

CAB4/1649/13



GOVERNMENT OF NORTHERN IRELAND

Political Settlement

Statements issued on Friday 24 March 1972
by the Prime Minister and the Government

*Presented to Parliament by Command of
His Excellency the Governor of Northern Ireland
March 1972*

BELFAST
HER MAJESTY'S STATIONERY OFFICE
PRICE 8p NET

Cmd. 568

CAB 4/1649/13

STATEMENT BY THE PRIME MINISTER (MR. BRIAN FAULKNER)

FRIDAY, 24 MARCH, 1972

On Wednesday Senator Andrews and I travelled to London for what we well knew would be a crucially important meeting with Mr. Heath and his colleagues. We were determined to do anything we could reasonably do to restore peace and stability to Ulster and confident that we would hear from Mr. Heath realistic proposals to help end the violence and find a new way forward for this community.

Even as we sat at the Cabinet table at 10 Downing Street, news reached me of yet another massive explosion in the centre of Belfast, with further casualties to innocent civilians who were once again the victims of foul and callous terrorism. We were deeply conscious, too, of the appalling situation in such places as Londonderry, a city of the United Kingdom which includes enclaves of total lawlessness, from which come those who day and daily wreck more and more of the business and commercial centre of that city.

Our objective—and I had hoped the objective of the whole United Kingdom—was to end this violence, to end it completely, and to end it once and for all. We went to Downing Street fully prepared to acknowledge that, in defeating the violence, military means would have to be buttressed by realistic political proposals, designed to unite the communities and detach them from any sympathy or support for violent men. We had indeed, in a comprehensive letter, made such proposals ourselves to the United Kingdom Government.

But I was faced at the Cabinet table not with a wide-ranging review of all these aspects, or with a comprehensive, coherent and final "package" of proposals—which we ourselves had suggested—but with the idea of a constitutional Referendum and some movement on internment, both of which we found perfectly acceptable, and firm proposals to appoint a Secretary of State and to transfer to Westminster vital and fundamental powers which we have exercised for over half a century. The proposition put to us was that all statutory and executive responsibility for law and order should be vested in the United Kingdom Parliament and Government. These included criminal law and procedure (including the organisation of and appointments to the courts); public order; prisons and penal establishments; the creation of new penal offences; special powers; the public prosecuting power, and the police. Even these radical changes were simply to pave the way for further, entirely open-ended discussion, with continuing speculation and uncertainty as we have seen it in recent weeks.

I asked, naturally, whether the drastic proposal to transfer security powers was rooted in any conviction on their part that we had abused these powers. It was made clear to me that no such suggestion was made; that this diminution in the powers, prestige and authority of Stormont was in reality simply a response to the criticism of our opponents, which Mr. Heath and his colleagues neither substantiated nor supported.

Of course, chief amongst those who have sought the emasculation and ultimately the downfall of Stormont have been the IRA terrorists themselves. And when it was made clear to me that the United Kingdom Government could not give an assurance of any further positive measures against

terrorism, I felt bound to ask whether the end of violence was being sought, not—as we have always asserted—by defeating the terrorists; but by surrendering to them.

Nevertheless, because we fully realised the gravity of all the issues at stake, we expressed a willingness to identify areas of security policy in which the United Kingdom Government could reasonably expect a more effective voice. Chief amongst these was internment policy. The operation of detaining men for internment depends largely on the use of troops, and the United Kingdom Government is responsible internationally for the defence of the policy—as for example, by derogation from the European Human Rights Convention. Recognising this joint interest, we offered to make future decisions, both on new internments and on a policy for releases, joint decisions. Moreover, in an attempt to begin a de-escalation of the entire situation, we offered to make an immediate gesture by way of the release of certain internees of a lower risk category, with further releases dependent upon a matching response.

It was made clear to us, however, that the United Kingdom Cabinet at its meeting next day was likely to re-affirm the decision to transfer all law and order responsibilities. I then informed Mr. Heath and his colleagues that, as I had stated publicly on many previous occasions, the Government of Northern Ireland would not accept such a situation. I told him that it would be widely construed as an acceptance of totally baseless criticism of our stewardship; that it would be seen by the IRA and others as a first and major step on the road to a terrorist victory; and that it would leave the Government of Northern Ireland bereft of any real influence and authority by removing the most fundamental power of any Government. I said clearly that we were not interested in maintaining a mere sham, or a face-saving charade.

Yesterday morning, we reported this situation to our respective Cabinets. Our colleagues here affirmed with complete unanimity that stand which Senator Andrews and I had taken; and in the early afternoon Mr. Heath telephoned me to say that the British Cabinet found our counter-proposals unacceptable, and re-affirmed their earlier decision to transfer law and order powers. In view of the gravity of this position, he invited us to return at once to London for a further discussion.

