

NATIONAL ARCHIVES**IRELAND**

Reference Code:	2002/19/500
Title:	Pamphlet on the current and historical situation in Northern Ireland and the need for reform.
Creation Date(s):	8 September 1971
Level of description:	Item
Extent and medium:	12 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
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INTRODUCTORY

Northern Ireland today is in turmoil. Its people suffer and its divisions grow greater daily. Attempts are made to impose "law and order"; the consequences are disastrous and disorder increases - because those political leaders who impose it cannot see that a "law and order" policy, which does not face the basic problems and try to redress them, quickly becomes repression. To hope to redress problems it is necessary to understand them and the case of Northern Ireland requires close examination. A knowledge of history can help - it will explain the origins of bitterness and show where wrong paths have led to dangerous consequences. But this alone is not enough. The passions of history are transitory and can quickly be cooled - except where present political structures keep them alive and active. The origins of Northern Ireland's troubles stretch back into the past. If today these troubles grow to fill the headlines it is because they are channelled and dammed up by structures which do not allow them to dissipate. For an understanding and a remedy we should therefore look not just to past wars - whether 300 or 50 years ago - but should concentrate mainly on a critical study of existing institutions and their origin which is bound up with their failure.

On 26th August, 1971, Mr. Brian Faulkner, the Prime Minister of Northern Ireland, made a statement in reply to proposals for a temporary community government put forward by the Northern Ireland Labour Party. He welcomed the attitude of the NILP as "constructive" but found some of their proposals to be "unrealistic". There should be no doubt in anyone's mind, he said, that

the present Government of Northern Ireland is the constitutionally democratically elected government of the country, which will continue to carry out its responsibilities and duties in the interests of this community.

Here, in a single sentence, Mr. Faulkner touched on the crucial issue underlying the permanent crisis of Northern Ireland.

Is it true that "the present Government of Northern Ireland is the constitutionally democratically elected government of the country"? The simple answer is - yes, and Mr. Faulkner, it would seem, is right

to think that there can be no doubt on this point. It follows - despite the unease which the record of Northern Ireland Governments of the past creates - that one must simply hope that the Government "will continue to carry out its responsibilities and duties in the interests of the community". A "law and order" policy, involving strong support for that Government, then becomes explicable - even reasonable - although its consequences in fact may well be disastrous.

But what if one does not simply ask whether or not the statement is true, but tries instead to probe more deeply to find out what it means, and how its terms apply to the particular case?

To begin with, a brief glance at history is necessary. A border was drawn across Ireland by the Government of Ireland Act 1920. The border so drawn did not have a direct basis in geography or history but it was to be decisive in establishing the particular character of Northern Ireland.

Three aspects of the settlement and of the Act which brought Northern Ireland into being are important. First the region - as the direct creation of an Act of Parliament - had its size and boundary set by the Act and they were not subsequently altered. But because it determined its extent, the Act also determined its political character and the proportions which the respective sections of its divided community were to bear to one another. Community divisions - on religious and other lines - in that part of Ireland did not come into being with the border. They long ante-dated it and the division of the country itself was an attempt to meet the fears to which they gave rise. But the Act set a population ratio which has remained substantially unchanged for over 50 years.

Secondly, the differences - religious in their origin - between majority and minority within the area were thus accorded from the outset a fundamental political importance. This was to be much greater than that which applies to such divisions elsewhere - even where divisions are founded on strong religious feeling. Elsewhere there may be interlocking minority interest or religious groups who find their position tolerable, even though they cannot hope for,

and do not aspire to, political power as a group. But in Northern Ireland the majority and the minority, beyond their religious differences, were now separated on an issue which was politically fundamental. Since the settlement was one which frustrated the aspirations of the minority to independence with the rest of Ireland, they naturally hoped to change it one day and looked to the South for encouragement. Because they did so, the majority in turn, felt that the very settlement which had constituted it as a permanent majority was under constant threat. There was little opportunity here for the normal blurring and interlocking of political interests, or the concentration on "bread and butter" issues, which might otherwise have been expected - the more so as the system of proportional representation (for Stormont elections) which operated at the outset was soon abolished in favour of the "direct Vote" with its sharper electoral confrontation. Instead there was a clear sense of majority and minority identity and a deep cleavage on a fundamental political issue between the two groups.

