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ROINN AN TAOISIGH

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Taoiseach's Seanad Speech

1. At a meeting held in the Taoiseach's room in Government Buildings on Monday, 5th October 1981, for the purpose of discussing the content of the Taoiseach's forthcoming speech in Seanad Eireann the following were present:- The Taoiseach, Mr Alexis FitzGerald, Advisor to the Government, Messrs Nally, Lillis and Murray of the Department of the Taoiseach and Mr M Burke of the Department of Foreign Affairs. This note summarises the main points discussed.

2. Reaction to This Week Interview

The Taoiseach said that by and large the reaction he had received to his interview had been positive. There had been some criticism, supported by research findings (private) which indicated a negative reaction to his criticism of this State being seen as sectarian. For the most part the response had been one of appreciation that "somebody was at last doing something".

3. Need to Review Constitution Now

The Taoiseach said that there had been some examples in the past where the ethos of one religion had influenced events. All parties shared responsibility for this. In his speech he would, however, wish to defuse the political aspect as much as possible. The State had gone through different stages of development in this regard. The Constitution should be reviewed now in an objective manner in the light of the conditions of the modern world. The historical context was important (the Constitution showed a tendency to head off the pressures of the time: the attitude of the Catholic Church and the Spanish Civil War were all factors in this regard). The Constitution was designed for a State 94% of whose population were Catholic. The view was expressed that it would be advisable to say something positive about the Constitution

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itself. It had given us certain guarantees of protection in the area of fundamental rights, protection which British citizens do not have. The view was also expressed that the Constitution had provided stability and this in itself was most valuable.

4. The Taoiseach said that the Constitution as it stood was not suited to a united Ireland: it reflects institutions that are partitionist. What we should aim for is the kind of constitution that would have developed if there had been no division in our country. By that test our present Constitution failed. It must now be put right.
5. As regards specifics Articles 2 and 3 and 41 are the most apparent. But apart from these there are other particular difficulties such as land development (Kenny Report); mineral rights, etc. The All-Party Informal Committee on the Constitution (1967) had drawn attention to the fact that there was no provision for choosing a Taoiseach had been written into the Constitution. In reviewing the Constitution now we should endeavour by effort of imagination to draw up the kind of model that would have emerged if partition had not occurred. The new model should make provision for a united Ireland: it should provide a machinery through which, by consent, we could come to share with Northern Ireland those things that it is in our common interest to do together. The Constitution prohibits us from taking certain actions: it says that things shall not happen. Under the Constitution as it stands at present if there were agreement on an all-Ireland Court we would need a constitutional amendment to give effect to this agreement.

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6.

Basic Objective

The view was expressed that our basic objective was peace on our island. Unity could ^{not} be achieved by violence. Secondly the Constitution should recognise ^{the} reality that peace can only come through consent. There were three parties involved in the task of finding a solution to the Northern Ireland problem:- the British, the people of Northern Ireland and ourselves. The view was expressed that while we can tell the other two parties what they should do we could not take the ^{we advocate} action/ourselves. However, we can do certain things ourselves within our own sphere of influence to bring about what we desire.

7.

Attitude of Opposition

Reference was made to the criticism expressed by the former Taoiseach (Mr Haughey). His predecessor (Mr Lynch) had, however, made a number of statements in this context which favoured the idea of a new Constitution for a new Ireland. Reference might be made to these statements in the Taoiseach's speech. In addition Dr Cathal B. Daly, Bishop of Ardagh and Clonmacnois, was on record favouring a pluralist society, based on christian principles common to all our christian traditions on which we can agree. This concept might also be built into the Taoiseach's speech.

8.

Need to entice Unionists

The view was expressed that there was a need to woo the Northern Protestants towards the idea of a united Ireland within whatever timescale. At the same time the view had been expressed that nothing we would do here would have any influence on Northern Protestants. It had to be borne in mind that in promoting the

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idea of unification we were the suitors. It was suggested that in the speech the Taoiseach might assert that the tragedy of Northern Ireland was the business of every individual in the country. The Taoiseach could give the lead in this area by encouraging the population to take a positive attitude towards changing our Constitution as one way of dealing with the tragedy of Northern Ireland. There were various parties to this conflict but we could not force anybody else's hand. It was up to us to take whatever steps we considered necessary to deal with the problem within our own area of competence.

9. Joint Studies

It was suggested that exercises such as the Joint Studies were constructive but that they could do damage if people, whom we are hoping to bring together, are left out. It was stated that the strongest reaction to the Taoiseach's remarks received from Unionist contacts had been an expression of gratitude that they as a community would not be forced into a conflict situation with other sections of the Northern Ireland community or ^{with} the Dublin authorities. The Unionists felt that the Anglo-Irish talks gave rise to mistrust and hostility and that if they had proceeded along the lines envisaged by the former administration Unionists might have to fight against all sides to protect their interests and their identity, etc. It was pointed out that the fact that a change of administration had taken place did not necessarily mean that the Unionists were going to be positive insofar as the studies or North/South relations in general were concerned.

10. Historical Background

It was suggested that reference ought to be made to the history of the State. We had been forced to accept a certain situation in 1921. Civil War had followed. Notwithstanding the early

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difficulties great achievements had been made. We were now trying to deal with criticism of our Constitution and our laws. We are able to have free debate and what people want should be reflected in our laws and Constitution. As regards the idea that peace in our country was our objective we have only to look at what the last ten years have given us. The fact that there had been no peace had bothered a lot of people of conscience. To what extent are we responsible for this situation? Our Constitution and laws should be an example to the North.

11. International Repercussions

A further point mentioned was the international repercussions of the Northern situation; that Northern Ireland was a remnant of a colony not yet won back; that the IRA were in some way "freedom fighters", etc. All parties were agreed that unity could only be achieved by peaceful means.

12. Seanad Debate a smokescreen

A criticism which the Taoiseach might have to deal with in his speech would be the suggestion that this whole debate was some kind of smokescreen idea to dispel the attention of the public from the economy. The answer to that was that anything directed to establish peace occupied a very high priority not only with the present Government but with all previous Governments.

13. Community

It was suggested that the Taoiseach might say that while partition was in itself a wrong it was right to acknowledge that there was a separate community in the North. We recognise the right of that community to live as a separate community as long as they want.

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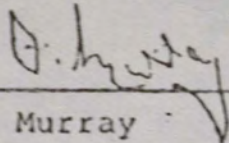
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14.

Northern Ireland Economy

Reference was also made to the disastrous state of the Northern Ireland economy at present. This factor was relevant in reviewing North/South relations and should merit inclusion in the speech. Reference was also made to the desire among Unionists, expressed privately, of finding a solution to the current situation. This point of view was not sufficiently articulated by Unionist politicians.



F. Murray

6 October 1981

Copies to:

Taoiseach

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