

# FORUM FOR PEACE AND RECONCILIATION

TRANSCRIPT OF PROCEEDINGS HELD AT DUBLIN CASTLE  
ON MAY 19, 1995

Chairperson: Judge Catherine McGuinness

I hereby certify the following to be a true and accurate transcript of my shorthand notes of the above-named proceedings.

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DR. JOHN ALDERDICE: Thank you very much Madam Chair. First of all we welcome in clear terms the commitment in the Framework Document to North-South bodies. Both prior to 1973, '74, and during that period when my predecessor, Oliver Napier, negotiated with others the Sunningdale agreement which included North-South cooperation, and since that time, we have been strongly supportive of the notion of North-South cooperation. In our view it's absence has been a real disadvantage in political, social and economic terms to our communities North and South, and it should be noted that even where we have cultural, sporting, religious and professional organizations that are organized on a North-South basis, that they have been less than completely developed in terms of their potential in many cases.

However, there are a number of realities which we must face. The first of these is that despite negotiating the 1973, '74

settlement we clearly failed to persuade the majority of people in Northern Ireland that at least some aspects of that agreement were in their interests and there are many who take the view that it was the North-South component that was the most difficult part for Unionists to accommodate and that those Unionist leaders who did run with it, and most notably of course Brian Faulkner sacrificed their political careers and did not achieve an agreement that could stick, so we must face that reality as we move forward on this question.

However, I don't want to concentrate on the problems and difficulties that Unionists have created for themselves and for all of us on this matter. I want instead to concentrate on some difficulties that lie here in the Republic and also on some principles which should inform our approach to North-South bodies.

First of all there is much talk at times about harmonization and there is much to be said for harmonization. One of the great achievements of the Nordic Council has been the harmonization without prejudice to constitutional position of the Nordic countries. But we found it extraordinary, for example, when a Government here some years ago introduced a 48 hour rule which went so far not only to breach harmonization but to transgress European Community, as it was at that time, law to introduce a form of economic partition that the DUP would have been proud of.

There are those who currently want to make various social changes to the constitution of the Republic here which would move away from the notion of harmonization and the creation of a degree of plurality and tolerance throughout the island. There are those too who insist on pressing the case in the Irish language being a requirement in certain positions in the state, teaching being one

obvious example, which clearly creates difficulties for those in the Unionist community and indeed I have to say some from outside the Unionist community for whom the Irish language doesn't come too easily. In the North such things would be regarded as indirect discrimination. If there is going to be a serious address of harmonization then people in this part of the island are going to need to look to such questions as well.

And finally could I say in this element of things that when we talk about a coming together of North and South, and of the people North and South, then that must mean both moving towards each other. The Tanaiste earlier on, in a very helpful presentation, referred to the speak by King George. We should not forget that at that time the whole notion of the two separate parts of the island had been that they would remain close together in a constitutional context and part of the moving apart has come because this part of the island moving increasingly away from associations not only with Britain but with anything British in the terms of the Commonwealth and it's form of Government and it's external relationships and foreign affairs policies, moved away from anything that associated itself with Britishness and with British people, and if there is to be a coming together it will not only involve Unionist people and people in the North moving towards a more constructive relationship with the South, it will also involve the South being prepared to move more close to the North and to Britain, and in that regard I welcome some of the recent developments that have taken place, particularly at the initiative of the Taoiseach, where that degree of anti-Britishness is being set aside just as we must see an anti-Irishness amongst Unionists, and indeed some people in Britain, being set aside as well. If we are to move together we have to all move and I hope that people in the Republic are prepared for those moves.

In a final section then about a few comments about the principles. If we are going to have meaningful North-South cooperation at an institutional level, and I believe we must, then there must be structures in the North into which governmental structures in the South can plug. At present there is nothing. I don't believe it would be satisfactory for North-South cooperation to be proceeded with on the basis of cooperation between London nominated Ministers and Dublin, or London nominated civil servants and Dublin, or appointed quangos in the North and the Dublin Government. There must be a greater degree of accountability and we must see the structures in the North. Though I do not say, as some would, that we should see those structures first and then the in the North that we must see those structures first and then the North-South bodies. They all have to be part of a package.

