

17/10/97

# **PEACE IN** **IRELAND**

**Freedom, Justice, Democracy, Equality**

**Constitutional Issues**

A Sinn Féin submission to Strands One and Two of the peace talks.

## Constitutional Issues

### Introduction

Tá sé mar cuspóir againn ag na cainteanna seo ré nua i stair na hÉireann a chur ar bun. Tá sé de dhualgas ar na páirtithe polaitiúla Éireannacha atá anseo ionadaíocht a thabhairt dár bpobal uil. Tá an pobal ag súil le cur chun cinn. Is féidir linn an cur chun cinn sin a dhéanamh agus éire nua a chrútús ar bhunús bunreachtúil.

Is páirtí poblachtach é Sinn Féin. seasann muid ar son neamhspleachas ár dtíre.

(Our aim in these negotiations is to begin a new era in the history of Ireland. The Irish political parties here are obliged to represent all our people. The people expect progress. We can make that progress and build a new Ireland on a constitutional basis.

Sinn Féin is a republican party. We stand for the independence of our country.)

The challenge before us in these negotiations is to build new and lasting relationships between the peoples of these islands. Those relationships must be based on trust and they must be based on justice. On 26 October 1791 the Society of United Irishmen in their Address to the English Society of Friends of the People put it this way:

"As to the union between the two islands, believe us when we assert our union rests upon mutual independence. We shall love each other if we be left to ourselves. It is the union of mind which ought to bind these nations together".

This was the sentiment that linked these two pioneering democratic organisations, one Irish and one English. But mutual independence was not achieved and therefore the relationships of respect and trust between the two peoples could not occur. Instead of the union of mind we had the Act of Union of 1800, the coercive inclusion of Ireland in the United Kingdom against the will of the Irish people. And this Act of Union was but the latest chapter in the long history of conquest and domination of the Irish people by the ruling classes of England.

The primary aim of Irish republicans is to dispense once and for all with the legacy of that unjust and coercive Union and to replace it with a new relationship of trust between independent nations. Mutual independence and a new union of mind must be our goal in these negotiations. For Ireland that means the right to national self-determination. It was best expressed in one sentence in the Proclamation of the Irish Republic of Easter 1916: "We declare the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies to be sovereign and indefensible".

Partition thwarted the full achievement of Irish independence. It deepened divisions within Ireland and embittered further the relationships between Ireland and our nearest neighbour. Most tragic of

---

all was the division of the Irish people.

Sinn Féin does not underestimate the challenge presented to us all by that division, still so deep to this day. We have a monumental task to overcome the fears and suspicions which inhibit political progress. But we must work tirelessly until we are successful in that task.

To our unionist brothers and sisters we offer the hand of friendship.

We look forward to joining with them in building a new Ireland where political relationships are based on respect for the rights of each individual citizen within the nation, and of each section of the nation.

We represent a section of the Irish nation which has suffered discrimination and repression for many decades. We have a vested interest in ensuring that in a new Ireland the rights of minorities are protected by the soundest of constitutional guarantees.

The constitutional and political status quo we have had to live for the past 75 years has manifestly failed. The root of the failure is the constitutional connection with England. As an Irish republican party we say clearly that that connection must be broken. We assert the independence of our country. We wish to replace the denomination Catholic, Protestant and Dissenter with the common name of Irishmen and Irishwomen.

We believe that it is possible for all of us on this island to move together to a new political and constitutional dispensation. We have the right and the ability to determine our future. Let us do so.



## Constitutional Issues

### National self-determination

1. *"Ireland's right to sovereignty, independence and unity are inalienable and indefeasible. It is for the Irish people as a whole to determine the future status of Ireland. Neither Britain nor a small minority selected by Britain has any right to partition the ancient island of Ireland, nor to determine its future as a sovereign nation."* Sean MacBride, winner of the Nobel Peace Prize

Sinn Féin considers the realisation of the right of the Irish people to national self-determination as our primary political objective.

2. Self-determination is a nation's exercise of the political freedom to determine its own economic, social and cultural development, without external influence and without partial or total disruption of the national unity or territorial integrity. Ireland today clearly does not have this freedom, nor does the pretext for partition hold good against these criteria.

The right of the Irish people, as a whole, to national self-determination is supported by universally recognised principles of international law.

Britain's policy of maintaining the union between Great Britain and the six-counties runs contrary to the Charter of the United Nations and its declaration on the 'Granting of Independence to Colonial Countries and People'. This asserts that the subjection of peoples to alien subjugation is a denial of fundamental human rights and the right of all peoples to self-determination.

The Charter affirms the right of all peoples to the exercise of national self-determination without external interference.

The Charter also proclaims the duty of all states to promote, through joint and separate action, the realization of this right.

