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British ‘Guilt’ Concerning Anglo–New Zealand Relations and the Migration of Former IRA Detainees, 1970–1977

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[Abstract]

This article examines how Britain’s deteriorating relations with New Zealand in the early 1970s rendered the London government to accommodate the Wellington administration’s foreign policy decisions at the risk of exposing Britain’s contentious internal policy arrangements to the wider world. Britain’s decision in the late 1960s and early 1970s to withdraw her troops from Southeast Asia and to join the European Economic Community had a negative impact on her diplomatic relations with various Commonwealth partners, including her traditionally strong bond with New Zealand. This was evident in the increasing anti-British sentiment amongst the people of New Zealand and in the introduction of anti-British policies by the Wellington government in the early 1970s. Consequently, Britain actively sought to placate New Zealand’s feelings and to improve Anglo-New Zealand relations by agreeing to accommodate New Zealand Prime Minister Robert Muldoon’s policy of allowing former IRA detainees in Northern Ireland to emigrate to New Zealand, even

though this meant that Britain's controversial detention policy in Northern Ireland could be laid bare to global scrutiny. London's high-risk decision to give unofficial advice to Wellington on the suitability of candidates for emigration had to be concealed in order to give the impression that the British government was not in any way involved in New Zealand's decisions. Therefore, when questions were raised in the British Parliament over the question of London's involvement in Muldoon's scheme, the British government went so far as to mislead the Commons on the issue.

Key Words: Northern Ireland, Irish Republican Army, New Zealand, Robert Muldoon, immigration

I. Introduction

In June 1977, New Zealand Prime Minister Robert Muldoon made an unusual and “fascinating” visit to Belfast where he “toured housing estates and shopping centres, received military briefings on the situation [in Northern Ireland], and met representatives of [the Northern Ireland] peace movement” (Gustafson 226). The visit, despite Britain's general reluctance in allowing foreign leaders to visit the province, was hastily arranged as it was Muldoon's strong desire to visit Northern Ireland personally in order to promote his eye-catching and controversial new immigration policy: to allow some of those who had been involved in terrorist activities in Northern Ireland “to seek sanctuary and start a new life in New Zealand” (Gustafson, 225).

Northern Ireland was, in 1977, well in the midst of the bloody and brutal internal conflict between Protestants and Catholics that has been referred to as the ‘Troubles’,

which had begun with the civil rights march in Londonderry in October 1968 (Won, Troubles 301). The actions of the Provisional Irish Republican Army (IRA), which had split from the original paramilitary organization in December 1969 in order to pursue a much more aggressive campaign of violence against the Protestants (Won, Troubles 305), had brought the British army into Northern Ireland in July 1970 to deal with the unrest which would result in the arrest of hundreds of Catholics (Adams 42). The escalation in the level of violence in the province as a result of such clashes between the British authorities and the IRA soon became uncontrollable: nearly 180 people would die as a direct consequence of the Troubles in 1971 alone (McKittrick and McVea 79). With the Northern Ireland government of Prime Minister Brian Faulkner unable to manage the situation and worried that scenes of British soldiers inflicting violence upon Northern Ireland citizens would greatly hurt Britain's chances of entering the European Economic Community (EEC) (Campbell 430), British Prime Minister Edward Heath announced his decision to suspend the Northern Ireland government and to impose Direct Rule from London in March 1972 (Won, Troubles 308). Despite Heath's attempts to establish a peaceful solution to the Northern Ireland crisis - most notably his signing of the Sunningdale Agreement in December 1973 which would allow the setting up of a power-sharing executive and would also allow cooperation from the Irish Republic via the Council of Ireland (McKittrick and McVea 111) - the situation did not greatly improve: an average of 252 people were killed every year from 1971 to 1977 (Barnett 270). As such, Muldoon's offer in 1977 to do what he could to help alleviate the appalling predicament in Northern Ireland by allowing those with a chequered past to cut their ties to the horrors of the Troubles and be given a new lease of life in New Zealand seemed on the outside to be a deeply humanitarian gesture which was imaginative in its approach and should rightly be welcomed with open arms.

Despite the wide media coverage that Muldoon's Northern Ireland policy received at the time, there has been almost no academic research that has delved into this topic in any meaningful detail since. The reason for this could well be down to the fact that Muldoon's humanitarian gesture turned out to be rather unsuccessful: in the end, only "a few were eventually resettled in New Zealand and most of those did not stay but returned to Ireland" (Gustafson 226). However, the fruitless end result of this innovative approach does not in any way mean that Muldoon's interaction with the British government concerning his policy is not worthy of further scrutiny. As mentioned above, the British government was deeply embarrassed to lay bare the state of Northern Ireland to the eyes of the rest of the world: indeed, British diplomatic activity on the global stage in the 1970s was at times severely curtailed by criticisms of her Northern Ireland policy from various hostile powers (Won, *Persecution* 216-217). In spite of such desire and effort on the part of London to keep Northern Ireland away from the international spotlight, the Muldoon administration was nevertheless able to secure the consent and cooperation of the British government in penetrating deep into the state of affairs in Northern Ireland and in drawing the attention of the international community to New Zealand's contribution in easing Northern Ireland's plight. This highly unusual diplomatic arrangement can only mean that the state of Anglo-New Zealand relations of the time was exceptional, and as such a deeper and more thorough analysis of the conception and the implementation of Muldoon's policy is necessary in order to better understand the complexities of Britain's relations with New Zealand in the 1970s.

Therefore, by consulting relevant British and New Zealand government papers of the period, this article seeks to draw a fuller picture of Anglo-New Zealand relations in the 1970s by exploring the issues that had the greatest impact on Anglo-New Zealand relations at the time, analyzing how the British and New Zealand

governments dealt with any fallout from such an impact, and examining the extent to which Muldoon's Northern Ireland policy was able to materialize as a consequence of Britain's diplomatic 'indulgence' towards New Zealand.

