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CONFIDENTIALAonad Idir-Rannach um an Tuaisceart
Inter-Departmental Unit on the North
of IrelandMinutes of Sixth Meeting held on 12th November, 1970
at the Department of External AffairsPresent

Mr. E. Gallagher, Acting Chairman	Department of External Affairs
Mr. D. Ó Súilleabhain	Department of the Taoiseach
Mr. J.F. MacInerney	Department of Finance
Mr. F. O'Riordan	Department of External Affairs
Mr. J. Small, Secretary	Department of External Affairs

Recent Developments

Mr. Gallagher opened the meeting by giving a brief account of developments of interest to the Unit since its last meeting on 15th October. He mentioned Major Chichester-Clark's recent reference to proportional representation and said that we had already raised this matter more than once with the British at official level. We had told them that imaginative initiatives and strong political decisions would have to be taken by them in regard to the North. We would be talking to them soon again and would impress upon them the desirability of introducing multi-seat proportional representation at local and Stormont elections as being the system most suitable to the circumstances of the North.

Mr. Gallagher referred to the meeting between the Taoiseach and the British Prime Minister which took place in New York on 21st October. Most of the conversation centred on the North and the Taoiseach urged on Mr. Heath the necessity of introducing qualitative reforms expeditiously in that area. Mr. Gallagher then outlined the passages in the Taoiseach's address at the United Nations that had a bearing on the North, particularly the references to the British guarantees that genuine reforms would be implemented. Such a public acknowledgement by the Taoiseach of British guarantees would make it difficult for Britain to back down later; in fact she would be in an extremely embarrassing, untenable position if genuine reforms were not put through.

Mr. Gallagher mentioned that we had concentrated a great deal on the Housing Executive Bill and in doing so had brought the credibility of Mr. Faulkner further into question. There had not been a division on the Bill on the conclusion of its Second Reading at Stormont as Mr. Faulkner undertook to consult the Opposition on possible amendments at the Committee stage. By keeping up the pressure behind the scenes for the improvement of the Housing Executive Bill we were attempting to ensure that extra care would be given to the formulation of local government reform which will follow shortly.

Mr. Ó Súilleabháin enquired about the reaction in the North to the recent arms conspiracy trial in Dublin. Mr. Gallagher replied that the reaction generally had been surprisingly mild. When matters arising out of the trial were raised in Stormont Major Chichester-Clark said that security was a matter for the imperial parliament. Parliamentary Questions were tabled at Westminster but we were consulted in advance by the British Ambassador and were able to influence the nature of the replies.

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Mr. Gallagher referred to Drury's report on his investigation into the circumstances of Samuel Devenny's death in Derry last year and said that the comments on the report by Sir Arthur Young and Major Chichester-Clark were very good. Mr. Faulkner, not unexpectedly, took the opposite position, thus showing further that he is unsympathetic to and cannot be trusted by the minority.

Studies

(a) Response to circulars: A statement was distributed at the meeting showing that all but four of the Departments had replied to the Unit's circular of 24th July requesting information on the extent, nature and usefulness of existing North/South cooperation at official level. The same statement also showed that Labour was the only Department to reply so far to the Unit's circular of 12th August to eight Government Departments requesting North/South comparative studies of the sectors for which they were responsible. The date set for completion of such studies (1st November) had passed but it was pointed out that the Secretary of the Unit had been in touch with those Departments that had not yet replied to the two circulars with a view to expediting replies. It was hoped that, as a result, there would be a good response before the next meeting of the Unit.

Mr. MacInerney outlined the progress being made on the comparative studies assigned to the Department of Finance. He enquired what would be done with such studies when completed. Mr. Gallagher said that the studies would be very informative and would provide useful pointers to future Government action in the economic and social field. On the question of North/South cooperation Mr. Gallagher said that although there was a good deal already done little additional progress was possible at present because of Northern intransigence when any suggestion with a trans-border content was raised. Thus, the ideas of an all-Ireland tourist board and trans-border planning and development areas met with quick, negative responses in the North.

