internment has failed. There is evidence that it caused a major disruption of IRA organisation.

Problem of security is made even more difficult by the border which is difficult to patrol. The Irish Government should take vigorous action to prevent the IRA from enjoying a secure base in the South.

UDR is doing a good job and will be expanded (figure of 6,000 to be disregarded, age limit raised to 50 and members of the Territorial Army may resign and join the UDR).

Lord Shackleton (Leader of the Opposition in the House of Lords)

Internment has been regarded as being aimed at one section of the community only, and its worst consequence is that it has

provided within that section of the community a safe harbourage for the extremist.

Regretted his decision to vote against the Bill of Rights proposed by Lord Brockway.

Welcomed the idea of P.R. being introduced in Northern Ireland, and suggested the list kind rather than STV.

Would personally like to see a united Ireland but that is an impossibility in present circumstances and question should be put into "cold storage" for the moment.

Co-operation and understanding of the Republic is needed.

Lord Gladwyn (Leader of the Liberal Party)

Extreme proposals, such as those put forward by Enoch Powell, or on the other hand complete withdrawal from Northern Ireland must be rejected as they would result in, in either case, in civil war in Ireland.

No proposal which might reassure the minority should be excluded from discussion during the meeting of the three Prime Ministers.

Internment should be ended as soon as possible.

Insist on further measures by the Northern Ireland Government to bring the minority into the government process.

Reintroduce PR in Northern Ireland elections.

Liberals believe that the unification of Ireland is the eventual goal, but only as a result of genuine consent. The formation of an all-Ireland Council should be considered.

The Earl of Longford

A Coalition Government, with representatives of the minority as well as the majority, must be established in Northern Ireland.

Efforts must be made to persuade minority representatives to participate in such a Government. Otherwise direct rule must come.

Internment has been a tragic blunder, and until that policy is changed it will not be possible to secure Catholic co-operation in Northern Ireland.

British Government should make it clear that the only alternative to Catholic involvement in Government is direct rule.

Private holding of firearms in Northern Ireland must be banned. Supports call for an All-Ireland Council.

#### Lord Hunt

Restoration of law and order cannot be attained without winning back a substantial portion of AC minority to the middle ground of moderation.

Further measures to restore law and order will only antagonise the minority further.

Internment was right - and should in fact have been introduced sooner.

There must be effective political representation of the minority and participation in Government, and these measures cannot await the repression of terrorists.

No "third force".

Defended the recommendation ~~in the recommendation~~ in the report on the N. Ireland police that they should be a civil police rather than a military constabulary.

Lord Stonham (Minister of State at the Home Office during the Labour Administration).

Internment was forced on the Government by Right-Wing extremists,

and, has worsened the situation. Internment has enabled the gunmen to identify with the whole Catholic community.

Pointed out the uselessness of the Incitement to Hatred Act.

The N.I. Opposition cannot co-operate with a Government which is pursuing a policy of internment.

Baroness Bacon (Minister of State at the Home Office during the Labour Administration).

As a practical exercise, internment has been a failure.

The NILP is the only party talking sense in Ulster.

The Taoiseach should say that if the position of Catholics in Northern Ireland is improved, the border is not an issue.

All talk about another Parliament in Northern Ireland should be stopped and the rent strike called off.

If present moves fail to bring peace to Northern Ireland, direct rule should be imposed. Regretted that it was not brought in two years ago.

Crowther Commission should publish its recommendations on the Northern Ireland constitution.

Lord Kilbracken:

Ending of partition by constitutional means is the only permanent solution to the problems of the North.

End internment now.

All private farms must be called in.

Lord Windlesham (Minister of State at the Home Office)

Defended internment

Gave details of Advisory Committee to consider representations from internees



Increased patrols to improve border security.

Detailed extent of the N.I. Reform programme.

Further progress is necessary to enable the minority to play an active role in the life of the Province.

Too much should not be hoped for from the meeting at Chequers.

Lord Shepherd (Chief Whip for the Opposition)

Said there were four issues in Northern Ireland:

- (i) Military situation: Army and other security forces cannot bring peace to Northern Ireland.
- (ii) Short-term political solution - a community Government to include Parties of Northern Ireland who are prepared to uphold the Constitution of Northern Ireland.
- (iii) Government should consider the setting up of a Parliamentary Commission such as that proposed by Mr. Wilson, and an All-Ireland Council.
- (iv) Unemployment in Northern Ireland must be reduced.

Lord Chancellor:

Internment justified as the lesser of two evils.

Mentioned he had suggested tripartite talks in 1969 and was pleased this was now happening.

It is a perfectly legitimate aspiration for Mr. Lynch to say that he would like to persuade the Ulster Protestants into a united Ireland.

The interest of the Irish Republic in what goes on across the border must be recognised.

The proposals are as follows:

1. A parliamentary commission should be appointed consisting of equal numbers of MPs of the Westminster and Stormont Parliaments - the Stormont representatives to be drawn in part from an enlarged Senate designed to include members capable of speaking for a wider range of interests and views than those at present represented in the elected Chamber.
2. The parliamentary commission would be endowed by statute with all the powers adhering to a Westminster select committee, such as the Committee of Public Accounts or the recently created Select Committee on Expenditure, including the powers to examine all books and accounts relevant to their tasks and to send for persons and papers.
3. The parliamentary commission would be charged with the duty of examining all proposed Stormont legislation, including ministerial orders and Orders in Council made under statutory authority, which affect any aspects of human rights and the provisions of the Downing Street Declaration of August 1989, laying down that "every citizen of Northern Ireland is entitled to the same equality of treatment and freedom from discrimination as obtains in the rest of the United Kingdom, irrespective of political views or religion". Stormont legislation which was not approved by the select committee with an appropriate majority, such as two thirds, should not come into effect unless approved by a specific resolution of the Westminster Parliament.
4. The parliamentary commission would be empowered to make reports to the two parliaments proposing new legislation in the field covered in its remit. If such a report were approved by the two parliaments, it would be for Stormont to legislate. In the event of its approval by Westminster alone, or refusal or neglect by the Stormont Parliament to legislate, the Westminster Parliament would legislate under the general power referred to in Section 75 of the Government of Ireland Act, 1920.
5. The parliamentary commission would be required to produce an annual report to the two parliaments on the detailed operation of the Northern Ireland Special Powers Act, and action taken thereunder.
6. The continuance of the Northern Ireland Special Powers Act would require an annual vote of the Westminster Parliament by affirmative resolution. In default of such a vote, the Act would lapse. The annual report of the parliamentary commission on the operation of the Special Powers Act would be available to Parliament before the annual debate.
7. The parliamentary commission would be required by statute to prepare, and to submit to both parliaments, an annual report on Northern Ireland finances, taxation and expenditure, with particular reference to the spending of subventions, grants and other aids provided directly or indirectly for industrial development and expansion.
8. All subventions and other financial aid for Northern Ireland should cease to be carried on the Consolidated Fund and be the subject of Annual Estimates and Votes of the Westminster Parliament. Parliament when asked to appropriate funds by these Votes would have before it the financial report of the commission for the previous financial year.

9. Pending the appointment of the parliamentary commission a Minister for Northern Ireland Affairs, of Cabinet rank, should be appointed as a member of the United Kingdom Government. He would have no executive functions, but would act mainly in a liaison capacity with the Northern Ireland Government. He would be stationed in Northern Ireland, but report to the British Cabinet and Parliament.

10. Legislation would be introduced to provide that future elections for the Northern Ireland Parliament would be on the basis of proportional representation (PR), with multi-member constituencies sufficiently large to ensure that the composition of the elected Chamber reflected as accurately as practicable the views of the Northern Ireland electorate at the time of voting.

11. An all-Ireland Council, representing the two Irish parliaments, would be established by statute, the members being chosen, in accordance with their elected strengths, from the several parties whose members form the parliaments of Northern Ireland and the Republic of Ireland. It would act as a consultative body to debate all matters of common interest to Ireland, North and South.

12. As an urgent contribution to the reduction of violence, and apprehension of those seeking a solution to the problems of Northern Ireland by violent means, immediate legislation should be introduced in the Stormont Parliament or, in default, in the Westminster Parliament to ban the private holding of, and private traffic in, firearms of all types, and to provide for the revocation of existing firearm licences, with extremely limited and specific exceptions, laid down by Parliament and administered and enforced according to principles laid down by Parliament and by machinery laid down in the statute, the working of the licensing system and enforcement machinery to be the subject of an annual report by the parliamentary commission.

---

### Commentary

Items 1-7 concern the setting up, the powers and the duties of a parliamentary commission. The commission would be drawn equally from Westminster and both Houses of the Stormont Parliament. Its duties would include examination of all proposed Stormont legislation including ministerial orders and Orders from Council which affect human rights and provisions of the Downing Street Declaration. If Stormont legislation did not receive the approval of the commission it could not come into effect unless approved by a resolution at Westminster.

This creates an effective veto on Stormont legislation. But Mr. Wilson adds in his point 4 that the commission would also be empowered to make reports to the two parliaments proposing legislation in the fields covered in its remit.

If such a report were approved by the two Parliaments Stormont would legislate. If, however, only Westminster approved or if Stormont refused or neglected to legislate, Westminster would then legislate itself. This is a very radical step forward as it would enable the Northern Opposition to make its case for legislation to the parliamentary commission over the head of the Stormont Government.

Points 5 & 6 refer to the Special Powers Acts and require the parliamentary commission to produce an annual report and also require that the Special Powers Acts would lapse in default of an annual affirmative resolution at Westminster.

Point 7 is direct interference with Stormont's present power to decide largely how financial transfers from Whitehall to Stormont are spent (except in relation to agricultural subsidies, social welfare benefits and other minor items which are already controlled from Westminster). Part of the intention obviously is to prevent Stormont from concentrating industrial development grants East of the Bann as has been their practice.

Point 8 appears to be intended to obtain disclosure of the cost of the North to the British Exchequer.

Point 9 provides for a Minister for Northern Ireland affairs of Cabinet rank pending the appointment of Mr. Wilson's suggested parliamentary commission.

Point 10 is a straight forward suggestion for the introduction of multi-seat PR for the Northern Ireland Parliament. A possible improvement here would be to introduce multi-seat PR for the 26-District Councils as well.

Point 11 is a repetition of Mr. Callaghan's call for an all-Ireland Council representing the two Irish Parliaments. It gives the body no particular duties which the Taoiseach already has suggested is a considerable weakness. This could be improved if the body were given functions of some sort in relation to the harmonisation of the two communities as well as of social conditions. Such a body would fit quite neatly into future membership for both parts of the country of the European Communities.

Point 12 demands the revocation of existing firearm licences through legislation introduced in the Stormont Parliament or in default in the Westminster Parliament. There should be extremely limited and specific exceptions laid down by Parliament and administered and enforced according to principles laid down by Parliament and by machinery laid down in the statute, the working of the licensing system and enforcement machinery to be the subject of an annual report by the parliamentary commission.

---

The whole sense of the Wilson proposals clearly is to reduce substantially the autonomy of Stormont both in the negative sense of exercising a veto and in the positive sense of making political initiative from other sources in the North possible via the parliamentary commission. In general this could only be helpful to the minority. The proposals avoid direct rule - something with which we would prefer - but leave some notion of separate personality to Stormont. In a sense they reduce the power of Stormont to bedevil both the internal situation of the North and general Anglo-Irish relations.

At the same time the 12th point confronts the Protestant backlash quite squarely. It draws the teeth of the Stormont Government in terms of arming the backlash which is how the minority see the creation of gun clubs and the issue of gun licences mainly if not only to the Protestant community in recent times.

Mr. Wilson avoids the question of internment in his proposals although he vigorously attacked the application of internment by Mr. Faulkner. This is quite consistent with what the Taoiseach has done in relation to the same question.

/..



On the whole, subject to possibly improving the all-Ireland Council idea, the Taoiseach could safely welcome the Wilson proposals. At the same time the Taoiseach might not wish to be so enthusiastic about them as to irritate Mr. Heath unnecessarily. The draft communique below attempts to balance these considerations:

I have read with considerable interest Mr. Harold Wilson's 12-point plan for dealing with the situation in Northern Ireland. Certainly his proposals accord with the views I have frequently stated that the time is ripe for a re-examination of the Stormont structures so as to ensure that a permanent monopoly of power does not lie with one section only of the community. Mr. Wilson, it seems to me, has tackled this problem in a straight-forward manner and his views will need to be studied in detail.

Mr. Wilson endorses Mr. Callaghan's suggestion for the establishment of an all-Ireland Council consisting of parliamentarians from Dublin and Belfast. My view on this is that if the functions of the Council were limited to debate it might not attract prestige. I think that further consideration needs to be given to the question of whether functions, perhaps in the economic and social fields, could be given to such a Council.

I thoroughly agree with Mr. Wilson's suggestions in regard to the withdrawal of firearms licences and very strict control in the future over the whole question of private possession of firearms in the North.

---

# NEWS RELEASE

ISSUED BY THE LABOUR PARTY INFORMATION DEPARTMENT

TRANSPORT HOUSE - LONDON SW1 - 01- 834 9434

DIRECTOR OF INFORMATION: PERCY CLARK

S 202/71

RELEASE TIME: 20.00 HOURS WEDNESDAY SEPTEMBER 8 1971

The Rt. Hon. Harold Wilson, O.B.E., F.R.S., M.P., Leader of the Opposition, speaking at the Mid-Herts College of Further Education, The Campus, Welwyn Garden City at 8.00 p.m. on Wednesday September 8 said:

"On Saturday I made a statement on the increasingly dangerous situation in Northern Ireland, part of the United Kingdom of Great Britain and Northern Ireland. This was after a month's obstinate and wilful refusal by the Conservative Government to recall Parliament. I hope they are now at last prepared to accede to our renewed demand. Immediately after my statement Tory newspaper proprietors, who had steadfastly supported the Government's high-handed gagging of Parliament, moved in to seek to condemn free speech by MPs outside Parliament.