II. British Policy Towards New Zealand Prior to 1977

Undoubtedly, the two most pressing issues to have caused considerable pressure on relations between Britain and New Zealand in early 1970s were the Harold Wilson government's announcement in 1968 to withdraw British forces from Southeast Asia by the end of 1971, and the Edward Heath administration's decision to reapply for entry into the EEC on coming to power in 1970. Since the Second World War Britain had been involved in defence matters concerning New Zealand through their membership of the Southeast Asia Treaty Organization (SEATO), "through the stationing of their forces in Malaysia and Singapore as part of the Commonwealth Strategic Reserve, through consultation arrangements under ANZAM [the 1949 Australia-New Zealand-Malaya Defence Organization], and through a network of shared intelligence and other responsibilities" (TNA, FCO 24/621, 7 April 1970). These connections and cooperations were of some political benefit to New Zealand as they had served to "offset the embarrassment [for New Zealand] of excess dependence" upon the United States, which had taken "first place" among Oceania's "great and powerful friends" since the signing of the Australia-New Zealand-United States Security Treaty (ANZUS) in 1951 that provided for "consultation between the three countries in the event of military attack or threat in the Pacific" (TNA, FCO 24/621, 7 April 1970). Britain's decision to withdraw her operational forces from the

Southeast Asian region by 1971 marked “a further step” for New Zealand to “move towards greater dependence in defence” on America and, therefore, an increase in the embarrassment New Zealand would feel for its disproportionate reliance on American protection (TNA, FCO 24/621, 7 April 1970). In addition, although London had promised Wellington that after 1971 ANZAM would be replaced by a new tripartite consultation arrangement known as the Australia-New Zealand-United Kingdom Agreement (ANZUK), this still left New Zealand with such problematic issues as whether she “should continue to station forces in Malaysia and Singapore” without Britain and “to what use these forces should be put” if they were to remain (TNA, FCO 24/621, 7 April 1970). The possibility that these forces would be stationed in the area for New Zealand’s “own national purposes rather than specifically for the defence of Malaysia and Singapore” had led to “some doubts by the Malaysians as to the value of the commitment”, which in turn made it very difficult for New Zealand to “negotiate with the Malaysian and Singapore governments for the facilities they will need for their forces after 1971” (TNA, FCO 24/621, 7 April 1970).

As for the potentially negative impact that Britain’s entry into the Common Market could have on New Zealand, the New Zealand economy was “heavily dependent upon the British market which took 44% of all exports in 1968” (TNA, FCO 24/621, 7 April 1970). Although this was a “reduction from the 66% of [total exports in] 1950”, it still left “the New Zealand exporter substantially dependent on the U.K. market, especially in the range of dairy products for which it is almost the only sizeable outlet”: for instance, in 1969 Britain took 95.6% of New Zealand’s exports of butter and 75.8% of cheese (TNA, FCO 24/621, 7 April 1970). As such, New Zealand’s trading relationship with Britain was “central to the New Zealand economy” and [therefore] the question of Britain’s entry to the European communities was “of paramount importance” to Wellington since this would result in

Britain adopting the EEC's Common External Tariff (Won, *Integration* 272), and thus precipitate the abolition of the 'imperial preference' tariff system that was established by the Ottawa Agreements of 1932 and which was designed to allow the importation of food and raw materials from the Commonwealth countries into Britain with either no tariffs or with tariffs lower than those applied for countries with most favoured nation status (Won, *Integration* 276). Greatly concerned that such an outcome could cause significant damage to the New Zealand economy by the vast increase in the price of their food exports to Britain as well as by the fierce competition that these exports would have to face from cheaper European agricultural produce due to the EEC's Common Agricultural Policy (Won, *Integration* 279), the Wellington government "lost no opportunity to press the case with Britain and the EEC countries for arrangements safeguarding their agricultural exports in the event of British entry" (TNA, FCO 24/621, 7 April 1970). But it was generally understood by all parties concerned that "any arrangements for New Zealand which [Britain] might be able to negotiate with the Six [EEC members] are unlikely to be wholly satisfactory to New Zealand and despite her efforts to diversify the dairy industry, there is no immediately available alternative market which could take more than a small fraction of the New Zealand butter, cheese and lamb now imported to Britain" (TNA, FCO 24/621, 7 April 1970).

It was inevitable that the strain which was put on defence and economic relations between Britain and New Zealand as a result of these changes in British government policy would have the potential to impose detrimental ramifications on Anglo-New Zealand relations in general. In January 1973, the Australian government – another Commonwealth partner greatly disgruntled by the change in British foreign policy – announced its intention to abolish Australian appeals to the Judicial Committee of the Privy Council based in London and thus "break the remaining legal and consitutional

links between Australia and the United Kingdom” (TNA, FCO 24/1831, 18 January 1973). When asked about whether New Zealand might also be contemplating such a move, Prime Minister Norman Kirk gave the standard mundane reply that he saw “no reason why these [constitutional links] should not continue” (TNA, FCO 24/1831, 18 January 1973). But his Justice Minister, Martyn Finlay, gave rather a more cryptic reply: unlike Australia with her written Federal Constitution, New Zealand “had complete freedom to change [her] unwritten constitution by relatively informal measures” and that the “question of New Zealand appeals to the Judicial Committee of the Privy Council would be subjected to ‘more urgent review’” (TNA, FCO 24/1831, 18 January 1973). Whilst the British government felt fairly confident that “for the time being at least no parallel action to that being contemplated by Australia need be expected from the New Zealanders” (TNA, FCO 24/1831), it was nevertheless a subtle warning shot fired by Wellington that London should not be complacent in its analysis of New Zealand’s intentions concerning her relations with Britain.

Wellington’s mixed messages concerning its view of Anglo-New Zealand relations were once again forthcoming during a visit to Wellington in March 1973 by John Hickman, head of the Southwest Pacific Department at the British Foreign and Commonwealth Office (FCO). Frank Corner, the Permanent Secretary of the New Zealand Ministry of Foreign Office, told Hickman that Kirk’s interests “lie much more in the Pacific than Europe or the Atlantic community, that New Zealand’s economic interests in Europe were inevitably declining and both her political and trading future lie nearer home” (TNA, FCO 24/1831, 13 March 1973). These remarks baffled Hickman and his FCO officials since it was “impossible to reconcile Mr Corner’s account of Mr Kirk’s opinions with the extremely warm views which [Kirk] has already expressed about Britain’s role in the Far East and the importance he

attaches to Anglo-New Zealand relations” (TNA, FCO 24/1831, 13 March 1973). Hickman therefore in effect preferred to dismiss Corner’s comments as a product of sheer bloody-mindedness due to the fact that New Zealand officials “dislike” the reality that they “depend heavily on the EEC and Britain in particular for export outlets, and will do so for many years” (TNA, FCO 24/1831, 13 March 1973). But Hickman’s dismissal of Corner’s warning would soon prove to have been ill-judged, and this growing anti-British sentiment in New Zealand would soon prove to have been by no means limited to government officials deeply reluctant to admit their beholdenness to their British counterparts.

