CHAPTER-VI

THE BRITISH GOVERNMENT'S RESPONSE

Until 1968, the policy of successive British Governments towards Northern Ireland remained one of non-interference in its internal affairs. Although the British Parliament remained always ‘supreme’ in matters like Foreign Affairs, Defence and Finance, yet the Act of 1920 had limited the British Government's interference in the internal matters of Northern Ireland. With the emergence of the Civil Rights Movement in 1968-69, the Government of the United Kingdom shelved its traditional policy of non-interference and took direct action by sending British troops into the Province in order to restore peace and order there. Though the broad objective of the British Government was to establish peace in the Province through various political, social and economic reforms, yet safeguarding its own interests was also a matter of paramount importance to it.

As has been noted earlier, the 1960s witnessed a more liberal trend in the politics of Northern Ireland, especially after the assumption of power by the Labour Government at Westminster in October 1964, which led to the formation of a group called the Campaign for Democracy in Ulster (CDU) in June 1965. This pressure group was set up by the backbench Labour MPs, who pressed the British Government for reforms in Northern Ireland in order to improve the relationship between the Protestants and the Catholics. In


this context, a CDU delegation met the British Home Secretary, Roy Jenkins, in November 1966. The pressure for reform seemed irresistible, so Jenkins assured the delegation that "the Government was pressing Stormont hard to bring in reforms."³ It seems that Terence O'Neill, the Northern Ireland Prime Minister, was able to convince the British Prime Minister, Harold Wilson, that reforms were being carried out. The proposed reforms included an intention to "abolish the University seats and business votes in Stormont elections." But, it was only after the formation of the Civil Rights Association in 1967, which synchronised with simultaneous pressure from the CDU, that this reform movement gathered a real momentum. The British Government was nevertheless rejecting demands for greater intervention in Northern Ireland affairs by arguing that back-benchers should not "underrate what has been done".⁴ This had two effects -- firstly, the proposed reforms and O'Neill's moderate policies gave birth to a more extremist group within the Unionist Party, which opposed O'Neill vehemently, and, secondly, Wilson failed to appreciate O'Neill's problems inside his own party and mistakenly assumed that O'Neill did have the capability of dealing with the Catholic grievances. It was his failure to assess O'Neill's policy objectively, which was, to a large extent, responsible for the collapse of O'Neill's government.⁵ His policy did have a chance of success, if the reforms were implemented expeditiously, especially in areas like local government and housing. Indeed, Wilson interpreted O'Neill's opposition by the extreme Unionists, as a sign of Catholics' ---


reconciliation to the Stormont regime. It was under this circumstance that the Civil Rights Association gained popular support from non-sectarian organisations like the Nationalist Party, Northern Ireland Labour Party, Campaign for Social Justice, and Communist Party, which brought into sharp focus the 'limitations and contradictions' of O'Neill's policies.

In 1968, when two major Civil Rights demonstrations were organised to highlight the Catholic grievances, the latter one, held on 5 October 1968, met with brutal police force in Derry. This made O'Neill's position all the more precarious. It also case a dark shadow on the relationship between the Unionist Government and Westminster. O'Neill was summoned by the Prime Minister Harold Wilson on 4 November 1968. Next day Wilson told the Commons that he had discussed all the major points with Captain O'Neill and had urged him for speedy action. Wilson also made it clear that:

• • • If Captain O'Neill were thrown over, or what he is trying to do were thrown over by extremists, we should ourselves need to consider a fundamental reappraisal of our relations with Northern Ireland. Meanwhile, therefore, he should be encouraged in pushing on with reforms as fast as he can.(8)

On 22 November 1968, O'Neill announced a five-point reformation programme for Northern Ireland. This programme did not, however, achieve any success in

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6. Ibid.
8. Ibid., col.690
9. For the five-point reformation programme, see, Chapter III, pp.93-4.
ameliorating the Catholic grievances. Consequently, Ulster witnessed demonstrations and counter-demonstrations. Delay in the implementation of the reform programme unleashed violence during the civil rights march of 1-4 January 1969. The Labour Government had the intention of carrying out the five-point reformation programme, but O'Neill failed to implement it due to serious differences in his Cabinet. However, by the time he resigned from the Premiership on 28 April 1969, the demand of the civil rights movement for 'One Man, One Vote' had been conceded. But the eruption of violence in January 1969 and in the previous year (since 5 October 1968) resulted in the appointment of a commission of inquiry under the Chairmanship of Lord Cameron to report on its 'nature and causes'. Wilson welcomed this initiative of O'Neill in the Parliament on 23 January 1969 in the following words:

I welcome the fact that on his own initiative he [O'Neill] and his Cabinet have set up this Commission to inquire into all the human rights issues as well as other issues which have been raised by recent rioting, marches, demonstrations and so on in Northern Ireland.(10)

The Cameron Commission Report, published on 12 September 1969, found that there was inadequate and unfair house allocation by the local authorities, who had refused to adopt a point system in assessing priorities of need.11 The setting of Cameron Commission had resulted in the resignation of Brian Faulkner and William Morgan. Meanwhile, a flurry of demonstrations and unabashed opposition continued to destabilise O'Neill. A serious riot took place in Londonderry on 19 April 1969. The British Government, which was still not in favour of direct intervention, sent

11. See the Appendix - I for data on housing.
its troops to Northern Ireland after the riots took place. On 21 April 1969, James Callaghan, the Home Secretary, announced in the House of Commons that due to growing violence, British forces were posted to protect the electricity, water and other public service installations in Northern Ireland.\textsuperscript{12} He assured further that, "there is no question of their being used actively against any element in Northern Ireland. What they will be required to do will be to repel any criminal or terrorist attack upon installations that are essential to maintain the life of the community in Northern Ireland."\textsuperscript{13}

The growing opposition to O'Neill forced him to step down from the Northern Ireland Premiership. He was succeeded by Chichester Clark, who had earlier resigned on the issue of 'One Man, One Vote'. Clark pushed the reform programme under the British pressure by inducting some of O'Neill opponents and keeping all O'Neill Ministers in his Government. This was, in fact, a move to consolidate "O'Neillism without O'Neill."\textsuperscript{14} However, the Wilson Government failed to foresee the implications of such reforms, particularly whether they would deflate the civil rights movement. The result was intense sectarian confrontation through demonstrations and violence.

The British Government was four square for reforms, but it was not in favour of abolishing the Special Powers Act until there was a period of calm in Northern Ireland.\textsuperscript{15} Within three months of Chichester Clark's

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\item \textsuperscript{12} UK, Commons, Parliamentary Debates, series 5, vol.782, session 1968-69, col. 658.
\item \textsuperscript{13} Ibid., col.35
\item \textsuperscript{14} Irish Times (Dublin), 24 April 1970.
\item \textsuperscript{15} UK, Commons, Parliamentary Debates, series 5, vol.784, session 1968-69, col.669.
\end{itemize}
Premiership, major riots broke out in Londonderry and Belfast in July and August 1969 respectively. Once again the British Government, in an attempt to limit its role, sent in its troops to quell the violence, to separate the two warring communities and restore law and order.\textsuperscript{16} On many occasions, Wilson had warned that introduction of troops into Northern Ireland will not help but would have only 'constitutional consequences'.\textsuperscript{17}

Meanwhile, a Commission, set up by the Northern Ireland Government under Lord Justice Scarman to inquire into the violence, found that "Protestants were the aggressors."\textsuperscript{18}

On 19 August 1969, a top-level meeting was held at 10 Downing Street between Harold Wilson and Chichester Clark to review the situation of Northern Ireland. Others who attended the meeting were: James Callaghan, Home Secretary; Michael Stewart, Foreign and Commonwealth Secretary; Denis Healey, Secretary of State for Defence; Lord Stonham, Minister of State at Home Office; J.L.O. Andrews, Deputy Minister of Northern Ireland; R.W. Porter, Minister of Home Affairs in Northern Ireland; and Brain Faulkner, Minister of Development in Northern Ireland. The Declaration issued after this meeting said:

The UK Government reaffirms that nothing which has happened in recent weeks in Northern Ireland derogates from the pledges made by successive United Kingdom Governments that Northern Ireland should not cease to be a part of the United Kingdom without the consent of the people of Northern Ireland or from the provision in Section

\textsuperscript{16} Ibid., vol.788, session 1968-69, col.48.

\textsuperscript{17} Sunday Times Insight Team Ulster (London, 1972), pp.84-5 and 110.