Thirdly, and perhaps most importantly, the Act gave to the area, for those matters in which it was autonomous, the political institutions and structures of a parliamentary democracy of the British type. It provided that Northern Ireland should remain an integral part of the United Kingdom but it also established a local parliament modelled on Westminster. It delegated to this parliament responsibility for police, housing, local government etc. - precisely those areas which are closest to the daily life of the ordinary citizen - while reserving other powers to the United Kingdom parliament and stipulating that, notwithstanding anything in the Act, the supreme authority of the Parliament of the United Kingdom should remain "unaffected and undiminished". The Act, in fact, provided for not one but two subordinate parliaments - in Belfast and Dublin respectively - with a Council of Ireland as a link between them. But these latter provisions never took effect. They were subsumed in the Anglo-Irish Treaty of 1921 and other subsequent developments, so that the Council of Ireland never came into being. The principal subsequent Westminster enactment dealing with Ireland -

the Ireland Act 1949 - made no change in these internal political structures of Northern Ireland, but it did provide a guarantee by law that the area would not cease to be a part of the United Kingdom without the consent of its parliament.

It will be clearly seen that because of the first and second points above Northern Ireland, from its inception, faced deep problems.

But experience soon showed that the forms and institutions of parliamentary democracy on the model of Westminster which it had been given to meet them, had been superimposed on a situation which deprived them wholly of their normal effect.

To see this one must look at how such a system operates. A glance at its operation in Britain and elsewhere will show that it grants a virtual monopoly of political power to the government of the day. But it does so on one implicit condition. It is essential to the proper working of the system that the government be open to effective challenge and that the contest at the polls be a real one. A governing party may in practice enjoy clear majorities over a long time. But it is essential that there be - over a period - a real possibility of change. Where this is not the case, where the governing party can never be changed or even effectively challenged, parliamentary democracy on the Westminster model does not function properly. And since it has concentrated a monopoly of power in government hands it risks becoming oppressive to the minority who are permanently excluded from power. The result is that a substantial proportion of those who live under it will feel that they live in permanent subjection and alienation.

This has been the case in Northern Ireland. For 50 years a single party there has held power. It has, on occasion, tried to increase its advantage further through the manipulation of electoral boundaries and in other small ways which are now being remedied. But the permanent monopoly of political power which it enjoys does not derive from a misuse of British type institutions but from their normal operation in the given situation. The government is democratically elected. But it is always the same government. Mr. Faulkner can indeed rightly say that the present government of Northern Ireland is the "constitutionally democratically elected

government of the country". He might add that it always has been and it always will.

But, even beyond this, on closer study, the working of the system is seen to have an important effect on the nature of the majority party itself. Because it is not subject to effective electoral challenge from the opposition it is unbeatable as a party. But its leaders, as party leaders, are by no means unbeatable. They are open to effective challenge - from their own extreme wing. At those times when the minority becomes most active - even violent - in airing its grievances, the extreme wing of the governing party will point to this disaffection as disloyalty or subversion, and call for sterner measures to restore "normality". Since there is no effective countervailing pressure from an opposition party, the leadership of the governing party must move to meet its own extremists - or be displaced by those who will. The result is a steady drift to the right, which is at its greatest precisely when the minority is most discontented. Thus a vicious circle is established since right-wing policies can only further increase minority discontent.

It is just this play of forces which has affected every Prime Minister of Northern Ireland in recent years. First Terence O'Neill and then Major Chichester-Clark succumbed to its effect, bringing Brian Faulkner to power. Now he too must face its consequences.

The net result of the situation and of the forces described above was the growth in Northern Ireland over a period of almost 50 years of a network of discrimination against the minority, in law and practice. It was important in some of its aspects, petty in others, but it deeply embittered the minority and added to their discontent. Except for occasional futile periods of violence by extremists this pattern of discrimination went largely unnoticed by the outside world for half a century. By the late 1960s however a new generation of the minority - more articulate and exigent than their elders - was no longer satisfied to remain silent. With the understanding - and in some cases the support - of some members

of the majority religious group, they began a civil rights campaign which concentrated on the glaring issues of discrimination in law and practice in the existing situation and left aside, as irrelevant to their immediate aim, the border issue which had seemed most pressing to their elders. In a television age, when civil rights issues elsewhere had gained widespread sympathy, repressive reaction by police forces against demonstrations attracted attention in Britain, and suddenly, for the first time since it was established, conditions in Northern Ireland came under effective scrutiny from outside.

The Downing Street Declaration

Westminster, having delegated its responsibilities to Stormont, was understandably reluctant to intervene even at this stage, despite the ultimate authority which it had retained in the 1920 Act. But the explosion of August 1969, the ineffectiveness or worse of the local security and police forces in face of attack upon the minority, and the threat of widespread communal violence, led to the Labour Government's decision to introduce the Army in a peacekeeping role. This had the consequences of directing the attention of the British Government and Parliament even more forcefully and directly to the realities of the situation.

Stormont leaders were summoned to a meeting with the Prime Minister, Mr. Wilson, the Home Secretary, Mr. Callaghan, and other leading members of the Cabinet at 10 Downing Street. From this meeting emerged the Downing Street Declaration of 19 August, 1969.

