

ALLIANCE PRESENTATION

to the

NORTHERN IRELAND SUB-COMMITTEE

of the

JOINT COMMITTEE ON FOREIGN AFFAIRS

22 June 1994

Alliance The Alliance Party of Northern Ireland

INTRODUCTION

I am grateful for this opportunity for Alliance to present, for the first time to the Joint Committee on Foreign Affairs, Sub-committee on Northern Ireland, our views on the way forward in resolving our historic difficulties in Northern Ireland, on the island of Ireland as a whole, and in the Totality of Relations within these islands.

The Talks Process which began in 1991, and has continued in Belfast, London and Dublin, in various forms and involving the British Government, the Irish Government, and the four main constitutional parties in Northern Ireland, (Ulster Unionist Party, Social Democratic and Labour Party, Democratic Unionist Party, and Alliance Party), has been the most exhaustive and continuous effort ever undertaken to peacefully resolve our ancient feud.

The detailed presentations and cross-examinations by the different parties during 1991 and 1992 gave, in unprecedented breadth and detail, the range of analyses of the problem, and the complementary and contrasting principles and proposals for its resolution. The parties agreed that while the talks were held in private, each would retain the right to dispose of their own papers as they saw fit, and subsequently Alliance published its documents, to assist in public discussion. We make these papers available to you today, for they give a clear expression of our analysis of the problem, the principles which we believe must inform our search for a solution, and our proposals for the structures which would best accommodate our differing and divided people.

The essence of our proposals is the creation of an honourable compromise. The classic unionist ambition for Full Integration of Northern Ireland within the United Kingdom and a Westminster-style majoritarianism, must be set aside, along with the classic nationalist demand for a United Ireland. In their place we must construct a realistic and stable compromise, which will enable Northern Irish people to take more responsibility for their own affairs, together.

We believe that this alternative must include a regional government and legislature based on the sharing of power and responsibility across the divisions in our community. There must also be adequate political and legal protection for all individuals and minorities within Northern Ireland. In return for the amendment of Articles 2 & 3 of the 1937 Constitution of the Republic of Ireland, there will have to be cross-border structures to facilitate economic, environmental and social cooperation. All of these provisions should be seen to fall not only in the broader British-Irish context, and indeed within the European Union, which is our common home, but also subject to the requirements of the Joint Declaration, namely,

that democracy and the rule of law, must be the arbiters, not terrorism and violence, and that all the people of Northern Ireland who must have the final say in their own future.

As for the process by which a solution may be achieved, it is our view that this must now be driven forward by the two Governments. The Downing Street Declaration was an historic achievement, and a watershed in our search of peace. The two Governments, in consultation with the parties to the Talks Process, and those others who accept the discipline of democracy, must with urgency build upon the principles established in that Joint Declaration. With such a long-standing problem, it is tempting to take a relaxed view of the timescale required, but time is not on our side. The events of the last twelve months, and especially of the past week underline with cruel clarity, the moral and political imperative of ensuring that a political and constitutional settlement is achieved with urgency. There is a dangerous alienation present throughout our Northern Irish community. Unionists as well as nationalists, the middle class as well as the working class, people in middle life, as well as young people - are losing faith in democratic politics. In the next few weeks the two Governments must agree a new framework upon which we may consult, and then establish new political structures that can be the focus of a common allegiance, and thus bring stability, peace and reconciliation.

At the last full session of the Talks I warned of the violence which would result from our failure to reach agreement. Can anyone now argue that such a warning was not justified? The situation has not changed for the better. The dangers are if anything greater, and not only to people in Northern Ireland. The responsibility for finding a way forward, is one that must weigh heavily on all of us. I welcome the fact, that by your interest in inviting our presence here today, you are committing yourselves, to work with us, in the urgent search for stability, peace and reconciliation on our island home.

A handwritten signature in black ink, appearing to read "John Hume". The signature is written in a cursive style with a large, sweeping initial "J" and a long horizontal stroke at the end.

THE ALLIANCE PRINCIPLES AND ANALYSIS

May 1991

THE ALLIANCE PRINCIPLES AND ANALYSIS

Since its formation in April 1970, Alliance has regularly produced and developed detailed proposals for the kind of governmental structures which would be required to produce a stable and democratic society in Northern Ireland.

In 1972 we put forward proposals which prefigured our participation in the ill-fated Power-sharing Executive. In 1975 we made proposals to the Constitutional Convention (the last occasion when our four parties met together to discuss the political future). In 1980 we made recommendations to the Conference on the Future Government of Northern Ireland, chaired by the Secretary of State, Humphrey Atkins, and these were developed further during the life of the Northern Ireland Assembly from 1982 to 1986. The collapse of the Assembly, the signing of the Anglo-Irish Agreement in 1985, and the more overt participation in politics by representatives who support and condone terrorism, required us to review our earlier ideas, and in 1988 we published 'Governing with Consent', which set out in detail our most recent proposals.

This Conference is different from any of the earlier attempts to reach a political settlement, not least because for the very first time all the major constitutional parties to the problem have committed themselves to looking seriously at difficulties which have haunted our communities for generations, with intent to understand them, and seek an agreed resolution. This is a very considerable and ambitious task, and the Secretary of State has helpfully requested that in our introductory remarks we set aside the question of structural answers, and concentrate on setting out our analysis, and the principles which we hold and which need to be addressed during our talks. It is therefore to our fundamental principles and our analysis that I will devote this paper.

FUNDAMENTAL PRINCIPLES

Our view is concisely set out in the Four Fundamental Principles upon which Alliance was founded in April 1970.

