

# INTRODUCTION

## SUNNINGDALE

The General Strike which took place in Ulster in May 1974 resulted in the fall of the devolved Government which had held office since January 1974, and in the abolition of the entire Constitutional framework which had been established by the Sunningdale Agreement of December 1973 for the functioning of devolved Government in Ulster. But these dramatic results were far in excess of what had been demanded by the strike leadership.

The effective demand of the strike was that either the Council of Ireland aspect of the Sunningdale Agreement should not be ratified by the Stormont Assembly, or an Assembly election should be called, Since it had been made abundantly clear by the Westminster election in February 1974 that a substantial majority of the electorate was opposed to the establishment of a Council of Ireland under existing circumstances, this demand was entirely reasonable. But the Government, (which is to say the Stormont government under the hegemony of the Westminster government) resisted this demand with blind' stubbornness for two weeks - and then capitulated in an extravagantly excessive manner. Not the slightest concession was made to the will of the majority for two weeks, and then a massive concession was made which exceeded the hopes of the most extreme opponents of Sunningdale amongst the strikers.

\*

Ulster is a region of the United Kingdom that is inherently unsuitable for devolved government, but devolved government was imposed on it against its will in 1920 by Westminster as part of a grand imperial strategy for reaching an accommodation with the IRA on an all-Ireland framework loosely associated with the UK. That accommodation never materialised, but devolved government in Ulster was kept in being.

National or regional homogeneity is a prerequisite for the devolution of government. But Ulster in 1920 was very sharply divided on national/religious lines. The province was made up of two quite distinct communities, the product of two different historical developments. One, constituting two-thirds of the population, was British and wished to be governed as an integral part of the UK. The other, constituting one-third, derived from the old Gaelic society and was involved in the Catholic nationalist development that had begun in the 1820s: it wished to be governed by the Catholic nationalist state of Southern Ireland.

Neither of these communities wished to have to cope with the other in a provincial statelet. Yet that is what Westminster insisted should be the case.

The Unionists, being confronted with the accomplished fact of a devolved government, applied themselves to working it. The Nationalists (including the Nationalist Party and Sinn Fein) applied themselves to making the provincial statelet unworkable, usually by passive obstruction and occasionally by military means - and one third was a sufficiently large minority to make such a policy feasible.

The imposition of a common devolved government on these two sharply conflicting communities was an act of gross political irresponsibility. It had the inevitable result of aggravating and prolonging their antagonism with one another, and retarding political development within each. What they required in order to supersede their local antagonism was the greatest possible involvement in the politics of the larger multi-national state of the UK. What they got was a provincial statelet which sealed them off from political involvement in the mainstream politics of the United Kingdom.

Belfast developed as a component of the great triangle of capitalist cities including also Liverpool and Glasgow. Even Belfast's "sectarian" problem was shared, though to a lesser extent, by Liverpool and Glasgow.

The Liverpool Member of Parliament, Eric Heffer, has written:

*"Liverpool is, like Glasgow, one of the last great proletarian cities. It has thrown up leaders, both Tory and Labour, who have tended to act like American city bosses. . . Liverpool of course had at one stage a predominantly Tory working class, which in those days was based on a religious protestant foundation. Today that has gone, and working people tend to vote as workers, irrespective of religion, which has led to the growth of the Labour Party - although, contrary to press mythology, such a development has taken place only since the end of the second world war"* (Eric Heffer, "Who Says Labour's Working Class Socialism Is In Decline?". Tribune. June 18, 1976).

It is one of the negative consequences of devolved Government in Ulster that Heffer does not include Belfast with Liverpool and Glasgow. The three cities developed together and they remain closely interlinked economically and culturally. The **"sectarian"** problem has the same cause in all three: the migration of the Catholic peasantry of South and West Ireland into centres of industrial development during the 19th century. (In 1800 only a handful of Catholics lived in Belfast.)

If there are still remnants of Catholic/Protestant conflict in the labour movement in Liverpool and Glasgow despite involvement in British political development, is it not probable that that conflict would still be flourishing in those cities if they had been secluded from British politics and compelled to turn inwards on themselves, as Belfast was?

