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Northern Ireland Debate at Westminster 22/23 September, 1971Features of the Debate1) Internment

This subject was thoroughly ventilated in the debate. Technically the Government speakers defended internment - as might have been expected. There were, however, nuances. Mr. Maudling referred to the Advisory Committee and announced the appointment of Mr. Dalton to it (the other members are Judge Browne and Mr. Berkeley).

Mr. Fitt, both in the debate and in a statement issued later, said that the SDLP would not enter into negotiations until all the internees had been released or brought to trial.

Mr. Paisley also condemned internment.

Mr. Callaghan virtually conducted an open negotiation in Commons with Mr. Fitt on the subject of whether the SDLP would enter discussion provided that the internment issue had received a satisfactory solution.

Mr. Heath said that the discretion of the Advisory Committee was wide enough for it to consider all cases of internees whether or not they themselves appealed.

It seems clear from these various comments that the British Government feels itself on shaky grounds on the subject of internment. It is possible to conceive that the Advisory Committee could be made into a genuine Appeals Court thus removing from Mr. Faulkner, in his capacity as Minister for Home Affairs, the final decision on internment. If this were done no doubt some internees would be let go and the others charged - possibly before the Advisory Committee (turned into a Court for the purpose). Some might be granted bail and others remanded without bail but internment without trial would have disappeared.

2) Stormont structures

There appears to be a genuine shift in the direction of creating structures at Stormont which will bring the non-Unionist community into government - and at the same time possibly removing some functions, at least in the security field, from Stormont altogether. Mr. Maudling repeated his phrase - attributed generally to Mr. Fitt and Mr. Hume - about obtaining for the minority "an active, permanent and guaranteed position in the life and public affairs of Northern Ireland". He discussed in some detail "the question of decision-making at the political level as opposed to the administrative level". He tried to "find, within the democratic system and within the democratic principle of an elected assembly ways and means of reconciling the rights of the minority and the rights of the majority". This brought him to the problem of "executive government - the Cabinet". On this he said that "governing makes no reality unless there is collective Cabinet responsibility and one cannot create a cohesive government if people do not denounce violence or if people are not prepared to accept the will of the majority on the fundamental point about the border.....".

In his winding up speech Mr. Heath said that, in the matter of obtaining a genuine participation in Government, the SDLP should be willing to discuss arrangements, adding "there are no preconditions, except there should be proposals in a democratic framework". He characterised Mr. Wilson's proposals as being within such a framework although they raised difficult constitutional points.

The position taken by Mr. Maudling and Mr. Heath is somewhat in advance of the position lately taken by Mr. Faulkner on the question of bringing minority representatives into Government but the sense of their remarks suggests reasonably strongly that quite radical changes are negotiable.

3) Irish unity

Many speakers referred to this matter in favourable terms including Mr. Michael Stewart, Mr. Fitt and other prominent personalities. Most importantly Mr. Heath also referred to the subject in the final part of his speech which is not included in Hansard but was issued later as a press release. He said: "Mr. Lynch desires to see a united Ireland.

But he has never ceased to maintain his belief that this can only come about by peaceful means - by consent.

We have it embodied in statute that change in Northern Ireland's constitutional relationship with the United Kingdom can only come about with the agreement of the Parliament of Northern Ireland. There is no room for misunderstanding on either side.....we can respect each other's positions on the border".

This by itself seems to be very subtly in advance of previous formal statements on such a subject insofar as it juxtaposes, obviously deliberately, the Taoiseach's position and the 1949 clause. It may presage a further development in the direction of the desideratum expressed by the Taoiseach in his speech of July 11, 1971. It is unlikely that such a further advance could be made at Chequers II but there is nothing to stop the Taoiseach from suggesting it.

4) Licensed guns

Numerous references were made to this subject but nothing concrete emerged from the Government ~~speaking~~. It still seems to be a subject on which further pressure can be exercised - perhaps in the direction of calling in all licensed weapons in urban areas and all licensed weapons, other than shot guns, in rural areas for a period of years (5?).

I understand that Mr. Fitt was happy with the debate and with the vote afterwards which brought in a number of unexpected people on the Fitt side.