Briefly stated these are:

1. That the vast majority of people in Northern Ireland wish to remain part of the United Kingdom, and to govern themselves within that context.
2. That there should be equality and tolerance in all matters.
3. That the economy should be managed in a non-doctrinaire fashion.

4. That there must be fair and firm administration of the law.

The third principle is concerned with economic management and is of less relevance at this stage in our discussions, however I will deal with each of the other principles in turn, to explain and clarify our thinking, and then add one further principle which refers to the contribution of those who live outside Northern Ireland.

PRINCIPLE 1

"We support the constitutional position of Northern Ireland as an integral part of the United Kingdom. We know that this belief is shared by the overwhelming majority of our people and that provocative debate about it has been the primary cause of all our most fundamental troubles. The union is in the best economic and social interests of all citizens of the state. It also implies British standards of democracy and social justice, which will be energetically secured and steadfastly upheld. We are firmly committed to the principle of devolved government."

This first principle expresses our view that Northern Ireland, despite its obvious divisions, is a community, and like any other community, has the right to decide its future, and be fully involved in its own governance.

Article 1, Clause 1, of the United Nations Convention on Human Rights expresses the right of peoples to freely determine their own political status, and pursue their own economic, social and cultural development. The view is often expressed that when this clause is applied to Northern Ireland it means that the decision about self-determination must apply to all the people on the island. Others have expressed the opinion that it applies to all those who live on these islands. Irish Nationalism maintains the former position, and expressed itself in the desire for an Irish Republic with jurisdiction over the whole island. British Nationalism, or Unionism, held to the latter, expressed as a desire to maintain the United Kingdom, with its loyalty to the British Monarch. The underlying view of Unionism changed only slightly after 1922. Post-partition Unionism regarded the position of the Free State much as one regards the black sheep in a family. On the one hand disowning it completely, and at the same time having maintained in its legislation and in practice that the Republic of Ireland was not a foreign country, and hence extending to all the citizens of the 26 counties, rights and privileges of a unique nature.

Both these analyses regard the natural geographical boundaries of the island, or the islands, as being the crucial factor. This is tidy, and has a romantic conviction about it at a very

deep level. As Ernest Jones pointed out many years ago, the islandness of Ireland has a crucial role to play in the unconscious and irrational elements of its political psychology. Despite the fact that Irish Nationalism would regard itself as fundamentally different from Unionism, the only real difference is the question of whether one uses the physically bounded island, or the physically bounded archipelago, as the arbiter of the community which has the right of self-determination.

The Alliance analysis is quite different. We take the view that the boundary of a community is a much more complex and less tidy matter.

We believe that in the long history of the people of the North-East of the island there has developed both a sense of separateness from the rest of the island, and also a strong affinity with the people of South-West Scotland. It is not surprising that there is a closer relationship with Scotland than with the people of the rest of Ireland for in days gone by it was much easier to travel by boat to Galloway than to get to Dingle or even Dublin. Some people maintain that this is all due to the Plantations, and further argue that the manifest injustice of these settlements robs the settlers descendants of any claim or rights. In actual fact the evidence is that such a position is more romantic than objective. There were also plantations in Leix & Offaly, in Munster, in South Leinster, and indeed the situation of the Scots in Antrim and Down was by no means regarded as satisfactory by the Government, precisely because they were not seen as dependably loyal to England, and their settling had not arisen through the 'due processes'.

The situation almost certainly did not just arise with the Plantation. However far back one goes it is clear that the people of the North-East had a tendency to separateness from the rest of the people of the island. Long before England was England, Cuchulainn was defending Ulster against Queen Maeve, and when Congal of Ulster was fighting with Domnal of Meath as far back as 637AD his support came from the Scots. The Kingdom of Dalraida extended across the North-East of Ireland and the South-West of Scotland. Indeed I have often wondered if the highly ambivalent attitude which many Ulster Loyalists feel towards Britain is not due to their loyalty being to the Scottish rather than the English Crown, and the confusion being caused by the fact that for almost four hundred years the same person has worn both crowns.

This tendency for the people of the North-East to be somewhat different, has tempted some people to elaborate notions of a separate racial group, in order to give reason or justification for the establishment of a separate jurisdiction. I must make it clear that I am not entertaining such arguments. They are simply fruitless

disputes about nationalisms. The essence of nationalism is the attempt to establish a border within which are contained all the people of a particular racial or ethnic group, which can be separated off from 'the others'. Our contention is that such a process is unhelpful, and indeed dangerous. It is the rationalisation that is given for discrimination against, or prejudice against minorities who find themselves within the borders. The struggle of Irish, Ulster or British Nationalists for the creation of national homelands is very deeply powerful as a myth, but is only ever possible at great cost to minorities, and in our case is an injustice to our diverse heritage.

Our people come from many different origins, Celts, Picts, Vikings, Saxons, Angles, French, but we are all totally mixed, intermarried, and related with each other. Nothing illustrates this more than our names. Take that most ancient and illustrious Ulster family, Magennis. We have Ken Magennis amongst the Unionists, Alban Maguinness in the SDLP, Danny McGuinness in Alliance, and even Martin Maguinness in Sinn Fein. Or to look at it a different way. Molyneaux is obviously French, Paisley and Alderdice come from Scotland. Of course Hume is also a lowland Scottish Presbyterian name, but we have all been living for generations in Ireland. Perhaps too, despite the seriousness of our work today, I might be permitted to observe that we have John and Seamus leading the SDLP, John and Seamus leading Alliance, and Ian and James leading the Unionists. We are all more part of each other, than of anyone else. Alliance believes that our task is to nourish the sense of common community, and appreciate the shared and rich diversity of our roots.

