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N. Ireland is now being governed directly from Westminster. For a period of one year, we are told, the subordinate Stormont 'parliament' has been suspended. This imposition of formal direct rule has changed nothing, IN ITSELF, since any abuse which has been carried out by Stormont in the past has been a power which was delegated to it by Westminster.

It is perfectly well known that the 1971 decision to introduce internment, under the Special Powers Act, was specifically sanctioned by the Tory government at Westminster; and that every act of one-sided repression in the last days of Unionist party rule was carried out by the British Army under London's, not Belfast's ultimate control.

The mere wiping away of the institution located at Stormont does not, therefore, necessarily change anything. Changes in structures are helpful only insofar as they lead to the practical implementation of changed policies and it is still the policies, not the tinkering with organisational forms, which count.

Indeed unless policies are immediately introduced which will abolish all the old anti-democratic vices which are associated with Stormont, the direct rule experiment will have resulted merely in a further reduction of democratic freedoms.

The Nationalist, Socialist and Republican people of N. Ireland and, indeed, certain newly-emerged Tories do not wish to be governed by Westminster. They wish to be governed by an independent, sovereign, Parliament whose jurisdiction would cover the whole of Ireland. When Stormont existed, these people did not possess that objective and, furthermore, they were systematically denied the civil and democratic rights whereby they could strive constitutionally for it.

Their grievances against Stormont do not indicate a preference for Westminster, as such, and so direct rule does not gratify their democratic aspirations. The nationally-inclined people are well-used to situations which frustrate their basic freedoms.

The Protestant sections of the people in N. Ireland, however, did not request the imposition of direct rule either. It was done in total disregard (indeed contempt) of them and, in the process, many of their delusions were shattered. Previously, some of them had thought themselves to be self-governing, that 'Ulster' was theirs and that the powers donated to them charitably by Britain were irrevocable.

Direct rule, therefore, places almost everyone in N. Ireland in the same category. The centre of decision-making has moved even further away and, with only 12 representatives in a House of Commons that numbers some 600, everyone in N. Ireland has less control over the fundamental matters which affect his or her life. Direct rule, in the absence of a new direction in British policy, could turn out to be an exercise in bureaucratic centralisation.

Protestant and Catholic alike now have a common basis for uniting in opposition to a dangerous whittling-away of their liberties. One of the things which could prevent this development taking place is a mis-guided belief, on the part of any section of the Irish people, that direct rule represents a sectarian victory of one side against another. Acts of sectarian violence, unless discontinued, would serve exactly the same end of keeping the people at logger-heads.

The suspension, abolition (think of it as you will) of the subordinate Stormont assembly does not, OF ITSELF, dismantle the Orange-Unionist system which, by polarising the community here, has resulted in the denial of everyone's democratic freedoms.

Specifically, the manner in which the act was carried out means that every anti-democratic 'law' on Stormont's statute book is still operative. The Special Powers Act, the Payments for Debts Act, the Flags and Emblems Act, the totally facile Incitement to Hatred Act and many other measures, are now the sole property of the "Mother of Parliaments" at Westminster.

Are these the 'laws' which will continue to be enforced by those to whom responsibility for security has been transferred . . . the respective British ministries, the newly to be appointed guardians of the RUC and, of course, the British Army? The whole history of British interference in Irish affairs makes this question much more than a rhetorical one.

The process of dividing the Irish people, through the use of anti-democratic discrimination on religious grounds, did not begin with the establishment of the Stormont assembly; nor will such practices necessarily end with the dis-establishment of it. That is precisely why NICRA has cautioned against an under-estimation of the problems which would accrue from such a step, unless the intention which lay behind it was to create a democratic replacement.

At this point in time, there is no indication whatsoever that the British government is actuated by such novel and altruistic motives in regard to the Irish people. We are being given instead a handpicked (by Irish hand?) Commission and even that particular non-elected body will have no real powers; it will be purely advisory and, of course, the acceptance of its advice will be a matter of British arbitration.

The unpalatability of this supposed 'solution' is recognised even by its sponsors and so we have been given what could turn out to be a bit of sugar-coating in order to entice us to swallow it. We have been told that it will be temporary. NICRA hopes that its cynicism proves to have been ill-founded, but there are substantial reasons for doubt.

On realistic grounds, the possibility of the prospective commission, which will be comprised of bitterly-conflicting elements, reaching an early agreement on a programme to democratise N. Ireland is, to say the least, somewhat distant. Westminster would not be bound to accept such advice even if, contrary to expectations, it ever did materialise.