Who do these people think they are? Who elected them? They have the right to see that their reactionary opinions get full expression in the papers they own; Members of Parliament equally have the right, indeed the duty, to state their views about the basis on which the Northern Ireland tragedy should be ended. I intend to continue to do so.

My statement, deliberately restrained on the eve of the Heath-Lynch talks, set out some of the facts

about the Northern Ireland situation. From these facts we must start.

"One, British soldiers are having to bear a near-intolerable burden in an urban guerilla situation such as no army has had to face in modern conditions. When the Labour Government decided to put them in charge of the Northern Ireland security situation, their intervention was welcomed because, in safeguarding law and order, they stood apart from and above factional differences. And this neutrality they have sought to maintain and assert in the face of murderous attacks, and the almost equally vile rioting and stone-throwing. But in the view of many observers their position has been undermined by an arbitrary internment policy deliberately, selectively and provocatively aimed at one section of opinion. I.R.A. suspects are one thing. But internment went far beyond those held to be involved in violence. There is strong evidence to suggest a heavy political bias in the selection of those to be interned. Anyone who read, who saw on T.V., the speeches of the Unionist Ultras at the demonstration led by Craig and Paisley on Monday, and who heard the provocative threats from the Unionist extremists on Panorama the

same evening must agree that if internment were to be based in any instance on a man's political views, there were as many deserving candidates on parade on Monday as among the non-violent Civil Rights movement supporters now held in H.M.S. Maidstone. This action is not to be laid at the door of the Army. It was a political decision cooked up between Mr. Heath and Mr. Faulkner while Parliament was actually debating Northern Ireland, and timed for action three days after the House of Commons was adjourned. We have the right to ask how far the task of the soldiers has been made more difficult by the Unionist politicians of Westminster and Stormont.

m/f



Two, it is clear that existing policies are moving more and more to a dead end, because of the refusal to accompany resistance to violence with a positive political solution. Have the Conservatives not learnt the bitter lessons of their colonial policies in Cyprus and Kenya, the lessons of Botsa and Nyasaland?

Three, the British taxpayer is increasingly footing the bill while British control over the situation is increasingly being eroded by pressures of the right-wing of the Ulster Unionists. Two Northern Ireland Premiers have been sacrificed to the extremists, and the bayoneting of the Ultras on Monday shows their determination to force their policies on the third, and, if they succeed, the last; and this would be the end of Stormont.

The British taxpayer has the right to demand that his writ should run where his money runs. Hundreds of millions of pounds already represent the direct subsidy from Great Britain to Northern Ireland. But the cash transfers are not the whole story. Northern Ireland, though part of the United Kingdom, makes no contribution to the Imperial Exchequer in terms of national expenditure on defence and foreign policy. Northern Ireland's continuing exemption here is the equivalent of an additional multi-million subsidy.

To this must be added the cost of what is now a significant and expensively equipped fighting force, which with its home-based infrastructure, transportation and consequential expenditure of all kinds must be running into tens of millions of pounds. In addition the Imperial Parliament will no doubt be asked to provide many millions for making good physical damage - housing, public building, and, tragic in the light of the efforts of successive British Governments, factories. And since there will be no solution to Northern Ireland's problems without economic development, we have to face the fact that more and more money will be required as an incentive to create an additional amount of employment, in the face of the growing disincentives caused by violence and insecurity.

With all this you would think that the English, Scottish or Welsh Member of Parliament, custodian of the interests of the taxpayers he represents, would have some say in policies in Northern Ireland which add to the burden his constituents have to bear. But the facts are precisely the opposite. While no British M.P. can record his vote on housing in Belfast, or Derry, Ulster Unionists at Westminster have had a decisive vote on the side of Racism in London. When the Labour Government had a majority of three, Ulster Unionist

M.P.'s were voting at Westminster on local government boundaries in Northampton and Plymouth, while none of us could vote on blatant gerrymandering of local government boundaries in Northern Ireland.

Britain, the British Government, the British Parliament are now carrying in full, and over-full, measure the military responsibility, the financial responsibility and the responsibility in world affairs for the use of Special Powers which, whatever temporary justification may be adduced, are contrary to our internationally agreed obligations. It is time that power began to match up to responsibility.

The Downing Street Declaration of August, 1969, and my statement of last Saturday indicate the parameters within which any new proposals must fall. As the Downing Street Declaration made clear, the border question is not an issue. There can be no question of a withdrawal of British responsibilities, which in present circumstances must include the deployment of British forces in a security role. The abolition of local self-government and the imposition of direct rule should be considered only as a very last resort - a confession of failure. What is needed, in order to redress the balance in Northern Ireland in terms of human rights and human lives is an assertion of British influence, to provide not Westminster rule, but adequate safeguards for all the people of Northern Ireland, safeguards guaranteed and made effective by

m/f

the Parliament at Westminster. When I say all the people, I mean deliberately all of those, Protestant and Catholic, Unionist and non-Unionist, who wish to live their lives in peace and with assured rights. In excluding from this I.R.A. terrorists and Orange Ultras, we are still left with the mass of the population of Northern Ireland, whose greatest need today is the assurance of security and confidence in their future.

There is one further point before I outline the measures which in my view should be taken. In the very serious and constructive Commons debate in April, I proposed that there should be a virtually total ban on the possession of fire-arms by private citizens. Over the past year the number of guns in private hands, and the development of gun clubs and other associations by para-militarily-minded groups have grown dangerously, as was shown by the boasts of the leaders of Monday's demonstration. Today's Daily Telegraph refers to a report that the members of the Ulster Special Constabulary Association, the former B Specials, control over 100,000 weapons through various gun clubs. When I proposed this measure of general and complete disarmament in April - and it has been widely supported by uncommitted observers - the Conservative Government undertook to give it careful consideration. No action has been taken.



No statement has been made in Parliament explaining their failure to take action. Hundreds of lives could be lost through this alone, and action is urgent now. Action this day.

I felt it wrong, in advance of the Heath-Lynch talks, to put forward specific proposals. It was right to await the outcome of these talks. But it would be wrong now to wait further. Tonight I put forward these proposals as a constructive attempt to restore the balance in Northern Ireland by bringing a new and necessary dimension into this dangerous situation, namely the assertion of the ultimate authority of the British Parliament at Westminster in all matters required to give confidence to all the people in Northern Ireland - security, the provision of economic and social welfare and human rights, including the use of emergency legislation. Mr. Heath has the duty either to accept them, or to state in Parliament, I repeat, in Parliament, his reasons - and his alternative.

Although these proposals were prepared before the week-end, they may now have some relevance in the light of the proposal for the Maudling consultations. If, together with alternative proposals, they could be considered in those consultations, I would hope that those in Northern Ireland who have announced their refusal to meet Mr. Maudling, would think again, and I earnestly appeal to them to do so. At the same time it would be essential that Mr. Maudling should drop his own pre-conditions and tests for those who are to meet him.

Following are the proposals:-

1. A Parliamentary Commission should be appointed consisting of equal numbers of MPs of the Westminster and Stormont Parliaments - the Stormont representatives to be drawn in part from an enlarged Senate designed to include members capable of speaking for a wider range of interests and views than those at present represented in the elected Chamber.
2. The Parliamentary Commission would be endowed by statute with all the powers adhering to a Westminster Select Committee, such as the Committee of Public Accounts or the recently created Select Committee on Expenditure, including the powers to examine all books and accounts relevant to their task and to send for persons and papers.
3. The Parliamentary Commission would be charged with the duty of examining all proposed Stormont legislation, including Ministerial orders and Orders in Council made under statutory authority, which affect any aspects of human rights and the provisions of the Downing Street Agreement of August, 1969, laying down that "every citizen of Northern Ireland is

entitled to the same equality of treatment and freedom from discrimination as obtains in the rest of the United Kingdom, irrespective of political views or religion." Stormont legislation which was not approved by the Select Committee with an appropriate majority, such as two-thirds, should not come into effect unless approved by a specific resolution of the Westminster Parliament.

4. The Parliamentary Commission would be empowered to make Reports to the two Parliaments proposing new legislation in the field covered in its remit. If such a Report were approved by the two Parliaments, it would be for Stormont to legislate. In the event of its approval by Westminster alone, or refusal or neglect by the Stormont Parliament to legislate, the Westminster Parliament would legislate under the general power referred to in Section 75 of the Government of Ireland Act, 1920.

5. The Parliamentary Commission would be required to produce an Annual Report to the two Parliaments on the detailed operation of the Northern Ireland Special Powers Act, and action taken thereunder.



6. The continuance of the Northern Ireland Special Powers Act would require an annual vote of the Westminster Parliament by affirmative resolution. In default of such a vote, the Act would lapse. The Annual Report of the Parliamentary Commission on the operation of the Special Powers Act would be available to Parliament before the annual debate.

11. An All-Ireland Council, representing the two Irish Parliaments, would be established by statute, the members being chosen, in accordance with their elected strengths, from the several parties whose members form the Parliaments of Northern Ireland and the Republic of Ireland. It would act as a consultative body to debate all matters of common interest to Ireland, North and South.
12. As an urgent contribution to the reduction of violence, and apprehension of those seeking a solution to the problems of Northern Ireland by violent means, immediate legislation should be introduced in the Stormont Parliament or, in default, in the Westminster Parliament to ban the private holding of, and private traffic in, firearms of all types, and to provide for the revocation of existing firearm licences, with extremely limited and specific exceptions, laid down by Parliament and administered and enforced according to principles laid down by Parliament and by machinery laid down in the statute, the working of the licensing system and enforcement machinery to be the subject of an Annual Report by the Parliamentary Commission.

7. The Parliamentary Commission would be required by statute to prepare, and to submit to both Parliaments, an Annual Report on Northern Ireland finances, taxation and expenditure, with particular reference to the spending of subventions, grants and other aids provided directly or indirectly for industrial development and expansion.
8. All subventions and other financial aid for Northern Ireland should cease to be carried on the Consolidated Fund and be the subject of Annual Estimates and Votes of the Westminster Parliament. Parliament when asked to appropriate funds by these Votes would have before it the Financial Report of the Commission for the previous financial year.
9. Pending the appointment of the Parliamentary Commission a Minister for Northern Ireland Affairs, of Cabinet rank, should be appointed as a member of the United Kingdom Government. He would have no executive functions, but would act mainly in a liaison capacity with the Northern Ireland Government. He would be stationed in Northern Ireland, but report to the British Cabinet and Parliament.
10. Legislation would be introduced to provide that future elections for the Northern Ireland Parliament would be on the basis of proportional representation (P.R.), with multi-member constituencies sufficiently large to ensure that the composition of the elected Chamber reflected as accurately as practicable the views of the Northern Ireland electorate at the time of voting.

## The Faulkner Proposals

1. In a speech of 10 September 1971, obviously intended as a reply to Mr. Harold Wilson's proposals of 8 September 1971, Mr. Faulkner set out the following options:

- (a) retain representative and responsible government within the powers appropriate to a regional assembly;
- (b) introduce direct rule from Westminster and Whitehall, exactly as applied elsewhere in Britain;
- (c) govern Northern Ireland "from outside the United Kingdom";
- (d) replace the Government of Northern Ireland "with a mere shadow or sham". This is a reference to the weakened version of Stormont envisaged by the Wilson proposals.

2. Mr. Faulkner rejected (c) on the grounds that it would run contrary to the wishes of the majority of the people of Northern Ireland and he rejected (d) because he felt it would not be acceptable to people who have enjoyed a degree of self-government for fifty years. He described (a) and (b) as practical, alternative courses and while he did not directly give his attitude on (b) he suggested that direct rule had already been considered by recent Labour and Conservative Governments and that both had "clearly decided that the right and proper course.....would be to support a duly-elected, lawfully constituted Government of Northern Ireland".

3. An examination of the parts of Mr. Faulkner's speech dealing with option (a) reveals a possible area of agreement since it would seem to allow the discussion of any proposal about non-unionist participation in the government of Northern Ireland provided it included the retention of representative government within the powers appropriate to a regional assembly. He made it clear that he did not regard the 1920 Government of Ireland Act as immutable and pointed out that it had already been amended a number of times at the request of Stormont. He instanced as an indication of his attitude towards change his proposal for parliamentary committees, some of which would be chaired by opposition members. This, of course, falls considerably short of giving any real power to the opposition but taking it in conjunction with the statement on the mutability of the 1920 Act, Mr. Faulkner is now on record as willing to discuss options involving the opposition in government provided the basic principle of a "Government of Northern Ireland with real responsibility within powers devolved upon it by Westminster" is maintained. The British Government is already on record (Mr. Maudling's statement of 7 September 1971) as supporting talks "to see what agreed ways and means can be devised, within the constitutional and democratic framework, of giving representatives of the minority as well as of the majority community in Northern Ireland an active, permanent and guaranteed role in the life and public affairs of the province". There would therefore seem to be fruitful grounds for discussions and a number of options which fall within these generally acceptable terms are outlined in a separate note entitled "Some Options Based on Principles Acceptable to Mr. Faulkner".

4. The full text of Mr. Faulkner's speech is attached.



IRISH TIMES 11 SEPT. 1971  
71. *Text of Faulkner speech*

The full text of Mr. Faulkner's speech was:

"At a time when the Northern Ireland situation is a matter of such widespread discussion throughout the United Kingdom, and when the Westminster Parliament is to meet for an emergency debate, it is I think only fitting that I should make one or two observations on fundamental matters.

"We have had, in recent days, a welter of manifestos and counter-manifestos, proposals and counter-proposals, threats and ultimatums. Some people have been behaving more like political armies digging themselves in for a prolonged period of trench warfare than responsible parties in the State trying to find a way out of a situation which is deeply disturbing to all sensible opinion in Northern Ireland.

"I am determined not to add to this unhelpful process—not to strike attitudes or make unrealistic demands. This is a time, above all, for every party and interest in Northern Ireland to respond to the initiative which I invited Mr. Maudling to take. As politicians, we ought all of us to respond to the overwhelming public feeling, and that feeling requires us—I believe—to sit down calmly and talk about our problems. If we do not, there is a very real risk that the only question left to be settled will be who is to preside over the ruins of our society and the graves of those who will have died for nothing?