In August 1973, Kirk personally spelled out his vision of how he thought the Commonwealth should be reformed at the Annual Seminar of the New Zealand Institute of International Affairs. In his Opening Address, Kirk expressed his desire that the Commonwealth “would develop into an association with a hard-headed economic basis” and that a “strengthened Commonwealth might in due course attract new members who had never experienced British rule” which would allow the Commonwealth to “achieve what the United Nations had failed to do” (TNA, FCO 68/493, 7 September 1973). The British diplomats in Wellington found it “striking” that in Kirk’s speech there was “the absence of emphasis on bonds that are common through their British associations together with the peripheral role to which, by implication, Mr Kirk seems to relegate Britain” (TNA, FCO 68/493, 7 September 1973). Furthermore, the diplomats found Kirk’s impassioned argument that “small countries are important, indeed vital, to the rich nations through their supply of primary products and they should use this for insisting on more favourable terms in their trade [and establish] a union of small, rather than developing, countries speaking with a united voice in world forums, and presumably this being able to bargain more effectively” to be “muddled and puzzling” (TNA, FCO 68/493, 7 September 1973).

As if this wasn't enough to stoke up anxieties in London that Frank Corner's analysis of his Prime Minister's viewpoint was indeed accurate, the Kirk government officially informed the Edward Heath administration in November 1973 of Wellington's unilateral decision to alter Queen Elizabeth II's Royal Style and Titles in respect of New Zealand "so that they reflect more clearly The Queen's present constitutional status in New Zealand" (TNA, FCO 68/493, 20 November 1973). The Royal Style and Titles up to that point, which was "Elizabeth the Second, by the Grace of God, of the United Kingdom, New Zealand and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith", would now be changed by Kirk to "Elizabeth the Second, by the Grace of God Queen of New Zealand and of Her Other Realms and Territories, Head of the Commonwealth" in order to "give primary emphasis [...] to Her Majesty's status as Queen of New Zealand" and to make it clear that "'Defender of the Faith' has relevance only to [the United Kingdom with her Church of England] and not to New Zealand where there is no Established Church" (TNA, FCO 68/493, 20 November 1973). While giving no explanation as to why he had suddenly decided to take this initiative, Kirk felt it necessary to point out that this change was "merely a small rationalization of New Zealand's constitutional law" and that therefore it "in no way affects the very warm and very fundamental relationship which exists between our two countries" (TNA, FCO 68/493, 20 November 1973). But Heath, no doubt perturbed by the abrupt notification of this not insignificant fracture of a symbolic link between Britain and New Zealand, sent a rather terse reply thanking Kirk for his letter but stating that Heath himself did "not think it is for me to comment on the changes you have in mind" and pointedly reiterating Kirk's comment that this in no way should affect the close relationship between the two countries (TNA, FCO 68/493, 17 December 1973). London would henceforth be in no doubt of the Kirk

administration's true intentions concerning Anglo-New Zealand relations.

In early February 1974, the *New Zealand Truth*, a weekly tabloid newspaper, published a series of articles "designed to arouse emotions against the British", of which the most prominent was the call for the Kirk government "to severely restrict immigration from Britain to New Zealand" (TNA, FCO 24/2017, 8 February 1974). It even printed a quote from Robert Muldoon, the Deputy Leader of the opposition National Party and a former Deputy Prime Minister, proclaiming that the "United Kingdom is in terrible shape. We must make sure that they (the trouble makers in the British unions) aren't allowed to do the same thing here [...] There are a lot of people in New Zealand who should not have been allowed in [...] We must treat Britons like nationals from any other country" (TNA, FCO 24/2017, 8 February 1974). Whilst tabloids such as the *Truth* would not normally be scrutinized in any serious manner by the British government due to their propensity for "sensationalism and muck-raking", the FCO was however concerned that there were "a number of indications that at this particular time and on this particular issue the 'Truth' line is to some extent in harmony with the emotion of a significant number of New Zealanders [who] seem to exhibit a feeling of malicious glee towards Britain's present problems [since] Britain, they seem to think, joined the EEC at New Zealand's expense in order to improve her own standard of living [but] a year later, Britain's standard of living seems to be under severe pressure while New Zealand is doing pretty well" (TNA, FCO 24/2017, 8 February 1974). In effect, the mood of the New Zealand public seemed to be a case of "serves Britain right" for her betrayal (TNA, FCO 24/2017, 8 February 1974). What is more, the Kirk government was "doing nothing to discourage this, and in many ways Mr Kirk has given it a fair wind by his harping on the need for New Zealand to reorient herself and to regard herself as a Pacific power; indeed there are some straws in the wind which suggest

that [Kirk] positively approves of this attitude” (TNA, FCO 24/2017, 8 February 1974). Indeed, the situation was of sufficient concern for the Executive Officer of New Zealand’s Office of Race Relations Conciliator, Pita Sharples, to go so far as to state that he was “worried by the increase in anti-British feeling and he saw more potential danger in it than, for example, Maori-Pakeha relations” (TNA, FCO 24/2017, 12 March 1974). Sharples also criticized various manifestations of the sentiment, “including car stickers, slogans and ‘Pommy Bastard’ T-shirts”, and even implied that “some of the culprits should be charged under the Race Relations Act” (TNA, FCO 24/2017, 12 March 1974). However, Justice Minister Finlay once again intervened and commented that such expressions “were humourously intended” and that his own step-son’s ‘Pommy Bastard’ T-shirt “had been both manufactured and purchased in the United Kingdom” (TNA, FCO 24/2017, 12 March 1974).

British citizens who fell victims to the anti-British sentiment in New Zealand were also active in voicing their shock and anger to Downing Street and in urging the London government to lodge a strong protest to Wellington. One complainant to Downing Street argued that despite the “humiliation and degradation” that British people were subjected to in New Zealand, the “New Zealand Police Force and Race Relations Board have done little, if anything, to halt what appears to be racism of the worst kind [...] If Britons indulged in similar activities in this country I, and others, have no doubt that the swiftest action would be taken against offenders, if only to impress foreigners abroad” (TNA, FCO 24/2017, 19 March 1974). By no means wishing to instigate any sort of additional diplomatic tussle with Wellington, the FCO had little option but to try and play down the situation by giving the standard FCO reply that “the significance of the incidents reported in the press has been exaggerated; that they in any case reflect the attitude of a very small minority of New Zealanders; and that judicial processes provide the proper means for dealing

with such incidents" (TNA, FCO 24/2017, 9 April 1974).

