

Signing the Irish Treaty 1921

Contributed by Brian P. Hegarty Jr.



A hundred years ago in October 1921, the Irish leaders set out for London to achieve the impossible: They had just a few weeks to achieve the freedom Ireland had sought for seven centuries.

It all began in early summer of 1921, Jan Smuts, Prime Minister of the South African Union, a self-governing dominion of the British Empire, approached Éamon de Valera, President of Sinn Féin to accept dominion status for Ireland within the British Empire rather than insist on an Irish Republic. De Valera claimed such a question was for the Irish people to decide, and Smuts responded: “The British people will never give you this choice. You are next door to them.”

The Truce had not been two weeks old when British Prime Minister Lloyd George sent a letter to Éamon de Valera outlining British proposals for ‘An Irish Settlement’. The 20 July 1921 letter offered the status of a Dominion like Canada in which the new state would have complete autonomy – in taxation and finance, in the courts

and the law, in policing, education, health, housing, local defense, mines minerals, forest, etc. This looked like the complete package. But it wasn’t. Accepting dominion status meant there would be no Republic. In addition, the treaty offer would be on a condition that the Northern Ireland Parliament was confirmed in its existing powers and privileges, unless its people decided otherwise. After months of circling back and forth correspondence, Ireland agreed to send a delegation to London.

There was a major disparity in negotiating experience between the two sides from the start. The British negotiators were men at the top of the political class, with decades of experience negotiating treaties at the highest international level. They had spent months refining their arguments, deciding on clear strategies and goals. The Irish side had men with no such experience. They had been fighting a war, in hiding, on the run, in prison, fighting an underground war only four months earlier. The Dáil had not debated the approach to be taken with the British. To the Irish, the British presence on the Island was the problem, their withdrawal would make everything fall into place.

De Valera believed the instructions to the delegates couldn’t be clearer: sign nothing before referring back to Dublin. They were also issued with instructions that before anything was signed, the complete text of the draft treaty was to be referred to Dublin, and a reply awaited.

So why did Sinn Féin President Éamon de Valera not lead the delegation? Austin Stack said his absence would mean the delegation would make “no hasty arrangements” in London and if negotiations broke down without him there would be a last recourse for him to join the delegation.

Despite all the attention paid to 22 Hans Place (the other half of the Irish delegation resided at Cadogan Gardens), someone had found time to paint a single word, in foot-long letters in red paint on the pavement outside: MURDERERS.

The negotiations began October 11. Each side considered its red lines. The British offer to de Valera July 20 meant: (1) no sovereign entity on the island of Ireland, outside the Empire and recognizing the Crown as “external” head of the Commonwealth, and (2) Northern Ireland’s status

guaranteed, unless its people decided otherwise. The Irish response: (1) Sovereignty on the island of Ireland, and (2) The six counties of Northern Ireland subordinated to a Dublin Parliament.

The British did all they could to split the Irish delegation. Lloyd George sent his secretary Tom Jones to meet Arthur Griffith with a proposal that proved to be a turning point in the talks. Would the Irish delegation consider accepting a 26-county parliament, with a boundary commission to decide the fate of the other six counties?

By mid-November Lloyd George sent a draft treaty to the delegation with the July 20 proposals with boundary commission proposal added in and the Irish delegation stuck to the basics: Sovereignty for Ireland, no allegiance to The Crown. The 'essential unity' of the island of Ireland. Lloyd George was furious because there was no advance at all, sticking to their demand for Irish independence, with no real safeguards for NI, and no offer to allow that parliament contract out of an all-island parliament. In a bid to drive forward on a treaty text, brought in the attorney general to meet the Irish legal team. Duffy, Chartres, Griffith, and Collins were pressed for an answer from the Irish Delegation on the key issues of sovereignty, the Commonwealth, and allegiance to the Crown.

On November 24 the Irish delegation went home to Dublin to consult with the rest of the cabinet. They returned to London with the offer that 'Ireland will agree to be associated with the British Commonwealth for all purposes of common concern, including defense, peace and war, and political treaties, and to recognize the British Crown as Head of the Association'.

Sitting at the cabinet table, Lloyd George read the letter, looked up at his ministers and said, "this means war". The ministers asked him to persevere.