In this joint declaration the United Kingdom Government, having reaffirmed the constitutional position of Northern Ireland, and affirmed again that the issue was one within its domestic jurisdiction, accepted explicitly the basic principle that "the United Kingdom Government have ultimate responsibility for the protection of those who live in Northern Ireland when, as in the past week, a breakdown of law and order has occurred". The joint declaration went on to emphasise as a broad principle that "there shall be full equality of treatment for all citizens (in NI)"; it said that both governments had agreed that it was vital "that the momentum of internal reform

should be maintained", and it reaffirmed that, in all legislation and executive decisions of Government, "every citizen of NI is entitled to the same equality of treatment and freedom from discrimination as obtains in the rest of the United Kingdom, irrespective of political views or religion". Subsequent visits by the Home Secretary to Belfast led to two further communiques - on 29 August and 9 and 10 October, 1969, respectively. These spelled out in much greater detail the areas of reform which were either projected or to be studied.

Reforms

The reforms promised related to almost every area in which the Stormont Government had responsibility - police and security, local government franchise, housing allocation, employment practices and grievances in public and local affairs, government contracts and community relations. In all these areas there was to be an effort through change of law and practice to meet Mr. Callaghan's hope for steps that "would lead to a better life for the whole community in Northern Ireland and to an elimination of the root causes of many of the grievances which have been expressed".

In those areas where the Westminster Government chose to press for immediate results or take direct action, reform came swiftly.

Mr. Callaghan announced in _____ 1969, for example, that the partisan B Special auxiliary police force which had aroused such grave fears among the minority was being abolished. In other areas London preferred to work through the existing machinery of Stormont. Here reform came more slowly and grudgingly. Its effect was dissipated by delay, lack of generosity and by a dilution of substance which was soon apparent to those on the spot but was not always immediately evident to the outside world. In yet other areas, not directly amenable to legislative action - those large areas where executive decisions and the way in which executive discretion is exercised can vitally affect the day to day lives of the community - nothing really changed. [The Stormont Prime Minister as late as August 1971, could still speak of the majority, as "the people I represent" in a situation which made it clear that he saw himself in the first instance as their leader rather than as Prime Minister of the whole community⁷.

Nevertheless reforms were made. A recent Stormont White Paper ("A Record of Constructive Change") sets out to list the steps taken since August, 1969, to implement the principle of "equality of treatment and freedom from discrimination" embodied in the Downing Street Declaration. At first sight its list of enactments and changes seems formidable - though one must marvel that there was need for so much to reform. But close attention to the detail of what has been done shows that in many cases it has fallen far short of what was required or of what was recommended in the reports of official advisory commissions set up since 1969. And where it does meet the letter, it often falls far short of the spirit, of what was intended. [Where for example the joint communique issued following the then Home Secretary, Mr. Callaghan's visit to Belfast on 9 and 10 October, 1969, had said it had been agreed that "a system of independent public prosecutors be adopted", and the report of the McDermott independent working party so recommended in 1971, the White Paper makes it clear that the Director of Public Prosecutions will be responsible "as in England" to the Attorney General. Thus, in response to charges that it was one - sidedly exercised, the control of prosecutions is now to be taken out of the hands of the police and given ultimately to the holder of a political office who is at present and is always likely to be a member of the Orange Order! Again much is made of the acceptance of the principle of an unarmed police force and its control by a Police Authority representative of the community as a whole. In practice, however - relying for justification on "the security situation" - more and more of the "disarmed" police carry arms on a regular basis; and the "control" exercised by the Police Authority is entirely nominal. The White Paper devotes much attention to references to the legislation establishing a Parliamentary Commissioner for Administration or "Ombudsman" and a Commissioner for Complaints to deal with grievances against local councils and public bodies, and note is taken of the fact that few of the complaints examined have been justified. No reference is made to the extremely narrow terms of reference conferred on the Commissioners⁷.

One offer of reform which was recently made by Mr. Faulkner attracted considerable favourable attention. (It is also referred to in the White Paper). This was an offer made on 22 June, 1971, to establish three additional parliamentary committees at Stormont (in addition to the Public Accounts Committee). These committees, he said, would have functions in regard to the "consideration of major policy proposals" and the "review of performances". Since two of the four committee chairmen were to be drawn from the Opposition, the proposal seemed like a significant, if limited, sharing of power by the government. But a closer look at the proposal makes it clear first that the majority party would always have a majority on these committees since they would be "broadly representative of party strength in the House" and secondly that the actual powers of the Committees, though not clearly defined in the proposal would be quite limited.

Overall then, although there have been some reforms, the real effect in practice of what has been changed, or legislated for, to date - more than two years after the Downing Street Declaration - is slight.