I of the Ireland Act, 1949, that in no event will Northern Ireland or any part thereof cease to be part of the United Kingdom without the consent of the Parliament of Northern Ireland. The border is not an issue. (19)

The Declaration further said that as the 'security apparatus' in the Province had collapsed, the security measures were put directly under the command of GOC Northern Ireland, who became the overall in-charge for security operations with immediate effect. Both the Governments agreed to place two senior civil servants from London to examine the extent and pace of the proposed reforms. A committee was appointed on 26 August 1969 under the Chairmanship of Lord John Hunt to examine the "recruitment, organisation, structure and composition of the Royal Ulster Constabulary and the Ulster Special Constabulary and their respective functions." The Hunt Committee report, published on 10 October 1969, recommended that the Royal Ulster Constabulary (RUC) should be disarmed and the Ulster Special Constabulary (B-Specials) should work on the pattern of the British police, with an independent police authority to control it. It also suggested that the USC should be replaced by a part-time military force. That clear view, argued in the Hunt Report, was accepted by Chichester Clark and his colleagues in the Northern Ireland Government and also by the British Government.

20. Ibid., p.2.
22. Ibid., pp.44-6.
In a bid to expedite the reform programme, the British Home Secretary, James Callaghan, paid a second visit to Northern Ireland on 9-10 October 1969. He was accompanied by Lord Stonham, Minister of State, Home Office. As a result, from September to December 1969, a number of reform bills were passed by the Northern Ireland Government to deal with the various complaints of the minority. A new Central Housing Authority was established under the Housing Executive Act (Northern Ireland) 1971, which was to be responsible for all public authority housing and allocations. The allocation henceforth was to be made on the basis of a point system. A Ministry of Community Relations was established to formulate and sponsor policies for the improvement of community relations and a Community Relations Commission, independent of the Government, was set up to promote harmonious communal relations.24

The year 1970 was relatively calm, there being few riots. In the circumstances, the Irish Times observed: "The British view is that the Northern Ireland problem has 'been licked' and that apart from old scuffles, peace in the streets has been won and that reform will transform the north."25 By February 1970, three of the eight additional Army units in the province had returned to Britain.26 The Labour Government hoped that bringing reform in Northern Ireland would mean return to the traditional relationship. This was, however, a misplaced hope. Not before long it was noticed that the reform in police and Specials had a

weakening effect on the Unionist regime, as they had destroyed the crucial relationship between the police and the Protestant masses.27 A serious riot erupted between the Catholics and the British Army in Ballymurphy in April 1970.28 James Callaghan came out in support of General Freeland's (GOC and Director of Operations in Northern Ireland), who had threatened that "the petrol bombers would be shot". He said: "Some honourable Gentlemen may not like the choice of language, but the way to avoid it is very simple. Do not go out with petrol bombs."29 In May, there were more riots in Ardoyne and the New Lodge Road, which was a Catholic area and had been hitherto peaceful.

By now, Callaghan was convinced that activism in British policy was redundant. At a Labour Party meeting in England, he conceded: "Some problems you can't solve, you have to live with. This is one I think we have got to live with."30 The Labour Party suffered a defeat in the 18 June 1970 general election. But, much before the election, many had voiced the fear that if a Conservative Government got elected, Conservatives being the old allies of the Ulster Unionists, they might not put adequate pressure on the latter to carry out reforms. Participating in a Commons debate on 7 April 1970, Gerry Fitt, a Republican Labour leader said:

There is a fear in Northern Ireland that if unfortunately, this Government (Labour) were to be defeated at the next General Election, and a Tory Government were elected, the new Government would not pressurise the Unionist Party.

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27. Bew and Patterson, n.5, p.23.
29. Ibid., 8 April 1970.
This is the feeling among the minority in Northern Ireland. I hope that the spokesman for the Opposition will discourage it.(31)

Gerry Pitt's support for the Labour Government did not take into account the fact that although there had been much talk of reform during the period of the Labour Government, and some reforms were indeed promulgated, yet the Labour policy was devoid of substance. For example, when applications were received on the basis of points system for allocation of houses in Omagh Council (a major town in Bernadette Devlin's constituency) on 6 April 1969, they were rejected as insufficient.32 Such rejection proved the hollowness and inconsistency of the British policy. What is more, it cast a serious doubt on its ability to carry out any reforms with sincerity.

The Conservative support to the Unionist Government became explicit, when it took the decision not to ban Orange marches in Ardoyne on 26 June 1970.33 Instead, the new Home Secretary, Reginald Maudling, visited Belfast on 30 June 1970 and gave the green signal for tough law and order measures.34 Thus, according to Andrew Boyd, the Unionists began to enjoy direct control over the British Army in Ulster,35 so much so that within fourteen days of Maudling's appointment as Home Secretary, the Army swung into an anti-terrorist campaign against the IRA. The British

32. Ibid., col.297. For details of the Point System, see Chapter III, p.94.
troops also sealed off the Lower Falls area in Belfast and a curfew was imposed. According to Martin Wallace, "many Catholics saw the Army operation as evidence of a shift in security policy, a Conservative response to Unionist demands for 'law and order'." Though the Conservative Government supported the Unionist Government in dealing with the problem of Northern Ireland, yet it appeared that it lacked a clear-cut policy.

It was the 'law and order' issue, which drove Chichester Clark out of the office. Brian Faulkner became the Prime Minister on 23 March 1971. It is significant to note that both the Labour and Conservative Governments were committed to keep Chichester Clark in the office, because they never wanted to intervene directly. As the Economist observed: "The British Government does not want to take Northern Ireland over: not Mr. Wilson nor Mr. Callaghan, not Mr. Heath nor Mr. Hogg would want to do anything of the kind if they could avoid it." But the growing opposition to Chichester Clark and the serious divisions among the Unionists made his replacement inevitable.

Soon after becoming the Prime Minister of Northern Ireland, Brian Faulkner, in a speech at Stormont on 30 March 1971, listed a number of reforms. Those were: "The Universal franchise, machinery for impartial redrawing of district and ward boundaries, the establishment of the two Commissioners, the Community Relations Commission, the Londonderry Development Commission, the Central Housing Executive and a


points scheme for housing allocation, a plan for reorganising local government, and a civilianised police service. 39 On the security aspect, he took the initiative of setting up a small high-powered branch of the Cabinet Office for coordination of security policy and servicing of the Joint Security Committee. 40 Though the major security decisions still had to be taken by the Westminster, or at least its consent was needed, yet the initiatives in making proposals after March 1971 remained largely with Stormont, and generally its demands were accepted. 41 Thus, with the consent of the Conservative Government, the RUC was rearmed to patrol roads across the border with the Republic of Ireland and internment was introduced on 9 August 1971.

It may be recalled that only four months earlier, i.e., on 6 April 1971, Maudling had told the House of Commons:

...the use of internment would be counter-productive and would not help towards our objective. That is still the view of the Northern Ireland Government and of this Government. It is essentially based on practical considerations which seem fairly clear. (42)

On 22 September 1971, Maudling justified, however, the policy of 'internment' in a debate on Northern Ireland in the House of Commons. He said:

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In the face of the growing threat, it was quite legitimate for Northern Ireland Government to introduce a measure which has been used in the past with effect against precisely this same armed organisation (IRA), both north and south of the Border... Of course, internment, imprisonment and detention without trial are repugnant to anyone in the House. In the past I have said that I regard internment as a hideous measure, but I have also said that I do not regard it as hideous as a campaign of murder and terrorism. The object in the internment policy is to hold in safety, where they can do no further harm, active members of IRA and secondly, to obtain more information about their activities, their conspiracy and their organisation, to help the security forces in their job of protecting the public as a whole against their activities.  

Within one month of the introduction of internment, Maudling offered to talk with the whole Ulster Community in order to know the wide range of opinions in Northern Ireland. However, he met with a hostile reception from the Nationalists and Opposition leaders, and failed to appease the Civil Rights Association, which made it clear that, "it could not participate in any talks until each and every internee has been released."  

In the meantime, the opposition leader, Harold Wilson, proposed, after a visit to the Republic and Northern Ireland, a "Fifteen-Point Plan", which included, among other things, an all-party talk and "eventual unification". He said: "A substantial term of years will be required before concept of unification could become a reality but the dream must be there. If the men of moderation have nothing to hope for, men of violence will have something to shoot for."  However, there was no indication that Edward Heath  

44. The Times, 8 September 1971.  
was willing to accept Wilson's main proposal that the British state should accept unification of Ireland as an object of policy. In this context, Maudling emphasised that the problem of Northern Ireland could be solved only through peaceful means and by consent; it will remain a part of the UK unless and until its Parliament and people decide otherwise. Indeed, both Heath and Maudling shared the view that 'terrorism' would have to be defeated before any political solution could succeed. However, when mass detentions without trial and 'physical brutality' in Northern Ireland aroused bitter public resentment, Maudling agreed to constitute an enquiry under Edmund Compton to investigate the allegations made by those arrested on 9th August 1971 under the Civil Authorities Special Powers Act (Northern Ireland) 1922.

Though most of the allegations were proved, Compton termed them as "ill treatment" rather than "physical brutality". The British Government also rejected the contention that "the methods currently authorised for interrogation contain any element of cruelty or brutality."

