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CONFIDENTIALRELATIONS WITH NORTHERN IRELANDII (c) Discrimination in the Six Counties

A memorandum on discrimination in the Six Counties is attached which details the various types of discrimination practised, the manner in which they are practised and the legislation which makes discrimination possible despite the safeguards in Sections 51 and 86 of the Government of Ireland Act, 1920.

Allegations are frequently made that there is a pro-Unionist bias in the franchise requirements for elections to Westminster e.g. residence qualification which voters require (para. 4 of memo). The composition of the Boundary Commission which fixes the Westminster parliamentary constituencies in the North has also been the subject of many misgivings, and has come to be regarded by many as a tool of the Unionist Party. The Commission has been accused of gerrymandering by Nationalist Members on a number of occasions.

Gerrymandering is the foundation on which the whole structure and compulsion of discrimination in the North is built, and it plays a large part in the elections to Stormont. The representation of the People's Act (Northern Ireland) 1929 abolished the system of proportional representation as had obtained in the Six Counties between 1920-1929 and replaced it by a system which effectively limited to ten the number of seats which Nationalists could win at elections to Stormont. Constituency boundaries for elections to Stormont are still virtually the same as those constituted by the gerrymander of 1929, while the franchise for elections to Stormont is one of multiple qualification/^{property, residence,} and plural votes, and as such, has often been the subject of attacks (paras. 9 - 11 of memo).

It is at local authority election level that gerrymandering

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is most effective. The Local Government Act (Northern Ireland), 1922, conferred on the Six County Ministry of Home Affairs the power to make new electoral divisions. The divisions created in 1923 as a result of the Act led to wide allegations of gerrymandering, and only three of these divisions have since been altered. The effective result of the property qualification in local government elections is a situation whereby Catholics lose in voting strength through being denied houses; the notorious "company vote" heavily favours the Unionist Party and this factor combined with gerrymandering enables that Party to control local government areas in which there is a Catholic and Nationalist majority (see paras. 12 and 19 of memorandum). For instance, in 1961 the total electorates for Westminster, Stormont and Local Government were 880,149, 900,270 and 645,461, respectively. In Derry which in 1964 had a population of 36,049 Catholics and 17,695 Protestants, Catholics with local government vote totalled only 14,325 (including 275 company votes) and Protestants 9,235 (including 902 company votes). 12 Unionists and only 8 Nationalists are returned to Derry City Council.

The vote of a Nationalist in gerrymandering^{ed} local government areas is often given half the value of a Unionist vote and this is effected in a variety of ways. Discrimination is also extended to the allocation of houses, contracts and jobs by Unionist controlled councils. The recent Local Government (Northern Ireland) Act, 1966, goes a little way towards controlling discrimination in the awarding of contracts (see paper on electoral reform). The extent to which discrimination is applied by public bodies is shown in the table in paragraph 25 of the attached memorandum. At present at the request of the Department of External Affairs the Attorney General is examining Six County legislation for

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for instances of discrimination. However, the Department's preliminary conclusion is that it is more the application of legislation in the Six Counties that is discriminatory rather than the laws themselves.

The Campaign for Social Justice in Northern Ireland

The object of the campaign which purports to be a non-political body is to publicise and combat discrimination in the Six Counties. It was inaugurated at a Press Conference in Belfast on 17th January, 1964. Its Chairman is Mrs. Patricia McCluskey of Dungannon who had an interview with the Tánaiste and the Attorney General at the Department of External Affairs in 1964 on the question of bringing a test case on discrimination before the Commission on Human Rights in Strasbourg or before the Courts in Northern Ireland. The Attorney General was doubtful whether a breach of the Convention on Human Rights could be alleged but thought that a case might be made on the basis of the guarantees in Section 14(5) of the Government of Ireland Act 1920 which provides that "in any new distribution (re-election to House of Commons) the number of Members shall not be altered and due regard shall be had to the population of the constituencies other than the university constituencies". Nothing further has been heard from Mrs. McCluskey since but the campaign sought to bring a case before the N.I. Courts against Dungannon Urban Council on behalf of a Dungannon ratepayer who claims he had been discriminated against in housing allocations. The case did not appear to be a good one as the person in question moved residence to outside the boundaries of the Urban Council. Legal aid to enable it to bring its test case to the Courts was recently refused to the campaign. [Their next step may be to contest the legal aid decision in the Northern Ireland High Court.]