

JOINT MEMORANDUM

on

CITIZENS' RIGHTS IN NORTHERN IRELAND

addressed to

The Rt. Hon. Terence M. O'Neill, M.P., D.L.,
Prime Minister of Northern Ireland

by

The Parliamentary Labour Party of Northern Ireland
The Northern Ireland Committee, Irish Congress of Trade Unions
The Executive Committee of the Northern Ireland Labour Party

1966 - 1967

"SINCE the inception of Northern Ireland as a separate entity with a Parliament of its own, the laws in Northern Ireland on many subjects have increasingly diverged from the laws in force in other parts of the United Kingdom. This process has taken two forms: firstly, legislation has been enacted by the Northern Ireland Parliament which differs from corresponding legislation at Westminster; but, secondly, over a long period much new legislation and many reforms have been introduced at Westminster without the corresponding legislation or reforms being introduced in the Parliament of Northern Ireland.

It is recognised that there are fields in which disparities of this kind are natural and proper, and that a separate Parliament would perform no useful function were it simply to reproduce all legislation passed in Britain. On the other hand, there exist certain fields where it has long been recognised by all parties, both in Britain and in Northern Ireland, that parity of legislation ought to exist. In the years after 1955 the Government of Northern Ireland recognised the principle that there ought to be complete parity with Britain in the social services available to citizens of Northern Ireland; and this principle was embodied in a formal agreement between the two Governments, and has in the main been honoured since its adoption. Similarly, the principle of parity in taxation between the two jurisdictions has in general been accepted, and only minor variations in the taxation code exist. The assumption underlying both these instances is that citizenship of any part of the United Kingdom ought to confer equal rights to receive benefits and equal obligations to make payments.

It is the strongly held view of the Trade Union and Labour movement in Northern Ireland that the same underlying assumption ought to hold good in the field of citizens' rights; and that the disparities in this field which now exist, springing (as in the main they do) from the failure of the Northern Ireland Government to introduce reforms accepted as just and democratic by all parties in Britain, are unwarrantable, and place the citizens of Northern Ireland in the position of second class citizens of the United Kingdom.

In the course of the unhappy events of recent months the Prime Minister of Northern Ireland has been hailed by some sections of the English Press (and also of the world Press) as "liberal" and "enlightened" in contrast to certain leaders of extremist factions. In the view of the Trade Union and Labour Movement, the time has now come—indeed the time is now overdue—for the Prime Minister of Northern Ireland to give an earnest of his liberalism and enlightenment by the acceptance of the basic principle that equal citizenship should confer equal civic rights in every part of the United Kingdom.

In the view of the Trade Union and Labour Movement acceptance of this principle ought to bring with it reforms in the fields set out below. No detailed arguments in support of these reforms are at this stage put forward since it is considered that their adoption would follow logically, without argument as to their individual merits, upon acceptance of the principle of parity enunciated above; but a detailed case in support of each of the reforms following can be made out, and will be made available to the Prime Minister should he so desire.

These matters are as follows:—

1. Electoral Reform, Boundary Revision and Redistribution of Seats in Stormont Elections.

There are now wide and totally unjustifiable discrepancies between British electoral law and that applicable to elections for the Stormont Parliament. The abolition of university votes and seats, and of business votes, have long since been accepted by all parties at Westminster as fair and democratic. It is recognised that the Minister of Home Affairs stated, more than two years ago, that he was examining the desirability of reform on these matters, but no statement or proposal has since been forthcoming, nor has the principle of parity been accepted. The matters requiring attention are:

- (a) The abolition of the four university seats
- (b) The abolition of the second vote for university graduates.
- (c) The abolition of the business vote.
- (d) The revision of residence qualifications.
- (e) The extension of postal voting.
- (f) The redistribution of seats and the appointment of an impartial Boundaries Commission.
- (g) The revision of the law on compilation of registers, poll cards and hours of voting.
- (h) Effective measures to eliminate personation.