It is also our belief that for a community to be politically healthy, there must be a focus of democratically elected power and responsibility. In local communities this is Local Government. At a regional level this is Provincial Government, and so on. Such a government in Northern Ireland benefits the unionist section of the community who realise that they remain part of the United Kingdom. It is of importance to nationalists to know that important issues are being decided by Northern Irish people, in Northern Ireland. And for those whose loyalty is primarily to the province of Northern Ireland, there is an immediate sense of identity.

This whole central principle might be stated thus:

Alliance sees the people of Northern Ireland as a community, however divided, and like any other such community, our people have the right to determine their own future, and participate directly in their own governance. A Provincial Government is necessary to provide a common focus of identity, and an opportunity to share in self-government.

PRINCIPLE 2

"Our primary objective is to heal the bitter division in our community by ensuring:

Equality of citizenship and human dignity,
The rooting out of discrimination and injustice,
The elimination of prejudice by a just and liberal
appreciation of the beliefs and fears of different members of
the community,
Equality of social, economic and educational opportunities,
The highest standards of democracy at both parliamentary and
local government level, and
Complete and effective participation in our political,
governmental and public life at all levels by people drawn
from both sides of our present religious divide."

If our first principle maintains that our community, whatever its historical coherence, is characterised by differences, then our second principle presents our primary objective to be the protection and the valuing of minorities.

It is our firm conviction that the currently central question in the onward march of democracy, whether in South Africa, in Central and Eastern Europe, in the European Community or here in these islands, is the problem of how to protect the rights and culture of minority communities. Redrawing borders simply creates different minorities. In Northern Ireland there is a nationalist minority. The creation of a so-called United Ireland solves their problem only at the cost of creating an even larger minority of non-nationalists in the new framework. Nothing is solved. A dictatorship of the majority is no less oppressive for the individual than an oligarchy. Surely not only Catholics in Northern Ireland in the past, and dissenters at all times, but also Unionists in a United Kingdom which imposed the Anglo-Irish Agreement in 1985, must appreciate the iniquity of a dictatorship of the majority. The essential difference between populism and democracy is precisely how minorities are treated. Alliance believes in just such democracy.

All the parties to these talks are minority parties. The Ulster Unionist Party, the Democratic Unionist Party, the Social Democratic and Labour Party, and the Alliance Party, vary considerably in size, but none on its own is a majority party, and of course within the United Kingdom, and within this island, none represents more than a small minority of the population. We ought all therefore to have a concern about the Rights of Minorities. If we can find ways of valuing and protecting minorities we will not only enrich our community, and develop our democracy, but we will also advance our own self-interest.

Let me read something to you:

"We are convinced that power-sharing based on full participation by everyone, as well as protection against domination, offers the only feasible answer. Full participation includes equal treatment and opportunities for all citizens of the country, regardless of their colour, culture or descent. It means that all citizens must be entitled to the rights and privileges which citizenship of a democratic country normally entails. In the nature of things it entails a vote of equal value for every adult citizen.

Full participation is one leg of power-sharing. The other leg is protection against domination. This includes the constitutional protection of minorities, collective values and individuals within the constitution, as well as a Bill of Rights.

Important methods of preventing domination are situated inter alia in the decentralisation of power, the imaginative devolution of authority, constitutional checks and balances, the requirement of consensus on contentious matters, systems which are conducive to consensus, and a strong independent judiciary. And then the list is by no means complete."

This statement is not from an Alliance Party document. It is not the proposal of a liberal opposition group fighting for a place in the sun. It is a recent direct quotation from Mr F W de Klerk, State President of the Republic of South Africa. It is his proposal for the future government of that divided community.

PRINCIPLE 3

"We firmly believe that without universal respect for the law of the land and the authorities appointed to enforce it, there can be no measureable progress. We therefore intend to secure the rapid achievement of such respect and the absolutely equal enforcement of the law without fear or favour, in every part of the state. Equal justice will be guaranteed to all citizens regardless of their political or religious persuasion."

That was written twenty years ago, but the elusive prize of widespread acceptance and respect for the administration and enforcement of the Rule of Law is yet to be achieved. There are nagging questions. 'How could it be possible that the British system of justice has not only failed to defeat the terrorists who continue to murder innocent people with apparent impunity, but even to protect the innocent from wrongful conviction by the courts?' It seems to us that the answer seems to us to lie with people's involvement in and identification with the creation, the administration and the execution of the law. Where people are not, or do not feel

themselves to be involved in the law at all of these levels, through their own representatives, there is not confidence, ownership and respect.

There is no future for any community, no security for any family or individual, and no prospect of economic improvement without such respect. At every level those who take positions of responsibility and represent all strands in our community, must have, and must exercise, confidence in the law and in those who administer it.

This is an immensely thorny question, and the principle is more easily stated than incarnated, but it is a central issue for all of us in these talks, and without its resolution, there will be no resolution.

PRINCIPLE 4

To these expansions of three of our Four Founding Principles, I would add one more.

"There is a contribution to be made, and a price to be paid for peace in our community, not only by those who live here, but also by those who live outside of Northern Ireland, in the rest of the United Kingdom, and in the Republic of Ireland, and further afield."

I should wish to remind you of Leviticus Chap 16 verses 21-22. "He shall lay both his hands on its head, and confess over it, all the iniquities of the Israelites and all their acts of rebellion, that is all their sins, and he shall lay them on the head of the goat, and send it away into the wilderness in charge of a man who is waiting already. The goat shall carry all their iniquities upon itself into some barren waste and the man shall let it go, there in the wilderness." This is of course the account original 'scape goat', and to it I will return.

