

THE PRINCIPLES AND REALITIES OF A  
SETTLEMENT

AN ALLIANCE PAPER

13 OCTOBER 1997

## THE PRINCIPLES AND REALITIES OF A SETTLEMENT

In our initial presentation of the Alliance Analysis of the Problem and its origins we outlined some fundamental principles which inform our approach. These principles express very concisely what are, for us, the minimum necessary requirements for a solution to our difficulties.

Detailed structural proposals will be put at a later stage, but at this point, in examining the principles and realities we will refer in outline to some structural elements, in order to give life and meaning to the description of what we hold to be the most important principles and realities.

### A COMMUNITY GOVERNMENT

Our first principle expressed the conviction that, despite the obvious divisions, the people of Northern Ireland form a community. Like any other such community, these *people have the right to determine their own future, and participate directly in their own governance*. For this reason it is very strongly our view that a provincial or regional government is necessary, to provide a common focus of identity, and an opportunity to share in self-government. This is not an exclusively Northern Ireland requirement, but is being recognised increasingly throughout Europe where regional government is the norm. More recently the people of Scotland and Wales, when given the opportunity, have expressed their desire to have regional government, and the enabling legislation will soon begin its route through parliament. The taking of responsibility through self-government is a positive and enabling principle.

On the more negative side, uncertainty and ambiguity provoke anxiety and give encouragement to those who thrive on fear. Any settlement must therefore *remove negative uncertainties*. The acknowledgement by the two governments of *the principle of consent* is a clear statement of the right of the Northern Ireland community to self-determination, and a tacit acknowledgement that the present wish of that community as a whole is to remain within the United Kingdom. This principle must also be enshrined in any settlement, and, since it has been a fundamental matter of dispute, it must form part of fundamental law in all the jurisdictions which participate in these talks. Fear thrives not only on uncertainty, but also on ignorance, confusion, and unnecessary complexity. *Openness and transparency*, are the enemies of the fears fed by ignorance and confusion. These must also be key principles in the establishing of any settlement, and indeed of this Talk Process.

Given that there are, as in every community, different identities, and particularly since at least some of these distinctions have, in Northern Ireland, been pushed to the point of division, it is necessary to create common institutions and instruments of government in which *all can participate and with which all can identify*. We take the view that an elected assembly, with legislative as well as executive functions in an extensive range of areas (giving significant socio-economic autonomy), including relationships with the Republic of Ireland is the minimum necessary to provide this unifying factor. *It would be profoundly counter-productive if in the construction*

of such structures the very divisions which they were established to heal, were institutionalised by the forms of protection they used. For this reason setting out two separate sets of mirroring rights, with parity of esteem between only two traditions, and insisting on always dividing people into protestant and catholic, and unionist and nationalist (and assuming also that these divisions are contiguous), would not be a healing of the divisions but an institutionalising of them. Instead we should recognise one set of rights that applies to everyone, one community with a number of rich, overlapping strands of culture and tradition, and recognition of an inclusive pluralism of religious and political thought and adherence which does not marginalize the partners and children of mixed marriages, the values of integrated education, and interdenominational religious activities, and political liberals who do not espouse nationalism or one kind or another. Everyone must be able to be confident of equality of treatment.

### EVERYONE INVOLVED AND PROTECTED

This naturally leads to our second fundamental Alliance principle. This presented our primary objective to be the protection and the valuing of minorities.

There are a number of ways in which this can be achieved.

Firstly, of course, all elected representatives can press the case for their people on the floor of an assembly, or in committees. All elections to a regional assembly, and to the membership and chairmanship of any committees of such an assembly must be on a proportionate basis so that all are treated equally fairly.

The prospect of being involved in government must be open to any democratic politician from any part of the community. In many societies including, one could argue, the rest of the United Kingdom and the Republic of Ireland, the expedient of the 'simple majority' creates the prospect of changing the government. This is the principle upon which the Westminster system was constructed, right down to the arrangement of seating in the House of Commons, (though not of course the House of Lords where there is a significant cross-bench component). Much of this system was adopted by the Republic of Ireland. In Northern Ireland during the period 1922-1972, the Westminster-based system created not one single change in the political profile of government. Elections were in that sense so meaningless that on occasions they were not even contested in some seats. In order to ensure that elections are meaningful such arrangements must be modified. Modifications such as weighted majorities have been mentioned in this regard, and we believe that, applied in the formation of the government and in the passage of legislation, could fulfil the necessary requirements.