Much has been written about **"fifty years of Unionist misrule"** in Ulster. But that 'misrule' resulted from the very fact of devolved government rather from the behaviour of the party which had to operate it. Because the structure of devolution was itself inherently divisive, and because its establishment was opposed by the Unionist Party, it is unreasonable to hold the Unionist Party responsible for the consequences of devolution.

Fifty years after the structure had been set up it broke down. The persistent opposition of the Catholic minority to the Unionist administration led eventually, after many twists and turns, to the uncontrollable rioting of 1969, and the intervention of the Westminster Government. Stormont existed as a Whitehall puppet for a couple of years longer, but was formally abolished in 1972 after the Faulkner government resigned in preference to becoming a completely token affair.

Westminster had no sooner abolished devolved government in Ulster than it began making preparations to restore it. It was announced in August 1972 that a Plebiscite on the Border would be held. The

purpose in this was to reassure the Unionists that their position within the UK would not be jeopardised by any strange arrangements that were made in restoring devolved government. It was hoped that the Plebiscite would take the Partition question out of the politics of devolved government

All anti-Partitionist groupings were vociferously opposed to the Border Plebiscite, and were determined that the Partition question should remain very much in Ulster politics. The Plebiscite was not held until March 1973, when it was boycotted by all anti-Partitionist organisations, including the SDLP.

A Green Paper on the Constitutional future of the Province was issued in November 1972. This was followed by a White Paper in March 1973, and a Constitutional Bill in May 1973. The latter provided for the election of a Northern Ireland Assembly, which would meet under the supervision of the Secretary of State for Northern Ireland (William Whitelaw), and from which it was hoped agreement would develop for the formation of a **"power-sharing"** devolved government. The elections were held in late June 1973, and resulted in a comfortable majority for the three parties which were the potential power sharers: the Faulkner Unionists, the Alliance Party, and the SDLP. But there was a substantial Unionist minority returned on an **"anti-White Paper"** platform. The Faulkner Unionists, with 26% of the vote, were a minority party in the Unionist camp. The SDLP, which up to this point had been claiming to represent 40% of the society, got 23% of the vote

The parties of the future Coalition had 49 seats in the 78 seat Assembly, while the three Unionist parties opposed to the White Paper had 28 seats. But the Coalition did not yet exist. It was far from being the case that the future Coalition parties had fought the election on a Coalition programme of power-sharing.

The SDLP had withdrawn from the Stormont Parliament in July 1971, (before the introduction of internment), and had established an **"Alternative Assembly"**. Early in 1972, John Hume announced a policy of **"united Ireland or nothing"**. The IRA offensive escalated continuously until the summer of 1972, and the activity of the SDLP was dovetailed into that offensive. The SDLP relationship with the IRA in 1971-2 was somewhat similar to Parnell's relationship with the Fenian movement a century earlier, as described by James Connolly. Parnell, wrote Connolly, **"always believed in a physical force party but would never join it. This gave him the power to say to the English Government that if it did not grant his moderate demands then the physical force party would take control of Irish affairs out of his hands"**. Parnell thus **"had the power of an organisation of armed men behind him whilst**

*he had no responsibility for their actions"* (Irish Worker, August 8, 1914).

By 1973 it was clear that the IRA offensive was not going to succeed in the way that seemed possible early in 1972. On the other hand the IRA remained intact as a fighting force. The SDLP began to move back gradually into the sphere of constitutional politics with what it considered a very strong bargaining position. Its bargaining strength depended on its 23% vote combined with the fact that it could present itself as an alternative to the IRA. In order to gain most from its bargaining position it played hard to get. It did not enter into any agreements before the election, or for many months after the election. In its election campaign it downgraded the significance of the Assembly, describing it as a **"conference table"**. In contesting the Assembly election it committed itself to absolutely nothing. And one of its leading members, Paddy Devlin, had made a number of statements against power-sharing, which he described quite accurately as **"institutionalised sectarianism"**.

