

THE NEW IRELANDER

(*incorporating the Dissenter*)

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W.R. RODGERS

NORTHERN POET

*Photograph from cover of 'Collected Poems' Oxford University Press (1971)
(See page 6)*

OLD BORDERS : NEW ORDER

The boundaries of the nation states were created by violence and sustained by force. As these boundaries become less sacred, minorities, once dormant as a result of exclusion or oppression, not un-naturally begin to assert themselves. Furthermore, a minority in one context may well be part of a majority in another.

Alienation:

Increasingly, insecure minorities seek to escape from cultural and other forms of domination by seceding from that for which they feel no consensus and, if possible, such minorities may try to link, trans-frontier, with other communities to which they better relate and from which they were separated when nation state boundaries were being imposed. In the present state of flux, tension is inevitable with ethnic and sectarian violence increasingly common-place.

The problems confronted by emergent minorities -ethnic, religious, linguistic or whatever- are accentuated at local community level where the alienation of social deprivation has built up resentment. Unemployment and under-development, when circumscribed by powerlessness in stunted social space, provide a volatile mix ready to explode if not handled with liberating imagination. The giving of concessions to people for what they should have been entitled to all along is no justification for disappointment when gratitude is not an outcome. Paternalism should have no place in the rendering of Human Rights.

Ireland:

With so many unemployed and so many more undervalued in the land of the Celtic tiger the constitutional issue has not been the one at the top of the peoples' agenda for some time. While the tiger runs rampant in the park, too many of the people are in the cages.

In the new North of Ireland of the Agreement there is unease too; the wounded hound of Culann is unlikely, for much longer, to rest content on hand outs that serve to emphasise dependency on forces over which it has so little control. Many people will soon be demanding a redistribution of power so that they may be enabled to develop their full human potential and be in a position to determine for themselves how reality may be changed for the better wherever they live and wherever they work.

Assembly:

In addition to constitutional and cross-community issues, it must therefore fall to those who will be elected to the new Assembly to consider how social consensus may be achieved throughout our local communities. To fail to deal with the conditions which are responsible for increasing social alienation and social sectionalism will risk placing at nought the opportunities which are about to open up before us. (question number one: how many primary school attenders in the Shankhill estate of Glencairn go on to grammar school education? There are many questions to be asked and actions to be taken).

The ugly alienation of an under-class caught in a poverty trap, the increasing unhappiness of the insecure and undervalued, the gulf between kindled expectation and living reality will not be resolved without action involving sacrifice by those of us who are in a position to make the kind of elegant choices which are denied to so many others. And then there are the "successful" parents with dysfunctional families where children reared in material privilege feel denied of time and love. Time rather than toys and television should be the slogan for revival of family life in our post-troubles society.

If we are to be serious about addressing the causes of endemic social violence we should be thinking about life enhancing ideas for democratic social empowerment,

for celebration in shared social space, for the encouragement of access to more free and more easily accessible opportunity for creative work and leisure and so on.

The Good Friday Agreement opens up all sorts of possibilities for the people of the North of Ireland provided our elected representatives are determined not to march to the tunes of dated and destructive sectarianism. Instead they have now an opportunity to pull together in order to build a good future for the people of this island of Ireland, a future in which we may all feel at home, at peace with one another, and in a state of good relations with our neighbours across the water, in Europe and beyond. A new North for a new Nation.

The Agreement: its Interlocking of Rights, Interests and Identities

by Elizabeth Meehan

Talks about Northern Ireland's future were always predicated upon the idea that 'nothing is agreed until everything is agreed'. At times, that seemed to be exploited in order to reach deadlock with apparent justification. Now that agreement has been reached and strongly endorsed in the referendums on the 22 May, the interlocking of the three strands serves, in different ways, to protect the negotiating parties and their respective communities.

Political and Human Rights:

Political and human rights are dealt with in Strands one and three and concluding sections of the agreement. Safeguards in Strand one over the allocation of posts, rules for service and dismissal, and voting on key issues are designed to ensure that all sections of the community can participate together in new institutions. The community-at-large is to be protected by the need for Assembly legislation to be 'equality proofed' and to meet the standards of the European Convention on Human Rights [ECHR].

Under Strand three, the British-Irish Intergovernmental Council will deal with matters not devolved to the Assembly and will intensify co-operation over rights, justice, prisons and policing. Both governments are in the process - or have undertaken to do so - of strengthening human rights standards to those of the ECHR and will establish appropriate equivalence in the two parts of the island in provisions for minorities and their languages, the status of women, and socio-economic equality regardless of class, religion, disability or ethnicity. A charter of human rights for the whole island is mooted. Incorporation of the ECHR, soon in the UK and to be contemplated in Ireland, is coming about just as the Amsterdam Treaty, the first text of which was drafted by the Irish Presidency in 1996, declares that ECHR principles are also those of the European Union [EU].

Interests and Identities:

The Agreement envisages a kind of variable geometry in the representation of interests at the EU level. For several years, people have toyed with the idea that the structure of the Northern Irish economy - different from that of Great Britain and in some senses more similar to that of Ireland - could imply the possibility of Northern Ireland's being represented in the EU, sometimes by the government of Ireland and sometimes by that of the UK. Taking Strands One and Two together, something of this can now be seen.