This year, 1991, is the three hundredth anniversary of the ending, on the west coast of Ireland with the battles at Aughrim and Limerick, of those struggles which had such profound significance for the constitutional arrangements of the United Kingdom. The so-called Glorious Revolution changed irreversibly the relationships between the Monarch, Parliament and People.

The last couple of years have also seen the seventieth anniversary of the Treaty of Versailles which brought the First World War to such an inauspicious end, and the fiftieth anniversary of the outbreak of the Second World War. While in Belfast there were commemorations of the terrible Battle of the Somme fought in the First World War, and the fiftieth anniversary of the Blitz and of call-up of Ulstermen to serve

in the Second World War, throughout the United Kingdom and the rest of Europe, remarkably little was said or done to commemorate these events. We must wonder why commemorations should continue to exercise their hold in this island, when in other places they, and other even more significant events, are either forgotten, or lose their overt violence and become ritualized into a common and shared culture. What, we must ask, is the driving, motivating and maintaining force behind the ill-concealed violence of the commemorations on this island? But there are many other questions which the observer must ask about the relationships between these Western European islands.

Why should they need to be governed by a special and very particular Agreement despite, and subsequent to, both of them joining the European Community on the same day, January 1, 1973?

What is the significance of the fact that this new Agreement was described as an Anglo-Irish Agreement, rather than a British-Irish Agreement?

In respect of the Agreement itself, surely it is at least curious that such an Agreement should come about which seems to refer only to one part of the combined territory, and yet have failed to include any participation by the majority of people who live in that part of the archipelago.

The historical evolution of the people of these islands was one of a developing influence of the people of the South East of England over the rest of the communities of the archipelago. Although it eventually became known as the United Kingdom, it has always been a union of diverse systems. The developing constitutional arrangements are complex and difficult to analyse because of the absence of a written constitution. Unlike most communities held together by common political, legal and religious arrangements, there is no integrated political system, no single legal system and no universal ecclesiastical system in the United Kingdom. One could point to the very British characteristic of 'living by conventions', but the argument could be made that the single most unifying fact is both hidden, and at the same time glaringly explicit, in the name - the United Kingdom. It is perhaps the enormous symbolic significance of the Royal family which holds the United Kingdom together. The ancient tie with the Principality of Wales is maintained by the eldest son who is heir to the throne, and the more recent Union with Scotland is affirmed by the fact that with the accession of James VI of Scotland to the English throne as James I of England in 1603, all British monarchs wear both the English and Scottish crowns. The Union with Ireland however was never forged with such a powerful symbol. The only partial exception to this was the ancient historical connection with the north-east of Ireland, since it was the extension of the

Ulster kingdom of Dalriada into Scotland that provided one of the early roots of the Scottish royal lineage of later years.

The rest of Ireland had no such connection, and fought to break the link. The constitutional independence which was achieved early in this century, however did not rid Ireland of its fascination with its erstwhile conqueror. A hugely intricate matrix of connections had been elaborated over the centuries and now binds England and Ireland together in an unequal and uncomfortable magnetic field. I say England and Ireland rather than Britain and Ireland, for I do not think that there is much evidence that Wales or even Scotland plays much of a part in this aspect of the relationship.

Perhaps when it began to emerge into the preconsciousness of the political mandarins that the insolubility of the Northern Ireland problem might be due to the unresolved relationship between England and Ireland it was indeed right that there should be discussions. And when an Agreement finally came about it is quite rightly described as an Anglo-Irish Agreement, not a British-Irish Agreement, for although it has all the appearance of being about how to deal with the difficulties of Northern Ireland, the energy behind it is also based on other considerations. And herein too lies its unsatisfactoriness.

It seems to me that Northern Ireland functions as a kind of scapegoat in Anglo-Irish relations. In constructing a political device which deals only with those relationships between the two states which are mediated by Northern Ireland, but specifically excludes Northern Ireland from having any say in what goes on in the relationship, there can be no resolution of difficulties; merely a maintaining of the province in position of a scapegoat. But since the problems in the English-Irish Relationship have not been resolved, the early satisfactions, must inevitably give way, in time, to a re-emergence of the problems. Hence we find that the British Government is prepared to discuss the matter of confidence in the legal arrangements within Northern Ireland, but when concern about the decisions of juries in the Birmingham or Guildford issues is raised, that is altogether different. Similarly, the British Government implodes with consternation at Irish extradition arrangements. In truth the Agreement which appears to be about how to deal with Northern Ireland is perhaps just as much about Anglo-Irish Relations. Does this confusion help to clarify the irony that the Government of the Republic, which in Articles 2 and 3 of its constitution claims jurisdiction over Northern Ireland, is represented at the Anglo-Irish Intergovernmental Conferences by its Minister of Foreign Affairs, while the United Kingdom, which regards the Conference as an international matter, sends an internal minister, the Secretary of State for Northern Ireland?

But in this fascinating melange, all may not be lost. The failure of the Agreement to come to completion through the establishment of a devolved parliament in Northern Ireland, has given the two partners a chance to get used to each other. If this can be maintained, and if there can be a recognition that the 1985 arrangements do not properly attend to the problem of the relationship between England and Ireland, never mind the internal problems of Northern Ireland, much less its relationship with the Republic of Ireland, we can perhaps begin to construct a further development which can enable a growth of mutual respect between the two states, and release Northern Ireland from its bind. This would however require that Northern Ireland was no longer excluded as a scapegoat.