On 30 January 1972, a Civil Right march was organised against 'internment'. The march within the

46. Bew and Patterson, n.5, p.42.
50 Ibid., p.vi.
Bogside and Creggan was successfully organised despite the opposition of the Chief Superintendent of Police in Londonderry. This led to massive violence, in which thirteen Catholics were shot dead and a similar number were injured. 51

A committee, headed by Lord Widgery, was constituted to enquire into the events of the 'Bloody Sunday' (30 January 1972), The Widgery Committee concluded:

There would have been no deaths in Londonderry on 30 January if those who organised the illegal march had not thereby created a highly dangerous situation in which a clash between demonstrators and the security forces was inevitable. ...For the most part the soldiers acted as they did because they thought their orders required it.

...In the conditions prevailing in Northern Ireland, however, this is often inescapable. (52)

The repercussions of the 'Bloody Sunday' were alarming in both Southern and Northern Ireland. In the South, the British Embassy in Dublin was burnt down and 2 February was declared national mourning day. In the North, there was a one-day protest strike, and in Derry, in particular, a three-day protest strike. The total collapse of law and order, escalating in the violence, failure of the internment policy and the Bloody Sunday events were enough to convince the British Government that the situation called for "fundamental changes in the control of security". 53 Moreover, many verdicts in the courts in Northern Ireland were embarrassing to the Government. For

51. The Times, 1 February 1972.


53. Birrell and Murie, n.41, p.69.
example, in February 1972, the Armagh County Court pronounced that an internee had been assaulted and maltreated during the original arresting operation and awarded him damages. It forced the Government to pay compensation to everyone arrested on 9 August 1971.54 Similarly, in February 1972, the High Court of Northern Ireland ruled that all actions of the British Army in the North since 1969 had been technically illegal.55 However, it is significant to note that since 1969, while the Labour Government had been concentrating on a programme of administrative reforms in dealing with the situation in Northern Ireland, the Conservative Government had been concentrating on security measures. But, in both the cases they failed either to check the growing violence or to win the confidence of the Catholic minority. Moreover, neither could alter fundamentally the internal political structure of Northern Ireland.56

By now, the British Government also realised the need for some drastic change in the security measures. On 22 March 1972, Edward Heath along with Maudling, the Defence Secretary Lord Carrington, and the Leader of the House of Commons William Whitelaw, met Faulkner and his deputy, Senator Jack Andrews, at 10 Downing Street. At this meeting, Edward Heath made three proposals which were: (i) in the hope of taking the border out of the day-to-day political scene, and as a reassurance that there would be no change in the border without the consent of a majority of the people of Northern Ireland, we propose periodic plebiscites on this issue; (ii) a start would be made on phasing out internment; and (iii) the law and order issues

55. Ibid.
56. Birrell and Murie, n.41, p.69.
should be transferred to Westminster. The first two proposals were acceptable, in principle, to the Government of Northern Ireland, but Prime Minister Brian Faulkner refused to accept the proposal, for transfer of responsibility for law and order from Stormont to Westminster. He warned that if any such proposals were implemented, that would entail the resignation of the Government of Northern Ireland. But the British Government was not ready to compromise on this issue. As a result, on 23 March 1972, the entire Cabinet of Northern Ireland decided to sign a letter of resignation. Next day, i.e., on 24 March 1972, Northern Ireland was placed under Direct Rule as per the Northern Ireland (Temporary Provisions) Act of March 1972. This Act prorogued the Northern Ireland Parliament and gave the British Parliament power to legislate for Northern Ireland. A Secretary of State was appointed to exercise the functions previously undertaken by the Northern Ireland Department. Thus, William Whitelaw became the first Secretary of State for Northern Ireland.

An analysis of the background of the Direct Rule shows that, had Callaghan abolished the Stormont in August 1969, the situation would have been different in Northern Ireland. The abolition of Stormont at that juncture would have expedited smooth implementation of the proposed reforms in the province. Firstly, the intention of the Unionist Government in Northern Ireland was to obstruct and not to

58. Ibid.
59. NI, HMSO, Political Settlement: Statements Issued on Friday 24 March 1972 by the Prime Minister and the Government, Cmnd.568 (Belfast, 1972), pp.4-5.
accept and promote the Civil Right reforms for Catholics in Northern Ireland, hoped for by James Callaghan. Secondly, morally and politically the Ulster Unionists were in a weak position, for they had not formed an organisation like the Ulster Defence Association nor acquired firearms, by 1969, on any large scale. Thirdly, at that time the IRA was also not in a position 'to mount a terror campaign'.

DIRECT RULE AND AFTERMATH

Direct Rule: First Phase (March 1972 – May 1974)

The immediate repercussion of the announcement of Direct Rule by the Heath Government was a two-day protest strike and a rally at Stormont on 28 March 1972 by the Vanguard of William Craig, which paralysed power supplies and public transport and led to closure of the major industries in Northern Ireland. Whereas the minority opinion was sharply divided on this issue, the SDLP, the Catholic Church, and the Irish Government welcomed the Direct Rule. On the other hand, the lack of a clear-cut policy after the suspension of Stormont, and almost a thousand men interned and British troops still on the street, the Northern Resistance Movement (NRM), the People's Democracy (PD) and the Northern Ireland Civil Rights Association (NICRA) made it clear that political resistance would continue.

Violence continued, as both wings of the IRA -- the Provisionals and the Officials -- continued to wage war.

63. Ibid.

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against the British Army. And, for the time being, it appeared that the British hopes for peace would get a serious setback, as three soldiers were killed in 1972 by the joint action of both wings of the IRA in retaliation to the death of Joe McCann, an Official IRA member, who was shot dead by an Army patrol. But, in a positive gesture, Whitelaw declared an amnesty of internees and, by mid-June, he released 550 of them.\textsuperscript{64} Besides, continuous discussions were held between the Secretary of State for Northern Ireland, William Whitelaw, and the representatives of all shades of opinion in the Province about the future administration and its structure in Northern Ireland.\textsuperscript{65} As violence increased in the Province, a secret meeting was arranged in London on 7 July 1972 between William Whitelaw and six IRA leaders. In fact, this was a reciprocal gesture to the Provisionals' call for cease-fire on 22 June 1972. At the meeting, which ended in failure, Whitelaw was accompanied by Henry Paul Guinness Channon, Minister of State. This meeting came to light, when the IRA broke its fortnight's truce, which obliged Whitelaw to make a statement in the House of Commons on 10 July 1972. The IRA representatives alleged that Whitelaw gave them nothing in lieu of the truce.\textsuperscript{66} Though Whitelaw considered the IRA demands totally unacceptable to any British Government, yet the British reaction was to still cling to the hope that the negotiations could be restarted.\textsuperscript{67} Particularly high hopes were set on Daithi O'Connell (the Provisionals' main politician) even after the breakdown of the truce. Harold Wilson, leader of the Opposition, had also been impressed by him.

\textsuperscript{64} The Times, 7-12 June 1972.
\textsuperscript{65} Ibid., 16 June 1972.
\textsuperscript{66} Ibid., 10 July 1972.
\textsuperscript{67} Ibid., and also 17 July 1972.
The main reason for the breakdown of the truce was an attempt to rehabilitate Catholics in a disputed area, which resulted in their direct confrontation with the British Army in West Belfast. The Northern Ireland Housing Executive had allocated some empty houses, formerly occupied by Protestants, to Catholic refugees. The Ulster Defence Association (UDA) objected to this and, when the Catholic families tried to move in, the Army stopped them, giving the impression that it was carrying out the wishes of the UDA. In retaliation, the Provisionals opened fire on 9 July 1972.68

With the truce falling apart, the IRA bombing continued and the worst kind of bombing by the Provisionals was witnessed on Friday, 21 July 1972, in which nine civilians and two soldiers were killed and many more injured.69 This incident was known as 'Bloody Friday'. The British response came in the form of slowing down the release of internees and sending 4,000 additional troops to the North and, on 31 July, Whitelaw, in a military exercise known as 'Operation Motorman', allowed the Army to move into the 'No - Go' areas at 4.30 AM. Whitelaw was determined to root out the IRA. Meanwhile, he sought a political settlement acceptable to those who believed in ballot rather than bullet. His continuous discussions with the representatives of the Northern Ireland political parties on the future of the Province's government culminated in the Darlington Conference, 25-27 September 1972.70 The Darlington Conference was attended by three political

68. Ibid.
69. Ibid., 22 July 1972.
parties of Northern Ireland -- the Ulster Unionist Party, the Alliance Party and the Northern Ireland Labour Party.71

The outcome of the Darlington Conference was published as a Green Paper, entitled The Future of Northern Ireland, on 30 October 1972. This 98-page document excluded the return of the 'Old Stormont Parliament' and emphasised the advantages of a regional assembly. Ian Paisley's Democratic Unionist Party's proposal of 'total integration' and the 'idea of a condominium government' of Social Democratic and Labour Party were also not included in the Green Paper.72 Subsequent consultations, held between the Secretary of State for Northern Ireland and a wider range of political parties (including the SDLP) and other groups and individuals in the Province, did not produce any single set of proposals for a constitutional settlement. They did, however, suggest the possibility that important aspects of such a settlement could be framed in a way likely to gain the acceptance of the Northern Ireland people as a whole.73

It was also stated that:

...the object of real participation should be achieved by giving minority interests a share in the exercise of executive power if this can be achieved by means which are not unduly complex or artificial, and which do not represent an obstacle to effective government (74).