The Unionist party is determined to make it unworkable. Accusations will be made that such an attitude displays a complete lack of faith in the fundamental reasonableness of the people in N. Ireland and in their ability, through verbal communication, to put an end to their dis-harmonies. But this is not the case. Our attitude merely says that **RECONCILIATION IS IMPOSSIBLE WHILE THE THINGS WHICH CAUSE THE DIVISIONS REMAIN IN EXISTENCE.**

The suspension of Stormont, as was stated before, has not dismantled these. Their abolition must not await the proposals of an advisory commission whose deliberations, as the Unionists brazenly declare, will be sabotaged.

The hope therefore will continue to remain alive, among certain Unionist support-groups that the retrenchment of their formerly-held position is not inconceivable. While this continues to be the case, the proceedings of an advisory commission — if it ever does become remotely representative — will be likely to produce not accord, but an exacerbation of the conflicts.

Indeed the new situation could be even more dangerous than the one which has recently preceded it. The hopes of anti-Unionists have

been raised and they are looking for genuine changes. At the same time, the blow which has been struck at the old order, in the form of temporary direct rule, has not positively decided the demise of the un-reformed upholders of that system.

Given the fact that certain sections of the establishment in Britain look complacently on the prospect of a civil war in Ireland and, even, see in it a way to "soften up" the Irish people for a new British-imposed settlement, a clear declaration of Westminster's intentions is promptly called for. That can be done only by positive actions and not by the mouthing of pious sentiments which leave the basic realities unchanged, or in a state of dangerous flux.

THE NECESSARY STEPS

The one thing which the people of N. Ireland, Protestant and Catholic, undeniably now have in common is that they lack democratic liberties. Even if ultra-Unionists still think that a remnant of supremacy remains, that consolation must be very small when considered alongside the fact that their own influence in N. Ireland is equivalent to that of the rejected servitor's.

Orange-Unionism can never regain for them the positions which are now lost. Their harbouring of ideas of a clash with those of the people in N. Ireland who are politically opposed to them, is a road which leads to even greater disasters for them. Even if the British Army, reacting to an about-turn in Westminster's policies, was to allow a pogrom, a holocaust would ensue, in which ultra Unionists would suffer terribly and, at the end of it, their society would be destroyed in any case.

Their only hope for a worthwhile future is inextricably bound up with their anti-Unionist fellow "subjects" who are struggling for democracy, equal citizenship and, thereby a reconciliation rested on firm foundations.

This means that the Protestant working-people must reject their present political leaders who, being nothing more than bankrupt sectarian hacks have nothing constructive, or achievable, to offer them. These men misled them before, getting them to put a mis-placed faith in British Tory loyalty to them and, in the process, alienated them from their fellow country-men with whom, alone, they can form a force which will command respect.

NICRA's policy programme, which is now about to be outlined, offers them a role in the realisation of a just society in N. Ireland and, in addition, seeks clarification — by its acceptance or otherwise — of the British government's attitude towards settling the problems of N. Ireland democratically.

Now that Westminster is the Parliament which is directly responsible for our welfare, we are in an extraordinarily odd constitutional situation. Stormont is dead but, as in the case of John Brown, its soul goes marching on.

The essence of NICRA's programme is a demand that, having now suspended the Stormont assembly, Westminster should suspend its legislation too and concede to the long-suffering people of N. Ireland, for so long as the area remains a part of the UK, their right to enjoy equal standards of democracy with their fellow taxpayers in London, Glasgow and Cardiff. Otherwise, there is still in existence a category of second-class citizenship in the UK which includes the Protestants and Catholics of N. Ireland.

Therefore we demand that:—

- (1) The Race Relations Act, 1968, be extended to N. Ireland, and Section 29 (4) of the said Act be repealed.

(The RRA would be suitably amended to include religious belief as a ground of discrimination. The Act is administered by the Race Relation Board, but its administration in N. Ireland could be a subject for discussion.)

- (2) (a) It shall not be an offence in N. Ireland to advocate or work in accordance with the law for the establishment of a Parliament for the whole of Ireland.

(b) Save as may be established by a statute of the Parliament at Westminster, it shall be illegal to administer in N. Ireland as a condition of public office or employment or in connection with any local or Parliamentary election, any oath or test that is repugnant to the conscience of any person wishing to advocate or work within the law for the establishment of a single Parliament for the whole of Ireland.

(c) It shall not be unlawful in N. Ireland for a person to describe himself as a Republican or to associate with other persons to work within the law for the propagation of Republican opinions.

- (3) It shall not be an offence within N. Ireland to display the flags or emblems of countries in friendly relations with Her Majesty.

