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CONFIDENTIALAonad Idir-Rannach um an Tuaisceart
Inter-Departmental Unit on the North
of IrelandMinutes of the Seventh Meeting held on
21st December 1970 at the Department of
External Affairs.Present.

Mr. S.G. Ronan, Chairman	Department of External Affairs
Mr. E. Gallagher	Department of External Affairs
Mr. D. Ó Súilleabháin	Department of the Taoiseach
Mr. J. F. MacInerney	Department of Finance
Mr. F. O'Riordan	Department of External Affairs
Mr. J. Small, Secretary	Department of External Affairs

Recent Developments

The meeting commenced with a report by Mr. Gallagher on recent events connected with the North, with particular reference to the two major reforms - housing and local government. With regard to the former he stated that the Housing Executive Bill had passed through all stages in the Commons and had been referred to the Senate. It was expected to become law in February, 1971. As a result of the amendments to the Bill and assurances and explanations given by the Minister of Development in the course of its passage through Parliament the final product was reasonably satisfactory but much will depend on how it is administered in practice. On the subject of local government reform Mr. Gallagher referred to the important statement made by the Prime Minister, Major Chichester-Clark, in Stormont on 17th December which seemed to indicate that the Macrory Report was being accepted virtually in toto by the Northern Government. Our information was that they were divided on the issue and this possibly explained why the Government's proposals took the form of a statement by the Prime Minister rather than a White Paper. An important point to be noted was the apparent exclusion of proportional representation from the local government reform package. However, there is a reasonable possibility that PR would be introduced for Stormont elections and this was more important in view of the fact that the amount of power to be left with local bodies will be minimal. There is a possibility that the Crowther Commission will recommend the introduction of PR in the North and also a substantial increase in the number of Stormont MPs. An important point to watch is the idea of introducing single-seat as opposed to multi-seat constituencies. For a number of reasons the multi-seat version of PR was the system most suitable and desirable for Northern conditions. We had told the British that PR, if implemented in this way, would take power away from the Right Wing Unionists especially at the constituency level where, under the present system, they now exercise so much influence and control. Experience has shown that down the years the Unionists have delegated authority to the lowest level and it is at that level that most of the shady work is done. Another good example of this is the decentralised system for issuing of gun licences. The reasoning behind this appears to be the avoidance of central or parliamentary control and responsibility for actions that would not be tolerated in a normal, democratic society.

- 2 -

On the question of the possible reintroduction of internment in the South, Mr. Gallagher said that Northern Opposition MPs felt very strongly on this subject but were restrained in their comments in order to avoid embarrassing the Government here.

Studies

(a) Response to Circulars: The Chairman informed the meeting that, with the exception of the Department of Finance, replies had been received from all Departments in response to the Unit's first circular of 24th July, 1970 requesting information on the extent, nature and usefulness of existing North/South contact and cooperation at official level. Mr. MacInerney stated that he had received replies from almost all the bodies accountable to the Department of Finance and proposed to give them to the Secretary of the Unit; this was done.

In the general discussion that followed about North/South cooperation Mr. Gallagher referred to a proposed draft agreement between Donegal and Fermanagh Co. Councils for a joint sewerage scheme for the Pettigo/Irvinestown area and stated that the Minister for External Affairs had advised the Minister for Local Government to write direct to Mr. Faulkner, the Minister of Development in the North, with a view to testing the latter's sincerity in regard to cross-Border cooperation.

With regard to the information supplied by Government Departments in response to the Unit's circular of 24th July, 1970, it was decided that it should be incorporated in one document which would be submitted to the Taoiseach via the Minister for External Affairs with an appropriate covering commentary.