On 8 March 1973, a plebiscite on the border question was held under the provisions of the Northern

71. Ian McAllister, The Northern Ireland Social Democratic and Labour Party: Political Opposition in A Divided Society (London, 1977), p.120.


73. See, Ibid., pp.11-98.

74. Ibid., p.36.
Ireland (Border Poll) Act 1972 in fulfilment of a pledge given by the United Kingdom at the time of the introduction of Direct Rule. Every citizen of the Province aged 18 or above was asked to state, whether he or she wished Northern Ireland to remain part of the United Kingdom or to be joined with the Irish Republic outside the United Kingdom. The result of the poll was as follows:

To remain as part of the UK: 591,820
To join with the Irish Republic: 6,463
Spoiled votes: 5,973
Total electorate: 1,031,633
Abstention vote: 427,377

All the anti-Unionists, including the SDLP and the IRA, abstained from voting. On 20 March 1973, shortly after the border poll, the British Government published a White Paper, entitled Northern Ireland Constitutional Proposals. Part 3 of the White Paper dealt with the Constitutional Proposals. It proposed: (a) A Northern Ireland Assembly of 80 members elected by the single transferable vote (STV) method of proportional representation, applied to twelve Westminster constituencies. The new legislature must be designed to create a strong link between the Assembly and the Executive so that it includes representatives of both the minority and the majority. It was envisaged that a member of the Assembly will act as the Head of each Department, like education and agriculture, of Northern Ireland and those Heads collectively will form the Executive. (b) There will continue to be a Secretary of State for Northern Ireland. He will undertake the necessary

76. The Times, 10 March 1973.
consultations, leading to the devolution of powers, administer certain services reserved to the United Kingdom Government and be responsible for British interests in Northern Ireland. The devolution of powers after the formation of an Executive, which can no longer be solely based upon one single party, will solely remain with the Secretary of State for Northern Ireland. (c) Certain reserved matters like 'law and order' will remain with Westminster. However, the Assembly after devolution of powers, will, be able to legislate in respect of most matters affecting Northern Ireland.77

The White Paper also proposed additional safeguards to protect the rights of the entire community and of groups within it, and recognised the existence of "the Irish Dimension"—i.e., the community of interest that existed between the Irish Republic and Northern Ireland. This had been clearly mentioned in part 5 of the White Paper.78


While constitutional arrangements for the administration of the Province were being worked out, reorganisation of the local government was also going ahead. Election to the Northern Ireland Parliament had always been

78. Ibid., pp.29-30.
based on universal adult suffrage, but the local government elections were based on property qualifications. Under the Electoral Law Act (Northern Ireland) 1969, the principle of universal adult suffrage was introduced for local government elections and the voting age for all elections was reduced from 21 to 18. Under the Local Government reorganisation introduced in 1973, the existing 73 local authorities were replaced by 26 new District Councils. Elections to the 26 new District Councils (in which there were 1,222 candidates generally representing 17 political parties) were held on 30 May 1973 under the single transferable vote system.\textsuperscript{79} The new arrangement for local government came into operation in October 1973.

In general, the proposals received full acceptance of the centre parties of Northern Ireland --- the Alliance Party, the Northern Ireland Labour Party and the Liberal Party. The attitude of the SDLP was quite critical, but the SDLP did consider that the proposals offered some hope for the future, both in building a new Northern Ireland and in forging closer links with the Republic. The local District Councils election, held on 30 May 1973 under the Proportional Representation system, was for six years. Two significant features of the election were the virtual disappearance of the NILP, which won only four seats in all the six Counties, and the poor showing of the Alliance Party.\textsuperscript{80}

The local District Councils election was followed by the Assembly elections on 28 June 1973, which were conducted on the basis of the single transferable vote method of Proportional Representation for 78 Assembly seats.


\textsuperscript{80} Farrell, n.3, p.308.
distributed among 12 Northern Ireland Westminster constituencies. The result gave the 'pro-White Paper' Unionist Party, which had more or less agreed to Britain's power-sharing scheme, 24 seats; the SDLP, 19 seats; 'anti-White Paper' Unionist Party and other 'Loyalist' groups, 26 seats (the largest group returned to the Assembly an alliance of Protestant militants, whose aim was to reject power-sharing Government with Catholics and make the Assembly unworkable); the Alliance Party, 8 seats; and the NILP, one seat.\textsuperscript{81}

On 29 August 1973, the British Prime Minister, Edward Heath, visited Belfast. Addressing the people of Northern Ireland, he said:

The Northern Ireland Constitution Act (1973) is now the law of the land and you have elected representatives. It is their task to form an Executive and take over the powers which the Westminster Parliament has shown itself prepared to hand over to them....I realise full well that we are asking much of the parties of the Assembly to work together in the interest of the whole community of Northern Ireland....Although at the moment responsibility for security is being kept at Westminster, the Executive will of course be able to discuss these problems with the Secretary of State....At the same time the Government in Westminster and Dublin, together with the Northern Ireland Executive can get on with working out the machinery, in the form of developing ministers, to meet the requirements of the Irish Dimension to which Her Majesty's Government had pledged itself.\textsuperscript{82}

In October 1973, talks began between the leaders of three parties -- the Alliance Party, the SDLP and Faulkner's

\textsuperscript{81} Merlyn Rees, "Northern Ireland 1974", Contemporary Review (London), vol.244, no.1297, February 1974, p.57 and also see Boyd, n.33, p.596.

\textsuperscript{82} Statement by the Prime Minister, Edward Heath to the people of Northern Ireland, during a visit to Belfast on 29 August 1973. See, Irish Times, 30 August 1973.

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Unionist Party (which was pro-White Paper) and the Secretary of State for Northern Ireland on the possibility of forming a power-sharing Executive. On 6 November, the three parties agreed on a joint social and economic programme for the North and, on 22 November 1973, Whitelaw announced the formation of an Executive-designate with eleven members — six Unionists, four SDLP, and one from the Alliance Party. It was announced that Brian Faulkner would be the Chief Executive and Gerry Fitt his Deputy. It was also decided that there would be a London-Dublin-Belfast Conference as soon as possible to settle the details of the Council of Ireland.83

Several attempts for a peaceful solution to the problem of Northern Ireland had been made by the British Government, but in vain, because they were foiled by the local parties or by the two communities — the Protestants and the Catholics. However, the Sunningdale Agreement (6-9 December 1973) was a landmark in the history of Northern Ireland. These tripartite talks between the leaders of the Northern Ireland parties in the Executive-designate and the Ministers of Britain and the Irish Republic led to the agreement on power-sharing between the representatives of both the sections of the community in Northern Ireland. This was the right move made by the Conservative Government to give political courage to the local political parties during the last phase of its tenure in the office.84 The main points in the Sunningdale Agreement were:

(i) A Council of Ireland composed of seven Ministers of the Northern Ireland Executive, a Consultative Assembly, and a Secretariat, assisted by 30 members each from the Northern Ireland Assembly and the Dail, should be set up;


(ii) Britain and the Irish Republic should register solemn declarations with the United Nations to the effect that the status of Northern Ireland could not be changed without the consent of a majority in the Province;

(iii) An Anglo-Irish Commission of Justice would examine proposals for dealing with fugitive offenders and make recommendations;

(iv) The British Government promised "to bring detention to an end in Northern Ireland for all sections of the community as soon as the security situation permits."

An objective analysis of the Sunningdale Agreement shows that it was the crystallisation of a basic British strategy in Ireland. Farrell said:

It was a masterpiece of balance and ambiguity. The Unionists could sell the Council of Ireland to their followers on the ground that the North's constitutional position would be strengthened by Southern recognition and cooperation in action against the IRA, and that the Council would have no power anyway. The SDLP and the Dublin Government could argue that they were getting a measure of control over the RUC and that the Council of Ireland was a major step towards a united Ireland. But they were contradictory arguments. The success of the agreement depended on neither side listening to what their allies were saying about it.