"I wish only to say this: I believe that there are two practical alternative courses open for the future government of Northern Ireland. Either one retains there representative and responsible government, within the powers appropriate to a regional assembly, or one governs Northern Ireland as one governs the rest of the United Kingdom, directly from Westminster and Whitehall.

"I say these are the two practical alternative courses, because two further theoretical alternatives are not, I believe, within the bounds of realism and common-sense. The first of these would be arrangements for the Government of Northern Ireland outside the United Kingdom. I state it as a simple fact that any discussion of such arrangements would run directly contrary to the wishes of the majority of people in Northern Ireland.

"The second theoretical but unrealistic alternative would be to replace representative and responsible institutions of Government in Northern Ireland with a mere sham or shadow. I do not believe

that, when people have enjoyed a degree of real self-government for 50 years, one could turn back the clock and treat the area as if it were a Crown colony.

"Therefore, as I have said, I believe the only realistic choice to lie between direct rule and the maintenance of a Government of Northern Ireland with real responsibility within powers devolved upon it by Westminster.

"This is not to say that the precise framework within which such powers are to be exercised ought to be, or can be, immutable. The 1920 Act has been already amended a number of times at our request, and we ourselves have quite recently made positive proposals involving a greater Parliamentary participation in the formation of policy.

"But there is one course which cannot succeed, which is, indeed, a formula for disaster—this is to leave a Government of Northern Ireland to exercise responsibility within its powers, and then to suggest that it is not deserving of support or that it is simply a corrupt faction incapable of fair and just government.

"The choice I have referred to—whether to back up responsible government in Northern Ireland, or to scrap it altogether in favour of direct rule from Westminster—has been faced since August, 1969, by two successive United Kingdom Governments, Labour and Conservative. Each in turn has clearly decided that the right and proper course, in the interests both of the whole United Kingdom and of Northern Ireland, would be to support a duly-elected, lawfully-constituted Government of Northern Ireland.

"Anyone who takes such a decision cannot subsequently, with any consistency, categorise that Government as a mere faction or criticise the commitment of the Army in aid of the properly constituted civil power. I have seen in some recent comment the implication that, in so acting, the Army is prejudicing what is described as its 'neutrality.' Frankly, I do not understand the use of that word in such a context. Impartiality is one thing, 'neutrality' quite another. When violent forces, using appalling methods, are threatening not only the democratic process, but the very fabric of society, there can be no question of 'neutrality.' When the forces of law are confronted by the forces of disorder, there can be no question of 'neutrality.'

"There have been used of our Government in recent days such emotive words as 'discredited' and 'corrupt.' These have come from the mouths of people who, not so very long ago, were defending in other capacities the responsible course we were adopting—a course which we have not changed and will not change. What has changed since they left office has been the situation in Ulster in terms of a dreadful escalation of violence. It is the change in the situation, and not any change in Government, which has created the need for firm and even drastic security measures.

"If we, as a Government, are to be accused of being corrupt, I demand to know on what grounds that grave charge is made. Reference to the words and deeds of people outside the Northern Ireland Government cannot justify the use of such terms, for I am not the prisoner of any pressure group, nor would I ever take for political reasons a step which could only be justified on security grounds.

"Let no one imagine that the burdens of Government in Northern Ireland are easy ones to carry. But they can be borne cheerfully by those who have the trust and the backing of the British nation as a whole. I am ready to sit down tomorrow with representatives of every party and interest in Northern Ireland committed to non-violent progress. Indeed, it was I myself, in June, who made the proposal of wide-ranging inter-party talks. We remain at the table which others have left. The overriding need now is for them to come back to the table, recognising the great responsibilities now upon all of us.

"A better future must be built above all, not on law or political change alone—although these may well have a part to play—but on trust and confidence. These can never be created by facing each other distantly across real or symbolic barricades. I appeal to all at this time: come out and face your fellow-citizens, like men, for frank talk. If Ulster people cannot find Ulster solutions, it will shame us all. This is a time for political leaders and community leaders to behave like men. We must turn from the rough words of restating our separate positions to the tougher deeds of seeking a common aim."

## Internment in Twenty-Six Counties

In the State internment without trial is governed by the Offences against the State (Amendment) Act 1940. In order that the power to intern should become operative two conditions must be fulfilled.

- 1) The Government must make and publish a proclamation declaring that the powers of internment is necessary to secure the preservation of public peace and order S.3(2);
- 2) A Minister of State must be of opinion that a particular person is engaged in activities which, in his opinion, are prejudicial to the preservation of public peace and order or to the security of the State and he must order the arrest and detention of such person by warrant under his own hand S.4(1).

An interned person's rights may be stated thus:-

- (a) a right to have the procedure outlined in (1) and (2) followed as a preliminary to his internment;
- (b) the proclamation referred to in (1) may be annulled by resolution of Dail Eireann S.3(4);
- (c) the detained person is entitled to receive a copy of the warrant as soon as he is detained in a prescribed place of detention S.3(3);
- (d) a detained person has a right to have his detention considered by a Commission which is to consist of one member of the defence forces and two lawyers of at least 7 years standing. If this Commission reports that no reasonable grounds exist for the continued detention of the detained person, he must, with all convenient speed, be released Sect.2;
- (e) the government must furnish information on detentions to the Oireachtas at intervals of six months Sect.2;
- (f) the exact manner and conditions of the detention must be in accordance with regulations made by a Minister of State and laid before the Houses of the Oireachtas either of which may pass a resolution annulling it.

There are no regulations such as the one referred to in (f) in operation at present. However in 1957 the regulations provided for monthly visits from relatives, and other visitors could only be excluded on specified objective grounds. Internees were entitled to see a legal adviser with the approval of the Adjutant-General. They were entitled to receive and send letters although these could be opened and not forwarded if the contents were objectionable. They were allowed to receive clothing, books and newspapers. They were only punishable in a specified manner for specified offences against camp discipline and they were entitled to hear the evidence and make a defence prior to such punishment. Finally there were provisions protecting internees who became ill.

Referred Jan. 1971

## Internment in Northern Ireland

In Northern Ireland, internment without trial is governed by the Civil Authorities (Special Powers) Act 1922, Section 1. This gives the civil authority power to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order. The Minister of Home Affairs is given power to make regulations for making further provision for the preservation of the peace and maintenance of order. In a recent case it was held that the power of the Minister to make a regulation under this Section could not be impugned on the ground that it was not in fact necessary to preserve the peace or maintain order. Apparently the Minister's exercise of his powers is not subject to judicial review.

Powers of internment without trial were first conferred by regulations made in 1922. However these were repealed in 1949 and not re-introduced until 1956. (S.I.W.O.191). By a regulation of that year the Minister of Home Affairs was given power to order the internment of any person where it appeared to him that for securing the preservation of the peace and the maintenance of order in Northern Ireland it is expedient that a person who is suspected of acting or having acted or being about to act in a manner prejudicial to the preservation of the peace and the maintenance of order in Northern Ireland, shall be interned.

The only prior condition to the making of this order is that it should be made on the recommendation of a County Inspector of the RUC or of an Advisory Committee presided over by a practising barrister of at least ten years standing.

The rights given to internees under this regulation ~~were~~-

- (a) an interned person must be allowed to make representations to the Advisory Committee.

The conditions of internment were to be as directed by the Minister of Home Affairs. The regulation itself specified that interned persons were only to receive visits or communications with the consent of the civil authority i.e. the Minister, his Parliamentary Secretary or an officer of the RUC.

It should be noted that the degree of parliamentary control over internment in Northern Ireland is much less than in the Republic. The regulation providing for internment is not subject to annulment by Parliament: the only right which Parliament has is to petition the Lord Lieutenant to annul the regulations. The orders made under the regulation (e.g. for individual internment) or directions (e.g. as to conditions of internment) do not seem to have to be laid before Parliament at all.

Finally it should be noted that apart from this power of internment, (strictu sensu) this regulation has extended the power of arrest in Northern Ireland. A person arrested on suspicion of acting in a manner prejudicial to the preservation of peace may be detained indefinitely and can only be granted bail at the direction of the civil authority. There is no right to be brought before a magistrate within 24 hours of arrest or right not to be detained unless arrested. Also there is a right of arrest for 48 hours for the purposes of interrogation.

In the State, on the other hand, an arrested person can only be detained for forty-eight hours without being charged before a court. Also, the direction of an officer of the Garda not below the rank of Chief Superintendent is necessary for the last twenty-four hours of this detention. The grounds of arrest are more



circumscribed in that the person arrested must be suspected of an offence against the Act (or being about to commit such an offence) or of carrying a document relating to such an offence or of being in possession of information relating to the commission or intended commission of such an offence.

Possibility of referring to the European Commission  
allegations of breach by Britain in Northern Ireland  
of the provisions of the European Convention on  
Human Rights

1. Allegation of breach may be brought by Government under Article 24.

2. In view of the British derogation it must allege either (i) breach of one of the provisions excluded from the right to derogate or (ii) that the measures taken in derogation of the other provisions were more excessive than was strictly required by the exigencies of the situation (see Article 15(1) and (2)). The former seems the more promising approach.

3. Among the provisions from which derogation is not permitted are Article 2 on the right to life, and Article 3 prohibiting torture and inhuman or degrading treatment or punishment. Under Article 2(2) deprivation of life is permissible

"(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of  
quelling a riot or insurrection". (my underlining)

There are therefore obvious difficulties to be overcome in the case of an allegation based on any of the shootings in the North.

4. The Commission may deal with a petition only after all domestic remedies have been exhausted and must reject a petition where this is not the case (Articles 26 and 27(3)). Any doubts arising from the wording and sequence of the relevant provisions as to whether this requirement applied to allegations by States as well as to petitions by individuals have been removed by the decision of the Commission on this specific point in the Austria and Italy (Alto Adige) case in 1960. This decision has since been affirmed and followed by the Commission in the Greek cases (Appls. Nos. 3321-3 and 3344/67).



5. The Commission held in the first Cyprus case (Appl. 176/56) that the requirement of exhaustion of domestic remedies was inapplicable where the application concerned the compatibility with the Convention of legislative measures and administrative practices apart from their effect on individuals. This would be relevant to an application in respect of the North only if it could be shown e.g. that infliction of inhuman or degrading treatment or punishment is <sup>an</sup> administrative practice or is imposed by legislative provisions.

6. The provision requiring exhaustion of domestic remedies as interpreted by the Commission is subject to two further limitations of possible relevance - that only effective remedies need be exhausted and that special circumstances may excuse failure to exhaust. The first limitation appears to be fairly narrowly construed but under the second heading a claim that remedies were not sought for fear of repercussions would not be treated lightly particularly if the claim were based on complaints by a prisoner of ill treatment at the hands of police or prison officers. Such allegations in previous cases resulted in cautions in the application of the exhaustion rule.

7. The application of the rule has been further modified, in practice if not in law, by a trend of the Commission in recent years to consider this question together with the merits. This tendency appears where the merits seem at least prima facie to have substance.

8. An allegation of breach of the Convention by the British in Northern Ireland is therefore likely to be successful only if it relates to Article 3 and is based on the case of a person who -

- (i) is an internee;
- (ii) has availed of the procedure for appeal against internment without success;

- (iii) in respect of whom convincing evidence of infliction of torture or inhuman or degrading treatment or punishment is available; and
- (iv) in respect of whom it can be said that no domestic remedy (e.g. suit for assault etc.) is available because either
- (a) as an internee he is prevented from taking it or
  - (b) he is afraid to take it on the grounds that such action would provoke further ill-treatment.

Preferably an allegation should refer to several such cases.

9. Regard must also be had to the independent enquiry into allegations of brutality against internees which has been set up and to the possibility that it might be regarded as a domestic remedy which must be exhausted. In my view it does not qualify as such at least as yet as it does not provide for compensation for any proven victims, and there has been no express indication to date that it will be followed by such compensation.

10. If it were decided to go ahead with an allegation against the British it should not be confined to cases such as set out in paragraph 8. It should also allege breaches based on ill-treatment etc. of persons other than internees, shootings etc. and should claim that measures taken in derogation of the Convention, including internment, were in excess of what was strictly required by the exigencies of the situation (the limit imposed by Article 15). While such cases would almost certainly be dismissed and probably at an early stage, they would be of value in building up an atmosphere of disregard for human rights which would enhance the chances of success of the main cases and put pressure on the British to live up to their responsibilities.

~~28/5/1971~~

11. The Department of Foreign Affairs and the Attorney General's Office have co-operated in collecting evidence from various bodies and individuals in the North with a view to submission of an allegation under the Convention and are continuing to do so. The

evidence collected up to a short time ago was assessed by  
counsel briefed by the Attorney General in the matter *and*  
his assessment was transmitted to the Taoiseach's Department  
on 20th September.

FROM THE TAOISEACH'S DEPARTMENT

## British Committee of Inquiry into Allegations of Brutality

Background: Widespread and consistent reports of army brutality against, and degrading treatment of, detainees in the internment operation in Northern Ireland led to repeated demands from a wide variety of organisations (including Amnesty) and persons for a thorough and independent inquiry. The Irish Government through the Ambassador in London supported this move in a formal request to the British authorities on 25th August, 1971. The British were also told that the Irish Government will have to consider action at the European Court of Human Rights in Strasbourg. The British Government were taken aback by the reference to Strasbourg and asked us not to make a public statement or take any action without acquainting them in advance. In calling for a full and impartial inquiry (which should have non-British membership) the Irish Government also requested that the terms of reference of the inquiry body be sufficiently wide to cover not only the allegations of brutality by security forces in the North, but also cases like those involving the killing of Thornton, Cusack, Beattie and McDevitt, the deaf mute. Britain expressed the view that we would be "backing a loser" if we thought the allegations of brutality were well founded. .

Terms of reference of inquiry body: Almost two weeks elapsed before the British announced their decision to hold an inquiry and ten further days passed before the names and terms of reference of the Committee of Inquiry were published. The attached paper contains full particulars of the original terms of reference but these were subsequently revised slightly as will be shown below.

