

S *Community*
D *Dialogue*

WHAT
IF THE
REVIEW
FAILS?

PLAN B

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A Voice for Community and Voluntary Groups!

Chair: Bronagh Hinds (Ulster People's College)

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WELCOME

David Holloway
Chairman, Community Dialogue

As Chairman of Community Dialogue I want to welcome each of you here today.

In the Summer of ^{July} 1997 the IRA ceasefire opened the way for a series of multi-party talks which led to the signing of the Belfast Agreement. During the process of these talks the people of Northern Ireland existed in a state of tension as their future was negotiated behind closed doors. Across our society individuals and groups felt locked out of the process and felt that their views were not being heard. It was within this context that Community Dialogue was formed in October 1997 as a cross-community group committed to fostering informed political dialogue throughout our society.

Since then we have produced twelve leaflets, circulated in their thousands, designed to help people explore through discussion what they want for their future. Our latest leaflet — **The Way We Are** — has just been published and you should find a copy on your seat. Many of you will have seen a slightly shorter version which was published jointly yesterday in the *News Letter* and the *Irish News*. Our leaflets and subsequent discussions ranged across all the Agreement issues from decommissioning, through policing, to the release of prisoners.

In each of our leaflets we asked three key questions:

- What do you want from a political settlement?
- What can you live with, bearing in mind that others want different things from you?
- If you cannot accept what is on offer, what is your alternative?

Since the Referendum we have continued to produce leaflets and facilitate discussion and today's meeting is part of that ongoing process.

Once again we are asking: "What is it that you really want?" But in order to answer that question we need to ask a prior question: "What are the choices facing us?"

One choice is to go ahead with the Agreement because our politicians agreed to it and 71% of our people voted for it.

A second choice is to reject the Agreement or agree that we are unable to implement it. What are the consequences of such a decision?

The question then becomes: "Given that the failure of the September Review is likely to lead to the following consequences, do we want the Review to succeed or fail?" Or, to put it another way: "In the light of the likely consequences, how much are we willing to pay to see the Review succeed or fail?"

This then is the question which faces us today. I am delighted to see you all here today and I look forward to a lively but respectful dialogue.

PLAN B: WHAT IS IT LIKELY TO BE?

Maggie Beirne

To cite the UN High Commissioner for Human Rights, speaking at a conference in Belfast in December 1998,

"(The Good Friday Agreement is) conspicuous by the centrality it gives to equality and human rights concerns. Few documents emerging from divisive and difficult political negotiations have so well captured the importance of fairness in creating right relationships. In its preambular paragraphs, throughout the text, and indeed in all the new institutions and mechanisms established as a result of the Agreement, concerns around fairness and justice are a recurring theme."

Very importantly, Mrs Mary Robinson went on to say that:

"Equality and rights are something for us all, and something which enriches us all. It is not simply the people with disabilities who benefit when public policy has to consider issues of access; it is not simply Travellers or other ethnic minorities who benefit from strong anti-racist protections and measures. A society which seeks to recognise the richness of difference, and to respect its many manifestations in the people that constitute that society, is a truly healthy one."

I believe that any "Plan B" will include human rights and equality provisions at least to the same extent, and perhaps more so, than is on the table currently with the Agreement, and that there will be no successful attempt to roll back from the advances made. I make this claim knowing full well that I have been asked to suggest what Plan B is likely to be, not merely what I would like it to be. The reasons for this contention are as follows:

- Firstly, the talks process, and the implementation of the human rights and equality provisions since the passage of the Agreement, have confirmed that human rights is not part of the "zero sum game" of Northern Irish politics. Everyone can and does benefit from strong human rights protections. Accordingly, it is in no one's interests to undermine, or to draw back, from the advances that were made to date.
- Secondly, it would be politically impossible for several of the parties to the Agreement, but particularly the British or Irish Governments, to suggest to the world community that the human rights and equality advances secured in the Agreement had been merely pawns in a political process which could now be foregone. For example, what possible grounds would the UK or the Republic of Ireland have for suggesting that Human Rights Commissions were no longer necessary in their respective jurisdictions, and what opprobrium would descend on them from the UN, the US, Europe, and elsewhere, if they tried to do so? Who could convincingly argue that there are no policing issues needed to be addressed in Northern Ireland? Etc.
- Thirdly, many of the most important measures proposed are now well in train. The Human Rights and Equality Commissions exist in statute, and have been established. The Commission

into Policing has been working hard for over a year, and will probably report before any "Plan B" comes up for discussion. The criminal justice review is well advanced and expects to be reporting in the next few months. Other promised measures - a Bill of Rights, economic measures, the participation of women in public life etc - are all of a longer term nature and theoretically could therefore be suspended or delayed, but this seems extremely unlikely for the reasons given earlier.

This is not to say that some issues with a human rights dimension will not be re-visited at all. For example, it is one thing for the Patten Commission to complete its work, it is quite another for there to be political agreement around its recommendations and the process and timetable for implementation.

So "Plan B" will have at least the same human rights provisions we have now. But will it go further? One way in which "Plan B" might well build upon the human rights dimension of the Agreement would be to recognise that international standards have proved useful in creating an objective framework within which Nationalists and Unionists can argue their respective positions, and hopefully develop some consensus.

Thus, looking ahead, arguments about marching (which often divide along communal lines) could be made more amenable to resolution if they were placed within the broader context of international human rights principles and standards. Developing a truly inclusive sense of ownership of the rights debate would be a major step forward in developing right relationships with each other. To this end, more measures aimed at longer term human rights education and awareness programmes could be very helpful.

If a "Plan B" is needed, and that of course is a big "if" that has not been addressed here, since it is to a larger extent dependent on the will of the different parties engaged in direct negotiations, it will surely build upon some of the learning that took place around the Agreement. At least one of the lessons of the Agreement was that moves towards a more fair and just society are in everyone's interests.

Note: MAGGIE BEIRNE has been the Research & Policy Officer for the Committee on the Administration of Justice (CAJ) for four years. The Committee on the Administration of Justice is a non-governmental organisation which works for a just and peaceful society in Northern Ireland where the human rights of all are protected. It won the 1998 Council of Europe Human Rights Prize. Maggie studied for a period of study as a mature student at Oxford University and Queens, and worked for some 17 years on international human rights with Amnesty International. She had senior management responsibility for the organisation's international campaigning and membership programme.

PLAN B: WHAT IF THE REVIEW FAILS?

Sir Kenneth Bloomfield

There are several things I want to say at the outset.

The first is that I am not now, never have been, and do not intend to become a member of any political party. It follows from this that any views I express today are strictly my own.

The second is that we need to keep very clearly in mind throughout this morning a distinction between what one would like to happen, what one feels ought to happen and what is likely to happen.

The third is that the use of the word "plan" can too easily be accepted as shorthand for the idea that some or all of the parties have in their back pocket an already-made alternative to the Belfast Agreement. I hope and believe that those who have said so firmly "There is no plan B" did not imply in doing so that the alternative to the Agreement is necessarily Armageddon, but were rather reflecting the reality that outcomes commanding consensus cannot be pre-determined.

And my fourth point is this:- what is the most important outcome we should be seeking from any proposal, plan or conclusion? Much though I yearn for better, more democratic, more inclusive and more accountable arrangements for the governance of Northern Ireland, for me the primary objective must be to protect the partial and flawed peace we currently enjoy and to build upon it a more complete and more assured peace. I am influenced by some painful experience, first as Northern Ireland Victims' Commissioner and more recently as Co-Commissioner for the Recovery of Victims' Remains. In the course of this work I have met face to face too many of the bereaved, the mutilated and the traumatised to believe that there can be any higher priority than that of drawing to a close an appalling period in the history of our community.