The power-sharing administration, which was sworn in in Belfast on 31 December 1973, assumed office on 1 January 1974. After the Labour Government assumed power in Britain on 28 February 1974, William Whitelaw was replaced by Merlyn Rees as the Secretary of State for Northern Ireland. In March 1974, Merlyn Rees affirmed that he would follow the policy of the outgoing Government, but indicated


86. Farrell, n.3, p.311.
that the Labour Government might adopt 'a more flexible approach' than its predecessors towards the Province. Rees, who wanted to preserve the 'bipartisan policy' on Northern Ireland, made the 'Sunningdale Agreement' the basis on which the Government could proceed, but he prefaced even that remark with the words: "I do not believe that any bit of paper is the last word .... The Government... wanted both communities to work together and declare its support for the power-sharing Executive which must be given time to show the fruits of their work." 88

Westminster's bipartisan approach to Northern Ireland's problem was reaffirmed in Rees' first major policy statement made on 4 April 1974. He said that, "the Government was trying to achieve a restoration of normal political life" by registering Sinn Fein and the UVF, which were at one time committed to violence. In his opinion, such a step was necessary to normalise political life. 89 He further asked for constructive opposition in the Assembly, and endorsed the Sunningdale Agreement. He announced a limited troops withdrawal, believing that "the cornerstone of security policy should be a progressive increase in the role of the civilian law and enforcement agencies." 90 Some changes he introduced in the RUC were designed to increase the operational efficiency and acceptability, and it was intended to increase the intake of Catholics in the force. A phased programme of releasing detainees was also affirmed,
with 'sponsors' undertaking some responsibility for their good behaviour and resettlement.91

Brian Faulkner, Chief Executive of Northern Ireland, was very much critical of the decision to legalise Sinn Fein and the UVF. He was also not happy over the meeting between Wilson and Cosgrave on 5 April 1974. He agreed, however, to an early signing of the Sunningdale Agreement.92

The power-sharing Executive, which William Whitelaw had so painstakingly established at the Sunningdale Conference in December 1973, was overthrown by the Ulster Workers’ Council (which had been established in December 1973 following the collapse of the Loyalist Association of Workers) on 28 May 1974, when it organised a general strike on 14 May, which paralysed economic life in Northern Ireland.93 The success of the strike was based on many factors. The British general election of February 1974 proved disastrous for the newly formed Executive, as it took place precisely at a time, when the Executive was trying to gain public support. The new Executive’s emphasis on implementing the Sunningdale Agreement, rather than bringing social and economic reform, was also ill-timed. Further, the UWC’s control over electricity supply industry and Army’s unwillingness to deal with the strikers and its lack of expertise in power-station operation also helped bring the Executive down. Rees’ lack of foresight and his unwillingness to mediate with the strikers even after Faulkner’s warning of disastrous social consequences proved fatal. Added to this was Wilson’s television speech of 25 May 1974, calling the Loyalists ‘spongers’ on Britain,
which seemed to have alienated the moderate Protestants, "who gradually acquiesced" into the UWC's control over essential supplies and services.94

Interim Arrangements (29 May - 17 July 1974)

The collapse of the Executive forced the British Government to prorogue the Assembly for the second time for four months initially and then indefinitely. Under Northern Ireland Constitution Act 1973, the powers devolved to the Assembly and Executive did not revert to the British Government and Parliament. Thus, through section 8 of the Act, the Secretary of State for Northern Ireland appointed two Ministers of State and two Parliamentary Secretaries of State at the Northern Ireland Office as the political heads of the Government Departments on a temporary basis.95 Rees also assured the Commons that "there must be some form of power-sharing in the Province."96

Direct Rule: The Second Phase (July 1974 - March 1976)

On 4 July 1974, shortly after the introduction of Direct Rule, the Government published another White Paper, The Northern Ireland Constitution, containing new proposals. These proposals were subsequently enacted as part of the Northern Ireland Act 1974. This Act provided for a Constitutional Convention of 78 members to be elected on a multi-member basis from the 12 parliamentary constituencies by means of Single Transferable Vote method of Proportional Representation in order to "consider what provision

94. Wallace, n.36, p.105 and see also, Birrell and Murie, n.41, p.81.
95. Birrell and Murie, n.41, p.82.
for the Government of Northern Ireland is likely to command the most widespread acceptance among the community there." 97

The Act also provided that the Constitutional Convention should have an independent Chairman 98 and that it should decide upon its own procedure; that the Convention should present a report (or reports) on its conclusions to the Secretary of State, who in his turn would lay it before the Parliament; and that the Convention should be dissolved on the date the final report was delivered, or six months after the first meeting of the Convention, whichever was earlier. In order to help the members of the Convention in their deliberations, the British Government published three discussion papers on the main issues, which required its consideration. There was no mention of the 'Irish Dimension' in the Act.

The Northern Ireland Assembly was dissolved at the end of March 1975 and elections to the Convention were held in early May. The United Ulster Unionist Council (with Ernest Baird as the head) comprising of the Official Unionist, the Vanguard Unionist and the Democratic Unionist Party (DUP), won 47 out of the total 78 seats. The number of seats won by each party was as follows: Official Unionist, 19; Vanguard Unionist, 14; Democratic Unionist, 12; Independent Unionist, 2; Unionist Party of Northern Ireland (Faulkner's Party), 5; SDLP, 17; Alliance, 8; and NILP, 1. 99


98. The appointment of the Chairman (Sir Robert Lowry, a former Lord Chief Justice of Northern Ireland) was announced in March 1975.

Meanwhile, Merlyn Rees, Secretary of State for Northern Ireland, asked the political parties and other bodies for their views about the future shape of the authority. He also said that his choice would reflect the Government's hope of increasing the acceptability of the Royal Ulster Constabulary. The Constitutional Convention began its work later in May 1975, but basic differences of opinion arose, particularly between the UUUC and the SDLP. The Convention was dissolved in November 1975 after voting that recommendations of the UUUC should be presented to the Secretary of State for Northern Ireland as the Convention's final report, but this was rejected by the SDLP.

The UUUC's proposals called for a majority rule in a unicameral Parliament of 78-100 members, with the government enjoying powers broadly similar to those conferred by the Government of Ireland Act 1920. The UUUC also proposed a Committee system "to give real and substantial influence to an opposition and to make Parliament more effective", a Privy Council in which some places would be offered to leading members of major opposition parties, and a "Bill of Rights and Duties to protect the rights of the individual citizen." 100

The Convention was reconvened on 12 January 1976 to consider certain specific measures referred to it by the Secretary of State for Northern Ireland, 101 but was again dissolved in March 1976, when it became clear that there was no prospect of agreement between the parties, and a

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100. Wallace, n. 36, p. 126.

compromise was impossible. On 5 March 1976, Rees reported to the Commons that by Order in Council the Convention would cease to exist at midnight. He said that the Government did not "contemplate any major new initiative for some time to come."

Direct Rule: Third Phase (March 1976 - May 1979)

Following the dissolution of the Constitutional Convention, the Government concluded that a period of constitutional stability was needed to tackle the Province's economic and security problems, although the aim continued to be a devolved system of government in Northern Ireland. Direct Rule, as provided for in the Northern Ireland Act 1974, was renewed for further periods of a year in July 1977 and June 1978, and again after 1978 till September 1982 it was renewed several times. Meanwhile, in April 1976, James Callaghan succeeded Harold Wilson as Labour Prime Minister and in September Merlyn Rees, Secretary of State, was replaced by Roy Mason. Rees became the Home Secretary.

As Secretary of State for Northern Ireland, Roy Mason's main interest lay in security problem. He showed no immediate interest in seeking any new political initiative until he came under pressure from the United Unionist Action Council, an umbrella organisation, which


103. The Times, 6 March 1976.

104. Ibid., 28 September 1976.

included Ian Paisley, Ernest Baird, and Joseph Burns, its Chairman and an former Unionist MP. It also included the representatives of the Ulster Workers' Council, Ulster Defence Association, Orange Volunteers and Down Orange Welfare. The UUAC, which opposed the Direct Rule, was supported by Paisley's Democratic Unionist Party, the United Ulster Unionist Movement and other paramilitary groups. The UUAC gave a call for general strike on 3 May 1977, as was done by the UWC in 1974, to force the British Government to concede majority rule in Northern Ireland along the lines of the Convention report. According to Wallace, the strike eventually failed on 13 May 1977 due to lack of popular support and Mason's warning that the Army would be available to maintain essential services. Moreover, "additional troops arrived in Northern Ireland and the UDR was called up for full-time service." 106

 Talks between the political parties in the latter part of 1976 showed that there was agreement on the principle of devolution. The Government had reaffirmed on many occasions that its objective was a stable and durable form of developed and devolved government, which commanded the support of the vast majority of the population. On 28 September 1977, James Callaghan assured the new Irish Prime Minister, John Lynch, that "the British Government's policy was to work towards a devolved system of government, in which all sections of the community could participate on a fair basis and in which the rights of all citizens are fully safeguarded." 107 The Government was under pressure of the Official Unionists that if there was no early progress towards devolution, they would opt for 'integration' with an increased representation at Westminster. The Communique

issued after the Callaghan-Lynch meeting in September 1977, however, re-assured Lynch that there would be no drift towards integration.\textsuperscript{108}

With a view to resolving the political impasse, Mason proposed in October 1977, a new round of talks with the four main political parties -- the Unionists, the SDLP, the Alliance Party and the DUP. On 22 November 1977, he invited them formally to discussions on the basis of the five broad principles, which the British Government had in mind. These were: (i) A single Assembly, elected by Proportional Representation; (ii) The Assembly should exercise real responsibility over a wide range of functions and have a consultative role in legislation; (iii) The arrangements should be temporary and envisage progress in full legislative devolution; (iv) Although temporary, they must be durable, which means that minority interests must be safeguarded and the Northern Ireland political parties must be prepared to make them work; and (v) They must make good administrative sense.\textsuperscript{109}

Response in the Unionist camp was swift and predictable. Both the OUP and DUP suspended participation in the proposed round of political talks. Meanwhile, the SDLP saw the Unionists' response as a public demonstration of their obduracy and used this to justify scepticism about further talks. The 'Five-Point' plan discussions degenerated into mutual recriminations, which dimmed the prospect of further progress.