At present almost nobody at the meetings of the Anglo-Irish Conference comes from Northern Ireland. It would undoubtedly be uncomfortable to have us there, but then perhaps issues could genuinely begin to be resolved and Ireland could become more truly independent of England. Or, since none of us is actually independent at all, we could more truly speak of moving to a more mature interdependence in the European Community.

Let us remember too that the scapegoat is not only the one who bears the blame and goes out into the wilderness, but is also the one who has the greatest possibilities for bringing a form of salvation. A real working at a resolution of the problems of Northern Ireland will bring a new depth and self-respect in relationships within and between England and Ireland. It is precisely these considerations which led us to commit ourselves to the concept of this three-strand series of negotiations upon which we have embarked.

The introduction to Strand 1 is not the place to spell out the contribution which we must expect from Dublin or London, or indeed from Brussels. It is enough to say that we believe that all who are involved in this process, (and the two governments have made the same commitment as the rest of us) all must be prepared to make strenuous efforts, and to bear some pain if there is to be a healing of the relationships.

All of us must be involved in enabling, guaranteeing and securing a settlement.

These then are the four underlying principles which Alliance brings to the talks, and some explanation of the reasons why we hold to them. The principles are not new, but as Tom Paine said in the conclusion to his book the Rights of Man, 'the question is not whether these principles are new or old, but whether they are right or wrong.' We believe them to be right, and we hold to them.

THE REQUIREMENTS FOR A SOLUTION

AN ALLIANCE PAPER

28 JUNE 1991

THE REQUIREMENTS FOR A SOLUTION TO OUR PROBLEMS

In our initial presentation of the Alliance Analysis of the Problem and its origins we outlined some fundamental principles which inform our approach. These principles express very concisely what are, for us, the minimum necessary requirements for a solution to our difficulties.

We have of course detailed structural proposals to put at a later stage, which would give life to these ideas, but it is our understanding that at this point what is being requested is an account of the requirements for a solution.

We note also the valuable discussions which have taken place with the other parties during the past two weeks and we are encouraged by the degree of common ground which has been established.

A COMMUNITY GOVERNMENT

Our first principle expressed the conviction that, despite the obvious divisions, the people of Northern Ireland now form a community. Like any other such community, these people have the right to determine their own future, and participate directly in their own governance. We also expressed the view that a Provincial Government is necessary to provide a common focus of identity, and an opportunity to share in self-government.

Uncertainty and ambiguity provokes anxiety and gives encouragement to those who thrive on fear. Any solution must therefore remove these uncertainties. It is necessary for there to be a clear statement of the right of the Northern Ireland community to **self-determination**, and a clear acknowledgement that the wish of that community is to remain within the United Kingdom.

Given that there are, as in every community, distinct identities, and particularly since at least some of those distinctions have, in Northern Ireland, been pushed to the point of division, it is necessary to create **common institutions and instruments of government** in which all can participate and with which all can identify. We take the view that an **elected Assembly, with legislative as well as executive functions in an extensive range of areas (giving significant socio-economic autonomy), including relationships with the Republic of Ireland** is the minimum necessary to provide this unifying factor.

EVERYONE INVOLVED AND PROTECTED

Our second principle presented our primary objective to be the protection and the valuing of minorities.

There are a number of ways in which this can be achieved.

Firstly, of course, all elected representatives can press the case for their people on the floor of an Assembly, or in the Committees which would be necessary to oversee the work of Departments. All elections to the Assembly, and to the membership and chairmanship of any committees of the Assembly must be on a proportionate basis.

The prospect of being involved in government must be open to any constitutional politician from any part of the community. In many societies including, one could argue, the rest of the United Kingdom, the expedient of the 'simple majority' creates the prospect of changing, and indeed alternating government. This is the principle upon which the whole Westminster system is constructed, right down to the arrangement of seating in the House of Commons. In Northern Ireland during the period 1922-1972, this system created not one single change in the political profile of government. Elections were so meaningless that on many occasions they were not even contested in some seats. In order to ensure that elections are meaningful such arrangements must be modified. Modifications such as **weighted majorities** have been mentioned in this regard, and we believe that, **applied in the formation of the government**, could fulfil the necessary requirements.

All of these proposals deal with the positive aspect of involvement of minorities (and majorities), but there is also a need for protections. We believe that protections may be needed for groups and individuals.

The best machinery would be the **establishment, entrenchment and enforcement of a Bill of Rights, justiciable through our own courts.**

Political protection of groups could be achieved by the creation of a **Political Right of Appeal**, whereby a certain proportion of members of the Assembly could appeal to a higher authority for arbitration.

LAW AND ORDER

"We firmly believe that without universal respect for the law of the land and the authorities appointed to enforce it, there can be no measureable progress....." We have been struck by how this principle has commanded widespread respect at the conference. The major problem remains, 'How are we to achieve such respect.'

Some of the requirements mentioned above will help, but it is also necessary to deal directly with the control and execution of security policy. This is a matter of such extreme contention that Alliance has in the past regarded it with caution. We are impressed not only with its importance, but also with the fact that during our discussions thus far it has been possible to speak about it in a calm and thoughtful way. It has also been clear that we all see a significant input into security policy as being necessary for the self-respect, and community respect of a regional administration.

Many other aspects of the administration of justice, (for example prisons, probation service, law reform etc), could usefully be considered in a regional context and we would wish to fully explore the possibilities.

It may also be necessary to review the present functions and arrangements of the security forces, in order to give the sort of relatively 'fresh start' that may be needed in some minds. We will have constructive detailed proposals for this when the time comes to consider them.