Whilst there is little doubt that the FCO in general regarded this decline in Anglo-New Zealand relations during this early 1970s "watershed" to be unfortunate (TNA, FCO 24/2017, 29 March 1974), British diplomats on the ground in Wellington were strongly of the opinion that the "onus for maintaining good relations does not depend solely on [Britain]": after all, New Zealand "had started to loosen its links with the United Kingdom long before [Britain] had begun the process of entering Europe" (TNA, FCO 24/2017, 29 March 1974). The fundamental problem, in the eyes of the diplomats, was that "successive British governments have tended to take a soft line towards pressures from New Zealand [...] it seems to be [Britain] who traditionally [does] most of the giving" and that the New Zealanders had taken this British approach "for granted - [since Britain] usually gives them most of what they ask" (TNA, FCO 24/2017, 29 March 1974). Therefore it was suggested that the FCO should "compile" a clear, coherent set policy towards New Zealand which would minimize the change of stance when dealing with Wellington (TNA, FCO 24/2017, 25 April 1974). However, the FCO policy-makers in London were adamant that this approach would not be the best course of action in regard to New Zealand. London was still of the opinion that the "long-standing and friendly ties" with Wellington which "both sides will seek to maintain" were unique, and that therefore both countries should "seek to sort out in as friendly a manner as possible the inevitable differences which will arise [which if necessary would include the provision of the] discount [Britain] will give [New Zealand] for sentimental reasons" rather than refer to a set policy that would "either lead us into a catalogue of generalities or into a long series of briefs on individual issues" (TNA, FCO 24/2017, 29 April 1974). As a consequence, British policy towards New Zealand was to remain relatively timid and accommodating, with London as willing as ever to assist with the Wellington

government's various needs and demands. It was this approach that continued into New Zealand's November 1975 general election, when the National Party returned to power and the aforementioned Robert Muldoon was sworn in as Prime Minister the following December.

III. Muldoon's 'Special Humanitarian Migration Scheme for Northern Ireland'

The evidence that the FCO was as keen as ever to bend over backwards to ingratiate itself with the New Zealand government under Muldoon's leadership – notwithstanding his previous anti-British and anti-immigrant outbursts while in opposition – can be clearly seen in the FCO's suggestion in November 1976 that “a regular exchange of views” between senior British and New Zealand officials should be formally established despite the fact that the FCO traditionally had “hesitations in the past about formalizing bilateral consultations [...] on the grounds that regular meetings can be an inconvenient commitment and that the institutionalisation of consultations could devalue the currency” (TNA, FCO 24/2418, 27 January 1977). This was clearly a proposition that London was much more eager to pursue than Wellington was; while the New Zealand Ministry of Foreign Affairs was open to the idea in principle, it would only be allowed to take place on the condition that the meetings “would remain fairly unstructured and not too frequent” (TNA, FCO 24/2418, 14 December 1976). Also, while the British favoured the attendance of the top New Zealand Foreign Ministry mandarin, Frank Corner, to such discussions, the Wellington authorities would commit to nothing more than sending “a New Zealand official” (TNA, FCO 24/2418, 27 January 1977). In addition, in response to a further

British request made at the same time that Britain and New Zealand should think about “some form of sharing the burden of [diplomatic] representation in [remote] overseas posts such as Honiara [in the Solomon Islands]”, Wellington made it very clear that New Zealand wanted “her own representation [to] be quite clear and distinct from the Australians and British [...] they would want an identifiable separate office [but that they could] agree to house a British official in a New Zealand High Commission” if Britain required help in this area (TNA, FCO 24/2418, 14 December 1976).

It was in the midst of this continued one-sided love affair in Anglo-New Zealand relations that Muldoon prepared for his visit to Britain in June 1977 where he planned to confirm publicly that New Zealand would accept Northern Ireland ex-detainees as migrants. This highly unusual plan, officially named the ‘Special Humanitarian Migration Scheme for Northern Ireland’, came about in February 1977 when Muldoon met with Mairead Corrigan, one of the leaders of the Northern Ireland Peace Movement (NIPM) – a grassroots peace organization which was created in Belfast in August 1976 as a response to an incident where a car being driven by an IRA member, who was shot dead by British army personnel, crashed into Corrigan’s three young nephews and killed them (Gillespie, 203) – and was informed “of the difficulties faced by some ex-detainees who had had a change of heart [and] who wished to have no further part of extremist activities, but who could not break with their former colleagues because their lives would be at risk” (TNA, PREM 16/1348, 2 March 1977). In accordance with Corrigan’s pleas for New Zealand’s help in allowing “these people to make a new life in other countries away from the troubles in Northern Ireland” (TNA, PREM 16/1348, 2 March 1977), Muldoon’s cabinet discussed the possibility of allowing initially around 20 ex-detainees who were recommended by the NIPM as “suitable candidates for

inclusion in the scheme” entry into New Zealand (ANZ, AATJ 28177 W3483 Box 3/538, 25 February 1977). The NIPM would submit to the Chief Migration Officer at the New Zealand High Commission in London completed standard immigration application forms for each applicant, together with a letter of support for each application which would state the following:

- (i) full details of the candidate’s political history and involvement in extremist activities; reasons for detention; grounds for believing change of heart undergone by candidate, danger candidate faces from former colleagues; suitability to settle in New Zealand;
- (ii) NIPM’s proposals for settling the candidate in New Zealand, ie which New Zealand family is to sponsor, and whether employment has been arranged;
- (iii) the religion of the candidate. (The aim would be to strike a rough balance between Protestant and Catholic in the scheme) (ANZ, AATJ 28177 W3483 Box 3/538, 25 February 1977)

After the Chief Migration Officer had checked the background and suitability of the candidates in conjunction with the British authorities, all relevant paperwork would be sent to Wellington for assessment before the outcome of the application was advised to the Chief Migration Officer so that he or she could interview the successful candidate. With the final interview complete and the decision reported to Wellington, London and the NIPM, the NIPM would then take full responsibility for making the arrangements to move the migrant to New Zealand and would also bear all costs involved (ANZ, AATJ 28177 W3483 Box 3/538, 25 February 1977). Also, it was considered necessary that the migrants should be aged under 21, that they should be single, that they should have no dependants, that they should comply with standard health requirements, that they should not have been charged or convicted for any criminal offence, that they should have been detained under the Emergency

Laws, and that they should not pose any risk to law and order in New Zealand (ANZ, AATJ 28177 W3483 Box 3/538, 25 February 1977). Muldoon's cabinet officially approved the scheme and its operating procedures mentioned above on 1 March 1977 (ANZ, AATJ 28177 W3483 Box 3/538, 9 March 1977).