The result - given the forces described here - was perhaps predictable, although it was seldom predicted at the time by those involved.

"Reform", hailed by the minority at first, but grudgingly given, then in substance and, where it was operative affecting the de iure rather than the de facto position, was gradually seen to leave wholly unchanged the play of forces in the State which had given rise to the situation in the first instance, and would do so again, if they were not held in check. "Reform" was dependent on constant and sympathetic surveillance from London, since there was no other force within the area which could maintain effective pressure to achieve it. The significance of the intervention of the Labour Government in the situation in 1969 was that - for perhaps the first time for 50 years - there was a source of effective pressure on the governing party at Stormont. It was effective because, as the various communiques issued recognised, Westminster retained ultimate power and responsibility for Northern Ireland.

It was effective, however, precisely to the extent, and for so long, as there was a Government in London which understood the position and was willing to act with expedition and with sympathy to meet the evident need. A change of mood or of personalities in London might lead to a lessening of that pressure at any time. When in fact there was - not only a change of mood or of personalities - but a change of Government and of policy, which left more and more of the responsibility for security and for the implementation of reform of Stormont's abuses to Stormont itself, the minority came close to despair. Finally, in July 1971, its elected representatives, despairing completely of obtaining redress within the system, withdrew from it entirely to dramatise the need for fundamental change.

It had seemed to many at the outset that amelioration of the lot of the deprived would be enough to meet the problem and contain violence. But in Northern Ireland as in other situations of extreme alienation, palliatives have not been sufficient to contain the explosive forces generated by oppressive political structures. Intelligent and fundamental change alone can do so.

Westminster, as the source of ultimate power in the matter, has two choices in this situation. It could, like the Conservative Government, which is wellmeaning perhaps but insensitive to the real needs of the situation, place "law and order" before everything else. If it does so, it must commit itself more and more to the support of the Unionist leader of the moment at Stormont. In consequence it will be forced to follow him in his drift to the right to meet the demands of his right wing, who have the power to topple him. Or - and this must be our hope - it could be brought to look clearly and critically at the forces at work and try to avert disaster by changing institutions whose inevitable effect, as we have seen, must otherwise be to bring disaster closer.

What Kind of Change?

Change, however, could take many forms. The two most frequently spoken of today are (1) direct rule from Westminster and (2) some form of unity in Ireland. The former, it seems to many, is what extremists among the minority are working to achieve, since in their view it would sharpen the confrontation with the authority of the British Government and so bring closer the day when Britain might decide or be brought to withdraw from Ireland. The latter - Irish unity - will always be unacceptable to many unless and until it is achieved with the agreement of the majority in Northern Ireland who are now so strongly opposed to it.

But without resort to either of these far-reaching measures, many other options for radical change remain. We have seen that the defects of institutions modelled closely on Westminster as applied to a situation to which they are not suited, are a principal cause of the problem. These, however, are not by any means the only form of democratic institutions in the Western world - there are others equally democratic which could cope much better with the needs of the situation. Northern Ireland - for all its complexities and its tangled history - is not unique. Other communities such as Switzerland and the USA, deeply divided or with a distrust on principle of power monopoly, have evolved structures and political systems which provide more than one pole of power within the state and set up a creative tension between them. Such systems, many varieties of which exist elsewhere, do not deprive majorities of their rights - they help to prevent the temptation to abuse them; they do not bring about minority rule - but they do achieve minority consent and end permanent minority alienation.

Conclusion

Today there is a better understanding than ever before of the concept of "institutionalised violence". We have come to see that one cannot simplistically treat those who defend an existing system as "supporters of law and order" and call "violent" those whom it suppresses and who are provoked to react. One must rather - as the Labour Party has well understood in other areas - look critically

at the system in its operation and its origins to see whether it does not enforce a kind of "static" violence on those whom it excludes.

This is clearly true of Northern Ireland where the minority - because they have always lived under it - feel themselves prisoners of a system which has institutional violence frozen into its structures, so that their helplessness forces them either to active violence or at least to sympathy for those who seek this resort.

In the end then, the remedy is clear. The institutions are faulty. They must be changed. A British parliament enacted the Government of Ireland Act 51 years ago with an intent made explicit in its subtitle "An Act to provide for the better Government of Ireland". A clear look at the nature of the basic institutions which it established at that time and which it has allowed to operate unchanged for 50 years in Northern Ireland, shows that they are not suitably adapted to achieve good government there - and a glance at the headlines after 50 years of operation shows that they have not in fact done so. Reforms within the structure - though wellmeaning - will never be more than palliatives. The Conservative Party - obsessed by the cry of "law and order first" cannot rise beyond this to see the need for change. Can the Labour Party do so? Or is there ever to be "good government in Northern Ireland?"
