# LIVES, LANDSCAPES AND THE LEGACY OF THE PAST

Cheryl Lawther & Luke Moffett

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**Abstract**

Despite recent efforts to examine economic, social and cultural rights violations during and post-conflict, the issue of land has often been on the periphery of transitional justice debates. Indeed, in Northern Ireland, the issue of segregation and land ownership has been seen as a separate issue to broader 'legacy' issues, often being overshadowed by debates on victims' rights to justice, truth and reparation. Focusing on the historic role that land and housing have played in Northern Ireland's conflict and ongoing political breakdown and social disorder, this article seeks to correct this omission. Based on qualitative research with those on the receiving end of displacement and exile during the Northern Ireland conflict – including victims and survivors, planners and community leaders, this article develops a fourfold analysis of the relationship between violence, land, identity and dealing with the past in a transitional context. The following themes are explored: displacement, identity and uprootedness; displacement, place and space; displacement, victimhood and trauma; and displacement, redress and the past in the present. The conclusions are relevant for Northern Ireland and other transitional contexts.

KEYWORDS: *Land, conflict, legacy, redress*

**Introduction**

Despite recent efforts in the transitional justice field to examine economic, social and cultural rights violations during and post-conflict, the issue of land has often been on the periphery of these debates.[1] Indeed, in Northern Ireland the issue of segregation and land ownership has been seen as a separate issue to broader 'legacy' issues, often being overshadowed by debates on policing, prisoners, criminal justice and truth recovery. Focusing on the historic role that land and housing have played in Northern Ireland's conflict and ongoing political breakdown and social disorder, this paper seeks to correct this omission. Based on qualitative research with those on the receiving end of displacement and exile during the Northern Ireland conflict, this paper develops a fourfold analysis of the relationship between victims of violence, land, identity and dealing with the past in a contested/transitional context. The following themes are explored: displacement, identity and uprootedness; displacement, place and space; displacement, victimhood and trauma; and displacement, redress and the past in the present. The conclusions are relevant for Northern Ireland and other transitional contexts.

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1. The term transitional justice refers to the range of processes and mechanisms that are associated with a society's attempt to deal with a legacy of large-scale human rights abuses. Reconciliation is a key aim of transitional justice and is often linked to the achievement of truth, justice, reparations and other forms of 'making peace' with the past.

The fieldwork on which this paper is based was conducted in Northern Ireland between October 2019 and February 2020.[2] It involved six focus groups with members of local communities along the border and eight interviews with victims of forced displacement and representatives of victims' organisations and NGOs in Belfast and Derry/Londonderry. Both purposeful and snowball sampling methods were used. In total, some fifty seven individuals were engaged with. While this is not a representative sample, our objective was to capture some of the general sentiments relating to displacement and the impact of violence on land tenure, housing and redress schemes during and after the Northern Ireland conflict. Moreover, our focus on rural areas was designed to counter the existing focus on displacement in urban centres and on which a substantive body of literature exists. The qualitative work was complemented by collection of quantitative data on displacement and compensation during the Troubles/conflict held by the Public Record Office of Northern Ireland, along with archival newspaper searches, facilitated by the political collection held in the archives in Belfast's Linen Hall Library.

## Displacement, identity and uprootedness

Housing and land have historically been rooted in grievances that have led to conflict in Ireland. There are geographical, historical and economic dimensions to where people settled and how communities divided up space in Northern Ireland. Members of the Catholic population were often more in the majority in the south and west of what is now Northern Ireland and on poorer land and often not industrialised, due to discrimination in land and employment as a result of the Plantation and Protestant ascendancy (Cameron Report 1969; Elliott 2001). While the Government of Ireland Act 1921 partitioned Ireland with the formation of Northern Ireland to avoid a civil war after the 1916 Easter Rising, violence then and today continues to spill over the border (Ferriter 2019).