### Reaction to Composition and terms of reference of Committee of Inquiry

There was general dissatisfaction with the composition and terms of reference of the Committee of Inquiry - so much so that the detainees refused to cooperate. They mentioned as major defects the fact that the inquiry would not be in public; would not have full judicial powers to summon witnesses and examine records; that people giving evidence would not be legally represented; and that

there would be no cross-examination of witnesses. These are major defects which give rise to the widespread view that the whole exercise is a "whitewashing" operation intended to clear the security forces. The London Times in an editorial on 2nd September under the prominent heading "THE INQUIRY IS FAULTY", supported the decision to hold the hearings in private but added that the detainees were "fully justified in demanding that they be allowed representation before the Committee and be given the opportunity of testing the evidence of other witnesses". The editorial went on to say that "without those elementary requirements of the mechanics of justice they would stand at a disadvantage, unable quite possibly to make the best of their case. And there are precedents in their favour". The precedent mentioned was the inquiry three years ago (headed by the present Solicitor General into allegations of ill-treatment of patients at a mental hospital at Cardiff. There was criticism also of the inquiry from several other quarters.

With regard to the composition of the Committee of Inquiry, the appointment of Sir Edmund Compton (who is the Chairman) was criticised in the North. He is also the Ombudsman in Northern Ireland (and up to recently in Britain also) and the White Paper on reforms issued a few weeks ago by the Northern Government quoted from Sir Edmund Compton's second report as Ombudsman as follows:

"My first years of office in Northern Ireland have not produced a single instance of culpable action in the organs of central government".

In the same report the Ombudsman also said (and this, too, is quoted in the White Paper):

"I think it fair to say that the quality of administrative performance in the Northern Ireland Ministries compares well with my experience of Government Departments in the United Kingdom. Indeed the individual citizen frequently gets a better service from a Northern Ireland Ministry than he would get from a United Kingdom Department in similar circumstances owing to the easier access to central government".



While this might be fairly true within the very narrow terms of reference of the Ombudsman's mandate, the minority would find it very difficult to accept such a sweeping statement.

House of Commons debate: Touching on the Compton Committee of Inquiry in the course of the special debate on Northern Ireland, Mr. Jeremy Thorpe said on 22nd September that "there should be the maximum degree of confidence in tribunals of this sort among all parts of the community" and went on to say that:

"....while I have every confidence in the integrity of Sir Edmund Compton.....it is unfortunate that the person in charge of this inquiry into alleged brutality should currently also be an employee of the Northern Ireland Government".

Mr. Wilson also made a brief reference to the inquiry when he said:

"The House will withhold judgment on allegations of brutality in the internment operation until Sir Edmund Compton's inquiry has reported".

When replying to the debate the Prime Minister devoted a passage in his speech to this remark by Mr. Thorpe and said:

"The Leader of the Liberal Party used an expression yesterday which I do not think he intended when he said that Sir Edmund Compton was an employee of the Northern Ireland Government. Sir Edmund considers this a very damaging statement, because his position is the same as the Ombudsman here. He is not in the employment of either the United Kingdom or the Northern Ireland Government. His status as a Parliamentary Commissioner is similar to that of a judge. I think that the House will agree that his capacity is that of a judge - ~~An~~ Hon. Member: "He is paid".<sup>7</sup> Of course he is paid, in the same way as the judges or the Leader of the Opposition, or the Opposition Chief Whip - that is, out of the Consolidated Fund. But they are not payees of the Government".

Sir Edmund Compton stated on 2nd September that the boycott of the inquiry by the detainees would not frustrate his Committee's investigation. Although the prospects of having a fair investigation carried out within the announced terms of reference were doubtful from the start the likelihood of doing so now without the cooperation of the detainees is minimal and the report when it emerges will be totally rejected by the minority in general and the detainees in particular.

(One member of the Committee of Inquiry, Mr. Edgar Ray, Q.C. participated in the inquiry into the Munich air disaster. It is thought in some quarters that he was chosen because of the desire of the British to ensure that blame was pinned to the German pilot. The investigating body duly reported accordingly).

Revised terms of reference: The refusal of the detainees to cooperate with the Compton Committee of Inquiry and the general criticism of the Committee's terms of reference led to the announcement of a half-hearted concession on 7th September to the effect that "complainants" and "those complained of" could be accompanied by a legal representative when giving evidence. Such legal representative would not, however, "be permitted to question witnesses other than his own client".

This modification did not, apparently, impress the detainees. One civil rights spokesman said that although it was a step in the right direction it did not make the inquiry acceptable because lawyers would not be allowed cross-examine witnesses other than their own clients. The Northern Ireland Civil Rights Association which claimed to speak for most of the detainees said it would still organise a boycott of the inquiry which it considered a farce.

Activities of Committee of Inquiry: Lord Windlesham, Minister for State at the Home Office, gave a brief account of the Committee's activities when he said in the House of Lords on 23rd September:

"It began its work on September 2, and since then members have visited the main sites where the offences complained of were alleged to have taken place. These include the police offices or holding centres at Ballykinler, Magilligan, and Girdwood Park. They have also been to Belfast Prison and the "Maidstone" while these were detention centres. They have taken possession of records maintained at the time of the events at these places, and have received and considered a considerable volume of written evidence. They are now proceeding to hear witnesses. The Inquiry started with an assurance of the full cooperation of the Army and police authorities as regards the provision of information and the attendance of the Army and police personnel whose evidence they require. The Chairman of the Inquiry is satisfied that this promise is being fully kept and that the Inquiry is not being impeded by the absence of statutory powers to require the production of records or the attendance of witnesses".

Original Terms of Reference of the Compton Committee of Inquiry

The Home Secretary has invited Sir Edmund Compton to be Chairman and Dr Ronald Gibson and Mr Edgar Fay, QC to be members of the Committee of Inquiry into allegations of brutality in the recent internment operation in Northern Ireland. They have accepted the invitation. The terms of reference of the inquiry are

"To investigate allegations by those arrested on 9 August under the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 of physical brutality while in the custody of the security forces prior to either their subsequent release, the preferring of a criminal charge or their being lodged in a place specified in a detention order."

The Home Secretary has told the members of the Committee that in order to ensure the personal safety of members of the security forces against whom allegations may be made it is necessary that the inquiry should be undertaken in private and that there should be no opportunity for a confrontation between complainants and members of the security forces against whom complaints are made.

The report of the inquiry will be published.

Note: The joint Secretaries to the Committee are: Mr R Morris, of the Home Office and Mr C G Leonard, of the Treasury Solicitor's Office.

August 31 1971

## Internment in Northern Ireland - the Advisory Committee

In the course of his statement on 9th August officially announcing the introduction of internment in Northern Ireland Mr. Faulkner said that he would be making internment orders in respect of any of those men who constituted a serious and continuing threat to public order and safety and added:

"Any such person will then have the right to have his case considered by an Advisory Committee, which will hear his representations and make representations to me".

On 15th September, that is more than five weeks after the statement of intent quoted above, Mr. Faulkner, after announcing that 219 persons had been served with internment orders, said that a Northern Ireland Judge, Judge Brown, would act as chairman of the Advisory Committee. On this point Mr. Faulkner said:

"The Special Powers regulations provide for the setting up of an advisory committee to consider representations from internees. His Honour Judge Brown has agreed to act as Chairman of this Committee.

"It will be open to any internee - and all have been informed of their rights - to put his case to the Committee verbally or in writing, or by both means. If he wishes to have legal advice in submitting a written case he may do so and the Government has arranged that financial arrangements similar to those available under the legal aid scheme will be applicable.

"The Committee's main function will be to assess whether or when the internee's release can be safely permitted and where appropriate the Committee will consider whether or not they can accept any undertaking on his part that he will not engage in violence on his release. The Committee will make their recommendations to the Minister for Home Affairs.

"It is not the Government's intention that anyone should be kept in a day longer than is necessary. How long anyone will be interned will depend on two factors, namely the credibility of any undertaking an individual may give as to his future behaviour if he were to be released in advance of any general release and in other cases the restoration of normal law and order in the community".

The names of the other two members of the Advisory Committee were not announced until 22nd and 23rd September. In the British House of Commons the Home Secretary, Mr. Maudling, said on 22nd September that a Catholic Englishman, Mr. P.N. Dalton, a former judge in the High Court of Kenya, had been appointed to the Committee which, he hoped, would start work "before the end of this week". The third and final member of the committee, Mr. R.W. Berkeley J.P. (a Northerner) was named on 23rd September by the Stormont Ministry of Home Affairs.

The internees at Crumlin Road Jail reportedly denounced the establishment of this committee as an attempt by Mr. Faulkner "to shift the responsibility of internment on the Advisory Board



meant an internee must prove his innocence, representing a contravention of the basic legal principle of 'innocent until proven guilty'. "Through this tribunal there is no possibility of unconditional release. The futility of the operation is obvious".

This would suggest that the internees are not prepared to cooperate with the Advisory Committee or take the initiative to prove their innocence. In this connection it should be noted that in winding up the special debate in the House of Commons on the evening of the internees' reported statement (i.e. 23rd September) the British Prime Minister said:

"The discretion of the Advisory Committee is wide enough for it to consider all cases of internees whether or not they themselves appeal. I am prepared to indicate to that appeals committee that this should be a policy it should follow: indeed, I believe that it will wish to follow that policy".

In saying this Mr. Heath was probably answering a point raised earlier in the debate by Mr. James Callaghan who said that:

"....there should be established a legal security Commission of eminent lawyers in Northern Ireland, preferably under the chairmanship of a Commonwealth judge of eminence, to assess the case against each of those presently held. I want to emphasise the point about assessing the case against them, not only if they appeal, but whether they appeal or not. That is the point. Some of them will not recognise the jurisdiction of the tribunal. But every case, and the evidence available to every case, should be made available to such a Commission. I think that it should make recommendations as to prosecutions, that it should make recommendations to provide security to witnesses, and that the Government should undertake to abide by the findings of that tribunal. I believe that this would be a way of meeting objections in principle which are held against internment, which the whole House ought to share, and the practical need which exists today, because it is known that some people would immediately begin their activities again if released".

**A TEN MINUTE LOOK AT WHAT HAPPENED**  
**TO NORTHERN IRELAND.**

***WHAT HAPPENED***  
***TO THE REFORM***  
***PACKAGE ?***

Issued by a group of apolitical Catholic professional men,  
trade unionists and businessmen.

**THE MINORITY RIGHTS ASSOCIATION**

---

The Minority Rights Association is a group of 600 Catholics drawn from the professional, trade unions and business interests. It has been in constant touch with the United Kingdom Representative in Northern Ireland, Mr. Howard Smith. Three months ago it pointed out to him that the administration of Mr. Faulkner was responding to Orange pressure and was successfully negating the spirit of the reform programme to the point where those Catholics who were actively opposing violence would soon find themselves speaking to an indifferent audience.

Details of its recent meeting of over 500 delegates have been circulated to the Governor of Northern Ireland, Lord Grey, Mr. Heath, Mr. Maudling, Mr. Wilson, Mr. Callaghan and Mr. Howard Smith.

---

The Minority or Catholic community has reached a stage of complete disillusionment with both the intent and capacity of a Unionist Government to bring about meaningful reform. This has resulted in the sights of the Catholic community being changed from the 1969 position when they sought the position of reform in matters of voting, housing and employment, to the position which they have reached now, where their sights are firmly fixed on a solution in which the Unionist administration would no longer be in a position to thwart reform legislation, either in the letter or the spirit. (The somewhat passive role played by Westminster in recent months, their agreement to the introduction of internment and the manner of its implementation by the Army has shaken the confidence of the minority in even the Westminster Government. They have reached the point of seeing Westminster's priority as maintaining Mr. Faulkner in power rather than seeing justice done). Confidence in Westminster can be restored.

To answer the question 'how did this breakdown in confidence and the shifting of the sights of the minority happen?' one would need to examine almost week for week the events which chipped away at this confidence, as it were millimetre by millimetre.

The following events, almost in chronological order, give a quick resume of the reasons for the break in confidence.

1. The Westminster election result where the Labour administration, which had been responsible for "interfering" in Northern Ireland affairs, was defeated by the Conservatives who have an alliance with the Northern Unionists who were clearly opponents of reform. And this entirely without reference to the policy of the Conservative administration. The change at Westminster caused a psychological shock to the Catholic minority and sent ripples of fear all along the line.

On the other hand, the Orange opponents of reform in Northern Ireland, rightly or wrongly, became buoyant in the belief that they could oppose at least the spirit of reform.

2. Soon after the election, the policy regarding Orange parades seemed to change, and whereas a march on 20th June, 1970 towards Ardoyne had been diverted by the Army Officer on the ground, a march on 27th June was pushed through the wholly Catholic area at Ardoyne church (which heralded much rioting and many deaths).
3. The Catholic Falls curfew imposed by Gen. Freeland was a fruitless oppression of a huge area. 99 per cent plus of the people in the area were entirely innocent, but were subjected to house arrest for almost 70 hours; a very humiliating experience.
4. The Courts in Northern Ireland, the hierarchy of whom are ex-Unionist politicians, proceeded to administer justice in an openly sectarian fashion.