IV. Britain's Dilemma versus New Zealand's Insistence

While the British government's public reaction towards Muldoon's 'Special Humanitarian Migration Scheme for Northern Ireland' was one of surprise – as it seemed to be the case for many New Zealand officials (TNA, CJ 4/1698, 21 February 1977) – and had to be diplomatic enough to ensure that “Muldoon should not be left with the impression that [Britain's] response has been unduly negative” (TNA, PREM 16/1348, 3 March 1977), there was nevertheless consternation amongst the various government ministries which would have to be directly involved in the operation of the scheme. For one thing, London was very uncomfortable at the fact that the NIPM would also be heavily involved: it had been made clear to the British government that the NIPM had “set up a network of ‘escape’ routes to enable members of para-military organisations to escape abroad [with Betty Williams, one of its leaders, claiming] on 24 January 1977 that the Peace Movement had helped 49 young people to abandon membership of para-military organisations, of whom the majority were now in Europe. Responding to criticisms that the [NIPM's] plans would help terrorists escape justice, Mrs Williams said that most of those who had been in prison and had paid their debt to society” (TNA, CJ 4/1698, undated, February 1977). And since the NIPM had no intention of abandoning its work “with

regard to ‘escape routes’ in secret”, it had been and would continue to be “aiding and abetting the escape” of wanted criminals – a serious offence which could not go unchecked by the British authorities (TNA, CJ 4/1698, undated, February 1977). Therefore, it was imperative to the British government that the NIPM “not [be] made to appear as acting at our behest (TNA, CJ 4/1698, 23 February 1977)

But the biggest concern for London by far was the issue of whether the New Zealand government was initiating this policy whilst being fully aware of why exactly these ex-detainees were detainees in the first place. The legal framework for the Northern Ireland detention policy had its origins in the 1922 Civil Authorities (Special Powers) Act, which “provided for the arrest, detention and internment of persons ‘suspected of acting or having acted or being about to act in a manner prejudicial to the preservation of the peace and the maintenance of order’” (TNA, CJ 4/1698, 8 March 1977). These powers were used when internment was re-introduced by the Northern Ireland government on 9 August 1971, and it was the “practice before Direct Rule to limit the period [for which a person could be detained without an internment order being made] to 28 days” (TNA, CJ 4/1698, 8 March 1977). By the time Direct Rule was imposed on Northern Ireland, a total of no less than 924 IRA members were detained or interned, and the Heath government therefore decided to introduce the 1972 Detention of Terrorists (Northern Ireland) Order to “make detention less unacceptable” (TNA, CJ 4/1698, 8 March 1977). According to this new Order, if the Secretary of State for Northern Ireland (the Cabinet Minister responsible for Direct Rule) suspected a person of having been involved in the “commission or attempted commission of any set of terrorism or in the direction, organisation or training of persons for the purpose of terrorism”, the Secretary of State could make an “interim custody order” for the temporary detention of the suspected individual in question (TNA, CJ 4/1698, 8 March 1977). The detainee

would be served with a written statement concerning the nature of the allegations against him, and his case would be sent to an appointed Commissioner – someone who had been in the legal profession for at least 10 years – who could order the indefinite detention of the detainee based on the information presented by the British security services at a private hearing where the detainee was entitled to give evidence (TNA, CJ 4/1698, 8 March 1977).

This entire procedure was rightly regarded as “extra-judicial” by all concerned because it was not a proper trial taking place in an open law court in which all the “technical rules or procedure which are at present used in English and Northern Irish criminal courts” could be deployed – such as cross-examination of witnesses by counsel and the deliberation of a jury (TNA, CJ 4/1698, 8 March 1977). The British reasoning behind this secretive and cloudy procedure for detention, which was often accused of being “imprisonment at the arbitrary Diktat of the Executive Government”, was that much of the information against the detainee – which “could carry complete conviction as to the guilt of the accused to any impartial arbiter of common sense” – would never stand up in a normal court of law since it was “based on statements by witnesses who cannot be subjected to questioning [...] or even [be] produced for examination by the arbiter himself” (TNA, CJ 4/1698, 8 March 1977) for fear of witness intimidation (TNA, CJ 4/1698, 23 February 1977). In effect, the British government’s position was that the intent of the detention policy was to temporarily “take out of circulation those people against whom there was reliable information that they had been engaged in terrorism [...] and from whom the public therefore needed to be protected” (TNA, CJ 4/1698, 23 February 1977). However, Muldoon seemed to assume that people in Northern Ireland were detained by the British authorities for a set period of time during which the detainees “were processed to see if there were charges that could be laid against them, and [if there

were no charges that could be laid against them] they were released and indeed not charged” (TNA, CJ 4/1698, 22 February 1977). In other words, the New Zealand government’s viewpoint was that these Northern Ireland detainees were innocent victims of British aggression who were detained on suspicion alone and then had to be released when no hard evidence could ultimately be found against them. Therefore, the British government was deeply concerned that if it failed to convince Muldoon that he had a completely erroneous understanding of British detention policy in Northern Ireland, then there was a real possibility that those who had undoubtedly been heavily involved in terrorist activities would find their way into New Zealand.

Another dilemma which London had to grapple with was the fact that the last Northern Ireland detainees had been freed in 1975, which meant that all ex-detainees had now been free for around two years or more (TNA, CJ 4/1698, 23 February 1977). Since it is when people have just been released from prison that they are most “vulnerable to intimidation to rejoin active terrorist operations”, the ex-detainees were now seen as having gone past this point of vulnerability and therefore were probably once again “actively involved” in terrorist activities and were on the run from the authorities, or “for some reason have achieved an immunity to intimidation” (TNA, CJ 4/1698, 17 March 1977). In effect, the British government felt it would be a grave mistake to assume that these ex-detainees were indeed – as the NIPM and the Wellington administration seem to suggest – scared, vulnerable individuals who needed to leave Northern Ireland because they were too frightened to break with their former IRA colleagues. In Britain’s view, under Wellington’s somewhat naive scheme, there was a real concern that London could be party to sending over currently active terrorists to New Zealand where it would be difficult for the British authorities to apprehend them if it were deemed necessary.