2. Electoral Reform and Boundary Revision in Local Government Elections.

It is acknowledged that major reforms of the local government structure are in contemplation, and for this reason it is recognised that there are difficulties at this stage in producing a fair scheme for redistribution, though anomalies such as exist in Londonderry and elsewhere could and should be eliminated. It is considered that no justification whatever exists for the retention in Northern Ireland of property qualification or for the denial of voting rights in local government elections to a quarter of a million citizens over 21. The matters requiring particular attention are:—

- (a) the abolition of property qualifications;
- (b) the extension of voting rights to all adults;
- (c) the abolition of business votes;
- (d) the abolition of company votes;
- (e) an immediate review of ward boundaries within existing local authorities by an impartial body.

3. The Representation of Minority Groups on Government-appointed Public Bodies.

It is accepted in Britain that minority groups should receive fair representation roughly proportionate to their number in the community on appointed public bodies. There is ample evidence to show that minority groups are grossly under-represented on bodies of this nature in Northern Ireland, and this is a source of widespread and justified grievance. It is recognised that from minority groups a few have been appointed to such bodies in recent years, but there still exist many such on which there are no representatives of minority groups, or only a negligible number. It is within the power of the Prime Minister and Government of Northern Ireland to remedy these grievances swiftly without the necessity of legislative action. It is agreed that merit should be the sole criterion in making appointments of this nature, and it is considered that many persons of outstanding merit could, without difficulty, be found amongst the members of minority groups. The argument sometimes advanced that it is impossible to find suitably qualified persons willing and able to serve is rejected as casting a wholly unwarranted slur on the communities concerned.

4. Measures to Diminish Discrimination on Religious or Political Grounds in Employment.

It has been admitted by the Prime Minister of Northern Ireland that discrimination on religious grounds does exist, and it is clear that this is the case both in the private sector and among public bodies, and particularly local authorities. The British Government is now bound by I.L.O. recommendation (to which it has adhered) to eliminate discrimination on racial, political or religious grounds. The British Government has, moreover, taken steps to eliminate discrimination on racial grounds in Britain. Whereas in Britain discrimination on religious or political grounds is rare and does not constitute an evil requiring legislation, while discrimination on racial grounds regrettably does exist, the converse is the case in Northern Ireland. It is considered that the Prime Minister and Government of Northern Ireland should take the earliest opportunity of condemning discriminatory practices in employment, both in the private and public sectors, and should follow this up by the enactment of legislation to deal with the problem, and, in particular, to deal with discrimination in employment on the part of local authorities and other public bodies.

5. Measures to Diminish Discrimination on Religious Grounds in the Allocation of Houses.

The comments in the preceding paragraph have equal validity in relation to the problem of housing allocation. It is considered that the Prime Minister ought to give a clear lead in condemning discrimination in the allocation of houses, and ought, further, by administrative action or by legislation, to require all local authorities to operate a points system such as to secure that the allocation of housing would take place on the criterion of need alone.

6. Appointment of an Ombudsman.

It has been noted that the Prime Minister stated in Parliament on 16th June, 1964, that he did not consider the appointment of an Ombudsman in Northern Ireland necessary or desirable. The British Government has announced its intention to introduce the appropriate legislation in the near future. It is the view of the Trade Union and Labour Movement that the need for such an appointment is greater, not less, in Northern Ireland than in Britain.

7. Measures to bring Trade Union Law into accord with that in Britain.

It is noted that although the British Government introduced the Trade Disputes (Amendment) Act, 1965, in order to secure to all citizens the right to strike in the light of the decision in the case of the *Rookes v. Barnard*, no corresponding legislation has been initiated in Northern Ireland. It is also noted that, unlike the British Government, the Northern Ireland Government has so far declined to repeal the provisions requiring "contracting in" rather than "contracting out" of membership of a political party. It is considered that no justification exists for either anomaly, and that in these, as in the other respects set out above, there ought to be absolute parity in the rights attaining to citizenship.

It is the earnest hope of the Trade Union and Labour Movement that the Prime Minister and Government of Northern Ireland will give most serious consideration to the arguments contained in this memorandum, will accept the basic principle of parity upon which its arguments are founded, and will make an early public declaration of such acceptance.

It is recognised that the preparation and introduction of the necessary legislation and other steps which would follow upon acceptance of the principle would take time. But in the considered view of the Trade Union and Labour Movement, early public acceptance of the principle would lead to an immediate lessening of tensions and improvement in good relations within this community, and a betterment of the image which Northern Ireland presents to the outside world."