- (4) (Note: This section is included in its present form as a demand because it is the STATED intention of the British government to revive an elected assembly, they say Stormont, at the end of one year and, whatever we may think of that particular notion (or Britain's intention to follow it) we must allow their present ability to defy the wishes of all sections of our community. The demand, as stated, is precautionary.)

At any General Election for the Parliament of N. Ireland, the election shall be according to the principle of proportional representation, each elector having one transferable vote, as defined in sub-section 2 of this section and each constituency shall return not fewer than four members.

(Note: A definition of PR is superfluous to the purposes of this pamphlet and so sub-section 2 is not here quoted.)

(b) At any election of representatives of a local government area, the election shall be according to the principle of proportional representation, each elector having one transferable vote, as defined in sub-section 2.

- (5) (Again this is precautionary)

On and after the appointed day, the Parliament of N. Ireland shall cease to have power to legislate in respect of the following matters, namely:—

- * The suspension of Habeas Corpus.
- * The imprisonment of suspected persons without charge or trial, denial of recourse to Habeas Corpus or a Court of Law, or the denial of the right to trial by jury.
- * The entering and searching of private premises without the warrant of a Justice of the Peace.
- * The imposition of a curfew or the prohibition of meetings, assemblies, fairs, markets, or processions, except where this is necessary in order to prevent a breach of the peace.
- * The arrest of persons it is desired to examine as witnesses, or the making of it an offence to answer questions which may tend

to incriminate them, or the laying of penalties upon persons who refuse to be sworn or to answer questions.

- * The prevention of access of relatives or legal advisors to persons held in custody.

- * The creation of an offence in the possession of any newspaper, book, film, sound-recording or other publication, or the prohibition of the circulation of any of the above publications, except when their possession or circulation would constitute some offence by Statute or at Common Law, or when their circulation would be calculated to cause a breach of the peace.

- * The declaration of a State of Emergency.

- * The arming or maintaining of any group of special constabulary and all legislation repugnant to this provision shall become null and void.

(Note: The reason for including this last clause is again precautionary in the case of an Order in Council re-constituting an elected local assembly in N. Ireland.)

The demands which have been listed above, demands with which NICRA agrees, are those of the Bill of Rights which has been submitted already to the Westminster Parliament. The measure was defeated on the previous occasion, but it has been subsequently endorsed by the British TUC.

Given the precautionary nature of some of the demands, they are still entirely relevant and, during the period of direct rule, they would obligate Britain to establish in N. Ireland a framework propitious to democracy. With the additional NICRA demand for the reform of the Judiciary and the Police, their implementation would ensure the dismantlement of the Orange/Tory dictatorship and, in the event of the emergence of an elected local assembly, or Parliament, prevent that body from being a resuscitated Stormont.

The genuine fears that beset anti-Unionists at the prospect of an assertion of majority opinion, within the boundaries of N. Ireland, would be recognised in the provision of safeguards to ensure that abuses of that power would not be able to recur. Indeed, with the dismantlement of Orange/Tory privilege the majority could well become one which would have an entirely new attitude towards the idea of a united Ireland. However that is a matter which lies outside the scope of NICRA policy.

The above-mentioned demands indicate the actual steps which are necessary in order to provide political democracy, equal citizenship, and the basis for the reconciliation of the two sides of our deeply-divided community.

What is wrong with N. Ireland is known: these matters should not be allowed to become obscured in the haggings of some advisory commission whose members would be likely to be creatures of an anti-democratic political system in which they are entrapped by vested interest. The abuses are known. All that is required is that Britain should act on them.

SPURIOUS SUPREMACY

At first sight, it would appear that many of the above-mentioned demands are unacceptable insofar as the Protestant sections of the community, who favour political union with Britain, are concerned. Direct rule, which many of them abhor, would seem to be more in accord with their principles.

But the fact which they have to face is that the arrangements which they have known are doomed anyhow. Westminster's need for an ascendancy set-up, which enabled some Protestants to favour themselves at the expense of their Roman Catholic fellow-workers, is now not so necessary.

NICRA has no attitude, as such, to the European Common Market, except when matters of civil and democratic rights are involved. Therefore what is said here is purely illustrative.

The Protestants of N. Ireland need to recognise that they are living in a rapidly changing world. Change will be foisted upon them, and it is an utterly hopeless task to try to preserve old systems — especially one whose instability was ineradicable, except with its collapse.

It is the British government's inflexible intention to enter the EEC and, with the success of that aim, the rationale of a divided Ireland could be, from Westminster's point of view, a thing which lies in the past. If changes are certain to come, it is in the best interests of the Protestant working-people that they should play a conscious part in deciding what the nature of those changes should be.