(b) County Income Studies: Mr. Gallagher stated that he and the Secretary of the Unit had met Messrs Ross and MacAleese of the Economic and Social Research Institute (ESRI) at the request of the Unit's Chairman and had a general exploratory conversation with them, in the course of which it was ascertained that the county incomes study in respect of the North, currently being conducted by Messrs Cuthbert and Black of QUB, may be completed by next Easter. Mr. Ross had already carried out such a study in respect of the South and, being a recognised authority in that field, is consulted from time to time by Cuthbert and Black. The question of the possible commissioning of academic studies at a later date by the Unit was broached with the ESRI representatives and they were both receptive and sympathetic to the idea. They undertook to acquaint their Director about this and as a result of this initial contact the Unit could confidently count on the ESRI's assistance. It was emphasised, however, that the talks were purely exploratory and that no commitment had been entered into by either side.

Information Activity

(a) Recent developments: Mr. O'Riordan stated that the Information Division of the Department of External Affairs and the Press Officer at the Embassy in London were concentrating on the British conservative press with a good deal of success, with the exception of the Financial Times. The reason why that newspaper was not as sympathetic as it might be was the critical attitude of its Dublin correspondent to the Government here. There was little that could be done to make him more objective

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as past attempts to do so had failed. By and large the influential British press have recognised and have been concentrating on the Taoiseach's calm and responsible attitude to the North.

(b) Extension of RTE to the North: Mr. Gallagher stated that prior to the Taoiseach's meeting in New York with Mr. Heath the Government formally decided that, as a first step towards the possible extension of RTE reception to the North, the necessary approaches should be made to the British at a political level on account of the Stockholm Agreement of 1961 regulating international broadcasting to which both Ireland and Britain are parties. The Taoiseach availed of his meeting with the British Prime Minister to raise this matter. Mr. Heath undertook to have the matter examined. A British FCO official dealing with the North, Mr. Kelvin White, had been to Dublin in the meantime and had mentioned that the technical difficulties were so complex that it might be difficult to proceed. He was told that all we wanted at present was an expression of political will to examine these problems with a view to solving them. The impression formed was that the British were not very enthusiastic about the idea; on the other hand it would not be easy for them to turn down the request outright as we will continue to stress the political aspect of the case. Mr. Ó Súilleabháin remarked that with the opening of the South to the BBC it will be more difficult for the British to refuse. Mr. Gallagher said that the British were reminded of the extent of BBC reception here. He surmised that the British lack of enthusiasm for the idea could possibly arise out of fear that RTE might at some stage be used for propaganda purposes. They might even feel that RTE reporting of straight news about the North had inflamed the situation there. This they cannot say openly because they depend on our cooperation to calm the situation.

Constitutional and Legal Studies

Mr. Gallagher said that arising out of the understanding reached at the previous meeting of the Unit he had asked the Legal Adviser of the Department of External Affairs to draft a general constitutional amendment that might make it possible to get around specific constitutional difficulties in regard to the North by, say, an international agreement with Britain. He then circulated a formula which, he emphasised, was a first draft in furtherance of the idea and which would probably have to be refined. It reads as follows:

"To enable the State to be a party to any international agreement leading to the reintegration of the national territory the Oireachtas may authorise any specified institution organ or body to exercise powers otherwise vested in any organ of State established by this Constitution.

"No provision of this Constitution (save Article) may be invoked to invalidate such authorisation or any law enacted, act done or measure adopted in pursuance of the agreement (or any law enacted, act done or measure adopted by any institution organ or body so authorised)".

In explaining the suggested amendment Mr. Gallagher said that it could conceivably be used some time in the future for the retention of Stormont enactments through Acts of the Oireachtas here which could not be questioned by reference to the Constitution. Mr. Ó Súilleabháin enquired whether, in view of the fact that a Constitutional amendment would be necessary in any event if we became members of the EEC, it might not be possible to devise a formula that would cover also an all-Ireland agreement. Mr. Gallagher said he understood that the two subjects could not be mixed in this way.