I am one of those who voted for the Belfast Agreement, not because I deemed it to be ideal or perfect in every particular, but because it seemed to offer the best hope of rebuilding a fractured community. But I knew even as I cast my vote that the Agreement of itself was not capable of solving every problem. That is by no means unusual in such cases. I was to listen later, here in Belfast, to an account by an eminent Norwegian of the so called "Norway Channel" negotiations between the Israelis and the Palestinians. It was quite clear from this account that there was no prospect at all of the parties reaching at that time any agreement about the future of Jerusalem. And so, like an advancing army which swirls around some enemy's strong-point and leaves it behind in the interests of the wider campaign, the "J" issue was simply bypassed as the delegates moved forward on other points. In very similar fashion I have a sense that our own parties picked their way carefully around the "D" issue.

Now as we approach next month's review, it is tempting to say that failure is so unthinkable that it would be better not even to talk about it. And it is certainly infinitely frustrating and hideously disappointing that the entire movement forward could now be held up on a single issue, sensitive and important though it is. Yet in truth real progress can only be made on that issue if the leaders of the respective camps can find a solution which their own supporters are willing to accept if not support. And I think that it is not only legitimate but prudent to consider what is likely to happen if that cannot be done. I would have very little doubt that in that event almost all the elements of the Belfast

Agreement not requiring for their effective delivery the participation of the local political parties would move ahead. The British Government, remaining in the absence of devolution responsible for the domestic affairs of Northern Ireland, would I am sure, want to push forward with co-operation with the Irish Government on a very wide range of those issues identified in the Agreement as suitable for North/South co-operation. The questions of rights, safeguards and quality of opportunity would, I am equally sure, be very vigorously pursued. So many of the benefits which Nationalism has looked to secure from the Agreement would still be deliverable and in all probability delivered. Unionism, on the other hand, could risk losing the elements of the Agreement most attractive to them:- the revival of high-level democratic institutions within Northern Ireland itself, the opportunity to be involved alongside other jurisdictions in the New British/Irish Council and the delivery of long-sought after changes to Articles 2 and 3 of the Irish Constitution. All of this would not be "Plan B" but "probable situation B."

Many would argue that since this entirely foreseeable outcome would be demonstrably more unfavourable to some unionist interests than the full implementation of the original Agreement, its leadership should be able to find a way to circumvent the problem represented by the decommissioning issue. It will be said that unless and until the proposed democratic and inclusive institutions are activated, the willingness to decommission within whatever timescale may be contemplated will never be tested. It will be pointed out, and it is true, that the Agreement itself is cautious and even reticent about decommissioning, and that the only thing approaching a deadline is a date well into the next year. Nevertheless, my personal assessment remains that, in the absence of some concrete evidence of a decommissioning process actually under way, it would be impossible to deliver sufficient unionist support to underpin a viable or credible local executive.

Our present position at times reminds me very much of some outstanding consortium of consulting engineers who have designed the most modern of bridges - brilliant in concept, spectacular in its use of materials and components - to bridge a great river or ravine. The partners in the consortium would have argued and debated about elements of the design. On paper it is a remarkable construct. But there is just one problem when the time for construction comes - it won't quite span the divide for which it has been designed. By analogy, I believe the forthcoming review could succeed, but is unlikely to do so if any of the participants starts from the point that is perfect in every particular. It has not crossed the divide; it has not closed the breach.

But I remind myself again that we are not here today to discuss whether the Review should succeed or will succeed, but rather the hypothetical questions of where we may find ourselves if it should not succeed. That would certainly be both a great disappointment and a serious reverse. It would be bound, in the short-term, to damage our hopes for increased tourism and investment. It would leave us with the distinctly second-rate form of democracy enjoyed or endured by this community since the introduction of direct rule. In saying that I do not imply any criticism of the efforts made within this system by the present and previous Secretaries of State. But it is unacceptable to have for almost 30 years important primary legislation enacted into law by very truncated procedures, and within a devolved United Kingdom to have neither a regional assembly nor a significant tier of local government. The temptation if the Review fails would probably be to continue to keep all options open, to retain the hope that at some other time in some other circumstances movement towards devolution on an agreed basis would be possible. But when are the circumstances likely ever to be so favourable again? We cannot expect indefinitely to have Prime Ministers tripping in and out of here with almost monotonous regularity when there are actually other commitments and other problems in this world.

