

No. 6

THE
ALTERNATIVE
TO THE
"TREATY."

("DOCUMENT No. 2.")

By Eamon de Valera.

ONE PENNY

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FOREWORD.

The following is an *exact copy* of the terms of settlement which I proposed in January, 1922, to Dail Eireann as an alternative to the signed "Articles of Agreement." It is commonly referred to as "DOCUMENT No. 2."

To understand this Document fully it has to be read carefully, noting that any clauses or conditions attributed to it, but not appearing herein, are spurious. Many such clauses have been added and circulated by political opponents, who have not scrupled to use means like this to bewilder and confuse an unsuspecting and all too careless public.

It is at these supposed clauses that most of the current criticism is directed, and the Irish daily Press has lent itself to this campaign of deceit in a manner that is a violation of the canons of all reputable journalism. The primary object of the campaign is to undermine the confidence and to injure the morale of loyal soldiers of the Republic who have no opportunity of seeing the original document, and who are not aware that it is being criticised for proposals that it does not actually contain.

The genesis and history of the document need not be given here, but the proposals are prima-

rily the fruit of a long and earnest effort by the united Republican Cabinet and the Peace Delegation to find a basis for an honourable and lasting peace between the peoples of Ireland and England—for a settlement which would reconcile England's fears and claims for her "security" with the undying aspiration of the Irish people to maintain their sovereign independence. This united effort was defeated only by England's threat of war.

Those who contend that the difference between the proposals in this document and those of the "Articles of Agreement" is but a "shadow" may surely be expected to surrender this shadow to those who consider the difference worth dying for, and I am convinced that if a tithe of the determination that has been shown and the energy that has been spent in the party effort to crush Republicans, and to compel them by force to accept the "Articles of Agreement," had been used in a patriotic national effort to get Britain to accede to voluntary proposals such as these, we would have had them accepted long ago, and our country by now would have been in a state of peace with a secured future of stable government and moral and material progress.

EAMON DE VALERA.

February, 1923.

The President's Alternative Proposals.

The following motion will be proposed by the President at the present Session of Dail Eireann:—

"That inasmuch as the 'Articles of Agreement' for a Treaty between Great Britain and

Ireland,' signed in London on December 6th, 1921, do not reconcile Irish National aspirations and the Association of Ireland with the Community of Nations known as the British Commonwealth, and cannot be the basis of an enduring peace between the Irish and the British peoples, DAIL EIREANN, in the name of the Sovereign Irish Nation, makes to the Government of Great Britain, to the Government of the other States of the British Commonwealth, and to the peoples of Great Britain and of these several States, the following Proposal for a Treaty of Amity and Association which, DAIL EIREANN is convinced, could be entered into by the Irish people with the sincerity of goodwill":—

*Proposed Treaty of Association Between
Ireland and the British Commonwealth.*

In order to bring to an end the long and ruinous conflict between Great Britain and Ireland by a sure and lasting peace honourable to both nations, it is agreed

Status of Ireland.

1. That the legislative, executive, and judicial authority of Ireland shall be derived solely from the people of Ireland.

Terms of Association.

2. That, for purposes of common concern, Ireland shall be associated with the States of the British Commonwealth, viz.:—The Kingdom of Great Britain, the Dominion of

Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa.

3. That when acting as an associate the rights, status, and privileges of Ireland shall be in no respect less than those enjoyed by any of the component States of the British Commonwealth.
4. That the matters of "common concern" shall include Defence, Peace and War, Political Treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth, and that in these matters there shall be between Ireland and the States of the British Commonwealth "such concerted action founded on consultation as the several Governments may determine."
5. That in virtue of this association of Ireland with the States of the British Commonwealth, citizens of Ireland in any of these States shall not be subject to any disabilities which a citizen of one of the component States of the British Commonwealth would not be subject to, and reciprocally for citizens of these States in Ireland.
6. That, for purposes of the Association, Ireland shall recognise His Britannic Majesty as head of the Association.

Defence.

7. That, so far as her resources permit, Ireland shall provide for her own defence by sea, land and air, and shall repel by force any attempt by a foreign Power to violate the

integrity of her soil and territorial waters, or to use them for any purpose hostile to Great Britain and the other associated States.

8. That for five years, pending the establishment of Irish coastal defence forces, or for such other period as the Governments of the two countries may later agree upon, facilities for the coastal defence of Ireland shall be given to the British Government as follows :—
 - (a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed upon between the British Government and the Government of Ireland;
 - (b) In time of war such harbour and other naval facilities as the British Government may reasonably require for the purposes of such defence as aforesaid.
9. That within five years from the date of exchange of ratifications of this Treaty a Conference between the British and Irish Governments shall be held in order to hand over the coastal defence of Ireland to the Irish Government, unless some other arrangement for naval defence be agreed by both Governments to be desirable in the common interest of Ireland, Great Britain, and the other Associated States.
10. That, in order to co-operate in furthering

the principle of international limitation of armaments, the Government of Ireland shall not

- (a) Build submarines unless by agreement with Great Britain and the other States of the Commonwealth;
- (b) Maintain a military defence force, the establishments whereof 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.

Miscellaneous.

- 11. That the Governments of Great Britain and of Ireland shall make a convention for the regulation of civil communication by air.
- 12. That the ports of Great Britain and of Ireland shall be freely open to the ships of each country on payment of the customary port and other dues.
- 13. That Ireland shall assume liability for such share of the present public debt of Gt. Britain and Ireland, and of payment of war pensions as existing at this date 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 Ireland or of the British Commonwealth.