Strand One allows for more effective influence from Northern Ireland on British government ministers responsible for EU matters, while **Strand Two** gives EU responsibilities to the North-South Ministerial Council and promises arrangements to ensure that its Irish-Northern Irish views are taken into account at EU meetings.

Strand Three is a major innovation to previous ideas about an East-West dimension in an agreed Ireland but, in the new context of devolved powers to Scotland and Wales, resonates with the century-old idea of 'home rule all round' - except, of course, for the fact that the superordinate unit is not one state but two.

A British-Irish Council will consist of representatives of the two governments, the devolved institutions in Northern Ireland, Scotland and Wales, the Isle of Mann, the Channel Islands and, if they are established, English Regional assemblies. Any two or more members of the Council may enter into bilateral and multilateral arrangements with each other, independently of the Council itself. Common policies, from which there can be opt-outs, may be developed on questions of transport, agriculture, the environment, health, education, EU issues and other matters of mutual interest which are within the competence of the member institutions.

'Europeanisation' has played a part in the new thinking that enabled agreement to be reached; even so, the entrenchment of an East-West-North-South mosaic of co-operation may provoke an inconsistency between Ireland's Northern policy and Ireland's European policy. Since partition, a kind of early microcosm of the single European Market and the Schengen Agreement has linked the two states. The informal conventions of what has come to be called the Common Travel Area [CTA] involve a borderless market for goods and labour, reciprocal social and political rights, police co-operation and a tacitly common immigration policy. Before Ireland joined the Exchange Rate Mechanism when the UK did not, the Punt and Sterling were used as though they were a single currency.

The incorporation of the Schengen Agreement into the Amsterdam Treaty was resisted by the UK unless an opt-out on the elimination of border controls could be secured. Ireland followed suit, ostensibly to affirm positively the CTA [with its benefits for Irish citizens and reduction of the practical salience of the border] but with misgivings because of the apparent diminution of its desire to be, and seen to be, 'at the heart of Europe'. On the other hand, Ireland's membership of the European Monetary Union [with its single currency] in the context of UK self-exclusion will -at least for the immediate future- aggravate a symbol of difference in everyday North-South transactions.

Conclusion:

The above problem notwithstanding, 'the subtlest aspect of the Agreement' as O'Leary (1) points out, 'is its promise to entrench the identical protection of rights, collective and individual, on both sides of the present

border' -in effect, promising 'protection to Northern nationalists now on the same terms that will be given to Ulster Unionists should the later ever become a minority in a unified Ireland'. Another side of this coin is observed by Connor Gearty, quoted by Foster (2), 'any united Ireland which may subsequently arrive would, besides having to observe the Britishness of the unionist community, be inextricably linked to the constituent parts of the neighbouring island through the British-Irish Council'.

This perhaps vindicates E. H. Carr's (3) challenge to 'the claim of nationalism to make the nation the sole rightful sovereign repository of political power' and his hope 'for a system of overlapping and interlocking loyalties which is in the last resort the sole alternative to sheer totalitarianism'. Nothing could be more overlapping and interlocking than the components of the Agreement. They could be, therefore, the means of taming what Bew, Patterson and Teague (4) call 'irridentist nationalism' and 'triumphal unionism' in both of which lurk kernels of totalitarianism that put at risk the tender creatures of 'post-modern nationalism' and 'new' or 'civic unionism'.

FOOTNOTES

1. Brendan O'Leary, 'The Magic Number is 64', *The Times Higher Education Supplement*, 22 May 1998.
2. Roy Foster, 'Ulster Chooses Life', *Independent on Sunday*, 24 May 1998.
3. Edward Hallet Carr, *Nationalism and After*. London Macmillan, 1945 pp. 39,67.
4. Paul Bew, Henry Patterson and Paul Teague, *Between War and Peace: The Political Future of Northern Ireland*. London: Lawrence and Wishart, 1997, 00.198-9.

AGENDA FOR CHANGE

Maggie Beirne

Maggie Beirne of the Committee on the Administration of Justice (CAJ) (1) has kindly agreed to our publication of a copy (with minor adjustments) of an article which was printed over her name in the May issue of 'Just News' (Vol. 13 No. 5.)

The broad parameters of the human rights issues within the Good Friday multi-party Agreement are positive (see 'Just News', April 1998), but what about the detail?

CAJ has long argued that what was needed was a five point programme of action on human rights: constitutional protections, legislative and institutional change, and measures which would deal with the legacy of the past and promote a culture of human rights for the future. All of these elements are addressed in the Agreement.

Constitutional protections:

There are firstly a number of constitutional protections of rights.

We are to get incorporation of the European Convention on Human Rights, a Bill of Rights for Northern Ireland, and a Human Rights Commission; basic human rights principles infuse many of the new institutions being proposed. For example, Ministers will have to take a pledge in which, amongst other things, they will promise to "serve all the people of Northern Ireland equally and act in accordance with the general obligation on government to promote equality and prevent discrimination".

Provided it lives up to our hopes, the establishment of a Human Rights Commission will be particularly important advance. To a large extent, this will depend on whether the composition of the Commission, its staffing and its resources, all reflect its new, very different status. Clearly, the expectations placed in a Human Rights Commission will not be met if there is just a tokenistic attempt to revamp SACHR, whose recommendations the government has consistently ignored.

Review of legal and criminal justice system:

There is also to be a review of the criminal justice system,