

NATIONAL ARCHIVES

IRELAND



Reference Code:	2001/8/6
Title:	The Constitutional Position of Northern Ireland, Part III: The Anti-Partition View
Creation Date(s):	1969
Level of description:	Item
Extent and medium:	7 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Part IIIThe Anti-Partition View

48. The claim of the Republic of Ireland for unity may be summarised, in the words of the then Taoiseach in 1963 as "our right to sovereignty over all the national territory, our right to reject the claim of a minority to vote itself out of the nation, and our right to have our national destiny decided by the democratic process of majority decision".

49. The Irish Constitution asserts the moral right for unity of Ireland. It stresses the essential unity of the nation though it recognises the temporary partition of the national territory.

50. The case for Irish unity is essentially a moral one. The Irish nation has always existed as a unit. It was subjected to aggression and conquest from abroad which continued until the 20th Century. Finally, the Irish nation succeeded in expelling the invader from the major portion of its territory but a part continued to be under foreign control. The partition of Ireland in this century involved the dismemberment of a very ancient and hitherto undivided nation. On racial, historical and geographical grounds, the North of Ireland should form part of a United Ireland.

51. There are no racial differences between the people of both parts of Ireland. Each shares a common Celtic background. Irishmen of all classes and creeds have more in common than in difference, more in common with each other than with any other people.

52. Historically, there was only one Ireland up to 1920. Until the Act of Union, the Irish Parliament legislated for an undivided Ireland.

/...

53. In 1798, the United Irishmen were composed of elements from all religions. Even under the Act of Union in the 19th Century Ireland was always administered as a unit under a Lord Lieutenant for Ireland. Up to 1914 not even the British had ever considered the possibility of partition. Up to 1920 no Party in Ireland wanted Partition - the Unionists and Nationalists alike opposed it as a solution to the Irish problem. Partition came about as a result of cynical Party politics in Britain which thus thwarted the will of at least three quarters of the population desiring a united Ireland, and yet even the British Government in both the 1920 Act and the 1921 Agreement envisaged the unity of Ireland.

54. The Border is an unnatural geographical division. The sea has created one indisputable boundary but there is no case for another boundary within the island. The border, moreover, divides the historic province of Ulster in a most illogical way.

55. The existence of the border has brought about great difficulties in both parts of Ireland. It has, it is often claimed, led to an undemocratic and sectarian government in Northern Ireland which is maintained in power by means of gerrymandering and discrimination against the minority. While this claim is certainly not true of elections to Westminster or Stormont, it is valid in regard to many local elections. Similarly, it is claimed, the Border has caused great political and economic difficulties in the South, including a lasting source of bitterness towards Britain which is blamed for maintaining it artificially through subsidy and potential military aid.

56. The 1921 Treaty was a Treaty between the representatives of Ireland and those of Great Britain. When the United Kingdom Parliament conceded the right of Ireland to secede from the United Kingdom as it did in 1921, it could not morally confine the secession to part of Ireland if a majority of the people in Ireland as a whole wanted secession.

/...

57. The claim based on this argument, therefore, relies mainly on the concept of one geographical entity, the right of the Irish nation who inhabit this entity to be united, and to have control over its own destiny. Above all, it asserts the principle of democracy, that the majority of the people must have the final say in the matter. Since Ireland is one unit, the majority of the people of the whole of Ireland are entitled to decide the future of the whole of Ireland. It admits no right of partition since the majority of people of Ireland as a whole are against it.

58. Anti-Partitionists do not, therefore, accept that ending Partition is a matter only for Britain. They would claim that the Republic has a moral right to end it also but their choice of methods might vary considerably including:-

- (a) force;
- (b) international action particularly at the United Nations;
- (c) representations to Britain;
- (d) persuasion of Northern Ireland by methods such as co-operation with the ultimate aim of enticing her to enter into a union or other relationship with the rest of Ireland.

59. In this respect, it is interesting to note how Irish policy on the partition problem has developed over the years.

The Evolution of Irish Policy

60. The Boundary Commission provision to determine the area of Northern Ireland was one of the main factors which induced the Irish representatives to accept the 1921 Treaty. For a period after independence, this represented the best hope of a solution to the partition problem in that if Northern Ireland lost a large part of her area she might be forced to join with the Free State in an all-Ireland entity. However,

/when

when the Commission failed to provide the solution, the Irish Government entered into a tri-partite arrangement whereby they recognised the existing boundaries of Northern Ireland. The preamble to this Agreement implied that there would be a policy of peaceful co-existence between the areas. The Agreement of course, did not accord de jure recognition to Northern Ireland but it has been interpreted as such by the Northern Ireland Government.

