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THE NORTHERN CONSENSUS GROUP

Untying The Knot - At Last?

A Comment on the Current Political Situation

January 1996

THE NORTHERN CONSENSUS GROUP

At the time of the hunger strikes in 1981, when tension in the community was exceptionally high, a group of Belfast solicitors from both the nationalist and unionist traditions held a series of meetings in an attempt to find a framework for a political future for Northern Ireland which all could support. Eventually a set of five principles emerged. From this initiative and under the influence of further events, the Northern Consensus Group was formed.

The Northern Consensus Group does not have a formal membership. From time to time meetings of supporters have been held but most of the work of the Group has been undertaken by a core of six people, of whom four come from the unionist tradition and two from the nationalist tradition. The members and supporters of the Northern Consensus Group are drawn mainly from business and the professions, a section of Northern Ireland society which has largely opted out of political activity in the last two decades.

The Northern Consensus Group has undertaken a number of activities including :

- giving written and oral evidence to the New Ireland Forum, the Committee on Government of Northern Ireland of the Northern Ireland Assembly and the Forum for Peace and Reconciliation
- publishing Open Letters in the three major Belfast daily newspapers at the times of the election to the Northern Ireland Assembly and the by-elections called in relation to the Anglo-Irish Agreement
- publishing a series of pamphlets under the title 'Untying the Knot'
- issuing statements and letters to the press and giving interviews on radio and television
- speaking at conferences and seminars
- holding confidential discussions with leading people in public life in Northern Ireland, Great Britain and the Irish Republic.

It is impossible to assess what, if any, impact these activities have had on Northern Ireland political attitudes. We are particularly encouraged that in more than a decade of unparalleled political turmoil, the members of the Northern Consensus Group have been able to maintain agreed positions on most Northern Ireland political issues, while continuing to adhere to their individual nationalist and unionist aspirations. We are also encouraged to observe that the principles we put forward appear to be widely accepted.

At the beginning of 1996 and a second successive New Year in cease-fire conditions, it is appropriate to take stock of our present and future political options. The visit of President Clinton with his inspiring message of peace and the enthusiastic reception of both the President and his message by unionists and nationalists, north and south must give a new impetus to our efforts to achieve a lasting solution which all can support. We have been given a new opportunity. We must not waste it. Nevertheless many difficult questions remain.

DECOMMISSIONING AND CONSENT

The present political impasse centres around the issue of whether Sinn Fein can be invited to join political talks before the IRA 'decommissions' some weapons - the condition has changed from handing in all weapons to a gesture. While handing in even substantial amounts of weapons would have little practical impact because of their ready availability in the international arms markets, (not to mention the destructive power of home-made mortars) the requirement for a gesture seems to be designed purely to humiliate. As we have stated before, what is important is not whether arms exist but whether they are used. Throughout history, arms have been hidden in Irish homes and farms. Undesirable as this may be, it seems unrealistic to expect weapons and explosives to be disposed of until there is a permanent settlement in which everybody has confidence.

Nevertheless, it is equally unreasonable to expect political parties which have eschewed violence to negotiate with those who have until recently been closely associated with terrorist organisations unless they have confidence that the latter will not threaten or actually return to terrorism if they do not get their way. It is this that is delaying the onset of inter-party talks, not 'intransigence' on the part of the British government. What is the way out of this conundrum?

One suggestion is for each of the former terrorist organisations to renounce offensive activity and declare that they would only act in defensive mode if attacked. This is not the stated position of the IRA. It would be difficult to make it unambiguous enough to inspire confidence in the unionist parties, but it would be a significant step forward, and ought to be the minimum position of any group committed to the democratic process.

In our view the question of decommissioning is the wrong question. The question to be answered by all potential participants in all-party talks is whether they accept the democratic process and, in particular, the principle of consent - that there will be no change in the constitutional position of Northern Ireland without the consent of a majority of its people. This is enshrined in the Sunningdale Agreement, the Anglo-Irish Agreement, the Downing Street Declaration and the Framework Documents. Since it has been agreed in negotiations between the British and Irish Governments extending over two decades and is part of international treaties registered with the United Nations, Sinn Fein cannot be allowed to avoid a commitment to consent by stating that it will be subject to future negotiations. If the principle of consent is accepted by all political parties, decommissioning weapons loses significance and can form part of an agreement rather than being a precondition to negotiations.