\textsuperscript{108} Ibid.
Direct Rule: Fourth Phase (May 1979 - October 1982)

Soon after the Conservative Government came to power on 3 May 1979, Humphrey Atkins, Secretary of State for Northern Ireland, emphasised that "the Government would continue bipartisan tactics with Labour in fighting terrorists and trying to solve the Province's complex political problems." The Conservative election manifesto promised that "in the absence of devolved government, we will seek to establish one or more elected regional councils with a wide range of powers over local services."

Direct Rule continued only in the absence of agreement within Northern Ireland political parties, on a form of devolved government. On 2 July 1979, Humphrey Atkins, Secretary of State for Northern Ireland detailed the Government's policy in the Commons in the following words:

Direct Rule is not the best way of administering the affairs of Northern Ireland. It was designed only as an interim agreement, a stop-gap .... The Government do not want Direct Rule to continue any longer than is strictly necessary. It is my earnest wish to see it replaced by a form of government which will... give to the people of Northern Ireland more control over their own affairs...(112)

To replace the Direct Rule the Conservative Government took a new initiative for a political solution. On 25 October 1979, Atkins announced that the Government

should put to the Parliament, at an early date, proposals for transferring some powers to the locally elected representatives of the Government in Northern Ireland, which till then had been exercised from Westminster. Also, there would be "reasonable and appropriate arrangements to take account of the interests of the minority". In this context, the Government published on 20 November 1979 a White Paper, entitled The Government of Northern Ireland: A Working Paper for A Conference. According to the White Paper, the proposed conference would be concerned with transfer of power within the United Kingdom but it would not discuss issues like 'Irish Unity', 'Confederation' and 'Independence'. The White Paper proposed a conference of the main political parties to try to reach the broadest possible agreement on transfer of powers to locally elected representatives. The Government expressed its willingness to recommend to Parliament any workable transfer of powers, which might be accepted by or be acceptable to the people of Northern Ireland as a whole. It said that a new pattern must be sought, which would take full account of the needs and anxieties of both sides of the community.113

The White Paper set out the agenda for the Conference under the following three headings:

(i) the nature of the devolved institutions;
(ii) the powers to be devolved; and
(iii) the ways of safeguarding the interest of the minority.

The issue of 'institutions' was related to the usual devolution agenda, the method of election, the nature of the Legislature and the type of committee system (i.e. advisory or investigative). On the question of 'powers to

be transferred', it asked whether they should be like the 1973 Constitution, i.e., similar to Stormont's range of devolved powers, excluding security, and law and order. Alternatively, a more limited range of functions could be devolved, for example, the subjects devolved could be restricted to those that were the responsibility of the local authorities in Great Britain. The second issue was related to the extent to which powers should be transferred. In this regard, the following three broad possibilities were identified: (i) transfer of all executive and legislative powers; (ii) transfer of all executive powers; (iii) transfer of only those executive powers, which were exercised by local authorities in Great Britain; and (iv) division of the Province into two or more geographical areas to exercise this range of powers -- in effect, a form of local government.

It had been assumed in the years prior to 1979 that the Conservatives were planning a definite proposal to introduce some system of local government as an alternative to a devolved regional government. 114

On the role of the minority, the 1979 White Paper's views were merely a re-statement of the views expressed since 1972, for some of the ideas discussed as possible means of recognising the interests of the minority were similar to those put forward in the 1974 White Paper. Thus, there were proposals for 'weighted votes' in an Upper House or for a 'veto' by the Secretary of State at the instance of a stated minority participation in decision-making. These proposals fell into three categories:

(i) by appointment, recognizing certain criteria, as in 1973;

114. Ibid., pp.5-8.
(ii) in proportion to party strengths in the elected body (Assembly);
(iii) by election either by the Assembly or by the electorate as a whole. 115

An alternative form of minority participation was also put forward. If executive powers resided in committees, each with responsibility for certain subjects, minority participation could take the form of a share of Chairmanships and/or seats on committees.

In the 1979 Working Paper, six examples of different forms of Government were given, which were reminiscent of the 1974 White Paper on Devolution within the United Kingdom. The models incorporated had three major factors: the form of institutions, the power to be exercised, and the role of the minority. Their main features are outlined in Appendix-V.

In January 1980, Atkins chaired a conference, to which four main political parties in Northern Ireland (Democratic Unionist Party, Alliance Party, Social Democratic and Labour Party, and the Official Unionist Party) had been invited. Three accepted the invitation, but the OUP boycotted the Conference. 116 The purpose of the Conference (7 January 1980 - 24 March 1980) was to identify the highest possible level of agreement on the way, in which powers might be transferred from Westminster to the locally elected representatives in Northern Ireland. But the Conference failed to reach any agreement on a future system of Government for Northern Ireland. 117 According to

115. Ibid., pp.8-9.
117. Ibid.
Wallace, "The SDLP attended on the understanding that it could put forward policies going beyond the narrow limits of the working paper, and in a curious compromise Atkins held a parallel series of talks on wider issues; the DUP refused to take part in the parallel series, and the Unionist boycotted both." 118 Atkins' effort proved futile because the political parties stuck more or less to their earlier positions.

In the light of the deliberations at the conference, the Government published on 2 July 1980 a discussion paper, entitled The Government of Northern Ireland: Proposals for Further Discussion. The discussion paper asserted that Northern Ireland needed workable and stable political institutions with the consent of the minority community. The development of new political arrangements in Northern Ireland, according to it, must rest on the following premises:

The majority community should be confident that Northern Ireland can not be separated from the rest of the United Kingdom without the consent of a majority of its people; the minority community should accept and respect that fact; and, in response, the majority should ensure a positive role for the minority community in the arrangement for the government of Northern Ireland. And it is in the interests of both communities to recognise and develop the links that exist between Northern Ireland and the Republic of Ireland. (119)

The discussion paper noted that there was substantial agreement on many issues like the form of locally elected administration, a unicameral assembly, election based on Proportional Representation, the range of devolved powers, the office of the Secretary of State, and safeguards against discrimination. It did not, however,

118. Wallace, n.36, p.151.

deal with one crucial issue, viz. how to make provision for the participation of representatives of the minority community in the Government. The last part of the discussion paper dealt with the suggestion for the involvement of the minority community.\textsuperscript{120} Two options included in the paper to safeguard the interests of the minority in the exercise of authority in Northern Ireland were: (i) a system, which guaranteed any party, winning a certain proportion of the popular vote, a seat in the Executive; and (ii) formation of an Executive by reference to the strength of the parties elected to an Assembly, or the possible direct election of an Executive, which means a Power-Sharing Government.\textsuperscript{121}

The Government's arguments for it were, that:

...if the adoption of a system which ensured that the minority community had places on the Executive would crucially affect the attitude of the minority towards acceptance of the political institutions of Northern Ireland, then that constitutes a powerful reason why the majority community should put aside its misgivings and accept a system of a proportionately constituted executive.\textsuperscript{122}

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\textsuperscript{120} Ibid.

\textsuperscript{121} Ibid.

\textsuperscript{122} Ibid., p.12.

\textsuperscript{123} Ibid., pp.11-14.

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Responsibility shared within the Assembly.

Single Assembly Cabinet.

Departmental Committees.

Council of the Assembly.

Full range of powers similar to 1973.

Membership of a Council of the Assembly with blocking powers

MODEL B

In Model A, the minorities were given membership of the Executive, whilst in Model B, they were not. Nevertheless, it was suggested that the minority, without being represented in the Executive, could share responsibility for the admission and see that the interests of the minority community were adequately reflected in the decisions of the Northern Ireland Government. In Model B, it was also proposed to set up a Council of the Assembly with an equal number between those supporting and those opposing the Executive. Further, the Council would consist of the Chairmen of departmental committees. It would have the power to delay, refer back or block the proposed legislation, or the power to approve public expenditure.