Last night, at 10 Downing Street, I handed to Mr. Heath a letter signed by all of those who were present at our Cabinet meeting, and endorsed by those members of the Government who were not present. It is quite brief and I will read it to you:

“Dear Prime Minister

You have just conveyed to us by telephone the decision of the United Kingdom Cabinet that all responsibilities of the Northern Ireland Government and Parliament in relation to law and order should be transferred to Westminster. You have also made it clear that even this change is intended only to create a situation in which further radical changes, of a nature we believe to be unrealistic and unacceptable, will be discussed.

We now convey to you formally the unanimous view of the Cabinet of Northern Ireland that such a transfer is not justifiable and cannot be supported or accepted by us. It would wholly undermine the powers, authority and standing of this Government without justification and for no clear advantage to those who are suffering in Northern Ireland today.

We wish to point out with a sense of the heavy responsibility involved that the imposition of this proposal, involving as it will the resignation of the Government of Northern Ireland as a whole, may have the gravest consequences, the full extent of which cannot now be foreseen."

Mr. Heath told us that, in view of our decision, he would propose to announce at Westminster today a temporary suspension of our devolved institutions of Government, under which the Stormont Parliament would be prorogued and a Bill would be introduced to vest the powers of the Government of Northern Ireland, for the time being, in a Secretary of State. So that there would be no breach in the orderly government of the country, he asked if we would be willing to remain in office for a few days until this legislation had become effective—a request which I felt it my duty to meet. Mr. Heath has now made this statement at Westminster. It includes a proposal to nominate an Advisory Commission—a proposal which we oppose as basically undemocratic.

This is a serious and sad situation, reached after three years of the most strenuous efforts to reform our society on a basis at once fair and realistic. I thought that by our actions and our attitude we had earned the right to the confidence and the support of the United Kingdom Government. I fear, too, that many people will draw a sinister and depressing message from these events:—that violence *can* pay; that violence *does* pay; that those who shout, lie, denigrate and even destroy earn for themselves an attention that responsible conduct and honourable behaviour do not. They may ask—if Belfast is to bow to violence today—where will it be next year? Birmingham? Glasgow? London?

But I give this message to the people of Northern Ireland. We in the Government have preferred to give up our offices rather than surrender what we regard as a vital principle. We have had a grave disagreement with the United Kingdom Government, but we have endeavoured to conduct that disagreement with dignity, and in the way which will least damage the Ulster we love and the United Kingdom as a whole. I ask all our people—concerned as they are bound to be—also to have regard to what is vital, and to behave always with dignity. We will continue to assert and defend in other lawful ways the legitimate interests of the great majority of Ulster people. And so I ask our people at this difficult and trying time to remain calm and on no account to be led by unwise agitation into any possible confrontation with the security forces, which have been making such tremendous sacrifices on our behalf. We will work, with total determination and utter firmness, but responsibly and under the law, to ensure that the voice of the Ulster majority—which is not a sectarian majority, but a majority of responsible people loyal to the Crown—is heard loud and clear throughout the land.

PRESS STATEMENT
BY THE GOVERNMENT OF NORTHERN IRELAND
FRIDAY, 24 MARCH, 1972

1. In the Prime Minister's statement this morning, reference was made to the fact that the Northern Ireland Government—far from being resistant to the idea of realistic proposals—had itself presented to the United Kingdom Government a coherent package of such proposals.

2. When the Prime Minister met Mr. Heath at Downing Street on 4 February, after the tragic events in Londonderry, both agreed that, at what seemed an appropriate time, an initiative should be taken. At that stage no positive proposals were tabled on either side, but a range of possible options were considered, which Mr. Faulkner agreed to discuss further with his colleagues.

3. The main such issues were:—

- (1) How was the concept of an "active, permanent and guaranteed role" for both communities in Northern Ireland to which both Governments were committed, to be fulfilled in practice? In particular, could this or should this be done by specifically reserving places in the Cabinet of Northern Ireland for representatives of minority opinion?
- (2) Would there be advantage in providing for a periodic Referendum or Plebiscite, in addition to or in substitution for the 1949 Act guarantee, to decide whether or not the people of Northern Ireland wished to remain within the United Kingdom?
- (3) Would there be merit in considering the transfer to the Irish Republic of any areas adjacent to the Border in which there was a majority in favour of incorporation in that country?
- (4) Were there any circumstances in which the Government of Northern Ireland would agree to the transfer of its "law and order" powers to Westminster?
- (5) Was it possible to indicate an easement of the internment policy, calculated to encourage a matching response?