The Chairman informed the meeting that five of the eight Departments circularised by the Unit on 12th August, 1970 had submitted North/South comparative studies of the sectors for which they were responsible. The Departments of Health, Social Welfare and Agriculture and Fisheries had not yet completed their studies whilst the Department of Finance was preparing a second study which would compare direct and indirect taxation North and South. Mr. Gallagher adverted to a telephone call he received from the Department of Health in which he was informed that the lack of certain statistics and information made it difficult for that Department to complete their study in depth. He had suggested to them that they should not hesitate to ask for the required information from the Northern Ministries. In the subsequent discussion the point was made that the comparative study submitted by the Department of Education appeared to be too general and superficial. This was possibly due to insufficiency of data, **including** costings, about the educational system in the North. It was decided that the Department of Education should be requested to prepare a deeper study in that important area.

A general discussion followed on the method of dealing with the comparative studies received. It was decided that they should be submitted individually to the Taoiseach through the Minister for External Affairs with a short analysis and commentary in each case.

(b) County Income Studies: The Chairman informed the meeting that Mr. Ross of the ESRI had commenced a study of county incomes in the South in respect of 1969, thereby up-dating his original study which was in respect of 1965. The availability of such an up-to-date study would render North/South county income comparisons more meaningful as the Cuthbert and Black study in respect of the North is presumably based on a recent year.

Information Activity

(a) Recent developments: Mr. O'Riordan summarised the foreign publicity arising from the Government's announcement of 4th December on the possibility of Part II of the Offences Against the State Act being brought into operation. To a great extent the news had been published in a garbled version in the foreign press and the Government's point of view had not been given much attention. Mr. O'Riordan felt that this could have been largely avoided if the Information Division had been given a chance to brief a selected number of influential British and other foreign journalists, with whom friendly contacts have been cultivated. What might have been done was illustrated by the handling of the story by Mr. Alfred Friendly of the Washington Post, one of the most influential of American correspondents. He had been briefed in London and Dublin and had seen the Taoiseach. He had written a very fair story giving the Taoiseach's and Government's position in a sympathetic way and had treated the more disingenuous criticisms of Irish media and critics with gentle but pronounced scepticism. He had given the background. His story contrasted vividly with the inaccurate and damaging stories which had appeared all over the world; even serious media had spoken of Ireland's renouncing of the European Convention, had quoted bizarre statements from Dublin organisations and government critics etc. It was overall the worst publicity we had had for a long time and it could have been avoided. Ninety per cent of what appears about Ireland abroad is written in London but on this occasion the British Press and foreign correspondents had to rely on stories from the inefficient Dublin wire correspondents and stringers of various kinds, some not very reputable. This seemed the greater pity since the serious British and other foreign media have, as we had seen over the year, very considerable influence over the Irish media and can have a serious and restraining effect on them. Mr. O Súilleabháin remarked that the Department of External Affairs had prior notice of this matter and if the Information Division was not informed there must have been some reason. It was agreed that it would be advisable in any such matter, likely to give rise to intense foreign publicity, that the Information Division should be given a chance, even at short notice, to prepare the way by advance background confidential briefing in London.

(b) Extension of RTE to the North: Mr. Gallagher stated that this matter was raised again with the British in London early in December at a meeting at official level. The British attitude was that the matter could not be put up for decision internally without identifying and teasing out the technical problems involved. Our position was that all we needed initially was an expression of political will to examine the problems with a view to solving them. The British had placed special emphasis on copyright difficulties which might well be genuine. We had told the British that we expected a decision at the next meeting which is due to take place in January, 1971. Mr. Gallagher observed that the British were not happy about the proposal and that no real advance had been made since the matter was last discussed by the Unit.