Faced with such difficulties and dangers, the British government was naturally worried at the fact the New Zealand authorities did not assume that “the responsibility for accepting ex-detainees as immigrants must rest entirely with the New Zealand Government, and in consequence, lays too much emphasis on the part [Britain] should play in making the scheme work” such as expecting London “to provide information about the detainees that [...] would be wise not to give” (TNA, CJ 4/1698, 14 March 1977). Since the last thing the British wanted was to be accused of perpetrating “a violation of ‘human rights’” by ex-detainees being denied “the opportunity to emigrate to New Zealand because the British has once detained them” (TNA, CJ 4/1698, 14 March 1977), London informed Wellington that the latter’s suggestion of British authorities advising the New Zealand government on the suitability of the applicants as immigrants was “unacceptable” since “some of the information that might indicate undesirability would be unproved information [with no hard evidence] on which detention was based” (TNA CJ 4/1698, 25 March 1977): Britain certainly did not want to “lay ourselves open to the accusation that we have presumed a person’s guilt when he was not in fact ever charged with a criminal offence” (TNA, PREM 16/1348, 15 March 1977). In effect, while the British government was being true to form by putting on the formal appearance that they “naturally want to do what [they] can to help Mr. Muldoon and allow the New Zealanders to get their scheme off the ground” (TNA, CJ 4/1698, 14 March 1977), there is little doubt that this particular diplomatic collaboration was one that London could certainly do without.

However, despite these not-so-subtle hints of reluctance and resistance from Britain, Wellington continued to insist that London provide its opinion on whether the ex-detainee would make a suitable immigrant to New Zealand. In a meeting with officials from the Northern Ireland Office (NIO) on 16 March 1977, the New

Zealand Deputy High Commissioner “reiterated that New Zealand’s interest lay in knowing whether the applicant had been convicted and if [Britain] thought that he would make a good immigrant” (TNA, CJ 4/1698, 24 March 1977). No doubt exasperated by these incessant demands on the part of the New Zealanders, the NIO officials once again explained that neither they “nor the police could answer the second question and it was made clear to [the Deputy High Commissioner] that if an ex-detainee were rejected there would be the inevitable suspicion that details behind the reasons for detention had been given away [and that] a rejection must not be seen publicly to rely on unproved information” (TNA, CJ 4/1698, 24 March 1977). Desperately hoping to appear “helpful to the New Zealanders while distancing ourselves as far as possible from the operation of their scheme” (TNA, CJ 4/1698, 19 April 1977), the NIO decided to pass the buck by proposing that the New Zealand diplomats and the senior officers of the Royal Ulster Constabulary (RUC) – the police force of Northern Ireland and the institution with primary responsibility for Northern Ireland’s internal security – “deal directly” with each other in order to discuss possible “informal” arrangements (TNA, CJ 4/1698, 24 March 1977) which could allow a certain degree of British involvement in the selection of candidates.

In the end, it would take direct discussions between the Prime Ministers of the two countries to hammer out an informal and discreet compromise. Whilst on a brief visit to London at the end of March 1977, Muldoon met James Callaghan and verbally informed him in person of the New Zealand scheme, adding that the proposal “had produced letters of support from New Zealanders of all denominations” (TNA, CJ 4/1698, 13 April 1977). However, Muldoon also made it clear that he was “concerned not to get any ‘wild-eyed terrorists’” who could slip through the net if Wellington were not made aware of any serious issues that the candidates may have by the British authorities (TNA, CJ 4/1698, 13 April 1977). In response, Callaghan

reiterated London's position that while he would be glad to help as far as he could, "there were certain difficulties about making police records available [and it] would be very damaging if the impression was given that [Britain] had intervened to stop a particular individual emigrating to New Zealand" (TNA, CJ 4/1698, 13 April 1977). But in order to ease Muldoon's anxieties, Callaghan proposed that it would be "better to leave it to the Royal Ulster Constabulary to keep in discreet touch" with the New Zealand authorities since he saw "no reason why the RUC should not indicate informally to the New Zealanders [as to] which people might be selected rather than others" (TNA, CJ 4/1698, 13 April 1977). Muldoon was apparently grateful for this gesture and promised that New Zealand would come up with "ways of 'fudging' the grounds for selection on the basis of the occupations or qualifications of those selected" so that the British government would escape any blame for particular ex-detainees being rejected as unsuitable candidates (TNA, CJ 4/1698, 13 April 1977).

With Callaghan's implicit consent for the RUC to give informal advice to the Wellington authorities on the suitability of ex-detainees as immigrants to New Zealand, it was now up to the Northern Ireland police to "act with discretion, and not to do anything that would either embarrass themselves or the government" (TNA, CJ 4/2221, 18 May 1977). After a meeting between the New Zealand authorities and senior RUC officials soon after Muldoon's visit to London, it was decided that the RUC would receive requests for information from not one but two sources: from the New Zealand Migrant Authorities and from the New Zealand police (TNA, CJ 4/2221, 18 May 1977). This decision was reached since there was the possibility that the RUC would become concerned "that they would be going beyond their standing orders in passing particularly sensitive information to officials", and in such instances they could "talk more freely on a police to police basis" with their New Zealand

colleagues (TNA, CJ 4/2221, 18 May 1977). As “the risk of embarrassment [had] been kept to a minimum”, the NIO concluded that “it would be unwise to concern ourselves overmuch with the details” (TNA, CJ 4/2221, 18 May 1977). By then it certainly looked as if the British government had narrowly managed to avoid unwanted diplomatic friction with Wellington, the danger of sending abroad potentially dangerous individuals with active connections to terrorist organizations of whom the British authorities were aware, and the international community’s renewed spotlight on – and potentially strong condemnation of – London’s controversial detention policy in Northern Ireland.