POLICE

In any liberal democratic society, the police have a crucial and sensitive role. The operational activities of the police must be designed to protect the public and prevent and detect crime while allowing maximum freedom. The absence of any threat of terrorist violence would transform the operations of the police. Clearly it would be desirable to have a totally unarmed police service. However, the police must have the ability to protect the public and themselves and they must therefore have the right to be armed if necessary.

The question as to whether the police should have a new name and a different uniform arouses strong emotions. The RUC has served the community with dedication and at considerable sacrifice and in most cases honour and integrity. Nevertheless, without in any way detracting from the RUC, there is a strong case, in the context of an agreed settlement, for drawing a metaphorical line under the past and creating a new beginning. A police service which would be identified with and supported by the whole population of Northern Ireland would be of incalculable benefit to everybody, public and police alike. The possibility of radical change in the police must be on the agenda of the all-party talks. In the meantime it is essential that the membership of the RUC should reflect the composition of the community as soon as possible, that the police should identify with local communities and as

far as possible live in the communities and that they receive public support from all sections of the community. It is essential that all parts of Northern Ireland should have the benefits of effective impartial policing and that paramilitary murders and beatings should cease immediately.

PRISONERS

The Government has recently changed the rules on remission and as a result further prisoners have been released. Even though some of those in prison have been guilty of horrible crimes, they will all be released eventually. Release of those convicted of terrorist related offences must be part of any lasting settlement. At the same time additional support must be given to the victims of terrorism and the families of victims who must also feel themselves part of a settlement. Convicted criminals must be punished in accordance with the law. Prisoners whose homes or families are in Northern Ireland or the Irish Republic and who are currently in gaols in Great Britain should be transferred to prisons in Ireland and treated in accordance with the local prison regulations.

CONSTITUTIONS

President Clinton discussed Northern Ireland in the context of South Africa, the Middle East and Bosnia. Some may protest that there are major differences between Northern Ireland and these areas of conflict. This is true. There are also differences between each of the areas quoted. There are also similarities, the most important being the challenge of peoples of differing identities finding ways of living together in mutual trust and respect. The differences mean that each will have to find its own unique solution. The fact that Northern Ireland is unique means that no existing constitutional arrangement will be suitable - including 'integration' within the UK or a united Irish republic.

Unlike the rest of the UK, Northern Ireland is composed of people who differ from each other in identity and national aspiration, are separated from England, Scotland and Wales by a stretch of water but share a common land frontier with the Irish Republic, have been used to a degree of self-government, and have been subject to a quarter of a century of urban guerrilla warfare. Any constitutional solution must both identify Northern

Ireland with and distance it from both the UK and the Irish Republic. The five principles that we have promoted for many years, to which a sixth was added some time ago, remain a basis for a settlement which would be an honourable compromise acceptable to both unionists and nationalists who believe that peace, reconciliation, parity of esteem and mutual respect are more important than abstract notions of sovereignty, territorial integrity or historical precedent.

THE PRINCIPLES ARE

1. No change in Northern Ireland's position within the United Kingdom unless a majority in Northern Ireland agrees
2. The responsibility of government must be shared between the two traditions.
3. The institutions of government must reflect the different traditions.
4. All must give full support for the law, impartially enacted and administered.
5. All must renounce violence as a means towards political ends.
6. Any constitutional settlement must include machinery for a regular, sensible and reciprocal working arrangement between the two parts of the island.

We challenge the politicians to bring about a constitutional settlement that encompasses these principles. In practice this would mean that unionists would have to accept a greater degree of nationalist symbolism in public life and a significant degree of cross border co-operation. On the other hand, nationalists would have to accept that a united Ireland is unlikely to happen in the foreseeable future and that they should make every effort to ensure a harmonious settlement within Northern Ireland.

The principles would provide the basis for a constitutional solution but are not in themselves a constitutional blueprint. The Northern Consensus Group has never put forward detailed constitutional proposals. There may well be several different constitutional arrangements which would comply with our principles, just as there is a variety of national constitutions which comply with

democratic principles. We believe that the political parties should attempt to reach agreement on basic principles such as these before they discuss detailed constitutional arrangements.

ELECTIONS AND A CONVENTION

The current political leaders were elected at the 1992 Westminster general election, or in local government elections. These elections were held before the cease-fires and were decided on different political issues. The Unionist Party has suggested that a new assembly should be elected for the purpose of political discussions. Although this proposal has been opposed by the SDLP and Sinn Fein, a similar suggestion has been made by the Alliance party and the proposals appear to be taken seriously by both the British and Irish governments. In any case new Westminster elections must be held by April 1997 at the latest.