5. Sir Arthur Young, appointed by Westminster as Chief of Police, was forced by Orange Unionist pressure to quit Northern Ireland before his term of office had expired.
6. Top Scotland Yard detectives, after a long investigation, failed to discover the murderer of Catholic Devenney in Derry, because as Sir Arthur Young and the then Prime Minister, Chichester-Clark, stated there was a 'wall of silence' throughout the Royal Ulster Constabulary.
7. The R.U.C. remained by their silence, by their action as prosecutors in the Courts, and by their activity on the ground, an unrepentant and unconverted force, despite the Hunt Report and the efforts of Sir Arthur Young.
8. The Police Authority established after the Hunt Report at the instigation of the former Home Secretary, consisted of 14 Unionist representatives, selected by the Unionists, and 7 Catholics, also selected by the Unionists; virtually none of the 7 Catholics were acceptable as Minority representatives and some of them were positively objectionable as Minority representatives.
9. The Police Authority, by non-activity, defeated the objects it was created to achieve. This indeed was the view of the former Home Secretary expressed during his last visit to Northern Ireland.
10. The Central Housing Authority promised in the reform package was watered down to a Central Housing Executive, and even then the 9-man Central Housing Executive contained only one person who was included in any of the Minority leaders' recommended lists. Indeed the appointment of a Mr. Donnelly of Dungannon to the Housing Executive was nothing short of a nose rubbing operation by the Unionist Authority.
11. The acceptance of members of the former discredited B Specials as Officers in the Ulster Defence Regiment greatly diminished any hope that it would be a non-sectarian force.
12. The conduct and attitude of the R.U.C. and more recently their conduct outside the Petty Sessions Court, where, when confronted with two rival mobs, they arrested 40 Catholics and no others, removed any hope of a non-sectarian police reserve.
13. The continued gross discrimination in private and public employment is taken as an indication to the Minority that there is no change and that there will be no change. (e.g. — Out of a labour force of 9,000 Harland & Wolff's employ 198 Catholics).
14. The continuous policy of the Army from a very early stage in searching largely Catholic areas for arms and their refusal to search Protestant areas in the city of Belfast for arms, has been a disturbing feature of Army activity for the Minority. This contributed to the failure of the

Army to seek out I.R.A. gunmen and bombers without alienating whole Catholic areas.

15. The illegal march of the Orange shipyard workers to Stormont which forced the resignation of Prime Minister Chichester-Clark, was a frightening demonstration of the power of the Orange bully-boys.
16. The acceptance by Westminster of Mr. Brian Faulkner as Prime Minister despite his record as an active and aggressive Orangeman.
17. The inclusion of outspoken opponents of reform in the Faulkner cabinet — West, Brooke, Taylor and Burns.
18. The appointment of Mr. John Taylor to the key role of Minister of State for Home Affairs confirmed Catholic fears of the hardline drift of the Faulkner administration.
19. The partial re-arming of the discredited B Specials by Mr. Taylor in the formation of B Special Rifle Clubs.
20. The prolific issuing of gun licenses over the last two years resulting in 106,000 licensed guns being currently available in the community, the vast majority in the hands of Unionists.
21. The continuous response to the bullying noises of the hardliners of the Unionist party as particularly demonstrated by Mr. Faulkner taking his whole cabinet to an Orange Hall in Lurgan to present the N.I. Government to an Orange meeting for interrogation.
22. The activities of Paisley, Craig and Co., who seem to be able to operate beyond the law in regard to incitement to hatred, treason, and conduct likely to lead to a breach of the Peace: whither internment?
23. The lack of response to those members of the Minority who over the period have been making a continuous contribution to peace and reason. They are ignored while hardline Orangemen are consulted.
24. The introduction of internment, with complete disregard for the deeply held views of all responsible sections of the minority who totally oppose violence, was the last straw.

---

The Minority Rights Association is willing to provide speakers at meetings to elaborate on any of the above points. Documentation is available on all aspects.

Mr. Tom Conaty, Belfast.

V. Rev. P. Murphy, P.P., Belfast.

Mr. Michael Canavan, Derry.

Mr. Patrick Duffy, B.A., Ll.B., Dungannon.



Summary of the Commentary upon the Northern Ireland Government's White Paper on Reforms entitled "A Record of Constructive Change".

---

Introduction: This commentary was prepared by a group of Catholics who are members of various statutory and public bodies in Northern Ireland. The commentary begins by giving the background to the reform programme, and states that the very fact that such a volume of enactments and administrative acts were urgently necessary in August, 1969, is proof that a succession of Unionist Governments practiced and condoned discrimination against more than one-third of the citizens of Northern Ireland. The following are the principal criticisms of the reforms detailed in the Government's White Paper.

1. Reform of the Police: Main criticism is directed at the Police Authority.

(i) The Police Authority is seldom heard from - though Government Ministers and the Chief Constable frequently speak on police matters;

(ii) The Police Authority has not been seen to be a body independent of both the Ministry of Home Affairs and the Chief Constable;

(iii) The majority of the administrative staff of the Police Authority consist of people seconded from the Ministry of Home Affairs;

(iv) Despite the Police Authority's power to require chief officers to retire in the interests of efficiency, many incompetent and partisan officers are still in the force, and some have even been promoted;

(v) No steps have been taken to set up an independent tribunal to examine complaints against the police as is provided for in the Police Act and as far as is known, all complaints are dealt with by the Chief Constable.

2. Public Prosecutor: Action by the Government in regard to this matter has been characterised by delay, and today, two years later, the police continue to be responsible for prosecutions. On 13th May, 1971, the Government announced its intention to appoint a director of public prosecutions, but these delays mean that the department cannot become operational before Spring, 1972. In the meantime, the volume of complaints about the partiality of police prosecutions continues to grow, and this has led to the establishment of a committee composed of nominees of the Bar Council of Northern Ireland and of the Incorporated Law Society of Northern Ireland to look into the matter. Finally, the McDermott Committee recommended that the director should in effect be independent of, and not responsible to the Attorney-General. In fact, the Prime Minister has announced that the Director is to be responsible to the Attorney-General, who is part of the Unionist Party machine and has generally been a member of the Orange Order.

3. Replacement of the U.S.C.: There is still concern that the B Specials are still banded together in an association which has Lord Brookeborough as its President. There is also concern about the proliferation of rifle clubs, many of which are composed of ex-B Specials. Many former B Specials have licences to hold firearms.

4. Special Powers Act: The Northern Government says it needs this legislation to protect life and property in face of mounting violence. In fact, its use in the last six weeks has led to a degree of violence not seen in Northern Ireland for over 50 years. Having regard to the promise of equality of citizenship given by the UK Government and by the NI Government, it is difficult to understand why a subordinate parliament should have power to enact such legislation and to maintain it in force permanently.

5. Parliamentary Commission for Administration (Ombudsman): The Northern Ireland Act was based on a similar English Act, which was not designed to deal with religious prejudice. Religious prejudice is the major problem in Northern Ireland. The NI Act allows only for an investigation of individual cases; it cannot take into account evidence of a general pattern of discrimination. An Act similar to the English Race Relations Act is necessary to deal with the problem of discrimination on grounds of religion.

6. Commission for Complaints: The Commission for Complaints Act provides for an investigation of individual cases only and therefore cannot take account of evidence of a broad pattern of discrimination, as was promised in the NI Government's commentary on the Cameron Report.

7. Fair Representation: The various proposals introduced for a new local government electoral system, new boundaries and new wards might be satisfactory in a normal democracy. But Northern Ireland is not a normal democracy. Some system constitutionally guaranteed should be devised to ensure that the undertakings of two governments are given full force and effect. It is not sufficient for the Ministry of Community Relations to keep these matters "under review" - as is stated in the Government's White Paper. In fact, the Ministry does not have the powers nor the personnel to carry out this task.

8. Public Employment: The result of 50 years of discrimination in public employment is that the proportion of Catholics in the administrative and professional grades of the public services is negligible. The "reforms" listed in the White Paper do nothing to achieve the necessary immediate objective of a major correction of the imbalance in the employment of Catholics at every level of the public service. Even if fair appointment and promotion procedures are now operated, it will be ten to fifteen years before Catholics are available in sufficient numbers inside these services for promotion to senior posts. Proposals to have Catholics of proven administrative ability recruited or seconded to senior posts in the public service have been firmly resisted.

(a) Declaration of equality of employment opportunity and Codes of employment procedure: Declarations are not sufficient and codes of employment procedure are virtually useless unless there is machinery for ensuring that they are being implemented. A body should be established which would be responsible for the monitoring of employment practices and should be obliged to report to Parliament where it finds evidence of serious imbalance in employment in the civil service or of any public or local authority;

(b) Local Government Staff Commission: No action has been taken yet to implement this commitment. The Interim Local Government Staff Commission by its terms of reference is not intended or designed to ensure that adequate numbers of Catholics will soon be taken into public employment;

(c) Public Service Commission: An examination of a proposal to create a Public Service Commission can hardly be regarded as a reform. In fact, the matter has been shelved until a report has been received from a working party which has not yet met.

9. Anti-Discrimination Clause in Government Contracts:

(i) The Communique of 9 and 10 October, 1969, referred to equality of employment opportunity without regard to "religious or political" considerations. The White Paper refers only to "religious discrimination" and omits the word "political";

(ii) It appears that while a contractor will have to give an undertaking not to practice religious discrimination in the performance of a public contract, he is free to practice discrimination in other non-public contracts;

(iii) Many public authorities have not yet required contractors to sign the undertaking.

10. Review of other forms of discrimination: Very little has been done since 1969 to prevent discrimination. The White Paper attempts to justify discriminatory practices on the basis of "accidents of location, the particular blend of industrial skills required, or traditional methods of recruitment". The suggestion that the paucity of Catholics employed in the shipyard is due to the yard's location in a predominantly Protestant area is at variance with the fact that the labour force is drawn from the whole Belfast area. Past discriminatory practices have created circumstances where Catholics have found it difficult to acquire the technical skills for certain industries. The phrase "traditional methods of recruitment" is a euphemism.

11. Housing Allocation: All Councils now have point schemes, but a number of them have incorporated loopholes e.g. the division of districts into a number of areas so that a person applying for a house in one area finds it difficult to transfer his application to another area if a house should become available in that area.

12. Ministry of Community Relations and the Community Relations Commission: The Commission should be entrusted with a responsibility of policing the various promises as to equality of opportunity in public and private employment. Only then can it carry out its work effectively.

13. Incitement to Religious Hatred: The "Prevention of Incitement to Hatred Act, 1970" has been completely useless in practice.

14. Northern Ireland Housing Executive: This reform is welcomed.

15. Local Government Re-organisation: This reform is also welcomed, but its implementation must, in the light of past experience, be carefully watched.

16. A New Committee System for the Northern Ireland Parliament: This would be a useful development of parliamentary institutions in a normal society, but in the Northern Ireland situation, something much more fundamental is required.



## Question of a Northern Ireland Bill of Rights

On 5th May, 1971 Lord Brockway and Mr. Arthur Latham, a Labour M.P., led a delegation drawn from civil rights and other organisations which handed in to 10 Downing Street a petition to the British Prime Minister signed by 100,000 people calling for a Bill of Rights for Northern Ireland.

On 12th May, 1971 in the British House of Commons Mr. Latham sought leave to bring in a Bill which would "amend the powers of the Parliament and Government of Northern Ireland, to make other provisions for equating the civil rights of Northern Ireland with those of other citizens of the United Kingdom and to make provision for proportional representation in parliamentary and local government elections in Northern Ireland". The Conservative Party whip was on and the motion was lost by 135 votes for and 175 against. Lord Brockway introduced a similar Bill in the House of Lords on the same day and was given leave for a second reading without debate. The Bill did not make any further progress, however, as a second reading was refused on 15th June, 1971 by 64 votes to 10.

Among those who voted in favour of the Bill of Rights in the House of Commons were the former Labour Ministers Anthony Wedgwood Benn, Barbara Castle, Roy Hattersley, Douglas Jay, Fred Lee, William Ross and Edward Short. The leader of the Liberal Party, Jeremy Thorpe, also voted in favour.

The proposed Bill of Rights contained the following features:

- the extension of the British Race Relations Act 1968 to Northern Ireland (a measure which Fenner Brockway was responsible for introducing after nine unsuccessful attempts in the nine years prior to 1968);
- restriction on the power of the Northern Ireland Parliament to create certain political offences. This provision would make it permissible to advocate or work in accordance with the law for the establishment of a single Parliament for the whole of Ireland;
- the introduction of Proportional Representation (with not fewer than four members for each constituency) for Stormont and local government elections;
- Stormont would cease to have power to legislate in matters now covered by the Special Powers Acts, such as the suspension of Habeas Corpus, internment without trial, the entering and searching of private premises without warrant, the imposition of a curfew, the declaration of a state of emergency or the arming or maintaining of any group of special constabulary;
- the promotion of cooperation between Parliaments and governments in the whole of Ireland.

House of Commons debate: In making his case for leave to introduce the Bill, Mr. Latham said, inter alia,

"As we know, certain reforms have been proposed, and even legislated for, by Stormont but they are not being implemented. My Bill would be intended not to take away Stormont's powers but to re-examine

the devolution of powers under the Government of Ireland Act, 1920, with a view to recasting or reallocating those powers.

Opposing the Bill on behalf of the Conservatives, Mr. William Deedes (a former Minister) said:

"The hon. Gentleman's proposals would interfere with the discharge of those responsibilities to a point which would totally undermine the credibility and the authority of the Government of Northern Ireland. The object is not to liberate. It is to annihilate the existing Constitution under the Government of Ireland Act, 1920.

House of Lords debate: The leader of the Labour Party in the House of Lords, Lord Shackleton, was among those who voted against the granting of a second reading to the Bill in the House of Lords. Whereas the vote in the House of Commons followed clear-cut party lines with Labour and Liberals voting in favour and Conservatives against, there was cross voting in the House of Lords where several Labour peers sided with the Conservatives. Baroness Bacon, a former Labour Home Office Minister, supported Lord Shackleton but judging by his contribution in the special debate on Northern Ireland in the House of Lords on 22nd September, Lord Shackleton appears to have changed his mind about the Bill of Rights as he said:

"On that occasion [debate on Bill of Rights - 15th June 1971] I voted with the Government against the Bill; but I am bound to say that I was wrong. I think we were all wrong, including the Government, in not appreciating that further measures and further initiatives were necessary".

## Democracy and Northern Ireland

1. A frequently expressed Unionist claim is that "the present Government of Northern Ireland is the constitutionally democratically elected government of the country". This claim can be refuted, at least partly, either by showing that the particular form of democracy imposed in NI is totally unsuited to the conditions prevailing there or by showing that the system is not being fairly and fully imposed. The validity of the claim can be even more fundamentally questioned, however, when measured against normal standards of democracy.