It was pointed out that the proposed system would be unworkable without the support of the two communities. The question was: even if the Government were able to create fair and workable institutions, would it succeed in creating the will in the major communities to make these institutions work? Speaking in a BBC Television Programme on 1 June 1981, Humphrey Atkins reiterated the Government determination to seek a political way forward. In summer 1981, he announced his intention to discuss with local politicians a proposal to establish a non-executive Northern Ireland Council with the following functions:

(i) to consider and report to the Secretary of State on the activities of Northern Ireland departments;
(ii) to scrutinise proposals for legislation; and
(iii) to make proposals for the future government of Northern Ireland that might be acceptable to both sections of the community there.

These proposals proved unattractive to local politicians in Northern Ireland, so attempts to engage them in serious discussions on the issue failed. Meanwhile, Atkins was engrossed in dealing with the situation caused by the Provisional IRA hunger strike, which dominated 1981. Atkins was replaced by James Prior as Secretary of State for Northern Ireland. On 5 April 1982, Prior embarked on a new initiative for finding a widely acceptable form of devolved government in Northern Ireland. As part of it, the British Government published a White Paper, entitled *Northern Ireland: A Framework for Devolution*, which was "modelled on the Atkins' options but (was) more flexible and more gradual --- 'rolling devolution'." In this White Paper, the Government made the following proposals:

(a) An election shall be held for a Northern Ireland Assembly; (b) The Assembly, from its inception, will have scrutinising, deliberative and consultative functions; (c) The Assembly will also be asked to recommend to the Secretary of State arrangements under which the whole part of the range of Legislative and Executive responsibilities transferred under the Northern Ireland Constitutional Act 1973 could be exercised by the Assembly and a devolved administration answerable to it; and (d) Provided certain criteria are satisfied, the Government will recommend to Parliament that the arrangements recommended by the Assembly should be implemented and appropriate powers transferred."


The White Paper said that there would be a 78-member Assembly elected by the single transferable vote method of Proportional Representation, with each Parliamentary constituency returning a prescribed number of members to the Assembly. Elections would be held on 20 October 1982 and subsequently they would be held every four years. The principal task of the Assembly would be to reach agreement on how devolved functions would be exercised.\textsuperscript{127}

On the basis of Prior's "rolling devolution" concepts, elections were held in Northern Ireland on 20 October 1982 to establish the proposed 78-member Northern Ireland Assembly. In the elections, the Official Unionists got 26 seats; Democratic Unionists, 21; Social Democratic and Labour Party, 14; Alliance Party, 10; Sinn Fein, 5; Independent Unionist, 1; and the Ulster Popular Unionist got 1 seat.\textsuperscript{128} But, in the newly constituted Northern Ireland Assembly the Catholic dominated Social Democratic and Labour Party and Sinn Fein refused to take their seats, posing a question mark on the effectiveness of the Assembly's function and also on the Westminster plan to restore a measure of home rule for Northern Ireland.

\textbf{SECURITY ASPECTS}

Maintenance of 'law and order' is one of the most crucial issues, which have been baffling the British Government since the beginning of the civil disorder in Northern Ireland. This only led to the British Government's direct intervention in the affairs of the Province's but was also a major factor in influencing Westminster's decision to impose direct rule in Northern Ireland in March 1972.\textsuperscript{129}

\textsuperscript{127} Ibid.
\textsuperscript{128} The Times, 25 October 1982.
\textsuperscript{129} See, UK, Commons, Parliamentary Debates, n.57, cols. 1859-60.
As a result of the Hunt Committee recommendations,\textsuperscript{130} the Ulster Special Constabulary (USC), also known as B-Specials, was finally disbanded on 30 April 1970 and was replaced by Ulster Defence Regiment (UDR), which became operational with effect from 1 April 1970.\textsuperscript{131}

The Royal Ulster Constabulary (RUC), on the other hand, lost its 'paramilitary character' and was remodelled on the lines of the police force in Great Britain. Under the Stormont Governments, the Ministry of Home Affairs handled the law and order question, but under the Police Act of 1970, a police authority was established to maintain an adequate and efficient police force.\textsuperscript{132}

Apart from the RUC and UDR, 'security' became concurrently a responsibility of the Regular Army as well. The Army was called in on 14 August 1969 for the first time by the Northern Ireland Government to maintain 'law and order' in the Province. On that day, according to a report,

\textsuperscript{130} See, Hunt Report, Cmnd.535, n.21, pp.21 and 46.


\textsuperscript{132} See, Hunt Report, Cmnd.535, n.21, pp.21 and 46. The Police Authority noted at the end of 1982 that there had been a failure to attract sufficient recruits to the RUC from the Catholic community despite the efforts of the Authority and the RUC itself. The severe tension raised by the 1981 H-Block hunger strike helped frustrate such official moves and 21 members of the force and its reserve were killed during 1981 --that was, the highest annual total for any year of the troubles except in 1976. The size of the RUC was 3,500 men and women on 31 March 1970, 4,940 in 1970, 6,500 in 1974, 7,500 in 1979 and 8,000 in 1982. It was estimated that the cost of 1982 expansion would be £37.5 m. over three years. Flackes, n.131. pp.307-8.
"a company of the Prince of Wales Own Regiment went on duty in the centre of Derry. Next day 600 men of the 3rd Battalion, Light Infantry, entered West Belfast with fixed bayonets to provide a buffer between the Protestant and Catholic crowds on what later came to be known as the 'peace line'."133

The most striking feature of the 'security measures' taken by the Governments of Northern Ireland and Great Britain was the 'Anti-Riot Tactics'. In the early days of 'Troubles' in Northern Ireland, water cannons were frequently used. But the main weapons were rubber bullets (widely used between 1972 and 1975), plastic bullets (first used in 1973) and the CS gas (used in 1969).134

The disbandment of the Ulster Special Constabulary as a sequel of the Hunt Committee recommendations, caused much resentment among the Protestants, because they viewed it as appeasement of the militant minority, whose ultimate aim was to cut off the Province's British connection. Moreover, to them the disbandment of the USC also meant the disappearance of their 'traditional defenders'.135

The situation seemed different even after the disbandment of the USC when, on 31 July 1970, a 34-hour curfew was clamped on the Lower Falls area of Belfast and when the new Conservative Home Secretary, Reginald Maudling, gave a free hand to the security forces to move into the Catholic ghettos to 'root out' the enemy.136 The Army

133. Ibid., p.309.
134. For CS gas, see, Chapter II.
136. It is worth mentioning that when the Army was deployed for the first time (14 August 1969), the soldiers got a Contd...
operations during those 34 fateful hours cost five civilian lives and 75 injuries. The security forces could also uncover 208 weapons, 250 lbs (113 kg) of explosives, 21,000 rounds of ammunition and eight two-way radios. This was, of course, a small return compared with the cost of the operations and the massive antagonism they created in the minds of the Catholic community.

It was apparent that measures such as 'internment' and a general rearming of the RUC were not in prospect and that the Army was unlikely to intensify its operations because of the consequent risk of alienating further the Catholic community. But, with the escalation of violence in the Province, the Northern Ireland Government felt obliged to introduce 'internment' on 9 August 1971 under the Special Powers Act. The internment swoop lasted till 5 December 1975. On the very first day of its operation, more than 300 men were arrested; and by the end of 1971, of the 172

[f.n. 136 Contd...] warm welcome in many Catholic areas of Belfast, because they were treated as an insurance against Loyalist incursions. This situation did not last long, because the rise of the Provisional IRA made most Republicans renew their natural resentment against the British forces. The Falls Road curfew in July 1970 also tended to harden the Catholic attitude against the Army. Flackes, n.131, p.309.

137. Arthur, n. 125, p. 112.

138. This whole operation was also known as "Operation Motorman", in which around 21,000 troops, together with 9,000 mobilized UDR men and 6,000 members of the RUC, were involved. Flackes, n. 131, pp. 168-9.

139. For Special Powers Act, see Chapter 1.

140. Although the last internees were released in December 1975, it was not until July 1980, that the internment clause in the Emergency Provisions Act 1973 was allowed by the Parliament to lapse at the Secretary of State's request. O'Malley, n.2, p.211.
who died violently only 28 had lost their lives before the introduction of internment. 141

The British Government conducted an enquiry under Edmund Compton to investigate the allegations made by those arrested on 9 August 1971. On the basis of the findings of this enquiry it rejected the contention that "the methods currently authorised for interrogation contain any element of cruelty or brutality." 142 It could not, however, save its face, when the Irish Government brought the charges against Britain before the European Court in 1971. It was not until January 1978 that the European Court finally indicted Britain for inhuman treatment. 143 The episode was embarrassing for Britain, because by September 1976 it had to settle compensation ranging from £10,000 to £12,000 for 12 of the original 14 victims, who had been rounded up in the internment swoop in August 1971. 144

The 'internment' policy alienated the Catholic community further. It also failed to arrest many IRA members. The inexperience of the Army, the lack of information about topography which had been the strong point of the USC, the mistrust between the Army and the RUC, the difficulty of getting information in 'no go' areas and the Provisional IRA's emergence as an urban guerrilla force, were telling reflections on the security forces.