The principle requirement may again be stated thus:

There is no future for the Northern Ireland community, no security for any family or individual, and no prospect of economic improvement without respect for the Rule of Law. At every level those who take positions of responsibility and represent all strands in our community, must have, and must exercise, confidence in the law and in those who administer it.

THE TOTALITY OF RELATIONS

Under the term 'External Relations' in the Secretary of State's document we have considered the requirements of relations with the rest of the United Kingdom (strand 1), the Republic of Ireland (largely strand 2), and the rest of the European Community (strand 1/2/3). We have already stated that there is a contribution to be made, and a price to be paid for peace in our community, by those who live outside of Northern Ireland, and here we indicate the requirements.

In relation with the rest of the United Kingdom, we would accept that there could usefully be some clarification of the lines of communications, the channels of influence, and the levels of accountability, between the new provincial government and the sovereign government, and between the Westminster MP's elected from Northern Ireland, and the elected representatives at Stormont.

Relations with the Government of the Republic of Ireland will require changes to Articles 2 & 3 of the constitution of the Republic, but given that prospect we would see it as important

that a direct, standing, government to government relationship, be established, and augmented by joint commissions on areas of shared economic interest (eg agriculture, energy, tourism etc.)

We have previously expressed the view that the totality of relations could usefully be fostered by the 'replacement' of the present bilateral Anglo-Irish Conference with a tri-partite council, and an associated tri-partite back-bench parliamentary tier, rather than the present bilateral inter-parliamentary body. We still view these as necessary developments.

The advent of 1992, and the present discussions on the evolution of the European Community, convince us that the time is right to grasp the opportunities offered by this broader framework. To see ourselves as all living within a larger border, rather than living on either sides of various geographical and political dividing lines, opens up the prospect of an increasing sense of shared experience. The economic necessity of representing our people will also help to bind us together as a Northern Ireland community, as has already been seen by the joint activities of the three MEP's. We regard as necessary the elaboration of a direct role for a new Assembly and Executive, through a Brussels Office, in representations and negotiations with the European Community structures.

PERMANENCE AND STABILITY

The permanence and stability of any agreed outcome would be considerably enhanced by its direct endorsement by the people.

Clearly the people of Northern Ireland have a primary interest, but the people of the Republic of Ireland also have a very real interest, and in any case they must express their view positively in a referendum, if there is to be any change, as we maintain there must be, in Articles 2 & 3 of the Republic's constitution. The construction of such a test of public opinion is not a simple matter and will require a good deal of thought and discussion, however the concept has merit.

PRINCIPLES OF A NEW FRAMEWORK FOR GOVERNMENT

AN ALLIANCE PAPER

5 May 1992

PRINCIPLES OF A NEW FRAMEWORK OF GOVERNMENT

In our presentations of the Alliance Analysis of the Problem and The Requirements of a Solution we set out the fundamental principles which inform our approach. This present paper which should be read with the two earlier papers, will examine section one of the HMG Paper, 'Options for New Political Institutions - underlying principles' (CPL1/NH/13025) in the light of our previous contributions, and of the paper on Common Themes which we have just accepted.

We would hope at an early stage to present detailed proposals which would express these underlying principles in institutional form, and would relate to the later sections of the HMG Paper.

Paragraphs 1 through 7 are introductory in nature, and we have no comment to make on them.

ACCEPTABILITY

In para 7 a difference is suggested between criteria which are fundamental and others which may be merely desirable. In our view the fundamental requirement is that expressed in para 10.

Only if we are able to construct a system which is widely acceptable will we achieve a resolution of the difficulties which have brought us to this table. Any system which is not widely acceptable will not be democratically workable, stable or durable. We find the expression of para 10 satisfactory, since it indicates an appropriate and fair role for everyone in Northern Ireland, but we would prefer that in this and subsequent paras. there was a greater recognition that there are more than two identities in Northern Ireland and that as recognized in para 15, it should be our aim to ensure that new institutions do not entrench the main division in our community, but rather enable a fully pluralist society to develop and function.

WORKABILITY, STABILITY AND DURABILITY

We would accept, with the above comments that any new system should be workable. In truth if there is a willingness to work together and consensually, almost any system is workable, but we accept that we should try to find one which can be worked as straightforwardly as possible.

We find it difficult to see how a system could be devised, that was democratically designed and that could not be paralysed (para 8, line 5/6), but we have ourselves included in our own proposals a recognition of this problem and ways of ameliorating it.

In para 9 stability and durability are set forward as criteria, and we would accept these as desirable. These qualities must however be referred to the system and not to the actual government. As described in para 14 it is important that there is, in practice, a realistic prospect of some change and development in the profile of the government in order to maintain the essence of a democracy. The word stability can be used as a euphemism for stagnation. Indeed one problem with the system in operation in Northern Ireland prior to 1972 was that it provided for a government whose durability was so guaranteed that the stability and durability of the whole system was eventually undermined.

SELF-SUSTAINABILITY

The issue of self-sustainability is raised in para 9, and we would wish to be more clear what is meant here. In other places HMG suggests very definite limitations on the scope of autonomy of any regional administration. In such a case HMG could not but be involved very heavily with the continued governance of Northern Ireland. In our own proposals there is also involvement in the system of making appointments post-election, but this does not necessarily involve the Secretary of State in any of the inter-party discussions which would be likely. This is the kind of situation found at a higher level where the head of state may be involved more fully in certain post-election circumstances than in others, but is involved formally on every occasion, through the legal requirement for making appointments.