September, 1966.

The Joint Deputation

The Joint Memorandum here printed, having been unanimously adopted by each of the three bodies, was sent on their behalf to the Prime Minister on 13th September, 1966, by the Leader of the Parliament Labour Party, with a request that he meet a joint deputation at an early date.

Ultimately a meeting with the Prime Minister was arranged for 23rd November, 1966. This was postponed due to his illness, but it was felt by the three bodies that the meeting ought to take place before the announcement of the programme for the next session of Parliament.

Accordingly, the Joint Deputation was received on 6th December, 1966, by four members of the Cabinet of Northern Ireland; Mr. Brian Faulkner, Deputy Prime Minister and Minister of Commerce; Mr. William Craig, Minister of Home Affairs; Mr. W. K. Fitzsimmons, Minister of Development; and Mr. W. J. Morgan, Minister of Health and Social Services.

Short introductory statements were made by the Leader of the Parliamentary Labour Party, the Chairman of the Northern Ireland Labour Party, and the Chairman of the Northern Ireland Committee of the Irish Congress of Trade Unions. In the course of his remarks the latter said:

"We, the members of the Northern Ireland Committee of the Irish Congress of Trade Unions, join in these representations with our colleagues of the Northern Ireland Labour Party, and fully approve and support the Joint Memorandum that has been submitted to your Government.

"However, we would point out that the Northern Ireland Committee is not a party political organisation. Members of the Committee are not nominated, nor are they elected, on any party political basis or religious qualification.

"We therefore approach the issues of Citizens' Rights from a non-party political standpoint, and not from any narrow partisan or academic outlook.

"We believe that the Joint Memorandum contains principles that are fundamental to the achievement of a democratic community; and that the adoption of these principles is necessary to provide the basis for social progress and economic prosperity in our Province.

"We have participated in drawing-up this Joint Memorandum with our Labour Party colleagues; and only after deliberate and careful consideration of the difficulties and of the problems that are entailed, both for you as a Government and for us in the Trade Union Movement, do we join in these approaches for action.

"Therefore we put forward the issues raised with a sense of collective responsibility for achieving the objectives.

"You are the elected Government in Northern Ireland. We acknowledge that it is your responsibility to govern and duly uphold law and order.

"Nevertheless, respect for authority and the degree of co-operation can be derived only from a sense and general awareness that social justice is, in practice, being extended to all sections of the community. Fairness and impartiality in framing legislation in the practical administration and the methods of appointments should be the principles of any Government interested in building a happy and responsible community.

"We are convinced that support for the principles contained in the Joint Memorandum will be readily forthcoming from leaders of different political parties, from churches, from leaders in industry, and from all persons of goodwill, not only in Northern Ireland, but also in other parts of these islands.

"There are no social reasons why these elementary Citizens' Rights should be any longer withheld. It is against all the economic interests of the Province to allow the present anomalous situation to exist. Surely there is no moral justification for the Province continuing in this thwarted direction. We must conclude therefore that the reasons are party political."

The Government's Reply

On behalf of the Cabinet, Mr. Faulkner replied briefly to the general point of principle raised in the opening paragraph of the Joint Memorandum, stating:

"We feel the rights of citizens are no less extensive in Northern Ireland than in England, but that the method of exercising these rights should have regard to local needs."

Throughout the meeting, which lasted for one and a half hours, Mr. Faulkner and his colleagues were pressed by members of the Joint Deputation to specify the "local needs" which were alleged to justify the departures from British procedure complained of; on this fundamental point no reply whatsoever was elicited.

On **electoral reform and boundary revision in Parliamentary elections**, the Ministers took up the attitude that any statement of policy must be made in Parliament.

On **local government electoral law**, the Ministers took the line that they were not prepared to consider electoral reform separately from reform of the local government structure. It was pointed out by the Joint Deputation that a review of local government structure had been promised over several successive Parliaments; that no timetable has been announced; and that there exists no obstacle to reform of voting rights before any reform of local government units.

