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Strand 1, Submission from "LABOUR" on, "Nature, form and extent of new arrangements"

19th October 1997 (2)

Strand 1m nature form extent

Our submission on "Principles and Requirements", was a comprehensive summary of our views and made a separate submission on "Constitutional Issues" unnecessary. It is clear from all the submissions and opening statements that there is considerable overlap and duplication. This submission also overlaps, but gives more detail, and responds to some of the other presentations.

1. We think that it is only possible at this point to put forward outlines and principles. When these are agreed it is possible to work on details.
2. We support the fundamental proposals by the British and Irish governments in the Frameworks for the Future documents. In particular the proposals,
 - i. to establish a democratic Assembly consisting of about 90 members,
 - ii. for all elections to be by proportional representation,
 - iii. for a system of Assembly Committees,
 - iv. for the Assembly having a wide range of legislative powers, which increase as trust develops,
 - v. for a system of detailed checks and balances to sustain broad confidence by both communities in the new government arrangements,
3. However, a number of the specific proposals that have been made could have the effect of perpetuating the religious and communal divisions. The proposals are based on the idea that "nationalists" will vote one way and "unionists" a different way on most issues, for ever and ever. We believe that, as political power is given to the people of Northern Ireland, divisions will more and more centre around class and economic issues. The arrangements must prevent the re-emergence of sectarian and communal domination, but must allow for, and in fact encourage, the development of "normal" democratic politics.
4. We are not convinced about the proposal for a Panel of 3 separately elected people. This panel is to have a veto on all actions of the Assembly and requires unanimity in all decisions. In our opinion it would not work. It is an example of a proposal that assumes, and would contribute to, permanent communalism in Northern Ireland politics.
5. A more practical way of dealing with the question of religious bias and discrimination would be to have an independent arbitration court.
6. This court, combined with comprehensive anti-discrimination legislation, would be empowered to determine whether an action gives, "full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and even-handedly affords both communities in Northern Ireland parity of esteem and treatment, including equality of opportunity and advantage." It should be structured to allow for rapid decisions. There should be a clear cut system of appeal against its decisions.
7. The membership of the court could include international involvement to increase its impartiality. The court could have input from the south and Britain as a way of respecting and representing the demands of the two communities.
8. An effective arbitration system would make it unproductive for any government to try to introduce discriminatory legislation, or for any authority to behave in a biased manner. It would reduce the need for weighted voting and religious head counts.
9. We think that there should be formal arrangements to allow for referenda. This would enhance democracy and reduce the absolute power that politicians have once elected. It would increase the people's involvement in controversial issue, and reduce the

- inappropriate influence that vocal and threatening minorities have in Northern Ireland.
10. Members of a new Assembly should be paid an adequate amount, making it unnecessary and unreasonable to have another job. There needs to be very strict rules on disclosure of interests. There needs to be a means of punishing or even dismissing an Assembly member if they violate the rules.
 11. Procedures of the Assembly should be open with full media access.
 12. We think that there the administration of local services, such as health and education need to be radically re-organised. These at present are unresponsive to local needs and demands and must come under democratic control.
 13. Local government should have considerably more powers. Local councillors also need to be paid an amount that allows them to take on this work effectively. At the moment there is overall hopelessly inadequate supervision and scrutiny of government and the administration of services. Elected representatives need to have the time and ability to pursue issues on behalf of the public. There would need to be strong rules to reduce the risk of corruption at this level.
 14. We think that there needs to be a commitment to develop the economy of Northern Ireland. This would require arrangements that facilitate the local and specific needs of Northern Ireland, that are not held back by regulations that have been designed to service the English economy or the Irish Republic's economy.
 15. Effective measures must be introduced to reduce the way in which the education system and school children are divided on religious grounds. At the moment young people are being forced into communal "gangs" simply to survive and get to school. This develops loyalties and prejudices that are inevitably hard to break down.
 16. Significant additional finance and effort should be put into schools and education to promote mutual respect, and to oppose racist and sectarian ideas and influences.
 17. We would favour the secularisation of education along the lines of France and the US.
 18. There must be a Bill of Rights enshrined in law and including specific clauses on religious discrimination. The legislation should give protection to groups and communities as well as individuals. It should contain regulations that insure that disputes are dealt with quickly, with minimal or no legal costs to those involved. The proposals for a "Charter or Covenant" suggest something vague and not legally enforceable, and are not adequate.
 19. The RUC must be radically reformed to introduce accountability and to end the religious and political bias of its members. In particular the present situation whereby the catholic community and individuals continue to be subject to racial abuse from individuals in the RUC must be dealt with. It is absurd that there is no real acceptance of this problem by the police authorities and some politicians. No solution that we propose will work unless this situation is genuinely changed.
 20. There needs to be legislation that provides freedom of information and transparency. A major problem at the moment is that reasons for decisions are hidden. The deep suspicions and distrust lead many people to assume that any decision they don't like has been taken for a religious or sectarian reason. If there was an automatic right to information, there would be less temptation to take short cuts or to discriminate. This would increase trust and respect for government and the administration.
 21. Consideration should be given to the specific problems and wishes of the large communities that adjoin the border. This would be consistent with the principle of seeking the "consent of the governed". It seems that both the nationalist and the unionist movement do not want the option of re drawing the border. We think that it should be clear why this is the case. If this option is to be confined permanently to history, then this should be made clear, and formally accepted by all sides, with appropriate wording built into the agreement.
 22. There needs to be clear legislation that lays down the conditions under which there can be a referendum on the border and the broad constitutional future of Northern Ireland.

Something along the lines, that every 5 years, if 40% of Assembly members, or so many thousand signatories are collected, then a referendum is obligatory. A wording in the referendum should be able to be determined by those demanding it.

It is our intention to organise further discussion on these proposals widely in Northern Ireland. We believe that they concentrate the consensus of ideas amongst the trade union, community, and broad democratic movement. It is more difficult to be certain on the question of what way, and to what extent, people will be prepared to compromise.