One of the causes of the Troubles/conflict in and around Northern Ireland was the grievance around gerrymandering and discrimination of housing allocation. This meant that housing was allocated on the basis of political voting intentions and community allegiance, rather than housing need. This discrimination is typified by the 'Caledon incident' on 20 July 1968, when a Nationalist MP at Stormont, Austin Currie, 'squatted' in a house that had been allocated to an unmarried Protestant woman over a Catholic family who had three young children and whose house had been condemned as unsanitary for years.[3] This denial of rights made Catholics feel like second-class citizens

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3. RTE, 'Civil Rights in Northern Ireland – Caledon Protest' <https://www.rte.ie/archives/exhibitions/1031- civil-rights-movement-1968–9/1032-caledon-protest/> accessed 12 November 2019.

in a Protestant dominated government, which pushed many to campaign for their civil rights under the auspices of the NI Civil Rights Association (NICRA). However the attacks on NICRA protests and marches, notably on unfair housing allocation in October 1968 in Derry, were met with police and loyalist violence, culminating in 1972 in what would become known as 'Bloody Sunday', where fourteen civilians were killed and dozens injured, setting the tone that sectarian violence was the 'accepted norm' and ended peaceful protest as a means of societal transformation (Northern Ireland Civil Rights Association 1978).

  The most notable displacements that occurred during the start of the Troubles were in Belfast, which had a long history of sectarian riots that resulted in the displacement of hundreds of families before the conflict began (Darby 1986).[4] This experience of displacement and sectarian attacks maintained a communal memory of collective security in people's minds and thus the necessity for segregation (Boal, Murray and Poole 1976). However, the displacement of tens of thousands of families between 1969–1976 represented an unprecedented large-scale movement of people often in the space of a few days, with 3,500 families forced from their homes in the first few days of houses being burnt in August 1969 (McCann 2019). Between 1969–1973, approximately 30,000 to 60,000 individuals were forced from their homes in Belfast amounting to 6.6 percent to 11.8 percent of the total population of the city at the time, representing the biggest forced displacement of a civilian population after the Second World War in Western Europe.[5] Thousands fled across the border, Great Britain or further afield.

  More broadly with the displacement of thousands of families, violence spread into territorial control. For the most part, the pattern of population movements often followed a defensive one, wherein mixed families or minority Catholic or Protestant families often moved to estates dominated by their own community (Boal et al. 1976). The size of the community was also governed by the 'defensive need to be able to recognise everyone who lived in it and therefore in times of conflict to immediately recognise strangers' (Weiner 1976, 77). This segregation cemented community identity and 'otherness' that continues today. Some 477 persons were forced from their homes in sectarian attacks in 2017/18 and 377 in 2018/19 because they came from 'the other' community or because of tensions with a local paramilitary group.[6] During the Troubles and today, arson and gun attacks on businesses, community halls and churches violently expressed that members of this community were no longer welcome in the area and sought to make their social life unliveable. Not only did this have a long-term impact on the economy of Northern Ireland but it also served to fuel social mistrust between the two communities (O'Leary 2019).

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4. In 1835, 1857, 1864, 1872, 1886, 1898, 1920–22 and 1935.

5. Intimidation in Housing Community Relations Council 1974.

6. There is a continuing trend of around 400 individuals being put out of their homes since 2012.

## Displacement, place and space

While the impact of segregated living space in Northern Ireland has been examined elsewhere (see for example: Shirlow and Murtagh 2006), what is particularly interesting for our purposes here is how in keeping with other situations of violent conflict across the world, 'cultures of violence' and abnormal patterns of thought, behaviour and movement became normalised and routinised in Northern Ireland in the quest to maintain everyday life (see for example: Steenkamp 2005, 2014). A number of different manifestations can be identified. For example, and one which illustrates how conflict affected people's use of the land, home life, movement patterns and working practices, in the border region of South Armagh a 'watchful architecture' of hill top observation posts, manned military checkpoints and daily British Army foot patrols and helicopter flights intruded on everyday life for local people (Carr 2011). Life in the area was further disrupted by security policies of closing, and in some cases even blowing up, border roads and bridges, with many in the area having the easiest and most natural means of access to family, churches, farmsteads, and schools just over the border cut off (Harvey, Kelly and McGearty 2005). Alternatively, one interviewee, a former member of the security forces alluded to how:

'when I went to bed at night my pistol was sitting on the bedside locker beside the bed and then even when I got married and moved up to Sion Mills it was the same, I went to bed with the wife, I went to bed with my pistol [laughs], but that was part and parcel of the job.'[7]

Despite the Belfast Agreement and peace process, such movement patterns continue to exist:

