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A. Reformulation of the British Guarantee

1. The Ireland Act 1949 states:

"It is hereby declared that Northern Ireland remains part of H.M.'s dominions and of the U.K. and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of H.M.'s dominions and of the U.K. without the consent of the Parliament of Northern Ireland." Section 1(2).

2. Mr. Heath speaking in the House of Commons on 24 March, 1972, said

"This Government, and their predecessors, have given solemn and repeated assurances that the position of Northern Ireland as part of the United Kingdom will not be changed without the consent of the people of Northern Ireland. We have decided that it would be appropriate to arrange for the views of the people of Northern Ireland to be made known on this question from time to time. We, therefore, propose in due course to invite Parliament to provide for a system of regular plebiscites in Northern Ireland about the Border, the first to be held as soon as practicable in the near future and others at intervals of a substantial period of years thereafter.

These plebiscites will be in addition to, and not in substitution for, the provisions in the Ireland Act, 1949, which require the consent of the Northern Ireland Parliament to any change in the Border. This position is not prejudiced by the temporary prorogation of that Parliament.

We hope that this arrangement, while leaving open the possibility of a change in the status of the Province if the majority so wish, will both confirm that no such change will be made without their consent and provide, in the intervals between plebiscites, a greater measure of stability in the political life of Northern Ireland."

3. This guarantee has had a stultifying effect on Northern Ireland politics and on British Government policies in relation to the North. It has been our policy to urge that the guarantee should be reformulated. For example, in his Garden of Remembrance speech on 11 July, 1971, the Taoiseach said:

"..... we consider it unwise to continue the kind of guarantee to the North which makes intransigence a virtue and silences reason. The Ireland Act, 1949, pledges British support, financial and military, as well as British prestige, in a manner which is inconsistent both with the decisions taken and what George V said 50 years ago. Its principal result, in its present form, is to encourage infamous conduct, represented again and again, on the streets of Belfast and Derry and elsewhere throughout the North.

It would take nothing away from the honour of Britain or the rights of the majority in the North if the British Government were to declare their interest in encouraging the unity of Ireland, by agreement, in independence and in a harmonious relationship between the two islands."

4. We have given some prominence to this question of reformulating the guarantee. It would seem, however, that there is a good case for not pressing this aspect of the question at the present time. While the recent British Green Paper emphasises that the guarantee still stands, it also clearly states that the guarantee carries with it the understanding that the final say in regard to the North rests with Westminster and that it "does not necessarily preclude the taking into account of what has been described in this Paper as the "Irish Dimension'." Unionist opinion is coming to recognise that in fact no one of the three main British political parties positively wishes to retain Northern Ireland within the United Kingdom. Unionists see from the Green Paper and from public statements by Mr. Heath that the guarantee does not mean that they

can entertain such ideas as complete integration with the United Kingdom or U.D.I. or, apparently, the restoration of a Stormont on the old model. At the same time we can see that a development of the ideas in the Green Paper could perhaps lead to a satisfactory settlement and that the maintenance of the guarantee is not necessarily an obstacle to this.

5. It could be argued that, in effect, the British Government have significantly modified and qualified the guarantee although they have not formally reformulated it. It has probably been their thinking that a reformulation of the terms of the guarantee on the lines that we have advocated would have disastrous reactions among Unionists. Clearly, however, the new context in which they have placed the guarantee is a significant move towards our viewpoint.

6. In view of the foregoing it would perhaps be counter-productive to press further for a reformulation of the guarantee at the present juncture.