Secondly, when it comes to cooperation, we must do more to strengthen what is already there. I mentioned cultural, sporting, religious and professional organisations and much could be done to strengthen the ties and binds that there already are.

Secondly there are broad areas of interest in cooperation that are undeniable, areas like agriculture, particularly animal health and husbandry, the environment and energy and transport, these are areas where we have indisputable and mutual interest.

Thirdly, there are specific areas where we can cooperate. High tech and highly specialized health care is one obvious example which I frequently mentioned before.

Finally, there are urgent areas of cooperation, which in my view have been made more urgent by the peace process and the

ceasefires. I would mention one example. From both a political and professional point of view, the increase in the peddling and use of drugs in Northern Ireland can only be described as explosive over the last six or eight months. In my judgment there is not only an opportunity but a requirement for us to be cooperating North-South on these issues. Thankfully, and I hope it will continue, the RUC and the Garda Siochana are perhaps not so entirely taken up with addressing the terrorist problems as they might have been beforehand. Surely officers on both sides could be freed up to work more closely together to address this very dangerous problem and I would hope that the sort of views that we have put forward in the past in the talks about the seconding people to work together on these issues is one area where we could work.

But it's not just on the policing. Education is another issue in this field. Recently in discussing the problem of drugs with people in the United States I was told that only the introduction of a massive ten year programme of education, including television broadcast advertisements to young people, has been able to begin to stem the tide there. I know there are some Unionists who have indicated that they don't like the fact that UTV airwaves actually come down this side of the border but in my view we could be using those very facts that the airwaves do not respect the borders to ensure a cooperative educational programme that included things like television advertising and many other areas. That's an area of explosive urgent requirement for cooperation and I hope that we will be able to see that.

Finally, I must also say that there are limits to cooperation. And here I would have, in all frankness, to disagree with the comments that were put forward by Sinn Fein in respect of IDA and IDB. In

my view there are areas within the economy where we can cooperate and there are areas where we are competitors and in my view, when it comes to economic investment, we can all go to Washington together next week, but make no mistake about it, I will be campaigning, as I suspect John Hume will be too, to ensure that the investment comes north of the border and I would fully expect that some of you will be campaigning for it to come to the South. We all want it to come to the island, but let's not pretend that it doesn't matter whether it comes North or South of the border. When I last made this comment I note that within less than a week the Chief Executive of the IDA came out and said that since the peace process Northern Ireland had become the greatest economic competitor for the Republic of Ireland. Those are fundamental realities and we shouldn't be pretending and wishing them away. Our party would not support the abolition of the IDA and the IDB in favour the setting up of an island wide inward investment organisation.

Secondly, when it comes to the question of North-South bodies, let me make it clear that while we support them and would work them with enthusiasm, they must be democratically accountable to the assemblies, both in terms of executive and legislative arm, North and South of the border. It would not be acceptable to us to have a North-South Body which took on a life it's own and was not fundamentally accountable at every level of its action to the executive arm North and South and the legislative arm North and South. We would not find it possible to accept a body which was clearly seen to be a federal Government in embryo.

Finally, we do accept that there is a need for default mechanisms, which would we would hope would not come into play, and would be there more as an indication to those who wish to wreck North-South

and other structures, that that will not be acceptable and that such destructive acts would not bring North-South cooperation to an end. As I say, we would hope that the necessity for such default mechanisms would be a signing and warning posts rather than as something that would have to come into play, but we do accept, Madam Chair, that they would be necessary. Thank you.

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DR. JOHN ALDERDICE: Yes. I appreciate the opportunity to simply respond briefly on this because it is on this specific issue. When Seamus Mallon pointed out that the 1920 proposal for All Ireland institution was free standing, it of course couldn't relate to Article Two and Three because they didn't exist at the time. The point was that the constitutional arrangement at that time was where the 26 counties remained in much closer affinity to the rest of the U.K. It was the moving away from that position by the 1937 Constitution and indeed what happened between 22 and 37, that effectively began to create the problem.

When the former Taoiseach says the issues of Article Two and Three were never raised until the last 10 years, I fear I must correct him, because in 1973 - and I will give him the reference - the Irish Times letters page of the 27th of December of 1973, my predecessor, Oliver Napier wrote an open letter to the people of the Republic, to say at that stage that given the Sunningdale Agreement which he had negotiated with others, and the opportunities for North/South co operation that were contained there in, which were important and in that sense free standing, they would not be able to survive unless the constitutional issue was addressed.