4. These and other questions were comprehensively studied by the Northern Ireland Cabinet and, by two letters of 16 February and 1 March, the views of Ministers were communicated to Mr. Heath. In particular:—

- (1) It was recalled that as far back as 19 August 1971, at a meeting held at Chequers, Mr. Faulkner had made the point which was accepted as realistic, that it would be quite impracticable to hold together a Government of Northern Ireland including representatives of Republican sentiments. At the time of agreeing to Mr. Maudling's initiative for inter-party talks, specific confirmation was sought and obtained—and is on record—that this view formed part of the inter-governmental understandings. In their letter of 16 February, Northern Ireland Ministers again made it clear:—

(a) that they were opposed to any measure to create by statutory means an entrenched position in the Cabinet for members of the Catholic minority as such. This opposition was based upon a belief that such a step could only fortify and make permanent our unhappy sectarian divisions, and set back any prospect of developing a healthy basis of politics, with parties crossing sectarian lines;

- (b) that if, on the other hand, it should be proposed to provide such an entrenched position for the political (i.e., anti-partitionist) as distinct from the religious minority, this would inevitably involve a form of "PR Government" which we considered would be intrinsically unworkable, and would sterilize any real debate in the Northern Ireland Parliament; and
- (c) that this did not of course rule out the option open to the Prime Minister of the day to invite any person to enter the Government.
- (2) On the question of a Referendum, we made specific and detailed proposals for the form of such a Referendum, to be held in the first instance at a reasonably early date after an ending of violence, and thereafter when at least 40 per cent. of the Members of the Northern Ireland House of Commons presented an Address to that effect. We proposed that a change in the constitutional position should require a majority of *those entitled to vote*, and that there should be an interval of not less than 5 years between Referenda, unless at the previous Referendum more than 50 per cent of *those actually voting* had voted for change.
- (3) We rejected totally any idea of the piecemeal transfer of parts of Northern Ireland to the Irish Republic.
- (4) We clearly and specifically reiterated the view already publicly expressed by Mr. Faulkner that a transfer of "law and order" powers would leave no credible basis of viable government.
- (5) On internment, we stressed the grave risk of any releases contrary to clear security advice. We stated, however,
- (a) that we would propose to introduce at an early date legislation, to come into effect on an appointed day after violence had ended, which would replace the Special Powers and allow internment to be subsequently invoked only on the declaration by the Governor of a State of Emergency.
- (b) that we would be acting to improve the conditions under which internees lived, including better welfare, educational and recreational facilities, including if possible the provision of industrial training for those who wished to take advantage of it; and
- (c) that, following upon the clearance of areas of IRA activity, we would move in at once with an imaginative rehabilitation exercise to encourage people to restore the normal tenor of life.

5. However, the Northern Ireland Government's proposals were not confined to matters previously discussed with the United Kingdom Government. We suggested a far-reaching effort to secure a constitutional "new deal" in Ireland as a whole, under which Northern Ireland's right to self-determination would be recognised by Treaty, there would be a common policy and action for the suppression of illegal organisations, including the concept of a "common law enforcement area" in Ireland, making the return of fugitive offenders automatic, and a joint Irish Inter-Governmental Council would be set up with equal membership from the Belfast and Dublin Governments, to discuss matters of mutual interest, particularly in the economic and social spheres.

6. We suggested — on the basis of the Green Paper on the Future Development of the Parliament and Government of Northern Ireland—a major reform of our Parliamentary structure, involving an increase in the membership of the House of Commons from 52 to about 80 Members and a new Senate of some 40 Members, part elected, part nominated by a wide range of community interests, with a very limited number appointed by the Governor on the nomination of the Northern Ireland Prime Minister of the day. We also proposed to establish Functional Committees of Parliament (at least half under Opposition Chairmanship) covering the whole range of Government activity, including law and order, and suggested that these Committees should not merely consider Government proposals of policy, but should have power to originate their own proposals.

7. We proposed that, in a revision of the Government of Ireland Act, existing safeguards against religious discrimination should be re-enacted with greater precision as a Bill of Rights, with quick and effective access to the Courts to test any enactment or executive act alleged to have been in breach of its provisions.

8. In our letter of 1 March we specifically asked that, before a further meeting at Prime Ministerial level, we should have an opportunity to consider the United Kingdom Government's reactions to our proposals and any proposals of their own. Notwithstanding this request, and the widespread speculation which continued for a period of weeks, we were not given the benefit of any such statement before Mr. Faulkner and Mr. Andrews went to London on 22 March. At that meeting, as already made clear, the Northern Ireland Ministers fully supported the idea of a gesture by way of releasing some internees, offered to make internment policy a joint responsibility of the two Governments, and proposed that a United Kingdom Minister should act as joint Chairman of the Joint Security Committee, with a right of veto. They also proposed that, under the legislation to replace the Special Powers, the international obligations of the United Kingdom should be recognised by requiring the approval of a U.K. Secretary of State before proclamation of an Emergency involving a re-invocation of internment.

9. The full drift of the meetings of 22 and 23 March has already been given by the Prime Minister but we feel it is essential to give this detailed account of the attitude of the Northern Ireland Government over many weeks, to make it perfectly clear that at no time has that Government stood in the way of realistic and responsible initiative.

Published for
the Government of Northern Ireland by
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Printed in Northern Ireland

SBN 337 10568 5