



# **An Chartlann Náisiúnta**

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PROPOSED ARTICLES OF AGREEMENT.

Text, as discussed and revised

at final conferences

5th and 6th Dec. 1921.



(See Notes of Proceedings by Mr. Barton and outline by  
Mr. A. Griffith attached).

DELEGATION FILE.

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PROPOSED ARTICLES OF AGREEMENT.

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice, and constitutional usage governing the relationship of the Crown of the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be a ~~Governor General~~ appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by members of the Parliament of the Irish Free State shall be in the following form:-

I.....do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations ~~known as the British Empire~~ forming the British Commonwealth of Nations.

Deleted at  
conference 5-6 Dec  
and revision

alteration made at  
conference 5.6 Dec

*In case proposition  
as may be found*

*attention made at  
conference 5.6 Dec*

*a sum liability to  
share*

5. The Irish Free State shall ~~contribute towards the service~~  
of the Public Debt of the United Kingdom as existing at the date  
hereof and towards the payment of war pensions as existing at  
that date [such sums as may be] fair and equitable; having regard  
to any just claims on the part of Ireland by way of set off or  
counter-claim, the amount of such sums being determined in  
default of agreement by the arbitration of one or more independent  
persons being citizens of the British Empire.

6. Until an arrangement has been made between the British  
and Irish Governments whereby the Irish Free State undertakes  
her own coastal defence, the defence by sea of Great Britain  
and Ireland shall be undertaken by His Majesty's Imperial Forces.  
But this shall not prevent the construction or maintenance by  
the Government of the Irish Free State of such vessels as are  
necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this article shall be  
reviewed at a Conference of Representatives of the British and  
Irish Governments to be held at the expiration of five years  
from the date hereof with a view to the undertaking by Ireland  
of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to  
His Majesty's Imperial Forces:-

- (a) In time of peace such harbour and other facilities  
as are indicated in the Annex A. hereto, or such  
other facilities as may from time to time be  
agreed between the British Government and the  
Government of the Irish Free State; and

(b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a ~~land~~ military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

Deleted at  
conference  
5/6 Dec.  
and revision

9. Neither Great Britain nor the Irish Free State shall impose restrictions for protective purposes upon the flow of transport, trade and commerce between Great Britain and Ireland.

Amended  
Readopted  
at Conference  
5/6 Dec.  
and revision

(see revised draft below)

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

9 The ports of Great Britain and ~~Ireland~~ the Irish Free State shall be freely open to the ships of the other country on payment of the customary port + other dues.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of those excepted persons.



11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this ~~instrument~~<sup>instrument</sup>, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland remain of full force and effect, and no election shall be held for the return of Members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland

to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland, + the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland, the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject however to the following provision

~~12/~~



It shall be lawful for the Government of Northern Ireland to raise and maintain in addition to and for the purpose of the support of any police forces raised by them a local militia, so however that the establishments thereof shall not exceed in size such proportion of the establishments of any local military defence force maintained by the Government of the Irish Free State as that which the population of Northern Ireland bears to the population of the rest of Ireland, and ~~no~~ part of any local military defence force raised by the Government of the Irish Free State shall be stationed in Northern Ireland without the consent of the Government of Northern Ireland.

Deleted  
at conference  
5-6 Dec  
2nd session

and subject to such other provisions as may be agreed in manner hereinafter appearing

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:

- (a) Safeguards with regard to patronage in Northern Ireland.
- (b) Safeguards with regard to the collection of revenue in Northern Ireland.
- (c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland.

*7* *of the terms of power & local militia to support the police*

- (d) Safeguards for minorities in Northern Ireland.
- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State.

new subsection  
added at  
conference  
5-6 Dec

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the

*(b) The establishment and powers of a local militia in Northern Ireland and the relations of the defence forces of the Irish Free State and of Northern Ireland respectively*

provisions subject to which the Powers of the Parliament and Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing the acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

ANNEX A.

1. The following are the specific facilities required.

Dockyard port at Berehaven.

- (a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

Queenstown.

- (b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's Ships.

Belfast Lough.

- (c) Harbour defences to remain in charge of British care and maintenance parties.

Lough Swilly.

- (d) Harbour defences to remain in charge of British care and maintenance parties.

Aviation.

- (e) Facilities in the neighbourhood of the above Ports for coastal defence by air.

Oil Fuel Storage.

- (f) Haulbowline } To be offered for sale to commercial  
Rathmullen. } companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:-

- (a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.
- (b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.
- (c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.