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Draft opening statement

Mr. Heath, I accepted your invitation to come to Chequers today because I believe that the crisis in Northern Ireland has reached a point of no return - unless you and I, by consulting privately together, can find some means of putting the situation back on political rails. The North today is in turmoil. The divisions in the community grow greater daily. Attempts to impose "law and order" are having disastrous consequences. I am convinced that this is because a "law and order" policy which does not face up to the basic problems of the area, is a repetition, in modern dress, of coercion.

Coercion has never been more than a temporary solution in Ireland. Gladstone was urged to try coercion but insisted instead on trying other solutions and succeeded in maintaining the peace for decades. Lloyd George was also tempted by the idea of coercion but finally negotiated. The fact that ultimately his solution, the Government of Ireland Act 1920, has now broken down in the North reflects no discredit on what he tried to do.

We, however, have to deal with the failure of that Act now.

So far as the governance or administration of Northern Ireland is concerned are we to see a search for a solution by coercion? or are we to ^{use} take all our political intelligence and our political ^{take} ~~correction~~ ^{concern in our hands} and insist instead on finding politically intelligent solutions.

I think you would wish me to explain why my Government believe that the Government of Ireland Act 1920 is incapable of continuing to be the fundamental law of the Six Counties. It is true, as Mr. Brian Faulkner said on 26th August last that "the present Government of Northern Ireland is the constitutionally democratically elected Government of the country." If one accepts this statement as an accurate ^{and self-sufficient} fact then it follows that a "law and order" policy involving support for that Government, is ~~an~~ explicable - even reasonable.

But a statement of fact which ignores ~~the~~ relevant surrounding circumstances loses meaning if such circumstances ^{are} ^{or simply} are not understood ~~or are ignored or are given insufficient weight~~.

To interpret requires us to make a critical study of the existing Stormont institutions - and this starts with ~~the~~ their origin which is bound up with their failure.

A border was drawn across Ireland by the Government of Ireland Act 1920. The border so drawn did not have a direct basis in geography or history - nor did it have the consent of the great majority of the Irish people - but it was to be decisive in establishing the particular character of Northern Ireland.

Three aspects of that settlement and of the Act which brought Northern Ireland into being are important.

Firstly, the region - as the direct creation of an Act of Parliament - had its size and boundary set by the Act and they were not subsequently altered. But because it determined its extent the Act also determined the political character of the region and the proportions which the respective sections of its divided community were to bear to one another. Community divisions - on religious and other lines - in that part of Ireland did not come into being with the border. They long ante-dated it and the division of the country itself was an attempt to meet the fears to which they gave rise. But the Act set a population ratio which has remained substantially unchanged for over 50 years.

Secondly, the differences - religious in their nature - between majority and minority within the area were thus accorded from the outset a fundamental political importance. This was to be much greater than that which applies to such divisions elsewhere - even where divisions are founded on strong religious feeling. Elsewhere there may be interlocking minority interest or religious groups who find their position tolerable, even though they cannot hope for, and do not aspire to, political power as a group. But in Northern Ireland the majority and the minority, beyond

their religious differences, were now separated on an issue which was politically fundamental. Since the settlement was one which frustrated the aspirations of the minority to unity, in independence, with the rest of Ireland, they naturally hoped to change it one day and looked to the South for encouragement. Because they did so, the majority in turn, felt that the very settlement which had constituted them as a permanent majority was under constant threat. There was little opportunity here for the normal blurring and interlocking of political interests, or the concentration on "bread and butter" issues, which might otherwise have been expected - the more so as the system of proportional representation (for Stormont elections) which operated at the outset was soon abolished in favour of the "direct Vote" with its sharper electoral confrontation. Instead there was a clear reinforcement of a sense of majority and minority identity and a deep cleavage on a fundamental political issue between the two groups.

Thirdly, and perhaps most importantly, the Act gave to the area, for those matters in which it was autonomous, the political institutions and structures of a parliamentary democracy of the British type. It provided that Northern Ireland should remain an integral part of the UK but it also established a local parliament modelled on Westminster. It delegated to this parliament responsibility for police, housing, local government etc. - precisely those areas which are closest to the daily life of the ordinary citizen - while reserving sovereign powers to the United Kingdom parliament and stipulating that, notwithstanding anything in the Act, the supreme authority of the Parliament of the United Kingdom should remain "unaffected and undiminished".

∟The Act, in fact, provided for not one but two subordinate parliaments - in Belfast and Dublin respectively - with a Council of Ireland as a link between them. But these latter provisions never took effect. They were subsumed in the Anglo-Irish Treaty of 1921 and other subsequent developments, so that the Council of Ireland never came into being.

The principal subsequent Westminster enactment dealing with Ireland - the Ireland Act 1949 - made no change in these internal political structures of Northern Ireland, but it did provide for the first time a guarantee by law that the area would not cease to be a part of the UK without the consent of its parliament.

It will be clearly seen that because of the first and second points above, Northern Ireland, from its inception, faced deep problems. But experience soon showed that the forms and institutions of parliamentary democracy on the model of Westminster which it had been given to meet them, had been superimposed on a situation which deprived them wholly of their normal effect.

To see this one must look at how such a system operates. A glance at its operation in Britain and elsewhere will show that it grants a virtual monopoly of political power to the government of the day. But it does so on one implicit condition, i.e. it is essential to the proper working of that system that the government be open to effective challenge and that the contest at the polls be a real one. A governing party may in practice enjoy clear majorities over a long time. But it is essential that there be - over a period - a real possibility of change. Where this is not the case, where the governing party can never be changed or even effectively challenged, parliamentary ~~party-ee~~ democracy on the Westminster model does not function properly. And since monopoly power is concentrated in government hands, government itself risks becoming oppressive to a minority permanently excluded from power. The result for such a minority is a status of permanent subjection and a feeling of total alienation.