There were those that claimed the constitutional issue was merely an aspiration, there wasn't a real issue there at all, others who said in fact what was being proposed in Sunningdale was

contradicting the constitution of the Republic, and legal issues were raised at the time which meant the whole matter was not resolved, was part of the reason the package fell to pieces, as Oliver Napier said it would do unless it was resolved, so when we come back to dealing much later on we do so in that context of the fact, A, that in the 1920s the North/South issue was not contravened by Article Two and Three because they don't come into the existence until nearly 20 years later, secondly, when the issue was raised in 1973, 74 we pointed out that Article Two and Three were a problem, thirdly, that the view that was expressed repeatedly, for example at the time of the Anglo Irish Agreement, that Article Two and Three were merely aspirational was set to the side, not by Unionists, the Alliance Party or British Government, but by the Supreme Court which is the supreme body for the interpretation of the constitution here in the Republic which made it clear that it was not an aspiration, it was a constitutional imperative.

Therefore, in any kind of legal structures which are established, which give the view that what is consisting in terms of Northern Ireland political structures is accepted, or reasonable, legitimate, not in anyway contravening the constitution here, therefore the Government here can co operate with it, that issue has to be addressed, otherwise legally there will be a problem, never mind politically there will be a problem. That's why it is not correct to say this was, A, not an issue and therefore free standing in the 1920s. Article Two and Three weren't there. Secondly, not true to say it was never raised before, it was raised in 73, 74 by ourselves. Not true to say it is not relevant because your own Supreme Court here as determined it is more than an aspirational matter. Therefore, whilst I don't quite take the view of simple quid pro quo, never the less there is a matter of

balance there which is slightly different from the balance, which I agree is legitimate and appropriate and necessary in terms of the consent principle being entrenched in British constitutional law, but let us not forget the truth, which is that by the 1973 Act Section 75 of the Government of Ireland Act is set to the side and superseded, because it is not West Minster that decided in that sense but the people of Northern Ireland and indeed previously it had already been put into law, that it was the Stormont parliament that would make that decision so it is already dealt with, but if we need to deal with it again, wonderful let's do it.

DR. JOHN ALDERDICE: I think it is important that we don't get our  
selves into a situation where just as we are getting to something  
important we find ourselves moving on to something else. I think  
it is important we stay with this, the confusion I have in

listening to this and perhaps Jim Gibney can clarify if, he is saying that, for example, we have got an Anglo Irish Secretariat and this is something we can go ahead on the base of something that comes in that kind of fashion. Now I heard earlier on that one of Sinn Fein's big objections to things was the British Government's involvement with things. The authority on which that body and any other body in the current dispensation will be established is between London and Dublin, the electoral mandate that Seamus was talking about, is a mandate to Westminster and to Dublin here. It is not anybody, you talk about counsellors in Northern Ireland, they cannot take on any authority on to themselves that is not given to them by the British Government - that's the reality. So if you were to setup any kind of body that dealt with things on All Ireland basis here, it would take it's line of accountability and democratic accountability, not from people elected in Northern Ireland by people in this island, it would be taken up by people across the water, who would get the democratic accountability from across the water, and if they appoint people would be appointing people on a the basis of a mandate from across the water - that binds the British Government even more fully into such organisations of things on to these islands than if we actually have an assembly of people in the North.

Therefore I find a complete confusion in my mind in trying to understand Sinn Fein's position of trying to say, get them out on one hand and on the other hand actually enhancing it in, built it in, make it more Anglo Irish than ever before, can he clarify?

THE CHAIRPERSON: Perhaps I will take John Lowry on the same subject then we can come back again.

the recognition of the Northern Ireland teaching qualification in the Republic. As he rightly points out this raised the question of the Irish language. The Irish language is a compulsory subject here and only available as a choice in a small number of schools in Ireland. The INTO made a submission on this particular point also - would Doctor Alderdice accept in the spirit of compromise there should be an Irish studies programme to all students North and South which would include a broad programme of study, including an introduction to Irish language study, and would he also agree that the Irish language should be available as a subject option North and South, perhaps Irish speakers North and South should have the option of conducting their business with all State institutions in the language of their choice, in other words in Irish?