RELATIONSHIPS WITH OTHER INSTITUTIONS

Para 11 should more correctly indicate that appropriate relationships are required with UK institutions. It is not simply a matter of preservation since there will be a formalizing of some new relationships, and some previous arrangements will no longer be relevant.

We would also note that any new institutions will have to be capable of the relationships with the EC, noted in the HMG paper (para 3 line 13), and of course competent also of those issues which we will be discussing in Strand 2, in relations with the Republic of Ireland.

PARTICIPATION

Para 12 is very unclear. Fair participation is important, not just for a period, but always, and in so far as an individual through the courts can exert a quite enormous power on the operations of government, especially using a Bill of Rights, the second part of the para is also imprecise. There may also be a case in certain elements of government for disproportionate representation of sectional interests, for example in a balancing instrument. This is not a fundamental or desirable criterion.

Paras 13, 14, and 15 have been referred to in earlier comments, and will be fleshed out in our proposals for institutions.

EFFECTIVENESS, EFFICIENCY AND DECISIVENESS

Finally in para 16 effectiveness, efficiency and decisiveness are set forward as criteria. These are attractive notions, but are always disputed in a democracy.

There are those who would maintain, and not without justification that just as the most efficient, effective and decisive committee is a committee of one. So also, a beneficent dictatorship is the most efficient, effective and decisive form of government. The same might even be said of talks about setting in place a form of government for Northern Ireland. Such criteria can therefore only be seen as being desirable but subsidiary.

In so far as the paragraph refers to clarity of powers in respect of finance, and separation from local government, and from the Secretary of State, we would certainly feel it worthwhile to do our best to ensure that new institutions were clear as to the extents and limits of their functions.

ALLIANCE PROPOSALS FOR A NEW SYSTEM OF GOVERNMENT

8 May 1992

A NEW SYSTEM OF GOVERNMENT FOR NORTHERN IRELAND

These negotiations have been established in three strands, dealing with resolving the problems of relationships, amongst the people who live in Northern Ireland, between those who live in Northern Ireland and in the Republic of Ireland, and between the people represented by the British and Irish Governments (CT,6,8). We all recognise that these three sets of relationships are part of a complex system and that they cannot be hermetically sealed from each other, and so we have all accepted that since institutional proposals in one strand will have implications and requirements for other strands, nothing will be agreed until everything is agreed.

This paper outlines the Alliance Proposals for the return of greater democracy, and the restoration of legislative and executive responsibility to the elected representatives of the people of Northern Ireland. It is based on our principles, and our analysis of the problem, and is congruent with the Common Themes and Common Principles papers which have already found agreement amongst the four parties. Reference will therefore be made in the paper to these previous documents (Common Themes with para number - CT,1, Common Principles with para number CP,2a).

The paper does not address issues or institutional proposals which refer to the other strands, but we do look forward to that point in the negotiations where these matters can appropriately be addressed.

The starting point is the institutional framework.

THE LEGISLATURE

In order to be congruent with the principles of democracy (CP,2a), to avoid entrenchment of our divisions (CP,2f) and to give all constitutional parties a role (CP,2g), whilst being as straightforward and efficient as possible, we favour the election of a single chamber Assembly. Northern Ireland has a relatively small territory and population and in our view it is better to limit the size and number of institutions to what is essential. We do not entirely rule out a second chamber for balancing purposes -see heading "Options" below (CP,2b, CT,5).

The Assembly we envisage would consist of 85 members, 5 for each of the 17 Northern Ireland Westminster constituencies, elected by the single transferrable vote system of proportional representation for a fixed term of 4 years. This proposal is a simple, consistent, and we believe generally acceptable arrangement.

POWERS

In what follows when we talk about powers we mean full executive (to decide on and execute policy) and legislative (to make laws) responsibility for the subject concerned (CT,4).

The powers of the Assembly should be defined by reference to a three tier categorisation.

The first tier would be the "excepted matters" in relation to which power would permanently stay at Westminster. Matters in this category would mainly be those of national rather than regional concern, for example defence, but in addition we would envisage that certain sensitive subjects, for reasons of constitutional propriety, would also be retained, for example electoral law and the appointment of Supreme Court judges (CT,2,7, CP,2j).

The second tier would be "reserved matters" in relation to which legal power would for the time being stay at Westminster. Into this category we would place powers over security, including the police and aspects of the criminal law.

We would hope that as the new system progressed and took root, and as public confidence in the institutions grew, it would be possible to transfer security powers, but we think that to transfer these powers at the outset may place an almost intolerable strain on the new institutions. In any event as regards power over the police, we find it difficult to imagine circumstances, while the army was directed by Westminster operating in aid of the civil power, in which it would be practicable to diffuse political control over the security function by having one agency controlled by one set of masters (Army - Westminster) and the other by another set (Police - Assembly) (CT,10,11, CP,2d).

The third tier of powers would be "transferred matters", in relation to which the Assembly would have legal power devolved to it by Westminster. In our view the transferred matters should be all those remaining after "excepted" and "reserved" matters are subtracted. In positive terms the main transferred matters would be agriculture, health and social services, economic development, the environment, education and finance. Effectively therefore the Assembly would, at the outset, have powers in respect of all the main domestic matters save security which might be transferred at a later date.

Finally, in dealing with the Assembly's powers, we think that the Assembly should have an advisory role in relation to matters affecting Northern Ireland but which are not transferred. Thus the Assembly, where appropriate, could

discuss reserved and indeed excepted matters and offer opinions, even though the legal power rests elsewhere (CP,2o,2p).