Nationalists fear that an assembly would be dominated by unionists and that it would emphasise an internal settlement. It should be possible to introduce safeguards against both these possibilities. For example, the delegates to negotiations could be of equal numbers from each party and only agreed proposals would come before the assembly. The remit of the assembly should be simultaneous consideration of both strand 1 (internal Northern Ireland relationships) and strand 2 (North - South relationships) of the previous talks process, ensuring that discussions would not be confined to an internal settlement. The Alliance Party's suggestions that an assembly (or convention in their terms) would have a fixed term of 12 - 18 months, with no more than a limited possibility of extension, and only by agreement of those taking part, that it could be ended early if it was being used as a means of obstructing political progress, that it might not be held at Stormont, and that any agreed proposals would be put to the people for their approval in a referendum, would introduce a wide range of safeguards. As suggested by Dr Sidney Elliott (Fortnight January 1996) the method of election should be reviewed so that the smaller parties would have an opportunity to be represented. An argument against elections to a negotiating body is that electoral mandates may be so detailed and circumscribed that room for negotiation is severely limited. Candidates standing for election should remember that the remit of the convention is to reach agreement on both internal and North - South relationships. An advantage of elections would be

that political representatives would all have a mandate from the electorate and not from an association with terrorist organisations. The challenge is to recognise the democratic will of the people as expressed through the ballot box, while at the same time listening to other significant points of view.

In reaching a political settlement we would suggest that five further general principles should be used :

- a) the process should start from where we are now. Dwelling on past mistakes, or what might have happened if historical events had taken a different course is not a constructive way of planning for the future.
- b) structures of government must facilitate the coming together of our divided community, not institutionalise divisions.
- c) political progress must be an evolutionary process. An attempt to solve all our problems at one time is unlikely to succeed. Substantial progress requires confidence and trust, characteristics which have been lacking in the whole history of Northern Ireland. Confidence and trust between the components of our divided community will require time to develop, and to be earned.
- d) although confidentiality may be required at some sensitive stage of negotiations, as far as possible the people of Northern Ireland should be kept fully informed at all stages of the discussions and negotiations as secrecy creates fear and instability.
- e) non political organisations such as business and professional organisations, clubs and societies, churches, trade unions and community groups should discuss the future of Northern Ireland on both a cross community and North - South basis.

GOVERNMENT ACCOUNTABILITY

For over twenty years Northern Ireland has not had a truly accountable government. This is a most unsatisfactory situation and one which must be corrected as soon as possible. Many functions were removed from local government and managed by appointed Boards e.g. education, housing, social services, on the basis that there would be a devolved administration in

Northern Ireland. Important decisions are taken by people who do not have a mandate from an electorate. As a result Northern Ireland politicians both locally based and at Westminster, seem always to be in opposition. An opportunity for elected representatives to participate in decision making must be introduced as soon as possible.

ALL - IRELAND INSTITUTIONS

There has been much discussion of "all-Ireland institutions with executive powers" without any explanation of what this term means. Ireland is a small island with a total population which is less than that of many English regions, with many characteristics which are common to all its people, and significant geographical and economic disadvantages. Both the UK and the Irish Republic are members of the European Union. Close relations between the two parts of Ireland at every level exist and should be encouraged. There are good reasons for many activities to be undertaken on an all-Ireland basis. A statutory all-Ireland body with executive powers has existed for many years - the Foyle Fisheries Commission, which was established by the former Northern Ireland Government and the government of the Irish Republic. There are many non-governmental all-Ireland bodies in business, cultural, professional, academic and sporting areas.

In determining the areas for co-operation, we suggest the following criteria :

- a) there should be clear benefits for both North and South in acting together.
- b) such bodies should have powers to make decisions within areas of responsibility defined by a Northern Ireland Assembly and Dail Eireann
- c) they should be well funded and be responsible for their budgets
- d) they should be accountable to a Northern Ireland Assembly and Dail Eireann which should be able, jointly, to set up or disband such bodies.