Paddy Devlin explains in his book, The Fall Of The Northern Ireland Executive, (1975) , that **"by the end of September (1973), time was running out for the parties elected to the . . . Assembly. They needed to commence work at once on a power-sharing form of Government which could operate on a consensus basis in a limited field of Executive activities. . . . With the Assembly elections four months behind. . . we had nothing to show for our efforts except for the futility of trying to set up a procedure for working the Assembly which a loyalist minority was trying stubbornly to block."** (P40). However, it was not primarily because of loyalist procedural obstruction that the Assembly was getting nowhere, it was because the SDLP was dragging its heels politically. It laid down some very stiff preconditions for any movement beyond casual chat at the conference table.

**"At Westminster, Mr. Heath was showing irritation over our failure in the Assembly to get the show properly on the road. He was only too well aware, like ourselves, that March, 1974, was the deadline set out in the Constitution Act by which a power-sharing Executive should be in action. Failure to do so would have led automatically to dissolution of the Assembly and a possible return to another and more protracted period of direct rule and its consequent violence. It was in the light of these facts that the SDLP at a meeting held early in October in Dungannon decided to break the deadlock. Prior to this the Party had insisted that its members would not take part in negotiations to form an Executive...until it knew precisely what was to be achieved on the issues of ending detention without trial, on forming a Council of Ireland, and on**

*changes necessary to make the Police more acceptable in non-policed areas" (Devlin, p42).*

What actually happened to break the deadlock was that Heath visited Dublin in late September for discussions with the Southern government, and made an off-the-cuff remark to newsmen that if the Assembly didn't produce results the alternative policy of integrating Ulster fully into the UK would have to be considered. This remark produced a startling effect on the SDLP leaders. They had imagined that Whitehall considered integration unthinkable as a final political settlement, and that their own bargaining position was impregnable. But if Heath had an open mind about integration, then they had to get in and negotiate for a slice of devolved power while it was still on offer.

Under this stimulus negotiations got off the ground in October and were finalised at Sunningdale in December.

Paddy Devlin describes the Sunningdale negotiations: *"The general approach of the SDLP to the talks was to get all-Ireland institutions established which, with adequate safeguards (?), would produce the dynamic that could lead ultimately to an agreed single State for Ireland. That meant, of course, that SDLP representatives would concentrate their entire efforts on building up a set of tangible executive powers for the Council which in the fullness of time would create and sustain an evolutionary process. All other issues were governed by that approach and were aimed generally at reducing loyalist resistance to the concepts of a Council of Ireland and a power-sharing Executive. The SDLP was sensitive to the need for loyalist views to be responded to in the deliberations of the Conference. We were in need of some loyalist support to enable us to get the Executive operational" (p32) .*

Devlin writes of the Unionists at Sunningdale: *"...the Unionists had insisted from the outset that the only reason they could accept the need for a Council of Ireland was in exchange for a formal declaration by Dublin on N. Ireland's Constitutional status. The Irish Government anticipated the need for such a statement and produced a formula which was later included side by side in the final draft with one by Britain recognizing that should the Northern Irish people wish to become part of a united Ireland, Britain would support that wish. The Irish Government's statement was to the effect that it recognised that there could be no change in the status of the status of N. Ireland without the consent of the Northern majority and that this statement would be ...formally registered with the United Nations. Mr. Faulkner and his Unionist colleagues were able to appreciate the importance to them of the Dublin declaration on Northern Ireland's status in selling the*

agreed package when they returned to Belfast. It was a new form of recognition which Mr. Cosgrave was giving to the Unionists on the constitutional position of the North. Indeed, Mr. Roy Bradford, addressing a meeting of his constituency party two days afterwards, said: 'It was my first priority at Sunningdale to get recognition in the form of a formal solemn declaration that the wishes of the majority would determine the future constitutional status of N. Ireland. We got that declaration in clear and unmistakable terms from the Irish Government.' (p33/34).