2. The essence of democracy lies in the right of people freely to determine how they are to be governed and the normal expression of this determination includes a voice in the adoption of or amendment to a constitution. The constitutional basis for the present structure of government in NI is the 1920 Government of Ireland Act, an act of the British Parliament. The democratic basis for the NI constitution derives therefore not from the people of NI but rather from those represented in the British Parliament of 1920. Using current statistics, the Unionists are a mere 1.7% of the total population represented at Westminster. On this statistical basis their claim to be the constitutional, democratic government is rather weak. The weakness can be further exposed by pointing out that the 1920 Act was regarded at the time as not being in accord with the wishes of any significant segment of the Irish population and the Unionists themselves were among its most vehement opponents.

3. In a normal democracy, the unit of self-determination is the nation. In the case of NI this immediately raises problems of definition but irrespective of whether one's allegiance is to a reunified Ireland or to the present arrangement, the democratic basis for Unionist government is weak. Examining the basis from the point of view that NI is an integral part of Britain, the following weaknesses are exposed:



- in NI almost 90% of total tax revenue is levied and collected by the British as opposed to the NI Treasury. In a normal democracy there would therefore be an overriding British influence through the administration of NI financial affairs. While it is true that the British do take basic decisions e.g. on the allocation of resources, an inordinate amount of power in the day to day administration of funds is transferred to Stormont. In many instances this leads to a situation where accountability for British funds is effectively allocated to a group representative of only 1.7% of the British population;

- as noted above, an essential element in democracy is the right of the people to determine constitutional changes. But neither the people of NI nor those of Britain have this right. The 1949 Ireland Act pledged not to change the NI constitutional position without the consent of the Parliament as opposed to the people of NI. It is worth recalling that 140 members of the British Government party of the day refused in a crucial division to support this particular section of the Act specifically because of its undemocratic nature. A further restriction on the rights of the people of NI in constitutional matters is the fact that the Judicial Committee of the British Privy Council is, under the 1920 Government of Ireland Act, assigned a special role in determining disputes relating to constitutional matters;

- if NI is an integral part of Britain, normal democratic standards require that all laws enacted at Westminster be applied there. In fact, only selected Westminster laws are applied in NI and the process of selection under which e.g. the Race Relations Act was not applied demonstrates a significant weakness in the democratic structure of NI. There is no other democracy which

recognises the right of 1.7% of its people to determine whether or not they will accept a particular piece of legislation.

4. Assuming the unit of self-determination to be all-Ireland instead of Britain, there is, of course, no basis for the Unionist claim to be a democratically elected government in the normal sense of the phrase. It should be said, however, that the Unionists have never advanced this particular claim. The Unionists comprise about 20% of the population of all-Ireland and an analysis of the results of the 1918 general election - the last election involving Ireland as a whole - shows that 78 of the 101 electoral divisions had majorities favouring national independence.

5. The Unionist claim to be the constitutionally democratically elected government is therefore invalid whether one takes Britain or Ireland as the unit of self-determination. One cannot speak of NI as a self-determining unit since it is not and does not claim to be a sovereign country and the status of Stormont is not that of a true parliament but rather that of a regional, largely deliberative Assembly. Excluding its power in relation to civil liberties, it is approximately comparable to e.g. the Greater London Council and it is considerably less powerful than a U.S. state.

## Governing Without Consensus

1. In his recently published book ("Governing Without Consensus: an Irish Perspective", Faber & Faber, London 1971) Professor Richard Rose analyses the NI situation on the basis of a "loyalty" survey conducted under his direction from 1965 to 1968 but mainly in the first half of 1968. The in-depth survey covered 1,300 people, 58.6% Protestants and 41.4% Roman Catholic, a statistically large sampling for a study of this nature. On the results of his analysis, Professor Rose sets out "the potential governing coalitions, including some improbable ones" but his study is additionally useful in that it compares NI with some other countries which have overcome intense social and political differentiation and, of course, it also provides scientifically collected data on NI attitudes before the increased polarisation of views brought on by events subsequent to October 1968.

2. Professor Rose outlines the following options of which he regards only the first two as practicable and durable:-

- (i) the present coalition of fully allegiant subjects and Ultra Protestants; this has provided the necessary statistical majority but has also assured that the Ultras, "those most inclined to political violence", would not attack the regime;
- (ii) a coalition between fully allegiant Protestants and fully allegiant Catholics; this would attract the support of about half the Protestants and all Catholics, except those exclusively committed to rebellion on behalf of a Republican ideal but because of its bi-confessional nature, it would break up the Unionist Party and stimulate an Ultra rising;
- (iii) government of NI by the Ultras;
- (iv) coalition of Ultras and disaffected Catholics but this is improbable and even if it happened it would only be temporary, inasmuch as it would inevitably lead to a struggle between the two groups for complete control;
- (v) non-party government; unlikely because of the lack of a politically apathetic mass ready to tolerate anyone who is not clearly committed for or against the constitution;
- (vi) political government with only minority support; possible within the present parliamentary system but especially vulnerable in NI because of the tradition of extra-parliamentary opposition;
- (vii) British military government; not feasible since the infantry strength is not available to suppress civil disorder simultaneously at a large number of places;
- (viii) suspension of Stormont and its replacement by an executive responsible to the British Government; not a long-term possibility because of its non-political content;

- (ix) govern NI as an integral part of Britain; this would not be acceptable to Republicans nor to Westminster politicians because it would "pollute British politics by introducing an alien part of the UK into the mainstream of British politics"; it would at best, be suspected by Protestants;
- (x) grant NI independence; prima facie an independent NI would be more viable than Southern Rhodesia since a majority of settlers would rule a minority of natives;
- (xi) re-unify Ireland; some Protestants fear they would then find themselves in a position similar to Catholics in the present NI; an unsuccessful military campaign to achieve reunification would strengthen the Protestant grip in NI since it would lead to a voluntary or involuntary exodus of Catholics;
- (xii) alter the balance of power in NI by internationalising the problem e.g. by raising it at the UN. However, "UN members have refused an invitation to add their weight to the balance, out of deference to Britain and out of deference to the intractable nature of Ulster".

3. Professor Rose's comparison of NI with situations which exist or have existed in other countries is not based on original research and is not particularly detailed. His conclusion that "in a literal sense, no place on earth is the same as NI" is, however, worth noting. He notes that NI does not have a loyal opposition, something which is regarded as a sine qua non for fully legitimate regimes. Even though only 25% of UN member states qualify as legitimate regimes by that definition, almost all western democracies do qualify and it is therefore difficult to compare them with NI. Additional differences are also obvious e.g. NI is bi-confessional whereas the Netherlands has a multiple balance of power; Austria is bi-confessional, both groups have been forced to work together firstly by the threat from a power alien to both and secondly by seventeen years of foreign military occupation.

---

# FIREARMS

## South

No. of Firearms Certificates issued in 1970: (One Cert. covers one gun only)		110,063
No. of Shotgun Certificates	85,593	
No. of Rifle Certificates (of the rifle certs., about 150 are for .303 calibre guns and 305 are for .222 calibre - a more accurate version of a .22 The rest are either .22 rifles or airguns).	22,951	
No. of Pistol Certificates	1,519	
	<u>110,063</u>	

## North

Total No. of Firearms		102,112
No. of Shotguns	69,093	
No. of Rifles (of these, 13,912 are .22 calibre, 12,456 are air rifles and 1,139 are .303 calibre or H.P. rifles)	27,507	
No. of Pistols	4,452	
	<u>102,112</u>	

## South

	1 gun per 27 persons
Shotguns:	1 per 35 persons
Rifles:	1 per 130 persons
Pistols:	1 per 2,000 persons

## North

	1 gun per 14 persons
Shotguns:	1 per 21 persons
Rifles:	1 per 54 persons
Pistols:	1 per 333 persons
Other weapons:	1 per 1,400 persons

### Legally held firearms in Northern Ireland

This subject has been raised repeatedly in Stormont over the past six months. On 9th February, 1971 Mr. Ivan Cooper enquired of the Minister for Home Affairs whether he would introduce legislation forthwith to make the possession of any arms whatsoever by civilians illegal. Mr. Dobson, replying on behalf of Major Chichester-Clark, said the answer was "no". He went on to say that to do so would be unfair to the farming community, wild-fowlers and rifle club members. He indicated, however, that the Prime Minister had "ordered a review of each individual firearms certificate to be carried out to consider afresh the holder's need to have a gun". He said that the review would start "forthwith" and that "the police have been asked to apply very stringent conditions to the holding of firearms" especially where more than one firearm was held on one certificate. At that time and indeed for some time later the impression given to the Opposition in Stormont was that there were approximately 73,000 legally held firearms in the North. It was not until 22 April, 1971 that it was discovered through further questioning <sup>that</sup> this figure related to certificates and permits only and that they covered 102,000 firearms. Thus, there are, on average, almost 1½ guns to each licence.

On 30th March, Mr. Faulkner, the new Prime Minister, announced certain proposals in Stormont in regard to firearms. He said that people who possessed weapons would be asked by means of press advertisements "to consider seriously whether they now need to do so". His government requested, he said, that all weapons which were not absolutely necessary should be handed in at police stations or military barracks. If unlicensed arms



were handed in before 8th April no legal action would be instituted. The Opposition pressed for a forcible withdrawal of all legally held arms but Mr. Faulkner said that it would not be practical or responsible to do so.

On 22 April it was revealed by Mr. John Taylor in Stormont that the RUC had been assisting in the review of firearm certificates. He said on that occasion that "they are asking each firearm certificate holder to consider whether he really needs to retain the weapon or weapons covered by the certificate to the extent that, should retention not be necessary, it or they be surrendered". In reply to a supplementary question he said he was very pleased to be able to advise the House that "a large number of arms has been handed in by certificate and permit holders, some on a voluntary basis, so that they remain temporarily with the RUC". He emphasised that there was no question of pressure being applied by the police in this connection. Later (on 28th April) Mr. Taylor said that the policy of the Government was simply to inspect all firearm certificates and that there was no question of bringing in all legally held firearms.

On 28th June, 1971 the Prime Minister, Mr. Faulkner, in reply to a PQ from Mr. Hume, said that a total of 1679 firearms had been surrendered in the three months ended 31st May. This was hardly a good response, as the Opposition pointed out. Indeed it represents only 1.4% of all the firearms legally held. Certainly it hardly justifies Taylor's remark quoted above about the "large number of arms ..... handed in".

We have urged the British to pay special attention to this problem and to call in all legally held guns.

CROSS-BORDER CO-OPERATION BETWEEN GOVERNMENT DEPARTMENTS

AND SUBSIDIARY BODIES IN IRELAND

SUMMARY NOTE

May, 1971

# INDEX

<u>DEPARTMENT</u>	<u>PAGES</u>
AGRICULTURE AND FISHERIES	1-2
DEFENCE	3
EDUCATION	4
FINANCE	5
HEALTH	6-7
INDUSTRY AND COMMERCE	8
JUSTICE	9
LABOUR	10
LANDS	11
LOCAL GOVERNMENT	12-13
POSTS AND TELEGRAPHS	14
SOCIAL WELFARE	15
TRANSPORT AND POWER	16-17
CENTRAL STATISTICS OFFICE	18

---

## Department of Agriculture and Fisheries

### Nature of Contacts and Cooperation

Veterinary Policy: Cooperation and liaison are constantly maintained in pursuit of the common objective of keeping the whole of Ireland free from major animal diseases. For instance, during the Foot-and-Mouth disease epidemic in Britain in 1967 a North/South joint Committee was established to keep the situation under review.

Livestock Breeding: Charolais cattle have been imported to Northern Ireland from France via the quarantine station at Spike Island Cobh; and pigs brought to the South from Norway for experimental purposes have been quarantined in the station in Belfast Lough.

Agricultural Education and Advisory Services: Contact is maintained on all main aspects.

Horticulture: Assistance was received from the North in connection with surveys of mushroom growing and glasshouse horticulture.

Fisheries: There is cooperation on many aspects including the Erne hydro-electric scheme which gave rise to the setting up of a joint Committee of the Ballyshannon and Enniskillen Boards of Conservators. (The Foyle Fisheries Commission is dealt with separately). Scientific officers on both sides keep in touch on such matters as fish stocks in the Irish Sea.

Fishing Rights: At the end of 1959 it was announced from Dublin that "as an administrative arrangement for the time being and until further notice, boats (not exceeding 75 feet in length) bona fide owned and operated by fishermen permanently resident in the Six Counties will not be prevented from fishing within our exclusive fishery limits".

Bord Bainne: This Board has contacts with the Northern Ireland Milk Marketing Board. Representatives of the two Boards meet annually. Bord Bainne assisted when the Northern body was considering the introduction of a cold-storage scheme whilst the Milk Marketing Board in turn cooperated when Bord Bainne was planning computer studies.

Bord Grain: This Board has received cooperation from the Northern authorities in facilitating the importation of barley through Derry.

Bord na cCon: This Board has had contact with the Ministry of Home Affairs, the licencing authority for Northern Ireland greyhound race tracks, regarding various aspects of greyhound racing, especially the operation of tote betting.

Bord Iascaich Mhara: There is no equivalent organisation in the North but there is contact with local representatives of the UK White Fish Authority and also with officials of fishermen's and trade associations.

C.B.F. (Irish Livestock and Meat Commission): The Commission exchanges has contact with the Northern Meat Marketing Board in regard to the of relevant marketing information and the setting up of regular meetings to discuss matters of common interest.

Comhairle Olla: This Council and the Northern Ireland Branch of the British Wool Marketing Board maintain contact. The Board provided a two-week course of training in wool grading for four officers who are engaged in wool grading and inspecting duties for the Council. The Council's Chief Officer acts as a judge at sheep-shearing competitions in Belfast.

Dublin District Milk Board: The Board has contact with such bodies in the North as the Northern Ireland Milk Marketing Board, the Northern Milk Publicity Council, the Northern Cattle Breeding Service, the Northern Section of the Society of Dairy Technology, Agricultural Colleges and the Federation of Northern Ireland Dairymen. Visits are periodically exchanged with the Ministry of Agriculture's Cattle Breeding Service.