'It would have been, even to this day there's places you still wouldn't go to, you didn't go at the time and you wouldn't go now. I'm not speaking for anybody else but I certainly wouldn't go to some of those places yet – simple as that.'[8]

They have also extended into practices in the workplace:

'We go into this neutral workspace and we don't talk about that we've lost and we've hurt and we've all this trauma. You just get on with it because it's the Northern Ireland way… that's part of our culture. Our culture is don't fuckin' talk about it and don't tell anybody and keep your mouth shut.'[9]

In more urban areas, the painting of wall murals and kerb stones and the erection of communal flags has been used as a way to demarcate territory. The building of 'peace

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7. NID05, Newtownstewart, November 2019. For a broader discussion on the experience of the Protestant community in the border counties of Northern Ireland, see for example, Donnan (2005) and Donnan and Simpson (2007).

8. NID04, Fermanagh, November 2019

9. NID08, Belfast, January 2020.

walls' between communities and particular 'flash point' areas have also featured heavily in the post-conflict landscape. Indeed, recent research by Byrne, Gormley-Hennan, Morrow, Sturgeon (2015), demonstrates that for affected communities, peace walls are still understood to be a protective necessity. Their research found that some 70 percent of Protestants and 58 percent of Catholics acknowledged that an important function of the peace wall was to make them feel safer and more than three quarters of all respondents said that they felt very or fairly safe in the shadow of the wall (Byrne et al. 2015). Conversely, the majority of respondents on both sides of the community expressed significant anxiety that both sectarian and anti-social behaviour would increase should the nearest peace wall be removed, with 48 percent 'very worried' or 'fairly worried' about the ability of the police to maintain order in that situation. Even more starkly, the proportion of people wanting local peace walls to come down some time in the future, had decreased from 44 percent in 2012 to 35 percent in 2015 (Byrne et al. 2015).

### Displacement, victimhood and trauma

The growing international attention to the impact of displacement and the loss of land and homes in transitional justice research and practice attests to its traumatic impact (see for example, Walker, Bohlin, Hall and Kepe 2010; Duthie and Seils 2016). Yet, while most of the literature on the Northern Ireland conflict concentrates on the physical and to a lesser extent the psychological impact of the violence, there remains little analysis of its effect on peoples' relationship with land, community and social space. One of the most salient issues we wish to raise here is the trauma that results from displacement and intimidation.

Interviewees in Northern Ireland were highly attuned to the traumatic impact of both land and housing intimidation and the impact of displacement. While experiences are highly individualised, some common themes can be detected. For example, reflecting on the loss of a husband and farm owner, one research participant described 'looking across the farm to see the mountains and the fields full of bodies', indicating a level of trauma that has not yet been recognised or addressed.[10] Others spoke of the trauma of sudden displacement, the loss of one's 'home' and community networks and the speed and threat or actuality of direct violence that often accompanied displacement. Perhaps most strikingly, in 2016, the Belfast based WAVE Trauma Centre which works with victims and survivors of the conflict reported that 50 percent of their current referrals are the result of ongoing paramilitary intimidation (The Detail 2016). As Browne (2019) notes, those most impacted by present-day violent displacement are usually people living at the sharp edge of Northern Ireland's transition.

In other cases, the failure to address issues of land restitution and reparation in any of the major initiatives designed to 'deal with' the past – the Report of the Consultative

10. Author's field notes

Group on the Past (2009), the Haass-O'Sullivan report (2013), the Stormont House Agreement (2014), the Fresh Start Agreement or the New Decade, New Approach Agreement, promoted a sense across interviewees that they had been 'abandoned' and that politicians were 'not interested' in their experiences and that the government 'want victims to go away and die' (Northern Ireland Office 2020). Indeed, as some commentators have argued, those who were displaced are likely to remain hidden or forgotten victims of the conflict (Browne and Asprooth-Jackson 2019). Interviewees in both urban and rural areas spoke to these dynamics. 'Pauline', who moved to the Republic of Ireland thirty years ago, as a result of security force intimidation, is one of 22,290 Northern-born people living in a southern Border county, spoke to this experience:

'We have never been acknowledged as victims of war. This contributes to people's negative view of us. If people were more aware of our experiences and why we were forced to leave our homes in the North, their attitudes would change. Anyone with a sense of humanity and justice would see us for what we are' (Irish Times 2005).