On their own, they are not powerful enough to exercise any influence and so, if they do not acquire allies, the changes which they will get will be, like direct rule, impositions upon them by people whose power enables them to override Protestant objections. There will be no democracy for them either.

Should Britain and Ireland join the EEC, the Protestant working-people will be impelled willy-nilly in the direction of a united Ireland anyhow. It is probably because she recognises that she might have to undertake that task that Britain has removed the Stormont 'parliament' on a temporary basis.

The temporary nature of Stormont's suspension might be because it is still possible that the Irish Republic's referendum on the EEC may upset the apple-cart and require from Britain a policy of gradualism and the keeping of open-options.

Whichever way things go, the Protestant working-people are the playthings of forces over which they have no control; and their present sectarian 'leaders' are keeping them in that weak condition by dividing them from their fellow Roman Catholic workers with ideas of spurious supremacy. They know this to be a bitter fact today.

Because these same 'leaders' misled them into denying democracy to the anti-Unionists, giving a Commission instead of majority-rule to Derry for instance, the result is an undemocratic Commission for the whole of N. Ireland . . . which includes them. Now, they find their ability to protest against Tory treachery severely reduced by legislation such as the Payments for Debt Act . . . WHICH WAS ENACTED BY THE SELF-SAME UNIONISTS WHO ARE NOW URGING THEM TO GO ON RENT AND RATES STRIKE. If they follow this advice, their 'leaders' will have seen to it that their wages and social benefits will be attached. A case of the rooster coming home to roost.

The Protestant working-people have a direct interest in seeing that a democratic society is established in N. Ireland, because it is only in that way that they will ever obtain a measure of control over their own affairs. Their acceptance of NICRA'S programme would enable them to join with those of their fellow "subjects" who are demanding from Britain, not bureaucratic instruments of government (as stop-gaps until the requirements of British policy are decided), but recognised standards of democracy.

They will have to concede the legitimacy of political aspirations which are different from, even opposed to, their own; but in return they would be given the opportunity, for the very first time, of an effective say locally over the issues which determine their prospects.

THEY SHOULD JOIN WITH NICRA, FOR INSTANCE, IN DEMANDING THE RIGHT TO EXPRESS THEIR OPINION ON ENTRY INTO THE EEC THROUGH THE MEDIUM OF A REFERENDUM WHICH WOULD RECORD PROTESTANT AND CATHOLIC ATTITUDES ALIKE. The British government has established their right to have a referendum on another matter.

On the other side of the political fence, criticism will be levelled at NICRA, from some quarters, for even entertaining the notion that an elected local assembly for N. Ireland is to be ever again contemplated . . . under any conditions. However if Westminster decides, by an Order in Council, to do just that, we may have no choice but to contemplate it. The disunity of the people in N. Ireland weakens both sides equally.

Nevertheless, under the right conditions, the only people who can raise such objections are those who have swallowed the Orange/Tory fiction that there exists within N. Ireland a permanent built-in majority on the basis of religion. Given the dismantlement of the Orange/Tory hegemony, such would not be the case.

Indeed the real danger might lie in the possibility that direct rule from Westminster may prove to be more permanent than some of its sponsors bargain for. In the event of Britain's common market plans going askew, she might then acquire a renewed self-interest in partition. This does not mean, of course, that the Protestant working-people would be back by default, to the restoration of the former Stormont regime which they erroneously thought to be in their own best interests.

Britain has learned from that tragic blunder; however she may require to crystallise anti-democratic methods of government . . . and direct rule might then be perpetuated.

What has been said above does not imply that the people of the Republic of Ireland ought to be pro-EEC in the interests of effecting the unity of Ireland. Ireland could always have had unity. What counted were the terms. If entry to the EEC would entail the loss of democratic rights and result in the removal of power, the shifting of sovereignty (as many say it would) to a bureaucratic body which is situated even further away from effective control by the people, then that would be in nobody's interests.

Whichever of the options eventually transpires: the going into, or the staying out of, the EEC, a policy of trying to bludgeon the Protestant people into a united Ireland would achieve no worthwhile result, especially in terms of extending democracy. This is not said on dubious moral grounds.

The Protestants could be only so bludgeoned with the connivance of the British government and if that type of united Ireland would be suitable to them (within the EEC?) then considerable steps towards the whittling-away of democracy in the Republic would have already taken place. Only that type of united Ireland would be acquiesced in by Britain as being suitably safe for her interests.

The bludgeoners would be driving people into something which they themselves did not want. While the question of Irish unity lies

outside the scope of NICRA policy, it is reasonable to assume that even that question is related to the problem of reconciling the people.