Foras Talúntais: There is a working relationship between the Institute and official and semi-official bodies in Northern Ireland. The exchange of information on research in progress avoids overlapping. The general soil map of Ireland published by the Institute was the result of cooperative work. The development of flax-growing in the south-east is being carried out with the help of experts from the North. Staff from the Ministry of Agriculture, Universities and Research Institutes in the North participate in conferences here and vice versa. A reciprocal arrangement exists for the exchange of publications. Cooperation has been enhanced by the growth in recent years of professional societies covering the 32 Counties, e.g. Society of Plant Pathologists and the Irish Society of Agronomy Land Use.

Foyle Fisheries Commission: The Commission was set up in 1952 by the Foyle Fisheries Acts passed both in the Dail and in Stormont in identical terms. The functions of the Commission are concerned broadly with the administration of the fisheries of the Foyle area. The Commission is mixed, two members being nominated by the Minister for Agriculture and Fisheries in Dublin and two by his opposite number in Belfast. The chairmanship and meetings rotate. There is a statutory Advisory Council to assist the Commission. It was announced in April, 1971, that the Commission, with the approval of the two Ministers in Dublin and Belfast, has decided to hold an independent inquiry into the system of conservation, management and development of the fisheries.

Inland Fisheries Trust: The Trust has contacts with voluntary and official angling interests in Northern Ireland and has upwards of 1000 Northern subscribers. A few years ago the Trust assisted the Ministry of Agriculture in the North in design and planning of a Fish Farm now operating outside Belfast.

Irish Potato Marketing Company: This Company has contacts with the Seed Potato Marketing Board in the North. When the occasion arises joint arrangements have been undertaken.

National Dairy Council: The Council maintains relationship with the Northern Milk Marketing Board and the Dairy Council. Information is exchanged about market research, product development, etc.

Pigs and Bacon Commission: The Commission has worked in cooperation with both the Pig Marketing Board in Northern Ireland and the Ulster Bacon Agency Ltd., particularly in such matters as sales of bacon and pork in Britain and elsewhere, pig smuggling and the overall development of the pigmeat industry. Officers of the Commission and the Pig Marketing Board frequently exchange visits.

Department of Defence

Nature of Contacts and Cooperation

Civil Defence Planning and Organisation: The Ministry of Home Affairs in Northern Ireland deals with the planning and organisation of the functional Civil Defence services in that area in association with a number of British Ministries. There have been exchanges of visits at senior Civil Service level for the purpose of mutual exchange of Civil Defence planning information.

Monitoring and Warning: Irish Army Officers have visited the British Royal Observer Corps installations and warning exercises in the North. Arrangements have been made on a tripartite basis for the exchange of certain information, in wartime, about nuclear explosions and radioactive fall-out. The arrangements have led to the establishment of permanent telephone links for the exchange of information and to the holding of exercises from time to time involving participation by the organisations concerned in the three areas. Such an exercise was held in June, 1970. Exchange visits by observers in connection with the exercises have taken place and officials of the Department of Defence have visited Northern Ireland to get information on the measures taken there for the protection of telephone exchanges against radioactive fall-out.

Pensions: Cooperation regarding pensions takes the form of the furnishing to the Northern Ireland authorities of information about the amounts being paid by the Department of Defence to applicants for assistance in the North. Such information is furnished in response to enquiries in individual cases.

---



Department of Education

Nature of Contacts and Cooperation

At specialist level officers of the Department of Education and of the Ministry of Education in Belfast have had discussions and exchange visits in regard to special education, teacher training, individual curricula etc. Professional staff of the Museums and Libraries in both areas maintain contact.

---

## Department of Finance

### Nature of Contacts and Cooperation

Two meetings took place in 1967-68 between officials concerned with economic planning matters North and South. The first meeting took place in Belfast and the discussion focussed mainly on the composition and operation of the Economic Councils in the two areas - the National Industrial Economic Council and the Northern Ireland Economic Council. The second meeting took place in Dublin in September, 1968 and was mainly devoted to a comprehensive exposé of the experience of the Department of Finance under the Second Programme and the preparatory work on the Third Programme. The Secretary of the Department of Finance visited Belfast in May, 1971 to meet his opposite number there.

Erin Foods Ltd.: This company has had contact with the Ministry of Agriculture in Belfast. Discussions have taken place on a range of matters of mutual interest, information has been exchanged and some visits by company staff have been made to the Northern Ministry of Agriculture.

Industrial Credit Company Ltd.: The Industrial and Finance Company (NI) Limited appears to correspond closely with the Industrial Credit Company. Brochures and correspondence have been exchanged and the staffs of the two companies have exchanged visits.

Irish Sugar Company Ltd.: Some years ago the company cooperated with the Ministry of Agriculture and the Ulster Farmers Union in a test which they were conducting for the growing of beet in the North. The Irish Sugar Company sent members of its staff to collect and process the beet which they had grown. The Ministry of Agriculture and the Ulster Farmers Union sent members of their Grassland Association to visit the Irish Sugar Company's Grass Drying Plant at Gowla Farm.

National Savings Committee: There are exchanges of visits with the Ulster Savings Committee and savings literature and information are exchanged. The Secretary of the National Savings Committee visited the offices of the Ulster Savings Committee in 1967 to see how the savings movement was organised in Northern Ireland. Subsequently he was invited to and attended the Ulster Savings Conference in 1968, 1969 and 1970. The Chairman of the Committee also attended in 1970. In January 1970 the Secretary and Assistant Secretary of the Ulster Savings Committee came South to attend a Training Course for Savings Organisers and they spoke about their work. The Dublin Committee was invited to send a Savings Organiser to work with one of the Northern Organisers for a week.

The Racing Board: The Board operates the tote in Northern Ireland on behalf of the race course owners at some eight meetings each year.

---

-6-

Department of Health

Nature of Contacts and Cooperation

Hospital Services: Altnagelvin Hospital in Derry provides certain x-ray, emergency and laboratory services for Donegal Health Authority. There is reciprocity as regards accident cases between the health authorities in Counties Donegal and Derry. Neighbouring hospitals have an understanding on general cooperation - Letterkenny/Altnagelvin, Monaghan/Armagh, Cavan/Lisnaskea and Dundalk/Newry.

Specialist Services: Medical Inspectors of the Department have visited Belfast from time to time to look at special features of the medical services in the North e.g. cardiac ambulances, regional hospital planning, automation in laboratories and building of health centres. Contact is maintained by doctors employed by the two Ministries on mutual problems of an epidemiological nature - mainly infectious diseases.

Ambulance Services: Ambulances on both sides of the Border respond to an accident call in the area, and, if necessary, cross it in either direction.

Nursing: Representatives of Bórd Altranais and the Northern Joint Nursing and Midwives Council meet annually with representatives of the English, Welsh and Scottish Midwives Board. This meeting is availed of by nursing representatives of the North and South to discuss common problems. Examiners and lecturers have been exchanged. There is cooperation also in connection with registration of nurses, the attendance of nurses at courses and seminars and the acquisition of teaching experience at tutor courses.

Psychiatry: The Royal Medico-Psychological Association is an all-Ireland body and there is continuous contact and exchange of visits between psychiatrists North and South. The Matron of Purdysburn Psychiatric Hospital has, with the approval of her Ministry, agreed to serve on a working party, set up under the aegis of the Department of Health, to examine and report on the psychiatric nursing services of Health Authorities.

Water Fluoridation: The dental adviser to the Ministry of Health and Social Services in the North has visited his opposite number in Dublin for discussion. Two dental officers from Hollywood Council (Co. Down) visited the fluoridation plant at Roundwood.

Choice of Doctor Scheme: Officers of the Northern Ireland Ministries attended meetings in Dublin to help plan the "choice of doctor" scheme proposed for the South and officers of the Department have spent some time in the Health Ministry in Belfast studying procedures regarding the operation of the Central Bureau for the pricing of drug prescriptions.

Rehabilitation: There is contact between the various bodies, North and South, as regards exchange of information, attendance at seminars, and discussions. Students from the 32 Counties are eligible for training in the Colleges of Occupational and Speech Therapy run by the National Rehabilitation Board here and students of the Dun Laoghaire College may gain part of their clinical experience in similar institutions in the North.

Drug Abuse: There is continuous North/South cooperation as regards the abuse of drugs. Officials have exchanged visits for discussions and "teach-ins" and there is a free exchange of information and statistics.

Health Inspectors: The Health Inspectors Association and the Northern Ireland Branch of the Public Health Inspectors Association keep in contact. They cooperate in the holding of weekend schools in venues North and South.

Blood Transfusion Service: There is contact between the Blood Transfusion Service and the corresponding body in the North. Visits are exchanged.

Registration: Births, deaths and marriage records for the whole of Ireland prior to 1921 are in the Office of the Registrar General in Dublin and many searches in these records are undertaken for the Northern Ireland Registrar General. Contact is frequent.

---

## Department of Industry and Commerce

### Note

Senior officials of the Departments of Industry and Commerce and Transport and Power had discussions in Dublin on 20th April, 1971 with their counterparts from the Ministry of Commerce in Belfast, on cooperation in industrial development, tourism, etc.

### Nature of Contacts and Cooperation:

Foreign Trade: The Foreign Trade Division of the Department of Industry and Commerce is in contact with the Northern Ireland Ministry of Commerce where matters of mutual concern in the field of trade arise. An additional 10% tariff cut for Northern Ireland goods was granted by the Government in July, 1966. A range of sensitive products was excluded from the scope of this concession but on the other hand additional tariff concessions were granted for a limited range of goods.

Mines and Minerals: Officials of the Ministry of Commerce in Belfast visited Dublin in 1964 and 1965 to discuss aspects of minerals legislation with officers of the Department of Industry and Commerce.

Geological Survey: The Geological Survey maintains contacts with the Geological Survey of Northern Ireland by inter-changes of visits to discuss geological matters of mutual interest as well as inter-changes of geological materials.

Companies Registration Office: This Office is in regular communication with the Companies Office in Belfast. Particulars of new companies are exchanged daily. Lists of changes in the respective registers are exchanged monthly. A copy of the Belfast index is maintained in Dublin and vice versa as a company is not allowed to register in one area with the same name as a company in the other.

Shannon Free Airport Development Company: Information and visits are exchanged with the NI Development Council.

Industrial Development Authority (IDA): There have been contacts and exchanges of visits in relation to technical aspects of estate development such as factory design, costings, etc. and between the L.E.D.U. in the North, and the Small Industries Division of the I.D.A.

Institute of Industrial Research and Standards: Cooperation exists between the Institute and the Department of Industrial and Forensic Science of the Ministry of Commerce in Belfast, primarily in the areas of environmental problems, technical information and road surface materials.

---

-9-

Department of Justice

Nature of Contacts and Cooperation

Law Reform: Occasional meetings take place between officers of the Law Reform Division and Northern Ireland legal officials at which mutual problems are discussed.

Registration of Deeds and Titles: Contact has been maintained between the Land Registry and Registry of Deeds officials and their opposite numbers in Northern Ireland over the past twelve years on matters of mutual official interest.

Courts: Contact has been maintained between the various Offices of the High Court and the corresponding Offices in Northern Ireland.

Public Records and State Papers Offices: Contact is maintained between these Offices and the Public Record Office in Belfast by exchanges of information on available documentary material and professional organisation and methods, exchanges of copies of material relating to one area but located in the other, and by a working arrangement by which prospective donors of historical documents are encouraged to present them to the appropriate office of the area to which they relate.

---



Nature of Contacts and Cooperation

Visits: Officers of the Department of Labour have visited the Northern Ireland Ministry of Health and Social Services for discussions and exchange of information on such matters as the introduction and operation of the Redundancy Payments Scheme, the organisation of employment exchanges and the Youth Employment Service, and on the safety, health and welfare of workers.

Industrial Training: There has been contact between the Department, ANCO (Industrial Training Authority) and CERT (Committee for the education, recruitment and training of personnel for the hotel industry) and their Northern counterparts as indicated below.

ANCO: ANCO maintains contact with the Ministry of Health and Social Services which runs industrial training centres in the North, with the Northern Ireland Training Executive which is responsible for the administration of the levy/grant schemes and also with the Training Boards for the designated industries. Managers of Training Centres and Instructors were given a six weeks training course at nominal charge, in the Government training centres in the North. Personnel of the Ministry of Health and Social Services have assisted the Director of ANCO in the selection of instructors and of managers for the training centres. Officials of the Northern Ireland Training Executive participated with the Director and Council members of ANCO in two study tours of adult training centres in Denmark and Holland. There is a flow of training programmes, brochures and information as to the operation of schemes, between the personnel of ANCO and the Northern Ireland Training Executive and Training Boards.

CERT: There have been contacts between CERT and the Northern Ireland Training Board, the Northern Ireland Tourism Board and other authorities in the North, e.g. the Youth Welfare Guidance Board. Visits are exchanged and there is a flow of information on training programmes, training schedules, standards, etc. Students from the North have been accepted and trained on CERT training courses to a limited extent. Members of CERT have attended training courses and meetings with Northern officials in order to familiarise themselves with training schemes in the North.

---

## Department of Lands

### Nature of Contacts and Cooperation

Game and Wildlife: The Department of Lands has contacts on Game and Wildlife matters with the Ministry of Home Affairs in Belfast in connection with the dates for Open Seasons in the various categories of game. There has also been contact with official representatives from the North at meetings organised by the Irish Wildfowl Conservancy and the Royal Society for the Protection of Birds; the meetings are held in alternate years at Newcastle, Co. Down and at Malahide, Co. Dublin.

Forestry: In Forestry matters there is contact between the Forestry Division in Dublin and Belfast. Three officers representing the technical and administrative sides of the Northern Ireland service were in Dublin in the Autumn of 1969 for a study of the Department's timber marketing, work study and accounting procedures. Senior Northern officials came to Dublin in October, 1970 to discuss ideas on changes in management control of forest operations which they are thinking of introducing. A Working Party also came south to study the structure of the Department's Forestry Division.

Forest Parks and amenity development: Officers of the Department of Lands have visited the North with officers of Bord Fáilte to study their Forest Parks and amenity development. Officers from the Forestry Division have also been in the North to see their organisation of forest shoots.