Devlin concludes: "We were satisfied that we had secured the basis for an effective and evolving Council of Ireland. We had gone beyond our wildest dreams in securing Wolfe Tone's objective of uniting Protestant, Catholic and Dissenter. We had one worry and that concerned Faulkner and his Party's ability to sell the package to the Northern electorate in view of the rising tide of loyalist hostility to him back home" (p39).

When it appears that you have gained something beyond your wildest dreams you will be well advised to act very prudently in order to retain it, especially if your wildest dreams are pretty wild and if the place is Ulster

According to Paragraph 4 of the Sunningdale communique, "**representatives of apparently incompatible sets of political aspirations... found it possible to reach agreement to join in Government because each accepted that in doing so they were not sacrificing principles or aspirations**". But it was obvious that parties with antagonistic principles and aspirations could only form a Coalition government if one of them sacrificed his principles and aspirations. No matter how convoluted the formulas might be which were employed in order to obscure the sacrifice, the Government would not work unless one of the parties abandoned its principles for practical political purposes. SDLP and Unionists left Sunningdale, each thinking that it had got a very definite edge over the other. The SDLP thought it had got a Council of Ireland which would evolve into an all-Ireland state. The Faulkner Unionists thought they had got an unambiguous recognition of the Border by Dublin. One or other of them would inevitably discover that it had made a fundamental miscalculation,

Eighty per cent of the Sunningdale Agreement had to do with complex arrangements for the Council of Ireland - which is to say, with concessions by the Unionists to the SDLP. Only one sentence was concerned with anti-Partitionist concessions to the Unionists. The first sentence of Paragraph 5 reads: "**The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people**

of N.IrelandIreland desired a change in **that status**". It is worth noting that the word "until" is used here instead of the word "unless". In itself this might not be very significant, but it is in harmony with the general tone of the document. The above sentence is followed by a declaration of the British Government that it would not oppose the relevant **"change in status"**, which is expressed in a way that positively looks forward to it.

Nevertheless, if the one sentence declaration of the Dublin Government had had the effect of negating the sovereignty claim over Ulster that is expressed in the Southern Constitution, the overtones and bias of the rest of the Agreement need not have bothered the Unionists, On the face of it that declaration was unconstitutional since it conflicted with the sovereignty claim in the Constitution, and an amendment of the Constitution would be a prerequisite for a ratification of the Agreement. It would have taken a referendum to amend the Constitution, and that would have involved a repudiation of the sovereignty claim by the people of the South after sharp political controversy. And if that had happened, there would have been no basis for Unionist fears that the Council of Ireland was a Trojan Horse of anti-Partitionism.

In mid-January 1974 Kevin Boland, (a former Cabinet Minister who had resigned from Fianna Fail in 1970 on Republican grounds), appealed to the High Court to rule the Government's signature of the Sunningdale Agreement invalid. Boland was legally represented in Court by Sean MacBride - IRA Chief of Staff in the thirties, Minister in the post-war Government which declared Southern Ireland a Republic, now a leading member of Amnesty International, and recently the recipient of a Nobel Peace Prize.

The Government pleaded that its Sunningdale <sup>declaration</sup> was not in conflict with and did not in any way prejudice the sovereignty claim in the Constitution, and the High Court agreed .

This meant that the Sunningdale declaration did not mean what it appeared to say, and what it had been represented as saying. It was not a rejection of the sovereignty claim. It was a mere statement that it was not the policy of that particular Government to enforce the sovereignty claim against the wishes of a majority in the North.

The matter was further clarified in late February at the hearing of Boland's appeal to the Supreme Court to overturn the finding of the High Court, where the Attorney General, T.K. Liston, submitted on behalf of the Government that: **"Any person living in this island and knowing our history could not possibly construe the declaration (in Paragraph 5 (of Sunningdale) as meaning that we**

*did not lay claim over the Six Counties... The President of the High Court said it was very carelessly drafted, or very carefully drafted, to avoid saying what the claim of the state was. Mr Listen said that they presumably knew what the claim of the state was" (Irish Times Feb 22).*

Following on the Dublin court cases, David Bleakley (the only Northern Ireland Labour Party member of the Stormont Assembly) called on the Dublin Government to admit that it couldn't meet what had been generally understood to be a commitment entered into at Sunningdale to recognise the Constitutional legitimacy of Ulster's position within the UK: **"In all fairness Mr. Cosgrave should publicly... stop pretending that he is any longer able to fulfil his obligations. His present pretence is unfair and utterly unhelpful to the Northern Executive"** (Bel fast Telegraph, March 23, 1974).