This has been the case in Northern Ireland. For 50 years a single party there has held power. It has, on occasion, tried to increase its advantage further through the manipulation of electoral boundaries and in other small ways which are now being remedied. But the permanent monopoly of governmental authority which it enjoys does not derive from a misuse of British type parliamentary institutions but from the normal operation of such

a system in the given situation. The government is democratically elected. But it is always the same government. Mr. Faulkner can indeed rightly say that the present government of NI is the "constitutionally democratically elected government of the country". He might add that it always has been and always will be. But, even beyond this, on closer study, the working of the system is seen to have an important effect on the nature of the majority party itself. Because it is not subject to effective electoral challenge from the opposition it is unbeatable as a party. But its leaders, as party leaders, are by no means unbeatable. They are open to effective challenge - from their own extreme wing. At those times when the minority becomes most active - even violent - in airing its grievances, the extreme wing of the governing party will point to this disaffection as disloyalty or subversion, and call for sterner measures to restore "normality". Since there is no effective countervailing pressure from an opposition party, that is to say, no bulwark against tyranny by the democratic majority, the leadership of the governing party must move to meet its own extremists - or be displaced by those who will. The result is a steady drift to the right, which is at its greatest precisely when the minority is most discontented. Thus a vicious circle is established since right-wing policies can only further increase minority discontent.

It is just this play of forces which has affected every Prime Minister of NI in recent years. First Terence O'Neill and then Major Chichester-Clark succumbed to its ~~effect~~, bringing Brian Faulkner ^{essentially} to power. Now he too must face the same pressures - and yield to them if the decisions are left to him.

The net result of the situation and of the forces described above was the growth in NI over a period of almost 50 years of a network of discrimination against the minority, in law and practice. It was important in some of its aspects, petty in others, but it deeply embittered the minority and added to their discontent. Except for occasional futile periods of violence by extremists this pattern of discrimination went largely unnoticed by the outside

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world for half a century. By the late 1960s however a new generation of the minority - more articulate and exigent than their elders - was no longer satisfied to remain silent. With the understanding - and in some cases the support - of some members of the majority religious group, they began a civil rights campaign which concentrated on the glaring issues of discrimination in law and practice in the existing situation and left aside, as irrelevant to their immediate aim, the border issue which had seemed most pressing to their elders.

But Westminster, having delegated its domestic responsibilities to Stormont has been reluctant to intervene despite the ultimate authority which Westminster retains under the 1920 Act.

Intervention was forced by the breakdown of law and order in Derry and then Belfast in August 1969. The expression of that, as you know, is the Downing Street Declaration which has a number of features; among the most important, that the UK Government have ultimate responsibility for the protection of those who live in NI and that every citizen of NI is entitled to the same equality of treatment and freedom from discrimination as obtains in the rest of the UK irrespective of political views or religion.

You yourself said in the House of Commons on 22 March last that "the UK Government, who have the ultimate authority and responsibility for NI will give their full support to any Government there which cooperates in implementing the policies we judge right for those purposes"

Both the Downing Street Declaration whose principles you endorsed in your recent telegram to me and your statement in Commons last March was taken by us to mean that a countervailing pressure from London would be exercised on the head of the Stormont Government. Pressure could not be effectively applied to him by the opposition in Stormont, for reasons I have stated earlier, Effective pressure to the same end could be applied

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from Westminster. I accepted the Downing Street Declaration in that spirit and indeed saw it as the application finally to the Stormont regime of a resource which could protect the Stormont Prime Minister from his extremists. This of course predicated that Westminster would consistently maintain the pressure. I became dismayed some months ago when it became clear to us in Dublin that not only was the meaning that I attached to the Downing Street Declaration and indeed to your statement in Commons last March not being carried through in practice but that the political Chiefs of the British Army appeared to be coming under the influence of Stormont ideas rather the reverse. I considered that if this should be the case then the necessary lever which Westminster could apply to Stormont would have disappeared and that the consequences of this would be fatal.

This explains some of the statements I began to make. They were treated as "unhelpful" and "distinctly unhelpful"; this only meant to me that they had been misunderstood or that Whitehall no longer listened.

If, as I suspected, you Government were moving towards a situation where vital decisions were made by the Stormont Prime Minister it was and is my view that you would unwittingly make him again the prisoner of the Orange Cabal and that you ran the risk of yourself becoming their prisoner as well.

The decision to intern, of which I was advised after internment began, was a fatal mistake; even if fairly and successfully applied it could have done no good whatever. It was a response to a particular symptom in the Northern situation, not an answer to a basic problem.

You have claimed in your own words your responsibility as Prime Minister of the area. But how you fulfil that responsibility is the most important thing we have to talk about. Can you still

believe that the utterance of principles combined with actions which are a denial of them is a satisfactory situation? Given my analysis of what the Northern Government really is can you continue to believe that such a Government is capable of fair Government? Your Government and the preceding Government and I myself hoped that some lesson might have been learned from August 1969 which would enable the Unionist Party to break out of its bonds and begin to govern for the whole community rather than for one side of it only. I think I now must say that two years have been wasted in unnecessary delay, in frustration of reform, in making false claims to reform as in the recent White Paper almost every line of which can be controverted, in appealing now to the basic emotions of the Protestant population as Mr. Faulkner did last Friday. All these things confirm my view that Unionism knows nothing of the proper uses of authority. To ask a Government based solely on Unionism to reform itself is asking for the impossible.

We should, therefore, begin to discuss now, as there is no time left, a new form of administration for N.I.