But if the Review should fail, it is imperative that all the constructive players - including so many in the voluntary and community sector - say loudly and clearly: "we haven't gone away, you know". We need to be active in ensuring that the new economic vision for 2010 is pushed forward vigorously. We need to continue the debate. We need to think how to buttress confidence, not just our own confidence but the confidence of others. We have lived in a society of demands rather than a society of concessions. We face a crisis; but it need not be, must not be, a calamity.

*Note: Sir Kenneth Bloomfield was Head of the Northern Ireland Civil Service from 1986 to 1991. He was National Governor of the BBC for Northern Ireland from 1991-99, Northern Ireland Victims' Commissioner from 1997-98 and Commissioner for the Recovery of Victims' Remains in 1999. He is author of **Stormont in Crisis (a Memoir)** and **We Will Remember Them (Report of the Victims' Commission)**. He is President of Ulster People's College and Chairman of the Northern Ireland Higher Education Council. He holds an Honorary LL.D from Queen's University Belfast and is an Honorary Fellow of St Peter's College Cambridge.*

DEFAULT "PLAN B"

John Simpson

If the Belfast Agreement fails to be implemented, Government must be maintained to the best of the abilities of those who hold continuing responsibility. This scenario is not a recommended option; merely an attempt to consider the impact of the political and other pressures created by the stalled efforts to implement the Belfast Agreement.

The proposition, implicit in the Belfast Agreement, is that a local administration, with local knowledge and an understanding of local preferences, would be likely to offer what is seen as a more relevant form of Government than Direct Rule. If this does not happen, the failure is not about the potential value of developed institutions, it is about a lack of agreement on the operational bases for it to function.

By default political processes will continue to function. Plan B either can be a considered and agreed alternative to, or adaptation of, the Belfast Agreement or it can be an outcome where no formal Agreement is in place and Government processes rely on the present institutional arrangements and variations which lie within the competence of the Direct Rule administration. This conference is orientated to the latter context.

A 'Plan B by default' is not a preferred option; it is an attempt to envisage evolving events in a situation where the Belfast Agreement is 'parked'.

Default Plan B

The simplest suggestion is that 'Default Plan B' would be a continuation of the present Direct Rule arrangements. If a local legislative and executive devolved institution is not established with sufficient support, the Direct Rule model, as has evolved from 1972 to 1999, could continue.

There are factors which make such an assumption too easy and likely to be misleading. Other changes are taking place which will alter the context of Direct Rule in several ways.

Likely changes in the context of Direct Rule

1. **The immeasurable and negative impact of the perceptions, internal and external, of continuing political instability and the effects this may have on business confidence, external investment, migration and the property market (residential and commercial):**

The success of the economy in the last two years has been helped in a major way by the perception and belief that potentially motivated violence has been greatly reduced. Northern Ireland has gained and earned support in many different ways from people, agencies, investors and governments as a contribution to the peace process. The dynamic of this support will be reduced, if not reversed, if instability recurs. This is more than the immeasurable effect on the number of tourists or the movements in property prices. It is the immeasurable and indirect decisions of people and companies about living or locating in this region.

2. **The community reactions to a failure to agree: whether in community relations generally or in such areas as the tensions of parades, failure to agree will erode the efforts to build trust and better understanding across the community divides:**

Building bridges between the communities, or achieving greater consensus on social policies, might be easier if there was a political forum where positive leadership was in evidence. When it is absent, the difficulties may be greater.