V. New Zealand’s Indiscretion and Britain’s Deception

However, a new difficulty with the New Zealanders would soon come about which would once again plunge the British into crisis management mode. Having received the first batch of names from the Northern Ireland Peace Movement, Wellington was reported to have been “rather shocked” at the list of recommended candidates and had finally realized that there “will be more problems in admitting people under the scheme than they had at first envisaged” (TNA, CJ 4/2221, 18 May 1977). There was a clearly a certain degree of the ‘I told you so’ variety of *Schadenfreude* within the relevant British ministries: London’s view was that Wellington’s reaction was “not surprising, given the somewhat cavalier approach the New Zealanders have adopted through this exercise. We [had], however, done out best to warn them and it is saddening such ignorance about detention should persist even in a friendly country” (TNA, CJ 4/2221, 18 May 1977). But the new headache for Britain was

that Muldoon, certainly not wanting to have his 'humanitarian' credentials wrecked by having to extradite potentially problematic Northern Ireland immigrants back to Britain for "offences which [come] to light after they had emigrated", proclaimed in early June 1977 – while attending the Commonwealth Heads of Government Meeting (CHOGM) in Gleneagles, Scotland – that immigrants who enter New Zealand under the Special Humanitarian Migration Scheme for Northern Ireland would be immune from prosecution for past crimes that surface after their arrival (TNA, CJ 4/2221, 10 June 1977). This sudden and abrupt declaration was regarded as completely unacceptable for Britain since "the multi-lateral Commonwealth agreement on extradition of 1966 [meant] that [Britain was] able to extradite unwanted criminals from New Zealand" (TNA, CJ 4/2221, 10 June 1977). On the possibility that Muldoon's statement was "a garbled reference to the bar on extradition on political grounds", the British government was adamant that it would "resist this argument in the strongest terms" and immediately made inquiries to the New Zealand High Commission as to what exactly Muldoon had meant by the announcement (TNA, CJ 4/2221, 10 June 1977). The British even took the trouble to search the archives to look up the New Zealand Act of 1881 – which "governed extradition in the Empire and then the Commonwealth until 1966" and was reinforced by New Zealand's Fugitive Offenders Amendment Act of 1976 (Gilbert 41-42) – while making it clear that "on no account" should the British authorities ask the New Zealand High Commission to provide a copy of the Act as the situation was "delicate" and could very well lead to an outright diplomatic confrontation should New Zealand be made aware of British intentions on the matter (TNA, CJ 4/2221, 17 June 1977).

It was in the midst of this heightened diplomatic tension between Britain and New Zealand that Muldoon made his way to Northern Ireland on 20 June and officially announced the launch of his migration scheme. However, as if to deliberately add

fuel to the diplomatic fire that he himself had ignited with his earlier statement on immunity, Muldoon announced that he “had confidence in the vetting done by the Peace Movement and the British authorities” – thereby blurring out in public what London had tried so hard to persuade Wellington to keep secret from the rest of the world (TNA, CJ 4/2221, 23 June 1977). Aghast at the potential backlash that such a revelation might entail, the Foreign and Commonwealth Office attempted to salvage the situation by drawing “the attention of the [New Zealand Ministry of Foreign Affairs] to the reference” – in effect making a diplomatic protest to Wellington about Muldoon’s breach of confidence – but, judging by Muldoon’s unpredictability, could not be “certain that this will be sufficient to prevent [him from] repeating the comment” (TNA, CJ 4/2221, 23 June 1977).

The political fallout from Muldoon’s statement was immediate. Ian Paisley, the founder and leader of the Democratic Unionist Party (DUP) and the sitting Member of Parliament for the Northern Ireland constituency of North Antrim, immediately tabled two questions in the House of Commons for priority written answers which asked the Northern Ireland Secretary to “make a statement on the system of screening operated by the Northern Ireland Office for those wishing to use the Peace Movement’s escape route from Northern Ireland”, and to inform the Commons as to “how many persons have been screened by the Northern Ireland Office since the Peace Movement’s escape route came into operation” (TNA, CJ 4/2221, 22 June 1977). The NIO felt they had no choice but to come up with what they themselves admitted was a “misleading” answer of “The Northern Ireland Office does not operate any system of screening for this purpose” since it did “not reveal the co-operation of the RUC” (TNA, CJ 4/2221, 22 June 1977). This was quite a big risk for the NIO to take: after all, the “absence of any such reference may prompt further Questions by Members [who were] concerned that wanted criminals should

not escape” (TNA, CJ 4/2221, 22 June 1977). But it was decided that the Northern Ireland Secretary “would not wish to go out of his way to give more than an accurate answer to Mr. Paisley [...] the arrangements for vetting are best kept confidential” (TNA, CJ 4/2221, 22 June 1977).

The problem was further complicated by the fact that William Craig, the Member of Parliament for Belfast East in Northern Ireland, had written to the Northern Ireland Secretary asking for an explanation as to how one of his constituents had been refused permission to emigrate to Canada as the MP was told that it was “not the practice of the Police to give information [on whether someone is a risk to public order] to anyone [...] I find it rather upsetting when the authorities of another country can make allegations of this nature against a British Citizen who cannot enlist the support of his own Police Authorities to rebut such allegations” (TNA, CJ 4/2221, 30 May 1977). Having to provide a much more ‘politically appropriate’ answer to this inquiry, the NIO chose to inform Craig that “it is not the policy of the RUC to become involved with or supply information about people who apply to emigrate” (TNA, CJ 4/2221, 22 June 1977). Knowing full well that the reply did “not tally” with Muldoon’s unfiltered remarks on RUC involvement, James Dunn – the junior minister for Northern Ireland responsible for the reply to Craig – wanted to “clear the air on this question [of RUC involvement]” once and for all (TNA, CJ 4/2221, 27 June 1977). But all that the NIO officials could do was to argue that Craig’s question was “related solely to emigration to Canada” and not to New Zealand and that therefore the reply was technically not untrue (TNA, CJ 4/2221, 30 June 1977), and to “hope that Mr Craig does not return to the charge” (TNA, CJ 4/2221, 22 June 1977).