- 14. That the Government of Ireland agrees to pay compensation on terms not less favourable than those proposed by the British Government of Ireland Act of 1920 to that Government's judges, officials, members of Police Forces and other Public Servants who are discharged by the Government of Ireland, or who retire in consequence of the change of government elected in pursuance hereof:

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 these excepted persons.

- 15. That neither the Parliament of Ireland nor any subordinate Legislature in 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 a 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.

Transitional.

16. That by way of transitional arrangement for the Administration of Ireland during the interval which must elapse between the date hereof and the setting up of a Parliament and Government of Ireland in accordance herewith, the members elected for constituencies in Ireland since the passing of the British Government of Ireland Act in 1920 shall, at a meeting summoned for the purpose, elect a transitional Government to which the British Government and Dail Eireann shall transfer the authority, powers, and machinery requisite for the discharge of its duties, provided that every member of such transition Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

Ratification.

17. That this instrument shall be submitted for ratification forthwith by His Britannic Majesty's Government to the Parliament at Westminster, and by the Cabinet of Dail Eireann to a meeting of the members elected for the constituencies in Ireland set forth in the British Government of Ireland Act, 1920, and when ratifications have been exchanged shall take immediate effect.

Annex.

1. The following are the specific facilities referred to in Article 8 (a):—

Dockyard Port at Berhaven.

- (a) British 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 Britannic 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 companies under guarantee that purchasers shall maintain a certain minimum stock for British Admiralty purposes.

2. A Convention covering a period of five years shall be made between the British and Irish Governments to give effect to the following conditions:—

(a) That submarine cables shall not be landed or wireless stations for communications 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 Ireland 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 Ireland being offered the option of taking them over and working them for commercial purposes subject to British Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

(The following addendum concerning N.E. Ulster was proposed as a separate resolution by the President.)

ADDENDUM.

NORTH-EAST ULSTER.

RESOLVED:

That, whilst refusing to admit the right of

any part of Ireland to be excluded from the supreme authority of the Parliament of Ireland, or that the relations between the Parliament of Ireland and any subordinate Legislature in Ireland can be a matter for treaty with a government outside Ireland, nevertheless, in sincere regard for internal peace, and in order to make manifest our desire not to bring force or coercion to bear upon any substantial part of the Province of Ulster, whose inhabitants may now be unwilling to accept the national authority, we are prepared to grant to that portion of Ulster which is defined as Northern Ireland in the British Government of Ireland Act of 1920, privileges and safeguards not less substantial than those provided for in the Articles of Agreement for a Treaty between Great Britain and Ireland signed in London on December 6th, 1921.

APPENDIX.

EXTRACTS FROM OFFICIAL LETTERS OF PRESIDENT DE VALERA TO THE BRITISH PRIME MINISTER.

On July 20th, 1921, the day preceding the last of his personal conversations with Mr Lloyd George, President de Valera received the British Government's proposals for an Irish settlement. These proposals, which in principle were subsequently embodied in the "Treaty," the President immediately rejected. On his return to Ireland he was supported in that attitude by the Dail Cabinet and Ministry unanimously, and later by Dail Eireann unanimously.

The following are extracts from the correspondence which ensued preparatory to the send-

ing to London of the delegation of which Mr Griffith was chairman:—

"It should be obvious that we could not urge the acceptance of such proposals upon our people. A certain treaty of free association with the British Commonwealth group, as with a partial league of nations, we would have been ready to recommend, and as a Government to negotiate and take responsibility for, had we an assurance that the entry of the nation as a whole into such association would secure for it the allegiance of the present dissenting minority, to meet whose sentiment alone this step could be contemplated. (August 10th, 1921.)

".....Force will not solve the problem. It will never secure the ultimate victory over reason and right. If you again resort to force, and if victory be not on the side of justice the problem that confronts us will confront our successors. The fact that for 750 years this problem has resisted a solution by force is evidence and warning sufficient. It is true wisdom therefore, and true statesmanship, not any false idealism, that prompts me and my colleagues. Threats of force must be put aside." (August 30th, 1921.)

".....In this final note we deem it our duty to reaffirm that our position is, and can only be, as we have defined it throughout this correspondence. Our nation has formally declared its independence, and recognises itself as a sovereign State. It is only as the representatives of that State, and as its chosen guardians that we have any authority or powers to act on behalf of our people." (Sept. 12th, 1921.)

".....it is precisely because neither side ac-

cepts the position of the other that there is a dispute at all, and that a conference is necessary to search for and to discuss such adjustments as might compose it.

"A treaty of accommodation and association properly concluded between the peoples of these two islands and between Ireland and group of States in the British Commonwealth would, we believe, end the dispute for ever, and enable the two nations to settle down in peace, each pursuing its own individual development and contributing its own quota to civilisation, but working together in free and friendly co-operation in affairs of agreed common concern."

(Sept. 19th, 1921.)

".....We have received your letter of invitation to a Conference in London on October 11th with a view to ascertaining how the association of Ireland, with the Community of Nations known as the British Empire may best be reconciled with Irish national aspirations.

"Our respective positions have been stated, and are understood, and we agree that conference, not correspondence, is the most practical and hopeful way to an understanding. We accept the invitation, and our Delegates will meet you in London on the date mentioned 'to explore every possibility of settlement by personal discussion.'" (Sept. 30th, 1921.)

Note.—The correspondence in full was published by DAIL EIREANN, October, 1921, and by the British Government in Parliamentary White Papers.