But Cosgrave did not respond. He continued to insist that the Council of Ireland should be set up immediately, and to its fullest extent, even though his Government had stated unambiguously in public court that its Sunningdale declaration did not in any way detract from the sovereignty claim in the Southern Constitution. And it was not only Cosgrave who did this: his Government colleague, Dr. C. C. O'Brien, a would-be liberal democrat, struck an equally nationalistic attitude. After the court cases, O'Brien made a number of irresponsible inflammatory speeches, demanding that the Council be set up at once, and promising (or "predicting" dire consequences if it wasn't.

Before O'Brien entered the Government he had frankly recognised the undemocratic character of Articles 2 & 3 of the Constitution. But after the Boland court cases, when he and his colleagues funked the issue and retreated to the Fianna Fail position, O'Brien began to evolve a Jesuitical argument that Articles 2 & 3, far from making a sovereignty claim over Ulster, were in fact a Constitutional recognition of Ulster's status within the United Kingdom. The grain of truth on which this monstrous lie was based - a lie worthy of Dr. Goebbels - was the fact that the de jure 32 County Constitution included a clause saying that its laws would, for the time being, only apply de facto in 26 Counties.

O'Brien and his colleagues began to pretend that recognition of the mere fact that Ulster was within the UK was the same thing as recognition of its right to be within the UK. But the Constitution clearly asserts a de jure right to sovereignty over Ulster, while acknowledging that this right has not yet been made good in the realm of fact.

Paddy Devlin skates around this development, even though it was

the original cause of the fall of the Executive: *"Mr. Faulkner sought reassurance on the matter of status which had been clouded in confusion since Mr. Kevin Boland, ... had challenged the Irish Government's statement in the Sunningdale communique. The Irish Government in its 'defence' submission claimed that it had not acknowledged Northern Ireland's status. The govt. was unable to explain its submission fully in court as the motion (ie Boland's) was refused at an early stage and an appeal which was pending prevented clarification of the position in public. However, Mr. Cosgrave made clear to the Northern parties that he intended to make a statement after the appeal that would confirm what was agreed at Sunningdale"* (P7).

But, alas, after the further clarification of things at the appeal in February, the only statement that would have carried any conviction was a statement announcing a referendum on Articles 2 and 3. The statement which he actually made (March 23) did more harm than good: *"The Government was well aware that differences exist in the constitutional law of the Republic of Ireland and of the United Kingdom as to the status of N. Ireland but it considered it would not be helpful to debate these constitutional differences"* (!!!) But to allay Unionist fears, *"however unjustified the Government felt them to be"*, the declaration in Paragraph 5 of Sunningdale was issued *"The declaration was, of course, referring to the de facto status of N. Ireland, that is to say the factual position... The factual position of N. Ireland is that it is within the UK and my Government accept that as a fact"*. But unless they were hallucinating they could hardly deny that it was a fact that Ulster was within the UK. The De Valera Constitution did not deny it, nor did the IRA. The point at issue was whether or not Ulster was to have a constitutionally recognised right to determine its own future, and to remain within the UK. And on that point Cosgrave's position did not differ from de Valera's.

Having explained clearly that his Government only accorded de facto recognition, Cosgrave proceeded to say: *"I now solemnly re-affirm that the factual position of N. Ireland... cannot be changed except by decision of a majority of the people of N. Ireland"*. All that this brazen and baffling statement could possibly have meant is a practical estimate that it would not be factually possible to change the factual position of Ulster against the will of the majority there. Beyond that, it only meant a declaration of intent by Cosgrave's own Government - a slight and short-term thing on the scale on which the Constitutions of states must be assessed. (And even in that Slight sense the statement

must be judged as fraudulent. The Cosgrave government tried to overcome the Will of the Ulster majority through a tricky political manoeuvre; and to realise as much as possible of the sovereignty claim in the Council of Ireland even after the February election had made the will of the Ulster electorate abundantly clear. Taking that into account, Cosgrave's "**solemn**" statement only said that his Government would not use direct military methods to achieve the sovereignty claim, though it would be prepared to resort to every sort of political manoeuvre to do so.)