Forestry Research: There is a standing arrangement between the two Forestry Divisions whereby their annual conferences to set the Forestry research programmes for the following year are attended by an officer from the other. This ensures that there is no overlapping of work in the research field and results are effectively pooled. In addition it is standard practice to exchange information each year as to surplus or deficit of nursery stock in particular species with a view to redressing balances by sale or exchange.

Conservation matters: Arising from the activities of European Conservation Year, there has been contact between officers of the Department of Lands and their opposite numbers in the North. Northern interests have been represented at all major conferences in the South and officers from various Departments in Dublin concerned with aspects of conservation have attended meetings and functions in the North.

---

## Department of Local Government

### Nature of Contacts and Cooperation

Roads Administration: The Department has had contact with officials of the Northern Ireland Ministries of Development and Home Affairs on various roads matters at both administrative and technical level.

Road Traffic: There have been meetings between officers of the Department of Local Government, the Garda Síochána and An Foras Forbartha and representatives of the Ministries of Development and Home Affairs and the RUC on roads and road traffic issues. The main items discussed were coordination of Primary and E (European) Routes; Signposting; local cross-Border cooperation and traffic matters at County Engineer and County Surveyor level; Road Safety promotion; accident investigation and records; and abandoned vehicles. Representatives of Dublin Corporation independently visited Belfast in connection with the introduction of parking meters.

Driver Fitness: Officers of the Department visited Belfast in connection with the driver testing scheme and spent some days there inspecting operations. Officials from Northern Ireland have also visited Dublin for discussions.

Road Safety: Ideas and information on road safety matters are exchanged regularly.

Drunk Driving: The Director of the Medical Bureau of Road Safety and the Department's representative on the Bureau spent a day at the Forensic Laboratory in Belfast while the Bureau's analytical chemist spent four weeks at the Laboratory in 1969. There is frequent correspondence between the two bodies.

Road Works: Monaghan and Tyrone County Councils have been in contact over a number of years in connection with the proposed reconstruction of Moy Bridge which is on the Border. The Department has approved in principle plans for the work prepared by the Consulting Engineer employed by Tyrone County Council. Tyrone County Council is to do the work and the construction costs are to be shared equally by the two Councils. There has also been correspondence with Northern officials about Lisdoon Bridge on the Donegal/Tyrone Border.

Planning: There was consultation with officers of Fermanagh County Council in connection with a special amenity study which was carried out in Donegal by An Foras Forbartha in association with Donegal County Council. Officials of the Ministry of Development in Belfast have attended seminars and courses on planning topics organised by An Foras Forbartha. That Ministry and An Foras Forbartha were among the sponsors of a Conference on Regional Planning organised by a group of the professional institutes and held in Belfast in March, 1969. Both subsidised a report on the Conference. The Consultative Council of An Foras Forbartha includes a representative of Queen's University, Belfast.

Derry Harbour Commissioners are represented on the Board of the recently formed Regional Development Organisation for Donegal.

Housing: There have been contacts and exchanged visits between officers of the National Building Agency and the Northern Ireland Housing Trust.

Sanitary Services: Some local authorities in Border areas and at least one group water-scheme have been facilitated by getting a water supply from Northern mains. These arrangements were negotiated at local level. Donegal and Fermanagh County Councils are cooperating to provide a sewerage system for the Pettigo and Irvinestown areas.

Fire Services: The Department's Chief Fire Adviser has regular contact with the Chief Fire Adviser of Belfast fire services and with the Chief of the Northern Ireland Fire Authority.

Miscellaneous: Senior officials of the Planning Section of the Ministry of Development in Belfast have been to Dublin studying itinerant settlements. There have been exchanges of information on other subjects also, such as the control of air pollution and control of urban piggeries etc.

---

## Department of Posts and Telegraphs

### Nature of Contacts and Cooperation

Postal and telecommunications services: Contacts are mainly concerned with cooperation in regard to the operation of the postal and telecommunications services. For instance, due to the cooperation of the Northern Ireland Postal Region a better postal service exists than might otherwise be provided. Mails between Donegal and the South transit Northern Ireland and are conveyed both ways between Portadown and Strabane by Northern Ireland Region Post Office motor van service on a repayment basis. Similarly there is cooperation in regard to the routing of telephone calls and operating procedures.

---

Department of Social Welfare

Nature of Contacts and Cooperation

Reciprocal Agreements: To ensure the continuity of social insurance cover and title to benefits of persons who work or worked in Northern Ireland and live in the South and vice versa and of persons whose employment entails working in both areas, formal reciprocal Agreements were entered into in 1949, 1953 and 1964 with the Northern Ireland Ministry of Labour and National Insurance - now the Ministry of Health and Social Services. Further reciprocal Agreements affecting both Northern Ireland and Britain were made in 1966 and 1968 between Ireland and Britain. Tripartite talks on these agreements were held in Dublin in April, 1971.

---



## Department of Transport and Power

Note: Senior officials of the Departments of Industry and Commerce and Transport and Power had discussions in Dublin on 20th April, 1971 with their counterparts from the Ministry of Commerce in Belfast on cooperation in a number of fields, including tourism.

### Nature of Contacts and Cooperation

Transport: (a) Cross-Border Freight: Licensed hauliers in the North and South have in the past five years been admitted to the cross-Border haulage trade. No restrictions are imposed on back-haulage from either area. This arrangement involves the issuing of merchandise licences by the Department of Transport and Power to Northern Ireland hauliers whilst the Ministry of Development in Belfast issues licences to Southern hauliers who operate close to Border areas. There is a large volume of correspondence between the Department and the Ministry of Development in checking applications for facilities and this arrangement is reviewed annually with meetings at least once yearly between officials. In addition to this, the Department issues licences permitting Northern Ireland commercial vehicles engaged in haulage of "own goods" to enter the State.

(b) Passenger Service: Northern Ireland bus operators require passenger and vehicle licences to conduct passenger services and tours in the South. Licences are normally granted by the Department where certain conditions are fulfilled. Licences for certain tours are granted under a reciprocal arrangement with the Ministry of Development in Belfast.

(c) C.I.E. Operations: C.I.E. operates passenger and freight transport services on both road and rail to and from Northern Ireland. This involves day-to-day contact with their counterparts in the North. Railway passenger services between Dublin and Belfast are operated jointly with Northern Ireland Railways Limited. Under the arrangements agreed, C.I.E. utilises the Northern infrastructure and terminals with Northern Ireland Railways Limited acting as agents in the area. On road, there is collaboration with Ulsterbus Limited and cross-Border services between areas on both sides of the Border are operated by each company. Express bus services are operated on a reciprocal basis with each party working to and from a terminal in its own area. Furthermore, maintenance, servicing and garaging facilities are provided by either party for the other's vehicles as required. This arrangement also applies with Northern Ireland Carriers Limited, who provide similar facilities for C.I.E. road freight vehicles operating in the North and reciprocal facilities are available to them here from C.I.E.

Shipping and Harbours: Port officials at Dublin and Cork have contact with their counterparts in Northern Ireland. Visits have been exchanged, common problems have been discussed and information, particularly on operational matters has been made available.

Aviation: Aer Lingus has a District Sales Office in Belfast and operates flights to Aldergrove Airport. Contact is maintained on an ad hoc basis between the Company's technical departments and Short and Harlands regarding technical training. The Company has had commercial and technical cooperation with Emerald Airways and its successor, Air Ulster. Senior Aer Rianta officials visited Aldergrove Airport in July, 1970 to exchange experiences and views on airport management matters.

Energy: The E.S.B. are cooperating with the electricity authorities in Northern Ireland for the interconnection of the two transmission systems. They have been authorised by their respective Ministers to proceed with the construction work and to draw up a detailed agreement. Interconnection is already operative on a temporary basis.

Tourism: In 1965 following a meeting between the Minister for Transport and Power and the Northern Ireland Minister of Commerce a joint announcement was made that they had agreed to invite their respective tourist boards to appoint a joint committee to (a) consult on any improvements that may be desirable and practical to facilitate and encourage cross-Border tourist traffic in either direction; (b) consult on the improvement of tourist statistics; (c) consult on sponsored visits by travel agents and other promotional efforts; and (d) make recommendations to the two Ministers on further measures of cooperation. The first formal meetings between Bord Failte and the NITB took place in Dublin in May, 1965 and a standing committee comprising the Chairman and Chief Executives of the two Boards was established. The area of cooperation between Bord Failte and the NITB has included the production of joint literature, co-ordination in advertising and promotional activities, uniformity of hotel grading standards, cross-Border statistics, cross-Border roads and signposting, improvement of game and fishing facilities, etc.

---

## Central Statistics Office

### Nature of Contacts and Cooperation

Vital Statistics: Publications are exchanged on a routine basis and certain principal results (e.g. birth, death and marriage rates) are exchanged prior to publication.

Tourism Statistics: There is contact with the Northern Ireland Tourist Board in connection with the compilation of estimates of cross-Border tourism.

Agricultural Statistics: Correspondence takes place occasionally on matters of mutual interest, e.g. man-day analysis of agricultural activity. Publications are exchanged on a routine basis with the Economics and Statistics Division of the Ministry of Agriculture in Northern Ireland.

Trade Statistics: The Ministry of Agriculture in Northern Ireland provides the CSO with a return for the exports of cattle from the Thirty-Two Counties through Northern Ireland ports. The CSO provides the same Ministry with a return of imports of cattle, sheep and pigs from Northern Ireland.

Distribution: Contact exists with persons involved in the compilation of the Retail Sales Index in the North. Monthly Retail Sales Index publications are exchanged with the Ministry of Commerce in the North.

Banking Statistics: Returns of certain banking statistics are exchanged with the Ministry of Commerce.

---

## North/South Economic Cooperation

In the course of his Ardara speech on 20th February 1971 the Taoiseach repeated our offer of economic cooperation with the North and gave as an example of what<sup>at</sup> he had in mind the creation of much-needed industrial employment in Border areas. He also offered to share our knowledge on EEC matters with the North and made the point that the problems of the North in this connection are much closer to our own than to Britain's over a wide field. ~~That~~ Taoiseach repeated these offers on subsequent occasions.

After becoming Prime Minister of Northern Ireland last March Mr Faulkner said that he would welcome cooperation with the South so long as it was accepted that there were no political strings attached. Some days later Mr Robin Bailie, the newly-appointed Minister of Commerce in Faulkner's Government, announced that arrangements were being made for a meeting in Dublin between top-level Civil Servants of his Ministry and the Department of Industry and Commerce in Dublin. The meeting took place on 20th April and was quite constructive. (The Secretary of the Department of Transport and Power also participated because trans-Border co-operation in tourism was on the agenda). A second meeting was held in Belfast on 27th July at a time when the political climate was not very favourable. (Although internment did not come until 9th August, the situation at the end of July was such that the Northern side expressed the view that the time was not propitious for a meeting of Ministers and would probably remain so for some time to come. They felt that in the circumstances it might be better to set up some official machinery, a permanent study group, which would identify the types of industry or services which might be developed on a countrywide basis).

The Department of Industry and Commerce sought guidance as to what they should do in the new situation and the view of the Inter-Departmental Unit on the North of Ireland which was endorsed by the Taoiseach was that they should proceed normally so as to avoid the charge of being responsible for<sup>a</sup> possible break-down in the discussions.

This is the general advice being given to other Departments also when they enquire whether to continue in North/South cooperation projects.

The Inter-Departmental Unit on the North has compiled a survey of North/South cooperation. A summary was given to the British last May at their request and they expressed a good deal of interest in it. The main areas of cooperation are in transport, energy, tourism, fisheries, and social insurance.

## Conservative Government's Policies in Northern Ireland

Evidence of (a) lack of impartiality (b) appeasement of  
majority and (c) repression of minority

Note: The views of the Irish Government on almost every point listed below were expressed to the British Government - repeatedly in many cases.

1. Falls Road Curfew (July, 1970) - a blunder of major proportions.
2. Semi-Promotion of John Taylor (in August, 1970) at the sensitive Ministry of Home Affairs on resignation of Sir Robert Porter who commanded respect.
3. Premature replacement of Sir Arthur Young as head of the RUC in November 1970.
4. Half-hearted implementation of ban on parades against Orangemen in latter half of 1970.
5. Failure to administer the law impartially especially in cases resulting from riots. (The legal profession in the North was also disturbed about this).
6. Failure to carry out serious arms searches in Unionist areas.
7. Tolerating the legislation of reforms which were so watered down and distorted as to be acceptable to hard-line Unionists.
8. Failure to take action in obvious cases of incitement to hatred.
9. The decision to permit the formation of gun clubs - some composed wholly or in part of ex "B Specials".
10. Failure to withdraw the 102,000 licenced guns in the North (a figure which is twice as great as that for the South on a population basis).
11. Increased use of the Special Powers Acts including the making of new Orders thereunder notwithstanding the recommendations of Lord Hunt and the existence of a special committee to examine their repeal.
12. Resignation of Major Chichester Clark and his replacement by Mr. Brian Faulkner.
13. Composition of Mr. Faulkner's Cabinet (Harry West, Joe Burns, John Taylor etc.) and formation of New Security Unit under Mr. Faulkner.
14. Derry Shootings - failure to meet demands for official enquiry leading to withdrawal of Opposition from Stormont.
15. Lurgan meeting between Orange leaders and Faulkner plus half his Cabinet (It is believed that secret deal on Orange parades was made)
16. Post - Lurgan policy on Orange parades - failure of British Government to act decisively and impartially, including



failure to ban Apprentice Boys parade well in advance.

17. Large-scale secret rearming of RUC with pistols - a long-standing demand of the Unionist Right-Wing.
18. The failure of the British Government to effect a loosening of the stronghold of the Orange Order in the Stormont Government and Unionist Party.
19. The complete lack of consultation with Opposition M.P.s before the appointment of minority representatives on public bodies.
20. Introduction of internment - its one-side application and use against political opponents.
21. Brutality of British soldiers against the minority.
22. Absurd terms of reference of Committee and enquiry into allegations of brutality against British Army in further alienation of the aggrieved.