DR. JOHN ALDERDICE: Well, whatever language one speaks it is important to live in the context of the real world, and if one is to make a regulation that everyone who speaks Irish should have the right to conduct all business with any State institution in Northern Ireland in Irish, it will be completely impossible to conduct business in most of Northern Ireland, because the vast majority of people, Protestant and Catholic, are not sufficiently fluent in the language and most of the Protestants would absolutely rebel at any such compulsion and you make the language more unpopular.

I think the difficulty about the whole thing is the tendency to introduce the quality of compulsion in respect of the language. Maybe it is intrusive and presumptuous, but I think there is a tenancy at times in the Republic to feel the language can be best valued and strengthened by compelling people in respect is not the best way, it is to enthuse people about things so they want to do

it rather than regulations that make requirements in respect of it. So I think this if they are ways we can engender enthusiasm in the language and other aspects of our arts and culture, that's all to be applauded, and certainly regulations which would deny people the use of Irish are something that I would feel extremely unhappy about, and we have made our own proposal in Belfast City Council frequently and almost inevitably turned down when requested a permissive approach on the question, but I think that one first of all should not introduce the question of compulsion, but rather of encouragement an facilitation and interest and excitement.

But the concern I was raising was young people who trained in Northern Ireland as teachers cannot come and work in the South because of this Irish language matter and to say to them well then you will be compelled to do so, people must realise if they do that and say that, they are saying to young Protestant teachers we don't want you in the South. That's the only message that young Protestant teachers can take from a decision of that kind, and I am perfectly happy indeed with the idea of broadening the appeal of the Irish language, but it won't be done by compulsion, it will be by people seeing that it is open and find welcoming and so on. At present the situation is one of compulsion and that tends to make people dig their heels in opposition rather than anything else.

MISS HELEN O DONNELL: My question is would you not see it perhaps we here also have the a choice of learning Irish as a language as opposed to compulsory, but the choice would be in the schools and people have the option, obviously today it wouldn't be feasible for anybody to ring a department and get an answer, somebody capable of speaking the language, but long term they might take

the option because it's part of our culture, and not, I am talking about Irish language studies, you know sort of an area as well including the Irish language, I am talking about culture, arts?

DR. JOHN ALDERDICE: I have no problem whatever about that, and I think if they are ways of encouraging that and helping to finance it where that's appropriate, I have no problem about that. It's when people say this is compulsory, this is a requirement, it tends to turn people off. But the idea of making them available within schools on the basis of people wanting to study them, absolutely no difficulty about that very happy indeed and I have tried in my own way to earn courage it.

But you know one of the things that is interesting is that sometimes people when they say they support these things aren't very supportive, and I have sometimes been critical of people on the nationalist side, let me show you problem on the Unionist side, whenever I raise the question, a very small thing indeed simply agreeing that Belfast City Council would enable councillors to have their note paper in either English or bilingually, not only did all the Unionists vote against it, but two of the Ulster Unionists on the board of the ULTAC trust - Chris McGimsey and Ian Adamson - who are feted as people who must be broad minded because they are interested in Irish voted against even that minor permission in Belfast City Council, so you know on both sides there has to be a lot more honesty and openness. Sometimes people pretend to be open and it is a pretense, and I don't like that.

THE CHAIRPERSON: I think perhaps when we are looking at the ability of people to do the business in their own language with State institutions that it might be useful to look at the Canadian experience, where all over Canada even in areas where French isn't



spoken at all, for instance British Columbia, in Vancouver, Victoria - post offices will have their notices bilingually in French as well as English, and it is taken time, obviously, and not a thing you are going to be able to do tomorrow, you know I think it might be worth while looking at that sort of experience and how it has worked, now it hasn't worked without problems, I had a discussion about this with the Canadian ambassador and it has given rise to people from Ukranian descent in mid western Canada saying why can't you have them in Ukranian as well? It's worth while look at other peoples experience ...

DR. JOHN ALDERDICE: It's actually been all English the speakers moving out of Quebec and a huge problem of separatism they haven't solved the problem, nor than the Belgians on the question of language.