The Parker Committee, which was appointed by the British Government on 16 November 1971 to consider "whether, and if so in what respects, the procedures currently

141. Arthur, n. 125, p. 112.
143. Arthur, n. 125, p. 113.
144. Ibid.

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authorised for the interrogation of persons suspected of terrorism and for their custody while subject to interrogation require amendment", published its report on 2 March 1972. Lord Parker and John Boyd-Carpenter, a Conservative MP, recommended in their majority report, that methods such as hooding, deprivation of sleep and noise machines "should only be used in cases... considered vitally necessary to obtain information." They also suggested a number of safeguards.145 Lord Gardiner, a former Labour Lord Chancellor, differed in his minority report from the majority view and observed that: "forcibly to hood a man's head and keep him loaded against his will and hand-cuff him...is an assault.... So is wall-standing of the kind referred to.... Deprivation of diet is also illegal.... So is enforced deprivation of sleep."

The interrogation in depth of 14 detainees between August and October 1971 led to the identification of a further 700 IRA members and to a lot of valuable information.147 But, Edward Heath, the British Prime Minister, influenced by Lord Gardiner's views, immediately announced that the interrogation techniques examined by the Parker Committee would not be used in future. He affirmed, however, that interrogation in depth would continue.148 In November 1972, the Government replaced 'internment without trial'149 -- administrative detention -- by a new quasi-judicial procedure involving many checks and safeguards.


146. Ibid., p.13.

147. Ibid., p.5.


149. At this point, the term 'internee' was replaced by 'detainee' in the official jargon.
A commission, set up on 22 September 1972 under Lord Diplock to consider how the administration of justice in Northern Ireland might be rearranged to "deal more effectively" with terrorist organisations, published its report in December 1972. Its main recommendations were: "The use of some extra-judicial process for detention of terrorist suspects was necessary"; "where possible, all terrorists should be tried in a court of law, in some instances without a jury"; and "there should be more restrictions on bail."150

The Northern Ireland (Emergency Provisions) Act 1973151 gave effect to most of these recommendations. Special non-jury courts were set up for certain offences, the detention system was retained, powers of search and arrest were provided for the security forces, and provision was made for prosecuting illegal organisations. This Act replaced the Special Powers Act 1922.

Shortly after the Labour Government took office in 1974, Merlyn Rees, Secretary of State for Northern Ireland, who, while in Opposition, had been critical of some aspects of the Emergency Provisions Act 1973, set up a committee.


151. Although the Act was amended in 1978 and its most notorious provision (permitting internment without trial) has been allowed to lapse, the main provisions of the 1973 Act are still in force; any person suspected of being a terrorist may be arrested without warrant and detained for up to 72 hours by the police, while the Army has a similar power of detention but only for a maximum of four hours. Further, trials of all "scheduled" (terrorist type) offences are held by a senior judge, sitting alone without a jury. In June 1982, the Northern Ireland Secretary of State, James Prior, announced a judicial review of the Emergency Provisions Act, which will follow the 1983 review of the UK Prevention of Terrorism Act 1976. O'Malley, n.2, p. 210.
under Lord Gardiner to consider "what provision, consistent to the maximum extent practicable in the circumstances with the preservation of civil liberties and human rights, are required to deal with terrorism in Northern Ireland, including provisions for the administration of justice, and to examine the working of Northern Ireland (Emergency Provisions) Act 1973". The Gardiner Committee report, which was published on 30 January 1975, broadly endorsed the existing system of detention without trial, though not as a long-term policy. It also recommended abolition of 'special category' status for the convicted prisoners.152

Another dimension to the interrogation procedures in Northern Ireland was given by Judge Bennett when, in response to the Amnesty International report, in 1978, the British Government appointed a committee, under his chairmanship to inquire into the police interrogation procedures in Northern Ireland. The Bennett Committee concluded that there was sufficient evidence of maltreatment to warrant major reforms.153 Consequently, some reforms were introduced. These were: suspects to be entitled to close circuit television cameras in interview rooms; attention of a medical officer every twenty-four hours; access to a solicitor after forty-eight hours; and a limit on the number of police officers engaged in interrogation.154 The biggest abuse -- the abuse of the emergency powers of arrest -- however, remained. So long as that abuse remained


unchecked, an effective policy of law enforcement proved to be impossible. In consequence, the Catholic community continues to remain alienated.

The analysis above clearly demonstrates that the successive British Governments have taken several initiatives in search of a political solution in Northern Ireland. A major thrust of these initiatives revolved round a system based on devolution of powers and functions to the Province but short of the restoration of the old-type Stormont. It may be recalled that compelled by the events since 1968, Westminster assumed direct responsibility for the governance of Northern Ireland in 1972, and repeatedly imposed Direct Rule in the Province, which was but an admission of the failure of 1920 partition. All the same, if the British Government had abolished the Stormont in 1968-69 and implemented the reforms seriously, the situation in the Province might not have perhaps slipped into an endless impasse. The lack of vision and the continued support for reforms 'within the existing system' (which had been the hallmark of the British policy since 1921), made the British Government appear as defenders of a structure, which was considered to be a remnant of 'the Irish Question'. No amount of veneer could be a cover-up for this hideous reality, even though the main reason which precipitated the imposition of the Direct Rule from Westminster in March 1972 was the total collapse of 'security' in the Province.

The White Paper of March 1973, although designed for a new devolved government to replace the old one, recognised the existence of what it termed "the Irish Dimension" -- that is to say, the community of interests that existed between the Irish the Republic and Northern Ireland. The inclusion of the 'Irish Dimension' itself contradicted the earlier statement of Edward Heath that the events in Northern Ireland were none of the Dublin Government's business. Thus, the White Paper departed fundamentally from the earlier policy. On top of it, the
'dimension' was neither defined nor delimited anywhere in the document and remained an open-ended concept.

The miscalculation of Merlyn Rees, the Army's unwillingness to deal with the strikers, and Prime Minister Harold Wilson's televised speech on 25 May 1974, calling the Loyalists 'spongers', led not cumulatively only to the alienation of moderate Protestants but also to the collapse of the Power-Sharing Executive. In fact, one of the principal reasons for the collapse of the Executive was the opposition of the Unionists to the explicit role provided for the Republic in the 'Council of Ireland'.

The British Government did not act very vigorously to give any meaningful content to the 'Irish Dimension'. Its attempts to re-establish a local executive based on the principles of power-sharing also proved to be an exercise in futility. For example, the White Paper of July 1974, which provided for the election of a Constitutional Convention in 1975 to consider what type of Government was likely to command the most widespread acceptance throughout the Northern Ireland community, failed ignominiously despite the fact that it did not make any particular reference to the 'Irish Dimension'. The main stumbling block was disagreement between the United Ulster Unionist Coalition (UUUC) and its Social Democratic and Labour Party (SDLP) opponents on the question of the Power-Sharing Executive. In essence, the (UUUC) demanded virtual restoration of Stormont (majority rule), which was totally unacceptable to the British Government.

With the failure of the Constitutional Convention, the British Government had no plan except to strengthen the 'security' measures and promote economic development in the Province. In fact, the tough security measures taken by the British Government in the form of Army deployment to deal with the strikers were the main reason for the failure of the United Unionist Action Council's strike in May 1977.
The year 1979-80 witnessed the first glimmer of success for the British efforts to discover common ground for a viable solution to the problem of Northern Ireland, for in this year there emerged two alternative structures within the context of a local assembly. These were: revival of power-sharing, as in 1974; and establishment of the majority rule with in-built guarantees to the minority—some executive functions to be shared in assembly committees. Here again, the first proposal was categorically rejected by the Unionists; and, the second one by the SDLP. A further suggestion was made in 1981 for a consultative ‘Northern Ireland council’, to be drawn from the representatives already elected to the local Councils, the House of Commons and the European Parliament, but it too failed to obtain any broad agreement among the local political parties.

The main strands of the British policy towards the problem of Northern Ireland since late 1981 have been three, namely security, political initiatives and economic development. With a view to creating a conducive atmosphere for a political solution, a new Assembly was created in 1982 to provide a forum for the local political leaders, to whom responsibilities for local affairs were envisaged to be transferred gradually. The success of this notion of 'rolling devolution' depended very much on the degree of agreement on this between the Unionist and Nationalist representatives. But, so far, the SDLP and the Sinn Fein have refused to participate in the scheme.

On the basis of the present analysis, it may be concluded that any settlement of the Northern Ireland problem requires major shifts in the socio-political attitudes of both the communities. The British Government has not so far succeeded in presenting a viable solution acceptable to them individually. It is also clear, that such a solution would require the fullest possible co-operation between the British and Irish Governments, that is not yet in sight.