#### THE LOYALIST COALITION GATHERS STRENGTH

The Loyalist opposition to Sunningdale tried to develop a popular movement against it during December 1973 and January 1974. Paisley spoke at rallies throughout the Province, warning that a sell-out to anti-Partitionism was being enacted by the Executive through the Council of Ireland. But, even with old enemies like John Hume and Austin Currie putting on an extravagant exhibitionist display of governing the Province, Paisley scarcely raised a ripple of concern in the Protestant community. Many of his "rallies" attracted no more than twenty or thirty people. Paisley was never so isolated politically as in the month after Sunningdale.

But the situation was very suddenly transformed by the Dublin court cases. The one real thing in Sunningdale from the Unionist viewpoint was the apparent official recognition by Dublin of Ulster's constitutional status within the UK. Given that recognition, the Unionist electorate was prepared to go along with the Council of Ireland on the basis of cooperation with a neighbouring state with which it was on friendly terms and had some common interests. SDLP participation in Government was also seen in the light of Dublin's recognition of Ulster's right to be within the UK. In that context it appeared that the SDLP had ceased to give primacy to its anti-Partitionist "**aspiration**", and that the aspiration would have no bearing on immediate political conduct.

But when the Dublin court cases established that the Government's declaration at Sunningdale did not detract from the sovereignty claim, the one real thing in the Agreement from the Unionist viewpoint suddenly disappeared. Sunningdale could then only be regarded as yet another elaborate anti-Partitionist manoeuvre by Dublin and the SDLP. Faulkner could only be regarded as a man who had been swindled. The Unionist community then came very rapidly to the conclusion that it would not put up with the Council of Ireland. And since the Executive refused to draw that same

conclusion from the Dublin court cases, the Unionist electorate turned towards the Loyalist opposition.

On January 25th a full-page advert by the UUUC appeared in the Belfast News Letter. The subject was "Sunningdale - The Truth". Here is what it said:

*"On Friday 12th June, 1974, Mr. Kevin Boland. . .sued the members of the Dublin Government for allegedly breaking the terms of Eire's written Constitution. He claims that by the now 'infamous' agreement the Dublin Govt recognised N. Ireland's status within the UK. The Dublin High Court rejected Mr. Boland's claims, and upheld the submission of the Dublin Govt to the effect that they never at any time at Sunningdale recognised N. Ireland's status as part of the UK. Below is a summary of Dublin's submission to the Court:*

- a) We never acknowledged that N. Ireland is part of the UK
- b) We never acknowledged that NI could not be reintegrated into the national territory until or unless a majority of people in N. Ireland indicated a wish to become part of a United Ireland.
- c) We never purported to deprive the Irish people as a whole of the right to national self-determination or to determine the status and territorial sovereignty of the Irish nation" (The point of this is that the self-determining unit would be the 32 counties.)
- d) We never purported to limit the national territory to this part of the island of Ireland.
- e) We never precluded the right of the Parliament or Govt. established by the Constitution (of Eire) to exercise jurisdiction over the whole island...
- f) We never purported to impose British Nationality or Citizenship on a section of the Irish people residing in N. Ireland...
- g) We never precluded the courts...from exercising jurisdiction over the whole of ...Ireland."

"The High Court... upheld the above submissions.

"Result 1 Not only did Mr Kevin Boland lose his case, but Brian Faulkner also lost. How can Mr. Faulkner claim that he has won Dublin's recognition of our status as part of the UK when Eire's High Court contradicts this?