Therefore a genuinely democratic local assembly in N. Ireland, which would come into being if NICRA's demands were accorded, would help to reconcile the people here and would not be an obstacle but, rather, an advance to an entirely new level. Should the people then wish to have a united Ireland, they would have a channel for its attainment. The Bill of Rights legislation at Westminster would contain a specific undertaking that, in the event of that being so, Britain would not stand in the way of the democratically recorded aspirations of the people. Nor does this attitude assert that only the people within the boundaries of the six-county 'State' of N. Ireland have a say in the matter.

Allied to a similar struggle for democratic rights in the Republic, which would then have many of its own less attractive features removed, the greatest numbers of people would have a part and a say in the determination of this issue. It would be decided democratically and, having been so, it would result in a united Ireland of the right sort . . . one fashioned by the will and the united struggle of the people, not one designed to suit the stratagems of those who have denied us fundamental freedoms.

The time has indisputably come, with the imposition of direct rule, for the use of aggressive violence — if it ever did possess a shred of justification as we have seen it used — to be put into abeyance. In the interests of creating an environment in which Protestants and Catholics can come together in a struggle against direct rule, which both of them reject, acts of sectarian violence should be seen for what they are: obstacles to progress.

Reactionary Orange/Unionist hate-mongers will, otherwise, have the Protestant field to themselves in a mock fight against direct rule which depicts the anti-Unionist democrats as being the villains for this most grotesque abnegation of our liberties which we have yet seen. Coercion of Protestants would reinforce the latent threat of civil war and, if successful, the most likely result would be to subject the whole of the Irish people to a new settlement which Westminster would formulate.

Any idea that, at the end of one year, N. Ireland could be totally integrated within the UK, in the event of Stormont not being revived would also conjure up the spectre of a civil war. The nationally-inclined people would never accept such a step. Direct rule itself is unacceptable to everyone, and so there are few options open. NICRA'S programme, which would ensure that any democratically elected local Parliament would not be a refurbished Stormont, is perhaps one of those options.

Civil rights, not civil war, is what the people of Ireland require more so today than at any time previously.

STORMONT'S LEGACY

The necessity for a Bill of Rights for N. Ireland is emphasised by the fact of what happened to the so-called reform programme, fictionally granted. These are the reforms which Stormont blocked. Now that Stormont has been removed, the blockage should be removed too.

THE POLICE

The reform of the Police was not achieved by the Stormont-enacted 'Police Act (N. Ireland) 1970'. The Police Authority does not

control the R.U.C. Civilianisation was not achieved. The R.U.C., despite what Scarman says, is still partial. Executive and administrative officers of the Police Authority are seconded civil servants from the discredited Ministry of Home Affairs. Partisan high-ranking Police officers have been promoted, not dismissed or pensioned off.

THE JUDICIARY

Many of those who hold positions on the Bench owe their offices to party-political services or connections. The majority of these come from, of course, the sectarian Unionist party. The administration of justice has been blatantly biased, therefore, in N. Ireland.

REPRESSIVE LEGISLATION

The Special Powers Act; the Public Order Act; the Criminal Justice (TP) Act; the Payments for Debts Act . . . and many other anti-democratic statutes are still in operation.

DISCRIMINATION

The Ministry of Community Relations functioned throughout the time that N. Ireland's society degenerated into a state of total polarisation. This is a sufficient epitaph to the 'success' of this farcical substitution for a reform. The office has now gone, and nothing has been put in its place. The Incitement o Hatred Act (N. Ireland) has been shown to be so tendenciously worded as to be unworkable. What remains is a clause in Government contracts.

A FAIR VOTING SYSTEM

The re-structuring of Local Government and the revision of Local Government boundaries has continually delayed and postponed elections of any kind. Many of the L.G. functions were to be transferred to Stormont. Direct rule is likely to further delay this particular reform. One man one vote is still an expectation . . . and the principle of PR has not yet been conceded.

THE BILL OF RIGHTS WOULD RENDER STORMONT'S REPRESSIVE LEGISLATION NULL AND VOID. IT WOULD CLOSE THE LOOP-HOLES IN THE REFORMS WHICH STORMONT MANAGED TO DISTORT. AND IT WOULD GRANT POLITICAL FREEDOMS WHICH WERE NOT INCLUDED IN THE FORMER MINIMUM PROGRAMME.

Westminster should enact this legislation . . . NOW! !

Title: Direct Rule: Civil Rights Not Civil War

Organisation: Northern Ireland Civil Rights Association

Author: Robert W. Heatley

Date: 1972

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