61. The 1937 Constitution claimed that partition was only temporary and that the Government set up under the Constitution had a de jure right to rule the North. It also contained an Article providing for subordinate legislatures which has been interpreted as aimed at accommodating Northern Ireland in a united Ireland. (The External Relations Act which was passed in 1936 and repealed by the Republic of Ireland Act, 1948 had been similarly interpreted as a means of keeping a link with Northern Ireland through the use of the Crown as an instrument of our foreign policy.)

62. In the 1930s and 40s we considered that we had a right to use force to end partition although for pragmatic reasons we did not resort to force.

63. After the War, the emphasis lay in harnessing world opinion for the solution of partition, with world tours by Irish leaders, the raising of the issue in the U.S. Congress and the Council of Europe. It is generally accepted that this policy did not achieve very much in practice.

64. Another aspect of our policy at this period was a campaign to persuade British opinion to endorse a united Ireland and to bring pressure on the British Government to end partition. This was based on the premise that partition was being maintained by Britain and that she could end it when she wanted.

/...

65. In 1957, the then Taoiseach ruled out force on the grounds that it would not be successful and that it would ruin our national life for generations. He also rejected action at the United Nations because this was essentially a national problem. However, if a favourable judgement from the U.N. were likely, it would be raised there. He said that he would welcome both tri-partite and bilateral talks on the subject of partition.

66. In 1959, Mr. Lemass, as Taoiseach said that the goal was re-unification by agreement. He enunciated a policy of building goodwill and striving for concerted action in specific fields. He advocated co-operation* without denying the ultimate hope of ending partition. He repeated the offer contained in the 1921 Treaty and previously re-iterated in 1948 by Mr. de Valera that the Six Counties could continue to have local autonomy for as long as it desired in an all-Ireland context. He envisaged that wider contacts would permit greater possibilities.

67. In 1964 he suggested that at least the practical disadvantages of the border must be eliminated. He saw wide areas where political and constitutional problems did not arise.

68. In 1965 a new development occurred whereby the Prime Ministers of both parts of Ireland met to discuss mutual problems without, however, discussing the constitutional position. There have since been numerous meetings between Ministers from both sides. These meetings have been directed towards fostering goodwill and co-operation.

/...

* A limited degree of co-operation had already existed mainly in such areas as drainage, fisheries and transport.

It has been argued that

69. ~~de facto~~, *de facto*, it would appear that these meetings have constituted ^{de facto} a recognition of the Northern Ireland Government and the existence of Northern Ireland as a separate entity. However, no de jure recognition has ever been given. The present policies are essentially long-term ones of seeking areas of agreement and co-operation, while hoping that these may ultimately help to bring the two areas together. Following the ~~Anglo-Irish Trade Agreement of 1965~~ ^{we} have made a number of tariff concessions to Northern Ireland which again underline our policy of friendship.

70 In November, 1968, the present Taoiseach said he was willing to continue to explore every promising prospect of developing useful co-operation for the sake of the practical benefits it may yield and the spirit of goodwill and good neighbourliness it may bring to North/South relations. In the same month he re-iterated the offer to have separate Parliaments in Dublin and Belfast.

Conclusions that might be drawn from the results of these policies

71. (a) Force

We have long since abandoned the idea of using force to solve partition. The reasons why we should not revive the idea are -

- (i) force would accentuate rather than remove the problem,
- (ii) force ~~would~~ ^{might} not be militarily successful,
- (iii) we are committed to non-violence by our membership of the United Nations,
- (iv) from a humanitarian point of view it would be out of the question to engage in a policy of bloodshed.

/(b)

(b) Action at the U.N.

Action at the United Nations has also been abandoned and should not be renewed because -

- (i) it is not an international problem,
- (ii) the ineffectiveness of the United Nations makes it pointless, and
- (iii) we might lose our claim if the case were to be decided on strict international law.

(c) Action in Britain

In Part II the possibility of partition being ended by action on the part of the British without the consent of the Northern Ireland Government has been considered unlikely and it follows that any campaign designed to get them to do so is likely to be counter productive. We accept now that the British will not stand in the way of unity if it is desired by the North, so we should aim at cultivating British goodwill for an agreed settlement of the problem and at getting the British Government to assist, where possible, in facilitating North/South co-operation. While it may be tempting at times to try to use the British Government as a lever against the North in such matters as discrimination it is probably better to ~~leave~~^{leave} this to private interest. Action at Government level might only ~~serve~~^{serve} to jeopardise the improvement in North/South relations.

(d) A Policy of Friendship

The only successful policy is likely to be our most recent one of achieving unity by friendship and co-operation by being prepared to accept ^a future structural set-up between the two parts of Ireland which would ~~alleviate~~^{alleviate} Northern Ireland's fears and safeguard her interests. ^{This is the course which is now accepted.} The following Part sets out the conditions which would be necessary for a structural relationship of this sort, and examines a range of possible forms of relationship.