3. It is the British government's refusal to recognise Irish national rights - nationhood, integrity of the national territory, national independence and sovereignty - which is at the heart of the political divisions in Ireland today. The primary political divisions in Ireland, north and south and between north and south, result from partition and from the British claims to jurisdiction in Ireland.
4. We in Sinn Féin believe that the processes involved in the exercise of national self determination will create a dynamic which empowers all sections of the people of Ireland to face the core issues of our time be they social, political, or economic. Rigidity of position will be replaced by consultation, dialogue, and freshness of approach, something which can only benefit the people of Ireland.



## **The Union**

5. *"What a fool I was, I was only a puppet, and so was Ulster, and so was Ireland, in the political game that was to get the Conservative Party into power"* Sir Edward Carson, December 1921

Britain's role in Ireland has never been benign. It has always acted as a dominating colonial power. Britain's presence and influence has been divisive and destructive and has prevented the Irish people from resolving our differences. The divisions in Ireland today, as in the past, stem from the immediate realities of British policy. The 'Northern Ireland' state was created by Britain in 1921 when London partitioned our country, without the consent and against the wishes of the vast majority of the Irish people. Since its creation there has been perpetual crisis, repression, injustice and a permanent 'state of emergency'.

Since 1969 when the reality of life for Irish nationalists living in the British created sectarian state was exposed to international scrutiny the overall situation has not improved for nationalists. The inequalities and injustice on which the state was founded have not been removed. Instead, layers of repression and injustice have been added.

6. The British Government should act upon that position without qualification and encourage, facilitate and enable the agreements which are for the people of Ireland alone to determine.

Britain's policy of maintaining the Union is an impediment to and clear interference with the right of the people of Ireland alone to national self-determination. Britain's policy obstructs the pursuit of agreement by the people of Ireland alone on the exercise of self-determination.

Britains policy of maintaining the union should be changed to one of ending the union. Viable conditions must be created to allow the people of Ireland to find agreement on the exercise of national self-determination. In the Downing St. Declaration the British Government agree that it is for the people of the island of Ireland alone to exercise their right to self-determination.

The British government should act upon that position without qualification and encourage, facilitate and enable agreements which are for the people of Ireland alone to determine.

A lasting political settlement will require fundamental change in the constitutional status of the six counties. Giving effect to the necessary constitutional change requires the British parliament to repeal the relevant legislation with particular reference to:

- (1) Union with Ireland Act 1800 (Act of Union)

(ii) Government of Ireland Act

(iii) Northern Ireland Constitution Act 1973

### Partition

7. *"To break the connection with England, the never failing source of all our political evils, and to assert the independence of my country - these are my objects. To unite the whole people of Ireland, to abolish the memory of all past dissensions, and to substitute the common name of Irishman in place of the denominations of Protestant, Catholic and Dissenter, these were my means."* Theobald Wolfe Tone 1798

The unity and sovereignty of the people of Ireland is the cornerstone of Sinn Féin's republican objectives. Sinn Féin has a vision of the future which cherishes the existence of diversity, and challenges the negative influence of division.

8. An internal six-county arrangement cannot work. There has to be fundamental constitutional and political change. The partition of Ireland has failed. The political settlements imposed by the Act of Union 1800 and the Government of Ireland Act 1920 have failed the people of Ireland and the people of these islands. They have failed the fundamental test of providing lasting peace and stability. Instead there has been division, inequality and conflict.

The border partitioning Ireland was contrived by a British government to ensure an artificially constructed unionist majority. The partitioned area had no basis in geography or history, and its proposal had the distinction of being opposed by both nationalists and unionists of the time. Not a single Irish member, nationalist or unionist, of the Westminster Parliament voted for the "Partition Act" - the Government of Ireland Act, 1920. The consent of the Irish people to the division of our country was never sought and has never been given and the continuing wish of the overwhelming majority of the people of this island is for national unity.

9. Partition meant the arbitrary division of Ireland. Areas and communities with nationalist majorities were incorporated into a statelet which sought, with the financial and military support of the British government, to create in the words of one of its advocates "a Protestant state for a Protestant people".

Indeed a leading Unionist of the time, Walter Long in a letter to Lloyd George explained that the exclusion of three of the Ulster counties was on the basis that this would guarantee "Unionist supremacy" in the new state.

For over 50 years the Unionist leadership implemented a repressive regime through the use of the Special Powers Act, the RUC and the B Specials and the use of internment without trial in every decade from the 1920's to the 1970's; a clear illustration of the



permanent state of crisis which existed in the six counties.

Coercive legislation continues today with the Emergency Provisions Act and the Prevention of Terrorism Act.

The most obvious symptom of the failure of partition is that it has not produced durable peace or stability. A fundamental consequence of partition has been the institutionalising of injustice and sectarianism.

