

N° 636.

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**GRANDE-BRETAGNE  
ET ÉTAT LIBRE D'IRLANDE**

Traité entre la Grande-Bretagne et  
l'Irlande, signé à Londres le 6 dé-  
cembre 1921.

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**GREAT BRITAIN  
AND IRISH FREE STATE**

Treaty between Great Britain and  
Ireland, signed at London, Decem-  
ber 6, 1921.

I, Liam T. Mac Cosgair, President of the Executive Council of the Irish Free State, hereby certify that the text here presented is a true copy of the Treaty concluded at London, between Ireland and Great Britain, on the 6th December 1921.

Liam T. MAC COSGAIR.

No. 636. — TREATY<sup>1</sup> BETWEEN GREAT BRITAIN AND IRELAND,  
SIGNED AT LONDON DECEMBER 6, 1921.

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*Texte officiel anglais et traduction française communiqués par le représentant de l'Etat libre d'Irlande auprès de la Société des Nations. L'enregistrement de ce traité a eu lieu le 11 juillet 1924.*

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I. 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.

II. 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 or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

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

IV. 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 forming the British Commonwealth of Nations.

V. The Irish Free State shall assume liability for 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 in such proportion 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.

VI. 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

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<sup>1</sup> Ce traité a été approuvé par le Dail Eireann le 7 janvier 1922 et ratifié par le Parlement britannique le 31 mars 1922. Le traité est entré en vigueur à cette dernière date.

## TRADUCTION. — TRANSLATION.

No. 636. — TRAITÉ <sup>1</sup> ENTRE LA GRANDE-BRETAGNE ET L'IRLANDE,  
SIGNÉ A LONDRES LE 6 DÉCEMBRE 1921.

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*English official text and French translation communicated by the Representative of the Irish Free State accredited to the League of Nations. The registration of this Treaty took place July 11, 1924.*

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I. — L'Irlande aura le même statut constitutionnel dans la communauté de nations connue sous le nom d'Empire britannique que le Dominion du Canada, le Commonwealth d'Australie, le Dominion de la Nouvelle-Zélande et l'Union de l'Afrique du Sud, avec un Parlement ayant le pouvoir de faire des lois pour la paix, l'ordre et le bon gouvernement de l'Irlande et un pouvoir exécutif responsable devant ce Parlement, et elle sera désignée et connue sous le nom d'Etat libre d'Irlande.

II. — Sous réserve des dispositions ci-après, la situation de l'Etat libre d'Irlande vis-à-vis du Parlement et du Gouvernement britanniques, et d'une manière générale, sera celle du Dominion du Canada, et le droit, les pratiques et les usages constitutionnels qui régissent les relations de la Couronne ou du représentant de la Couronne et celles du Parlement britannique avec le Dominion du Canada régiront également leurs relations avec l'Etat libre d'Irlande.

III. — Le représentant de la Couronne en Irlande sera nommé de la même façon que le Gouverneur général du Canada et conformément à la pratique suivie pour les nominations de ce genre.

IV. — Le serment que prêteront les membres du Parlement de l'Etat libre d'Irlande sera conçu dans la forme suivante :

« Moi, ... je jure solennellement foi et allégeance à la Constitution de l'Etat libre d'Irlande, telle qu'elle est établie par la loi, et fidélité à Sa Majesté le Roi George V et à ses héritiers et successeurs légitimes, en vertu de l'association existant entre les citoyens d'Irlande et de Grande-Bretagne et du fait que l'Irlande a adhéré comme Membre au groupe de nations formant le Commonwealth des nations britanniques. »

V. — L'Etat libre d'Irlande assumera une part de la dette publique du Royaume-Uni existante à la date du présent Traité et une part des pensions de guerre existantes à la même date dans une proportion qui sera jugée juste et équitable, en tenant compte de toute demande juste de l'Irlande, en raison de créances liquides et exigibles ou de demandes reconventionnelles, le total des sommes dues devant être déterminé, à défaut d'accord, par l'arbitrage d'une ou plusieurs personnes indépendantes, citoyens de l'Empire britannique.

VI. — Jusqu'à ce qu'ait été conclu entre les Gouvernements britannique et irlandais un accord aux termes duquel l'Etat libre d'Irlande se chargera de sa propre défense côtière, la défense par

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<sup>1</sup> This Treaty was approved by the Dail Eireann, January 7, 1922, and ratified by the British Parliament March 31, 1922. The Treaty entered into force on the latter date.

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.

VII. 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 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.

VIII. 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 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.

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

X. 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.

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.

XI. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, 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.

XII. 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, and 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.

XIII. 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.

XIV. After the expiration of the said month, if no such address as is mentioned in Article XII 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 to such other provisions as may be agreed in manner hereinafter appearing.

XV. 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 :
- (d) Safeguards for minorities in Northern Ireland :
- (e) The settlement of the financial relations between Northern Ireland and the Irish Free State :
- (f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively :

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

XVI. 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.

XVII. 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 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.

XVIII. 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.

<p>On behalf of the British Delegation :</p> <p>(Signed) D. LLOYD GEORGE. AUSTEN CHAMBERLAIN. BIRKENHEAD. WINSTON S. CHURCHILL. L. WORTHINGTON-EVANS. HAMAR GREENWOOD. GORDON HEWART.</p>	<p>On behalf of the Irish Delegation :</p> <p>(Signed) ART O GRÍOBHTHA (Arthur Griffith). MÍCHEÁL O COILEÁIN. RÍOBÁRD BARTÚN. EUDHMÓN S. O'DÚGÁIN. SEÓRSA GHABHÁIN UÍ DHUBHTHAIGH.</p>
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December 6, 1921.

#### ANNEX.

(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 companies under guarantee that  
Rathmullen { 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.

D. Ll. G.

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A. C.

W. S. C.

E. S. O'D.

A. G.

M. O'C.

R. B.

S. G. D.