All of these proposals deal with the positive aspect of *involvement of minorities* (and majorities), but there is also a need for protections. The best machinery would be the establishment, entrenchment and enforcement of a *Bill of Rights*, justiciable through our own courts. Further political protection of groups could be achieved by the creation of a Political Right of Appeal, whereby a certain proportion of members of the assembly could appeal to a separate authority for arbitration.

## THE RULE OF LAW

The third of the fundamental principles set out in the Alliance founding document in 1970 begins as follows: "We firmly believe that without universal respect for the law of the land and the authorities appointed to enforce it, there can be no measurable progress....." We believe that this is not only a self-evident principle but also one which commands widespread support in all sections of the community. The major problem remains, how to achieve such respect.

Some of the requirements mentioned above will help, but it is also necessary to deal directly with the control and execution of justice and security policy. This is a matter of such extreme contention that in earlier times Alliance has in the past regarded it with especial caution, however it is clear that a significant input into security policy is necessary for the self-respect, and community respect of a regional administration.

Many other aspects of the administration of justice, (for example prisons, probation service, law reform etc.), could usefully be considered in a regional context and we would wish to fully explore the possibilities.

The principle requirement may again be stated thus:

There is no future for the Northern Ireland community, no security for any family or individual, and no prospect of economic improvement without respect for the Rule of Law. *At every level those who take positions of responsibility and represent all strands in our community, must have, and must exercise, confidence in the law and in those who administer it.*

## THE TOTALITY OF RELATIONS

In these talks we have to consider the requirements of relations with the rest of the United Kingdom (strand 1), the Republic of Ireland (largely strand 2), between the United Kingdom and the Republic of Ireland (strand 3), and the rest of the European Community (strand 1/2/3). We have already stated that there is a contribution to be made, and a price to be paid for peace in our community, by those who live outside of Northern Ireland. *The principles upon which such relationships should be established like those of any Northern Ireland structures are those of partnership, workability, democratic accountability, and subsidiarity.*

What are some of the practical requirements which these principles might suggest?

In relation with the rest of the United Kingdom, we would accept that there could usefully be some clarification of the lines of communications, the channels of influence, and the levels of accountability, between a new provincial/regional government and the sovereign government, and between the Westminster MP's elected from Northern Ireland, and the elected representatives of an assembly. The emergence of differing regional institutions in Scotland and Wales, and probably in

London and elsewhere, will ensure that this element of our discussions may be usefully informed by the experience of others.

Relations with the Government of the Republic of Ireland will require changes to Articles 2 & 3 of the constitution of the Republic, but given that prospect we would see it as important that a direct, standing, North/South, government to government relationship, be established, and exemplified by joint commissions on areas of shared practical interest, eg agriculture, energy, tourism etc.

We have previously expressed the view that the totality of relations could usefully be fostered by the 'replacement' of the present bilateral Anglo-Irish Conference with a tri-partite council, and an associated tri-partite back-bench parliamentary tier, building on the present bilateral inter-parliamentary body. We still view these as necessary developments.

The growth and development of the European Union, convince us that it is vital that we are able grasp the opportunities offered by this broader framework. To see ourselves as all living within a larger border, rather than living on either sides of various geographical and political dividing lines, opens up the prospect of an increasing sense of shared experience. The economic necessity of representing our people will also help to bind us together as a Northern Ireland community, as has already been seen by the joint activities of the three MEP's. We could learn from the experience of other Europeans who have regional administrations, and who have had to explore their relationships with each other, with the governments of the EU member-states, and with the European institutions. We regard as necessary the elaboration of a direct role for a new assembly and executive, through a Brussels Office, in representations and negotiations with the European Union structures.

#### PERMANENCE AND STABILITY

After so many years, and indeed generations of violence and instability our people long for a settled peace. The *permanence and stability* of any agreed outcome will be considerably enhanced by its direct endorsement by the people, but if it is to survive the heady endorsement of a referendum, it must also be *workable* in practice, carry out the business of political life in an *efficient and effective* manner, and not be dependent on any particular electoral outcome or inter-party deal.

Clearly the people of Northern Ireland have a primary interest in these issues, but the people of the Republic of Ireland also have a very real interest, and in any case they must express their view positively in a referendum, if there is to be any change, as we maintain there must be, in Articles 2 & 3 of the Republic's constitution. The construction of such a test of public opinion is not a simple matter and will require a good deal of thought and discussion.

All political structures and societies are in the nature of things, temporal, and must have *the capacity to change, grow and develop*. These capacities must be part of any new settlement. Any such capacity must of course be governed by the other principles of consent, democratic accountability, transparency, and so on.