10. Other indicators of its failure are that the six-county statelet exists on a life support machine of British government subventions, is the most militarised area in Western Europe, the poorest region under the jurisdiction of Westminster and one of the most disadvantaged regions in the EU.

Partition effects every aspect of Irish society. Catholics in the Six Counties are still 2.2 times more likely to be unemployed than Protestants after 20 years of so-called fair employment legislation. The British government admitted in 1992 that "on all major social and economic indicators Catholics are worse off than Protestants". Unemployment, emigration and poverty have always been disproportionately high among nationalists in the partitioned statelet.

A 1994 Family Expenditure Survey showed that average gross weekly income for Protestants was 17% more than the average income for Catholic households. 1994 also saw record payouts in compensation to Catholics in fair employment cases taken against state health boards, local councils and the Queens university in Belfast. There are also other issues such as the effects of partition on the Irish economy as a whole.

Business organisations throughout Ireland have given support to the creation of what they term an island economy. There are a range of sound economic and fiscal reasons for such a stance, a single currency, a unified financial system, tax harmonisation etc. A 1992 Confederation of Irish Industry report said that up to 75,000 extra jobs could be created through measures to overcome the economic effects of partition. This is a fraction of what could be developed if the entire partitionist system, with all its distorting effects, was dismantled.

11. Sinn Fein's vision is of a society that grants economic justice to all its people. Everyone, irrespective of their background should be able to gain meaningful well paid long-term employment in jobs that provide genuine security and fair working conditions. Everyone should have a meaningful role to play in developing the economy, particularly at a local level.

The removal of partition should be a priority objective for all those who want to find an agreement that is based on the unity of our people rather than on the maintenance of division.

### A Unitary State

12. *"We argue only for the right to national self-determination ... the type of society chosen in that context is a matter for an Irish nation freed from any outside interference."* (Gerry Adams, *Pathway to Peace*, 1988)

Sinn Féin seeks the establishment of a 32 county unitary state. This is also the preferred option of the parties which participated in the New Ireland Forum and is a constitutional imperative upheld in Articles 2 and 3 of the Irish constitution.

13. The particular structure of political unity desired by nationalists and which they would wish to see established is a unitary state, achieved as a result of negotiations, determined by the people of Ireland alone embracing the whole island of Ireland and providing irrevocable guarantees for the protection of the rights and liberties of every citizen on this island including the communal and cultural rights of both nationalists and unionists.

It is essential that any structures for a new Ireland recognise fully the diversity as well as the unity of the people of Ireland and ensure constitutional stability.

14. In devising and determining the structures of Irish unity and in formulating the guarantees they require it is essential to have unionist agreement and participation. The best people to identify the interests of the unionist tradition are the unionist people themselves. It would thus be essential that they should negotiate their role in any arrangements which would embody Irish unity.
15. Agreement on how the Irish people will govern ourselves must reverse not only the effects of partition itself; it must also reverse the effects of decades of neglect of rural Ireland and particularly the west. Agreement must also advance the process of national reconciliation.
16. Sinn Féin believes that an Irish national democracy is required with a central government and decentralised governmental structures. We propose a constitution for all Ireland and a Charter of Rights for all citizens. Within this political democracy we envisage an economic democracy - decentralised to bring real power to the regions. Greater participation of citizens in the decisions that affect them should be an aim of government.

In a democratic state, power rests with the people. The constitution for a united, independent Ireland would set out the



basis of a democratic system through which the wishes of the people would be expressed.

The constitution would protect the individual rights of the people of the nation in regard to social justice, including the right to an adequate income, to a job to housing, to education and health care.

The constitution would be secular, pluralist, anti-sectarian, anti-racist and anti-sexist.

Minority rights would be entrenched with effective safeguards

It would also state the nation's commitment to protect and provide for the most vulnerable sections of society, children, the elderly and those unable to care or provide for themselves through illness or disability.

## Conclusion

17. *'Let us ensure that this country's children never know the suffering and humiliation of previous generations'* Nelson Mandela

We recognise that a section of the people of Ireland cherish a British heritage. We do not seek to end the expression of this legitimate sense of identity. What we do seek is an end to British sovereignty, partition, and the denial of basic human and civil rights.

When Irish Republicans talk about British interference and the British presence we do not mean the Unionist section of the people of Ireland. Being marginalised, abandoned and disempowered is wrong for nationalists. It would also be wrong for unionists.

With the demise of the divisiveness of partition the vibrant expression of the libertarian tradition of Protestantism would have a key and far reaching role in the creation of an Ireland in which all are cherished.

The most graphic display of this tradition in Ireland was the Republicanism inspired by the French revolution, a bulwark of which was Irish Presbyterianism. It was elements of this tradition who went on to help detach America from the empire.

It is our belief that, given the basically common experience of the people of Ireland, reunification would over time lead to the full emergence of the kind of Irish nation that has been hoped for since the time of the United Irishmen.