Mr. Craig expressly stated that, notwithstanding the disenfranchisement of a quarter of a million citizens, he "does not concede that any grounds for complaint exist in local government franchise." He considered that voting rights ought to be related to rating and local government finance. When asked whether he was taking up the attitude that the rating system being similar in England, the English system of local government electoral law was wrong; that the law in Northern Ireland was right, and that it was Great Britain that was out of step; Mr. Craig expressly agreed that in his opinion it was the electoral law in Great Britain that was out of step.

On **appointments to public bodies**, Mr. Faulkner stated that it was the Government's policy to have regard only to merit. No satisfactory explanation was given to members of the Joint Deputation for figures which show that minorities are greatly under-represented. The conclusion must be drawn that members of minority groups are considered by the Government to be wanting in merit.

On **discrimination in public employment**, Mr. Faulkner again stated that merit was the sole criterion for appointment to the public services. When asked whether the Government would not be prepared to give, at the least, a lead to private employers, Mr. Faulkner replied very emphatically that the Government would not feel justified in interfering with the policies of private employers.

On **discrimination in housing**, Mr. Fitzsimmons considered that it was right that the allocation of housing should be left to local authorities, and expressed satisfaction with the way in which this was done. He added, "Religion is merely used to support an imaginary grievance," and "the allocation of new housing in Northern Ireland is very fair indeed, and perhaps could be shown to favour the religious minority."

On **the appointment of an Ombudsman**, both Mr. Faulkner and Mr. Craig stated that they were unable to accept the need for any such appointment in Northern Ireland.

On the reform of Trade Union law, Mr. Morgan stated that he was awaiting the report of the Royal Commission on Trade Unions before introducing legislation parallel with the Trades Dispute (Amendment) Act, 1965; but flatly rejected any proposal to substitute "contracting-out" for "contracting-in" to membership of political parties. Mr. Morgan expressly adopted the attitude that in this matter the law in Northern Ireland, once again, was right, and that it was Great Britain that was out of step.

After the meeting both parties issued statements to the Press. The Government set out its reasons for rejecting the representations of the Joint Deputation, which have been summarised above. The members of the Joint Deputation "unanimously expressed their grave concern and disappointment at the attitude of the Government towards the matters discussed, and, in particular, the Government's failure to accept the principle of 'one man, one vote,' and to accept the principle of parity of citizens' rights as between Northern Ireland and the rest of the United Kingdom."

The Queen's Speech

Seven days later, on 13th December, 1966, the Queen's Speech, setting out the programme for the next session of Parliament, was read at Stormont. The only reference it contained to the matters raised in the Joint Memorandum was the single sentence: "A Commission will be set up to review the boundaries of Parliamentary Constituencies."

To the surprise of members, however, the Prime Minister adopted the unusual course of adding to this programme in his speech on the Address. He stated, "In due course the Government will be asking the House to approve legislation which will—

abolish University representation and create four additional territorial constituencies in lieu;

abolish the business vote for Stormont elections; and set up a statutory Boundary Commission."

The abolition of the four University seats had already been promised, though not implemented, in the previous Queen's Speech; the need for a Boundary Commission

followed from it as a necessary consequence; but the abolition of business votes—in Parliamentary elections only, be it noted—was an unexpected addendum, and was greeted by Unionists as a major concession.

Since the total number of business votes for Stormont is under 13,000, however, and since the business and company votes remain untouched in the more sensitive field of local government, this concession represents little more than a gimmick.

In his speech on the Address, the Leader of the Parliamentary Labour Party said: "So far as we are concerned, there will be no respite for the Government until a voting system is established which will give, subject only to important physical considerations, equality value as between citizen and citizen and equality value as between constituency and constituency in both central and local government."

What It Amounts To

The Unionist Government have sought to represent the promises made by the Prime Minister as substantial steps towards the modernisation and democratisation of Ulster. They are nothing of the kind. The grievances voiced in the Joint Memorandum and by the Joint Deputation remain unallayed. A few minor points have been conceded; no progress has been made on the point of principle.

Until the Government of Northern Ireland accepts the fundamental British principle of "one man, one vote" in elections of every kind; until it accepts that the citizens of Northern Ireland are entitled to enjoy equal rights with those of other British citizens; bodies representing Labour and the Trade Union Movement in Northern Ireland will have a positive and over-riding duty to make known their views, and to press for their acceptance by every constitutional means at their disposal.

January, 1967