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With regard to the question of legislation deemed to be offensive to Protestants, North and South, and to the reconciliation process generally in that such legislation was held to be an infringement of civil liberties, Mr. Gallagher said that we might try to get the assistance of the Legal Adviser of the Department of External Affairs to help in identifying Acts like the Criminal Law Amendment Act of 1935. This was agreed.

Regulations and Administrative Practices

(a) Non-recognition of full teaching service in the North: There was a general discussion on this subject which was also discussed at the previous meeting of the Unit. Mr. Gallagher mentioned that we had been in touch with the Department of Education in the meantime and that they were disposed to be sympathetic to the view that recognition should in future be given to the full teaching service of teachers who served in the North and subsequently applied for teaching posts in the South. (At present the maximum number of years service recognised by the Department of Education is five). It was agreed that the present restriction was contrary to the spirit of the Unit's circular of 6th October to all Government Departments and which was approved by the Taoiseach before issue. The Unit recommended, therefore, that in future the Department of Education should grant full incremental credit for teaching service in Northern Ireland. (This recommendation is re-produced - as Recommendation No.1 - in the Annex to these minutes).

(b) Redundancy Payments to Northern residents: The representatives from the Department of External Affairs and Finance referred to correspondence received in both Departments at the end of October from the Department of Labour concerning the proposed amendment of the Redundancy Payments Act, 1967, to enable residents of Northern Ireland who became redundant in the South to receive weekly redundancy payments, having satisfied the other general conditions prescribed for eligibility. There was agreement to this principle and the Unit recommended (Recommendation No.2 in attached Annex) that the Department of Labour should proceed with the necessary amending legislation to provide for such payments.

(c) Irish language as barrier to Civil Service recruitment from the North: This was a matter discussed at the previous meeting and the Unit decided to recommend (Recommendation No.3) that the Civil Service Commissioners should not in future disqualify Northern Ireland applicants for posts in the general service grades who, although otherwise suitable, have not at the time of application the requisite knowledge of Irish. Such candidates might be given an opportunity of acquiring the necessary proficiency in the Irish language during the probationary period.

(d) Irish markings on imported pottery: The use of the Irish language in a way which restricts imports of pottery into Ireland, a matter discussed at the previous meeting of the Unit, was also raised in view of the formal recommendation in the preceding paragraph designed to assist Northern candidates for posts in the Civil Service whose knowledge of Irish at the time of application is deemed inadequate. The Unit recommended (Recommendation No.4) that as regards the pottery markings requirement Northern Ireland should in practice be excluded from the provisions of the Merchandise Marks (Restriction on Importation of Ceramic Ware) Order, 1969, if this is possible.

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(e) Use of the term "Six Counties": There was a further discussion on this subject to explore the possibility of moving toward the general use in official documents, statements, etc. of the term "Northern Ireland" instead of "Six Counties" which is offensive to the majority in the North. Mr. Gallagher mentioned that in a recent interview on UTV the Taoiseach had been asked a question about this and had explained that "Six Counties" was a colloquial term that was not meant to be offensive. We used the term "Northern Ireland" in relevant Statutes and Statutory Orders and he had no personal objection to its use. On the other hand the term "Ulster" was offensive to people here and inaccurate anyway as three Ulster counties were within our jurisdiction. Mr. Gallagher stated that a check with the Central Statistics Office, for example, showed that "Six Counties" was the term still used by that Office in all their official publications. Mr. Ó Súilleabhain referred to a P.Q. on this subject answered by Mr. Lemass when he was Taoiseach. It was agreed that the answer given on that occasion should be examined and that the members of the Unit might consider the formulation of a recommendation by the Unit at its next meeting that would permit the general use of the term "Northern Ireland" in the public service.

Next Meeting

The next meeting of the Unit was arranged for Thursday, 10th December at 10 a.m.

Circulated to:

The Taoiseach
The Minister for External Affairs
and Members of the Unit.