Unionists express two concerns about all-Ireland bodies. They believe that such bodies would mean interference in the affairs of Northern Ireland by the Irish Republic. It must be made clear from the beginning that there is equal involvement of North and South and just as much opportunity for Northern Ireland to "interfere" in the affairs of the Irish Republic as vice-versa. It is also

said that all-Ireland bodies would weaken the constitutional position of Northern Ireland. In fact, the constitutional position of Northern Ireland is secured by the Sunningdale Agreement, the Anglo-Irish Agreement, the Downing Street Declaration and is further strengthened by the Prime Minister's promise of a referendum and the possibility of by an amendment to the Irish constitution as part of an overall settlement. Working together in these bodies will encourage respect for differing aspirations.

SYMBOLS AND HERITAGE

Both unionists and nationalists have an Ulster, Irish and British heritage. It is an unfortunate feature of Northern Ireland that unionists tend to disregard their Irish heritage and over emphasise their British heritage while nationalists feel cut off from their Irish heritage and are often at best equivocal towards their British heritage. Some of these have an historical imperative as the creation of an independent Irish state and the separation of Northern Ireland from it drove politicians and people to overemphasise their respective identities. Seventy- five years later the world has changed and is more concerned with what unites people than what divides them. The attendance of Mr Bruton at a world war remembrance ceremony in Dublin, the visit of Mr Spring to the Somme Museum near Newtownards, and the joint celebration of the 150th anniversary of Queens University by the original colleges of Belfast Cork and Galway culminating in the reception at St James' Palace in the presence of the Queen and President Robinson, and, at a different level the River Dance performance of Irish dancing to the accompaniment of Lambeg drums, all illustrate how everybody can acknowledge their common heritage without compromising their principles or aspirations. Each tradition must acknowledge and perhaps ultimately enjoy the symbols of each other while making sure that its own symbols do not cause unnecessary offence.

REALITIES

We repeat some realities which we listed in a pamphlet two years ago:

- a) Unionists and nationalists will continue to live together in Northern Ireland and neither is going to drop its constitutional aspiration in the foreseeable future.

- b) The problem is one of the relationship of two traditions with opposing aspirations, not one of colonial occupation by a foreign power.
- c) There can be no victory, political or military, of one tradition over the other.
- d) An imposed political 'solution' would create a worse situation than we have at present.
- e) The current political vacuum has encouraged violence, racketeering, economic and social hardship and international isolation.
- f) An agreed constitutional settlement is essential to secure a real and lasting peace.
- g) The people of Great Britain appear to be equivocal towards the union and will not tolerate political intransigence forever.
- h) Opinion polls show that the majority of people in Northern Ireland would accept a compromise solution.
- i) Unionists are increasingly willing to acknowledge that they are Irish as well as British while Northern nationalists acknowledge that they have more in common in many respects with unionists than with nationalists in the Irish Republic.
- j) The majority of people in the Irish Republic would accept a solution which would have the support of both Northern Ireland traditions, even if it did not lead to a United Ireland.
- k) It is clear that the only possible solution will involve a compromise between nationalist and unionist aspirations. This will involve nationalists conceding the principle of consent to constitutional change and unionists accepting the legitimacy of nationalists' Irish identity and their right to express it.

- l) A solution requires an agreement between the two Northern Ireland traditions. Such an agreement would inevitably be supported by the governments and people of the United Kingdom and the Republic of Ireland.

THE WIDER CONTEXT

For the last 10 years Northern Ireland has been considered at the highest levels by the British and Irish governments. A more recent development has been the interest of the United States and the European Union in the form of generous financial assistance, economic conferences in Belfast and Washington, the visit of President Clinton, and the Mitchell Commission. All this is very welcome. Northern Ireland needs the help of its friends throughout the world. It is essential however that Northern Ireland does not become a political issue in these countries - the problems are too serious for that.

THE FUTURE

President Clinton emphasised that making peace involves taking risks. It also requires vision and confidence in the future. The President also promised that those who work for peace would find the United States standing beside them. The cease-fires were in response to the anguished demands of the ordinary people, and have presented a unique opportunity for peace-making. Ultimate peace will not be won without a political settlement which would be supported by so many people that political violence would vanish from Ireland for ever. We urge the politicians to take risks for peace and to be prepared to compromise so that agreement can be reached. We have already experienced some of the benefits of peace. The future will indeed be bright if the political leaders of our community have the vision and the courage to seize an historic opportunity to create a lasting political settlement. The people are looking for statesman like leadership and an end to the futile rhetoric of the past. They want their leaders to negotiate, with mutual compromise, a political and constitutional settlement that denies no one their proper aspirations and identity. The new generation deserves no less a legacy from this generation.

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