'Result 2 The Sunningdale agreement now enables the Dublin Govt to exercise executive power over a part of the UK. This is entirely in line with the above submission and judgement. The UUUC are

*satisfied that Ulster is in a state of transition between total and absolute British sovereignty and total and absolute Irish sovereignty..., and that the Assembly-appointed Republican-Unionist Executive, and Council of Ireland is the machinery by which the Irish Govt. will in reality eventually exercise total jurisdiction over N. Ireland."*

The factual accuracy of the above was not challenged: it was unchallengeable. And the Sunningdale perspective with which it ends fully accords with what was being said by the SDLP. (The UUUC advert was a Petition for which signatures were gathered. Over 100,000 signatures were gathered before the Petition was made redundant by the Westminster election a few weeks later.)

In mid-January the Loyalist Coalition had little popular support, and Loyalist politicians expressed their frustration by disrupting the Assembly by brawling. (This was the occasion when Kennedy Lindsay leapt on the table between the front benches and proclaimed that **"the temple has been purged"**). But six weeks later the Loyalists swept the board at the election, winning eleven of the twelve Ulster seats. The Unionist electorate had been convinced that there was fundamental duplicity involved in Sunningdale (and the Boland Appeal, coming a week before the Election, drove the point home).

This election has been regarded by apologists for the Executive as the cause of all the trouble that followed. But what the election did was to register the extent to which public opinion had swung against the Council of Ireland since the Dublin court cases. If the Executive had been politically competent - or if it had not been crippled by a fundamental conflict of interest within it - it would have welcomed the election for clarifying the fundamental shift in public opinion that had occurred. The idea that, if this shift in public opinion had not been able to register itself so quickly in an election result, the Executive could have carried on regardless of it, is an infantile fantasy. The trouble for the Executive was not caused by the election result, but by the natural and reasonable Unionist response to the Dublin court cases.

The Executive chose to take no account of the election result. Formally, it was not under any obligation to do so since the election concerned a different parliament. Politically, it was suicidal to strike that formal attitude.

\*

After the first Dublin court case it appeared for a moment that Faulkner was about to do what it was necessary to do if the

Sunningdale arrangement was to survive and develop. He said: **"If Eire now wishes to put a different interpretation on that declaration we will require complete clarification on the whole matter before there can be a formal signing of the agreement."** But during the following months he showed that his reputation as a skilled politician was quite undeserved: After a private meeting with Cosgrave he said that the ambiguity had been cleared up and that Cosgrave would remove all doubt after the Appeal had been heard. And when Cosgrave issued his obscurantist statement in March, Faulkner professed to be completely satisfied by it. Within the Executive the SDLP was demanding that the Council of Ireland should be established immediately, in its fullest form, regardless of the Boland case and regardless of the election results, and Faulkner behaved as if he himself had nothing to bargain with and could only concede to SDLP demands.

\*

The great misfortune about the February election was not that it brought the UUUC to Westminster but that it brought certain people from Westminster to Ulster. The new overlords of the Province were Harold Wilson, Merlyn Rees and Stanley Orme. Less than two years earlier (March 1972) Wilson had held discussions with the Provisional IRA at a secret rendezvous in Dublin, and had had an IRA delegation flown to England for further discussions in July 1972: and he had announced a policy of excluding Ulster from the UK and including it in an all-Ireland state within fifteen years. Rees was his master's voice. And Orme was well-known as a campaigner in the anti-Partitionist movement.

Shortly after Rees took office a letter which he had written a year previously to a Provisional IRA supporter in Dundalk was released to the press by David O'Connell. It was dated March 19, 1973, and said: **"Frankly we have not the faintest desire to stay in Ireland and the quicker we are out the better"**. Rees had to admit that the letter was genuine: and he did not retract what he had said in it. And he too decided that the Council of Ireland had to be established regardless of everything.

\*

A word needs to be said about the structure of the Council of Ireland. It was to have two tiers: a Council of Ministers and a Consultative Assembly. The Council of Ministers would be made up of members of the Dublin and Stormont Governments (seven from each), and **"would act by unanimity"**. The Consultative Assembly would consist of 60 members, half of whom would be elected by the Dail (Dublin Parliament) and half by the Stormont Assembly on the basis

of proportional representation.