### Displacement, redress and the past in the present

The final issue we wish to address is that of displacement, redress and the continuing presence of the past in the present. The creation of the Northern Ireland Housing Executive in 1971 addressed some of the grievances around political bias in the allocation of social housing by providing houses on the basis of need rather than political affiliation. Yet to minimise threats to applicants they would be moved to new homes in estates within their own community. The Belfast Agreement (1998) does not deal expressly with land or housing matters. The subsection on Reconciliation uses 'initiatives to facilitate and promote… mixed housing' to exemplify 'the promotion of a culture of tolerance at every level of society', which is identified as an 'essential aspect' of the reconciliation process, but no institutions or processes were established to address displacement, resettlement or redistribution. Efforts to encourage mixed housing developments in Belfast continue to be subject to sectarian attacks as paramilitaries continue to extent their social control over communities (BBC 2019).

During the conflict, while compensation or rehousing was often readily accepted by some displaced families, many others found it to be inadequate. The UK Government paid out some £990,372,313 in criminal damage between 1968–2003, which included houses, businesses, cars and other property damaged during the Troubles.[11] During the Troubles the Irish Government made a number of provisions for redress for those affected by the violence. Between 1975–1982 the Irish Government paid out £10 million

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11. Appendix 1 Memorandum submitted by the Northern Ireland Office and the Compensation Agency, Northern Ireland Affairs - Fourth Report, Session 2003 - 2004.

in compensation to local authorities in Ireland that had suffered damage to property.[12] As Greer and Mitchell argue, such compensation for criminal damage was a 'public good' that required the 'maintenance of the social and economic life of the province in the face of unprecedented damage and destruction' (Greer and Mitchell 1982, 325). However the provision of compensation or rehousing through the NIHE meant that people either moved to a more majority dominated area of their community or left the country all together.

Some commentators have found that any sort of land restitution needs to go beyond resolving individual housing and compensation issues to consider the 'social, economic and environmental dimensions' of housing development and planning during the Troubles (Coyles 2017, 719). O'Leary (2019) suggests that housing, land and property ownership continue to be a consequence of British colonialism over the past eight centuries, that cannot be completely redressed by subsequent generations, but its effects can be mitigated and society transformed through power-sharing and equality of opportunity. Despite the creation of the Northern Ireland Housing Executive and constitutional reform of governance structures, they have perhaps neglected remedying the social and spatial consequences of the violence, such as social isolation, segregation and community detachment.

Homes play a key 'role in grounding identity and giving family members a sense of origin, place, and rootedness' (Kutz 2004, 307). However it is questionable the extent to which returning people's land or property can restore their sense of belonging or the lost opportunity to raise a family on their ancestral homestead (Binder and Murithi 2013). In Northern Ireland the two communities continue to physically and socially segregate themselves, which compensation of land and rehousing has only reinforced for the purposes of security and peace (Community Relations Council 2008). Notwithstanding this, a needs assessment of victims coming forward for support to the Victims and Survivors Service in 2014 found that 17 percent had housing needs, similar to the 19 percent coming forward for truth, justice and acknowledgment needs, indicating that housing needs remain unresolved for many victims (RSM McClure Watters 2015). In sum, redressing displacement in Northern Ireland has taken an individual and homogenising approach which prioritises peace and security over reconciliation.

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12. Irish Department of Foreign Affairs (1984), Relief of distress in Northern Ireland: Northern Ireland refugees, 2014/32/2058.

## Conclusion

  Housing and land continue to physically and geographically demarcate the continuing historical divide in Northern Ireland. While it would be over-ambitious to suggest that two decades of peace would allow Northern Ireland to move into more of a 'shared space', the correlation between identity and collective community security has left a legacy of deep-felt social mistrust with regard to 'the other'. Although peace walls are the most physical manifestation of segregation, there remains a serious unease and sense of vulnerability amongst some communities who continue to feel at risk of intimidation and threatened displacement by their neighbours. This reflects an ongoing lack of social reconciliation where many people are made to feel that they are unwanted or seen as coming from elsewhere, ignoring their right to live in peace in their chosen place of residence. This is not simply a result of conflict, but reflects a long history, still in many people's minds, about their origin and identity connection with the land.

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