

‘The Treaty that never was’

A talk by Jack Lane

There is a tsunami of commentary at the moment on the document that was signed in London on 6th December 1921 which is universally called a Treaty.

But the signed document was itself not called a Treaty or specified as such anywhere in the text – and for good reason. It was officially called “*Articles of Agreement between Great Britain and Ireland.*”

It had been discussed by two sets of negotiators and their top legal experts line by line before being signed. So it was hardly an oversight that it was not called or specified as a Treaty. As with all legal documents what is not said is just as important as what is said and it did not say that this agreement was a Treaty.

So why did it not qualify as a Treaty?

- Treaties are designated and elaborated as such when agreed.
- They are established by mutually accepted independent states.
- They are freely entered into by the governments concerned.
- There is no allegiance required by one state to another.

The *Articles of Agreement* met none of these requirements:

- It was signed under a threat of immediate war.
- The Irish Republic and Dáil were not recognised.
- The British Government demanded and got an oath of allegiance from the Irish negotiators.
- The Irish Government was specifically prevented from seeing or agreeing to its final terms before the document was signed.

Jack Lane will explore how this débâcle arose and the differences between de Valera and Collins’ roles in dealing with it.

7pm, Monday 6th December 2021

For the Zoom link to attend this talk, email Jack Lane at:

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