There would therefore be a clear anti-Partitionist majority (the Dail 50% plus the SDLP) in both the Council of Ministers and the Consultative Assembly. In the Council of Ministers this would be negated in executive matters by the unanimity rule. But it would make the Consultative Assembly into **an** agitational centre for an, all-Ireland Government.

In view of the continuing sovereignty claim being made by the Southern state over Ulster, and of the fact that it was becoming clearer every day that the SDLP leadership were interested in power-sharing only as a means to anti-Partitionist ends, it would be surprising if Unionist opinion had not swung massively against the Council of Ireland. And since the Government had decided to override public opinion and go ahead with the full implementation of the Council of Ireland it is not surprising that direct action was resorted to.

It should be recalled that the SDLP, though in government, was not supporting the police force on which the government depended. It was promising that it would begin supporting the police if the police were brought within the executive functions of the Council of Ireland. It should also be recalled that the SDLP had consistently advertised itself as an alternative to the IRA - that is, as a **"political solution"** to the military problem. It was abundantly clear by May that it was not an alternative to the IRA. The Provos were their own men. The IRA offensive had not abated because the SDLP had entered the government - if anything, the contrary was the case. The SDLP was therefore demanding that it should be maintained in power by security forces which it did not support.

And insofar as the SDLP tried to induce the IRA to ease up on the military campaign, it was by arguing that it (the SDLP) was in the process of achieving all-Ireland Government by a Machiavellian political manoeuvre which would outwit the Unionists, while the military campaign had become counter-productive since it stiffened and gave coherence to the Unionist resistance.

\*

Paddy Devlin does not say a word about what the February election signified politically in Ulster. He writes about how little the UUUC victory affected Westminster. The UUUC MPs went to Westminster imagining that they held the balance of power, he writes, but **"they had underestimated the influence of Heath and**

Wilson on the two-party system. . . Both men . . . enjoyed a single-minded dislike of Unionist policies and personalities, and were singularly determined not to create opportunities for the Unionist MPs to exploit their strength in a tied vote. As a result, frustration and anger grew overnight amongst the Unionists with their inability to stop the onward march of the Northern Ireland Executive which, on the surface at any rate, appeared unconcerned with the success of the UUUC in the recent elections. . . Indeed, Merlyn Rees stated quite categorically. . . that Sunningdale was to be implemented" (Deblin, p10/11).

But, while a government can decide to ignore the clearly expressed will of the electorate which it is supposed to represent, the electorate is not thereby rendered helpless. When an unrepresentative Parliament ignores the will of the electorate, it can hardly complain if the electorate turns to extra-Parliamentary means of enforcing its will.

The Assembly majority had become grossly unrepresentative of the electorate. The Assembly had not been elected as a Parliament, but as a Constituent Assembly. Faulkner had acknowledged this when taking office on January 1st, but had proposed that the election, or referendum, to sanction the new arrangements should be deferred for some months so that people could see how they worked before they voted on them. But after the Westminster election nothing more was heard about that. The more unrepresentative the Assembly became, the more the majority in it were determined to pretend they were a properly elected government. This grossly unrepresentative Assembly decided that it would ratify the Sunningdale Agreement on Tuesday May 14. And on that same day a laconic advertisement appeared in the News Letter:

***"The Ulster' Workers' Council...gives notice that: If Brian Faulkner and his colleagues vote in the Assembly on Tuesday 14th to support Sunningdale, then There will be a General Stoppage. Workers' dependents are advised, in such an event, to apply for Supplementary Benefit immediately. After 6pm (Tues 14) all essential services will be maintained, and only action by Mr. John Hume will rob the housewife, the farmer, and the essential services of power".***

The Workers' Association began to issue its Strike Bulletins on the first weekend of the strike. It had no connection with the UWC and no inside information. It began to issue these Bulletins on the evidence of its senses in order to counteract the gross misrepresentation of events by the media. By the end of the strike the Bulletins were in mass circulation,

\*

July 1977