Constitutional and Legal Studies

Mr. Gallagher referred to some general ideas which had been put forward at previous meetings of the Unit and which took cognisance of the difficulty of changing the Constitution by referendum. A general amendment formula prepared by the Legal Adviser of the Department of External Affairs was incorporated in the minutes of the Unit's Sixth meeting on 12th November. At a previous meeting a document was circulated describing the methods used in certain other countries of changing their Constitutions, e.g. by a two-thirds majority in the Lower House. Mr. Gallagher said that a further idea that occurred to him in this general context was the adoption of a Constitution with about a dozen fundamental clauses with the present Constitution as an annex thereto. It could be stipulated that the fundamental clauses may be changed only by referendum but that the annex (i.e. present Constitution) could be changed by legislation. In this way the confessional aspects of the present Constitution which constitute a serious stumbling block to reconciliation and reunification could be removed. Mr. O Súilleabháin expressed the view that it would be very difficult to interest the people and get them out to vote on such a proposal. There was agreement that it was a pity that the question of divorce had been included in the Constitution. The meeting recognised also that this Constitutional provision was an absolute barrier to reunification and would have to be removed. There was a consensus that the Unit should identify and draw attention to those aspects of the Constitution that are a barrier to reconciliation and reunification.

There was a brief discussion on the Dáil Question asked by Deputy M. O'Leary on 3rd December about the Unit and the replies given by the Taoiseach both to the main question and the supplementaries.

Objectionable laws and practices

(a) Identification and Amendment of certain laws: Mr. Gallagher stated that in accordance with the decision reached at the previous meeting of the Unit it was hoped that the services of one of the Legal Assistants in the Department of External Affairs could be obtained at the beginning of the new year to assist in the identification of laws and practices in the South that are regarded as objectionable by the majority in the North and consequently a real barrier, like divorce, to reunification. The laws relating to contraceptives and censorship fell into this category. The need for revision of the law in this area was recognised by Senator Mary Bourke Robinson who has declared her intention to introduce a Bill in the Senate. Mr. O'Riordan made the point that the existence of legislation of this nature injured our image and caused serious bad publicity. On the subject of censorship it was ridiculous for the Customs authorities to treat family planning and pornography similarly. Censorship of pornography was found necessary in almost all countries. Our censorship law was unique in dealing with pornography and family planning as equally objectionable. In fact the customs authorities were not now applying the law, as it applied to family planning articles or advertisements, as they did in the past. On the old principle that bad laws cannot be enforced they allowed in such publications. They continued however to seize contraceptives, which could be openly advertised while the law looked the other way. Mr. Gallagher referred to an article in a recent issue of the Church of Ireland Gazette about interferences with civil liberties in the South and said that there is a group within the Church of Ireland which has been assigned the task of identifying such civil disabilities.

- 5 -

The Unit decided to recommend formally (Recommendation No. 5 in attached annex) that the laws relating to contraceptives and family planning be repealed or so amended as to remove existing disabilities.

(b) Previous formal recommendations: The Chairman informed the meeting that the Minister for External Affairs had agreed with the four formal recommendations put forward by the Unit at its previous meeting and had transmitted them to the Taoiseach for his consideration.

(c) Method of Recruitment of Executive Officers to the Civil Service:

This was a matter discussed at a previous meeting of the Unit and Mr. Gallagher emphasised that, since the Civil Service Commissioners abolished the written examination method of recruitment in favour of the Leaving Certificate, potential candidates from the North who would normally have a GCE rather than a Leaving Certificate were automatically debarred. It was decided that the Unit should put its views in writing to the Civil Service Commissioners to reinforce the oral representations already made by Mr. MacInerney.

(d) Use of the terms "Six Counties" and "Northern Ireland"

This subject was discussed at previous meetings of the Unit and the objections that the Department of External Affairs had in the past to the use of the term "Northern Ireland" were mentioned. Nevertheless, it was decided to recommend that in future the use of the term "Six Counties" as a political description be dropped in the public service and that existing instructions on the subject be reexamined.

Following the meeting the Chairman consulted the Minister for External Affairs on the subject. The Minister agreed to recommend to the Taoiseach that the use of the term "Six Counties" as a political description should be abandoned in favour of terms such as "Northern Ireland" or "the North". The recommendation will go forward formally to the Taoiseach (as Recommendation No. 6) for his consideration.

Next Meeting

The next meeting of the Unit was arranged for Thursday, 14th January, 1971 at 10 a.m.

Circulated to

The Taoiseach

The Minister for External Affairs
and Members of the Unit.