However, the issue of being economical with the truth to politicians on the issue of the British government’s involvement in the selection of migrants to New Zealand

would soon be followed by the problem of having to fend off growing media interest in the scheme thanks to such unexpected and unwelcome statements from Muldoon. In late June Tony Smith, a senior current affairs reporter for the New Zealand national television network Television One, informed the British High Commission in Wellington that he proposed to visit New Zealand in the summer “to appraise the situation there in the light of the New Zealand Government’s decision to accept Peace Movement candidates as immigrants” and therefore requested “a briefing at the Northern Ireland Office” during his visit, to which the High Commission replied that they “would be willing to arrange facilities” (TNA, CJ 4/2221, 28 June 1977). Unsurprisingly, the NIO expressed great dismay about such a prospect, informing the FCO that they were “concerned that Mr Smith should have been offered a briefing [...] if the offer has been made in terms which suggest that we can assist him in his enquiries about the migration scheme. As you know (and as the High Commission knows), the Northern Ireland Office as such is not involved in any of the details of the scheme and we have been at pains to make this clear. It would be awkward if Mr Smith came along expecting to be told all about how the scheme works [since as] you know, there are aspects of the operation of the scheme which we must not reveal, and this may be a factor to be taken into account in considering who should receive Mr Smith” (TNA, CJ 4/2221, 12 July 1977). The FCO defended the Wellington High Commission’s reply by stating that it was difficult for an overseas embassy to refuse outright a request from a journalist asking for a government briefing on the issue (TNA, CJ 4/2221, 14 July 1977), and that there was “nothing [in the response] to suggest that the NIO briefing is intended to be so specific” (TNA, CJ 4/2221, 18 July 1977). However, in order to allay the perfectly understandable anxieties of the NIO, the FCO suggested that this request was “an opportunity which we should try to turn to our advantage” by allowing “a senior

current affairs reporter [such as Smith] the benefit of a general NIO briefing on political and security matters [in Northern Ireland] when he visits there. Otherwise the British government's case will very likely be lost amidst all the other conflicting viewpoints Smith will encounter" (TNA, CJ 4/2221, 18 July 1977).

VI. Conclusion

The reasons as to why Robert Muldoon was determined to push through what was obviously a very risky and controversial migration policy concerning former IRA detainees in the midst of significant reluctance and frustration on the part of the British authorities remain unclear. His biographer has put this resolve down to Muldoon's personal and sincere desire to improve the humanitarian situation in Northern Ireland (Gustafson 226), but one can also make the argument that this was yet another diplomatic antic by Muldoon to further raise New Zealand's international profile amongst the global community, as was the case in the above-mentioned Gleneagles CHOGM of June 1977 when Muldoon, in a direct challenge to the Commonwealth's plans to cease participation in competitions with South African athletes in order to apply pressure on the country's apartheid regime, caused consternation amongst the members by declaring that while New Zealand would "*discourage* sport with South Africa, it would *not interfere* with the right of citizens to play games with whomsoever they chose" (Mayall 175).

Whatever his true motives might have been, however, there is no doubt that Muldoon's Special Humanitarian Migration Scheme for Northern Ireland was, as seen above, pushed through at great inconvenience and discomfort for the British government, whose officials were forced to go so far as to in effect lie to Parliament

about the depth of London's involvement in Muldoon's agenda. This was only possible due to Britain's 'guilt' over her diplomatic decisions which had made a considerable impact on New Zealand's security and economic situations, and the subsequent British desire to bend over backwards to accommodate the wishes of the Wellington government in an attempt to restore the traditional bonds of the Anglo-New Zealand relationship.

In the end, this assiduous British indulgence of New Zealand's diplomatic assertiveness would fail to bring about a dramatic amelioration of Anglo-New Zealand relations: the creation of ANZUS, Britain's entry into the EEC and "the expansion of global media, communications and international travel" proved too momentous to reverse Wellington's inevitable stride to "transform New Zealand's traditional cultural insularity and dependence on British influences and incorporate American and Australian elements [as was evident from] the early 1970s [onwards when] there was a pronounced movement of New Zealanders to Australia and much greater awareness of Australian mores, events and personalities in New Zealand" (Ryan 46-47). It remains to be seen as to how far today's Britain - with her political and economic fallout from the Brexit decision of 2016 and the consequent strategic decision to foster closer cooperation with her Indo-Pacific Commonwealth partners - is willing to go in order to attempt to revive in part her once unassailable and inseparable relationship with the Antipodes.

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국문초록

영국-뉴질랜드 관계에 대한 영국의 '죄의식'과 아일랜드공화군 출신 구금자들의 뉴질랜드 이민 문제, 1970-1977

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이 논문은 1970년대 초에 영국과 뉴질랜드 간의 관계 악화가 영국 정부로 하여금 논란의 여지가 컸던 자국의 대내적 정책이 전 세계에 노출될 위험을 무릅쓰고 뉴질랜드 정부의 외교 방침을 뒷받침해주었던 상황에 대해 살펴본다. 1960년대 말과 1970년대 초에 동남아시아로부터 철군하고 유럽경제공동체에 가입하기로 한 영국의 결정으로 인해 영국과 여러 영연방 국가들 간의 외교 관계, 특히 영국과 뉴질랜드 간의 관계가 손상되었다. 이는 1970년대 초반에 나타난 뉴질랜드 국민들의 반영 정서 심화 및 뉴질랜드 정부의 반영 정책 시행 등으로 확연히 드러났고, 이로 인해 영국은 뉴질랜드를 달래고 뉴질랜드와의 관계 개선에 적극적으로 나서고자 하였다. 이에 대한 일환으로 영국 정부는 논란이 컸던 자신들의 북아일랜드인 구금정책이 전 세계의 주목을 받을 수 있는 위험을 무릅쓰고, 아일랜드공화군 관련 활동으로 구금당한 이력이 있는 북아일랜드 시민들이 뉴질랜드로 이민 올 수 있도록 허용하겠다는 로버트 멀든 뉴질랜드 총리의 제안을 적극 지원하기로 하였다. 이민후보자들의 적합성에 대해 뉴질랜드 정부에게 비공식적인 조언을 해주기로 한 영국 정부의 무리수는 영국 정부가 뉴질랜드의 이민 정책에 개입하고 있다는 인상을 주지 않기 위하여 비밀리에 진행되어야 했다. 이에 따라 영국 의회에서 뉴질랜드의 북아일랜드 관련 이민 정책에 영국 정부의 관여 정도에 대한 질의가 나오자 영국 정부는 하원의원들에게 사실을 제대로 통보하지 않음으로써 국민의 대표들을 기만하기에 이르렀다.

주제어: 북아일랜드, 아일랜드공화군, 뉴질랜드, 로버트 멀둔, 이민

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