Lloyd George offered the promise that Ireland would have the same national status as the Dominion of Canada, the new entity to be known as 'The Irish Free State'. The Crown had no more power in Ireland than it did in Canada; even the King's representative in the new State would be chosen by the Irish government and would be symbolic only. In other words, the Oath of Allegiance to the Crown could be watered down to something more acceptable to the Irish.

The new draft was sent to Griffith and the Irish delegation returns to Dublin for a cabinet meeting to discuss the draft. The delegates were split. Griffith was in favor of the treaty, believing allegiance to the Crown was not an issue to break on. Duggan considered the treaty to be the last offer from the British. Collins considered rejection a gamble since the British could be back at war in Ireland inside a week. Barton did not believe the treaty was Britain's last offer and did not believe them ready to go back to war over Ireland owing allegiance to the Crown. Gavan Duffy wanted the Dáil to reject the treaty. Griffith concluded that he had to tell Lloyd George the treaty could not be signed.

I believe here de Valera made an error in judgement and frustrated members of the Irish delegation when he declined to join them on their return to London. A meeting of the two sides at Downing Street ended with Lloyd George declaring that any of de Valera's counterproposals meant a straight refusal to accept membership of the Empire, and allegiance to the Crown.

Historians are divided about how the meeting between Collins and Lloyd George came about but 17 hours before the signing of the treaty the two met. Lloyd George began the meeting with Collins by stating that he had a Cabinet meeting in a few hours, at which he would announce the breakdown in negotiations. The two sides were at an impasse.

Later that day, the final session of negotiations began. On the British side of the table, Lloyd George, Birkenhead, Chamberlain, and Churchill. On the Irish side, Griffith, Collins, and Barton. Lloyd George started the final meeting by reminding Griffith that he had promised the Prime Minister that he would not "let him down" on Ulster. Griffith assured Lloyd George that Northern Ireland would be allowed, to opt out of an All-Ireland parliament. Collins said that only a united Ireland could agree to association with the Commonwealth.

The British side refused to consider a delay to a final agreement. Lloyd George was having none of it. He wanted all signatures of the Irish delegation on the treaty. The next moments of negotiations have passed into legend. Lloyd George turned and addressed Barton

directly. He said those who were not for peace must take full responsibility “for the war that would immediately follow refusal by any delegate to sign the Articles of Agreement”. The Prime Minister then produced two envelopes. He claimed they each contained a letter to James Craig, Prime Minister to Northern Ireland. One letter said that the Irish Delegation agreed to recommend the terms to the Dáil. The other stated that there was no agreement. Were that to be the letter sent, war would follow in three days. The deadline for the decision was 10pm, to allow a messenger to carry the letter to Belfast by special train and fast warship.

Back at Hans Place, the Irish Delegation agonized over their response. Griffith and Collins were definitely signing. Duggan gave in next, unable to support a return to war, he persuaded Barton to do the same. Gavan Duffy was the last to agree. The Irishmen stood on landings and stairs, arguing in tight tense groups, or slumped in chair in exhaustion or resignation. They argued because they had just been offered what seemed like a great prize, a prize that had eluded their countrymen for centuries, yet would come at the cost of torching an ideal that men had fought, killed, or died for.

Inside the cabinet room in 10 Downing Street waited senior members of the British government, some of the most formidable negotiators ever assembled by any great power. They had just staked their political fortunes, their reputations, and the fate of their government, on offering a treaty that would see the United Kingdom, center of the greatest empire on earth, surrender a fifth of its own national territory to men it had condemned as traitors and murderers.

Tuesday, December 6 at 2:20am, the two delegations signed the treaty. The British Signatories were under no illusion about the enormity of what the Irish delegates had just done. They recalled the pain, the strain on their faces. Churchill had described Collins, as he headed out the door to return to Hans place as “looking like he was going to shoot someone...I have never seen such pain and suffering in restraint”.

In a few words, the future was foretold.
Lord Birkenhead: “I may have signed my political death warrant tonight”.
Collins replied: “I may have signed my actual death warrant”.

Postscript:

There were handshakes and goodwill around the negotiating table in 10 Downing Street but looking ahead 12 months after the signing.

- Two main Irish Signatories were dead.
- The former President of the Republic was a fugitive in his own land.
- The four British Signatories were out of office, their main ‘offense’ being the signing of the treaty, that had given away so much to the Irish Negotiators.