3. **The impact within the United Kingdom of the early stages of decision making by the Scottish and Welsh Assemblies:**

Whether or not there is a devolved Government in Northern Ireland, the Scots and the Welsh are now searching for ways to make devolution attractive in those countries. Suffice to add that Direct Rule is more likely to be either centralist or parity based. Local initiatives are less likely. Policies such as those which may emerge when strategy 2010 is reworked as a coherent strategy are likely to face a more complex implementation procedure when they go through NIO Ministers.

4. **The effect of lack of agreement, through the European Commission, on decisions on Structural Funds and the Peace programme:**

The European Commission is committed to the extension of the Peace Programme until 2004 and objective 1 transition status until 2005. However, there are many discretionary decisions to be taken (for example on Trans European Energy Networks) which will benefit from goodwill and a sense of reinforcing the peace process.

5. **The impact of decisions on public expenditure total made by the Treasury as they affect current and capital budgets and the review of the Barnett formula:**

The way in which the Treasury allocates funds to Scotland, Wales and Northern Ireland is under review. Northern Ireland is vulnerable to a number of forces for change which may be disadvantageous. First, the pressure to reduce the disparities which favour Northern Ireland is ever present. Second, the generous treatment of extra expenditure caused by instability is also under pressure.

6. **The links between the NIO and local political processes:**

Default Plan B leaves the Secretary of State as the principal decision maker in Government. The political processes will continue to emphasise her/his role and the local political parties will not have the direct leverage which might come with an Assembly.

7. **The evolution of North-South co-operation between the British and Irish Governments:**

The two national Governments must be expected to wish to make progress in the subjects which have been earmarked for cross-border co-operation. In the absence of an Assembly, decisions on these topics will be likely to be controversial since the local political parties will have differing ambitions.

8. The decisions to be made following the publication of the Patten report on policing.

Policy questions in a number of areas are about to go on the political agenda. Will the recommendations of the Patten Commission be more or less likely to be converted to policy changes in the absence of a local forum?

9. The need to make progress in the areas within the remit of the Equality Commission.

Just as with the policing recommendations, there are similar questions on equality issues such as employment, targeting social need, and development planning proposals as in "Shaping our Future".

10. The risks of a return to violence:

If there is a return to politically motivated violence then Default Plan B itself will be redundant. A much more pessimistic scenario seems likely!

Conclusion

Each of these elements is difficult to predict with precision in a Default Plan B scenario. The balance of argument suggests that some aspects of Default Plan B will be unpopular with some of the population.

Default Plan B is likely to take the line of least resistance. Where active intervention is needed, the default plan looks less appropriate.

Note: John Simpson is an economist and business consultant who writes extensively on issues related to the Northern Ireland economy. Formerly a Senior Lecturer in Economics at Queen's University he is currently a member of the Board of Northern Ireland Growth Challenge, Chairman of the Emerging Business Trust and Vice-Chairman of the Further Education Consultative Committee. He has also served for a period as Chairman of both the Eastern Health and Social Services Board, and the Probation Board, and is currently a member of the National Lottery Charities Board. He was active both as Chairman of Bryson House and of the Northern Ireland Association of Citizens Advice Bureaux and has served on the committees of Young Enterprise and Industry Matters.

- NOTES -

WHAT IS COMMUNITY DIALOGUE?

Community Dialogue is made up of community workers from across the divide. As a group we do not take positions on political issues. However, if we want to make peace in Northern Ireland we have to talk. Not just any old talk: rather talk that involves questioning ourselves, listening to others, and trying genuinely to see new angles on things.

We invite you to make your voice heard. Why not discuss the questions in this leaflet with your friends or work colleagues? You could also invite people from backgrounds different from your own to join you in discussion. If you wish, you can send your answers, ideas and other suggestions to us at Community Dialogue and we will send them on to the relevant authorities, or politicians.

REMEMBER: IT IS UP TO US TO MAKE THE FUTURE!

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