SCRUTINY ROLE

It is clear to us that policy formulation and the execution of the day to day business of administration will need to be undertaken by a smaller body, in effect an Executive, (CP,2h) answerable to the Assembly. Our proposals on the method by which the executive authority is formed will be described later but what is relevant to say now is that the role we envisage for the Assembly in relation to the Executive is a scrutinising and deliberative one. Accordingly we have given our attention to the means which ought to be provided to enable the Assembly to fulfil this role.

Of course in this context the Assembly through establishing its Standing Orders will have its own contribution to make, but for our part we see advantage in the provision of back-bench Assembly committees for each of the main areas of regional government, performing both what at Westminster would be select and standing committee functions. This would mean that for example the Environment Scrutiny Committee would have power to launch inquisitorial investigations (including the taking of evidence) into the policies and activities of the Department of the Environment and report to the Assembly (the Westminster select committee role). It would also have the power, where the Assembly refers primary legislation relating to the Environment to it, to conduct a "committee stage" type debate on that legislation and report to the Assembly (the Westminster standing committee role). In fact we foresee that the committees, when dealing with legislation, would be likely to use both the tools of evidence taking and adversarial debating of amendments within the committee in order to produce a single report on the proposed measure for the Assembly (CP,2g,2p).

The composition of back-bench scrutiny committees should reflect, so far as practicable the balance of the parties in the Assembly, as should the chairmen (and any deputy chairmen) of the committees taken as a whole (CP 2a,2b,2c,2e,2f,2g,).

In addition to the committee structure set out above we consider that the Assembly would be at liberty to establish such other committees as it so chooses but we think that the composition of such committees by law should be governed by the proportional formulation stated in the last paragraph.

Apart from scrutiny through the committee structure we would expect the Assembly to establish procedures to enable all members to ask questions of those exercising executive power.

Furthermore we would expect a Business Committee or usual channels system to regulate Assembly business (CP,2p).

FINANCE

The financial arrangements under which the Assembly will operate are plainly of considerable importance. Perhaps the central question which has to be addressed in this sphere is whether the method of financing provided, ought to be revenue or expenditure based. Under a revenue based system the subordinate government is given certain predetermined sources of revenue and has to finance the devolved services out of the proceeds. Under an expenditure based system, expenditure requirements are measured first and the subordinate government is then furnished with the income necessary to meet them. The Government of Ireland Act 1920 used the former system. The Northern Ireland Constitution Act 1973 used the latter system. It is not in doubt that the 1920 Act system was a failure in this area and we are sceptical about the proposition that it would be possible in a devolved system for Northern Ireland institutions to finance themselves while at the same time maintaining comparable standards of services to those provided in Great Britain. Accordingly we favour an expenditure based system because it would best assure the population of a high standard of services.

But should the devolved administration be able to increase local revenues to finance expenditure over and above what would be sufficient to ensure that general parity of services or potential parity is maintained?

Our answer to this question is a tentative one because the waters into which the question takes us are largely uncharted, but it is also an affirmative one. We consider that provided the benefit of additional tax effort exerted within Northern Ireland results in actual additional expenditure capacity for the devolved government (and this does not necessarily follow), then attention should be given to the possibilities of giving power to the devolved government to raise supplementary or alternative taxes.

We do not say that these powers have to be used but while preserving the maximum area of financial discretion and autonomy for the devolved administration within an overall expenditure based system, we think the facility to deviate, in the manner described, from national norms, ought to exist.

We also take the view that there ought to be an opportunity for the regional administration to make direct links with the European Community, especially in financial matters (CT,6 CP,21). This would help to deal with the long-standing concern over additionality.

COMPOSING THE EXECUTIVE

Composing an Executive within a devolved system has been the most intractable of all political problems in Northern Ireland in the last 20 years. Simple application of Westminster principles in this area, by turning the clock back to the Stormont system, would be unacceptable and undesirable (CT,5). It would in practice mean that the representatives of minorities would be excluded from participation in the decision making process. It must be recalled that the political parties which represent the interests of the minorities cannot realistically so broaden their appeal as to expect to win office outright by way of any future election. Likewise it would not be sensible to court failure by reviving proposals in this area which have failed or which can no longer be regarded as satisfactory in view of changed political conditions (CP,2i). But in this area of debate above all it is an illusion to think that the proverbial rabbit can be plucked out of the hat, while maintaining the principles of democracy. What we have tried to do therefore is to build a proposal based on the central reality that provision must be made to enable the representatives of this divided community to participate together in executive decision making (CT,3,5, CP,2b,2g,).

We have indicated earlier that we envisage a small Executive which would be drawn from and be answerable to the Assembly. Our view is that the mechanism by which that Executive takes office should be by appointment by the Secretary of State. But the Secretary of State would not have a free hand. He would be required by law to act strictly in accordance with a set of criteria. These criteria would be designed to ensure on the one hand certainty regarding the central principles underlying the appointments to be made and, on the other hand, flexibility in their application so that, as far as possible, the machinery established can respond to events and does not immediately seize up upon encountering difficulty (CP,2c).

The formulation we suggest is that following inter-party talks to determine the preparedness of parties to participate in a future Executive, the Secretary of State would have the power to make appointments and transfer power to an Executive if he is satisfied, after conducting all necessary consultations, that an Executive can be formed which:

- (a) is widely representative of the community as a whole (CT,5, CP,2b); and
- (b) reflects, so far as practicable and subject to (c) below, the balance of the parties in the Assembly (CT,5, CP,2g); and
- (c) includes no person who supports the use of violence for political ends (CT,9, CP,2g).

If the Secretary of State is satisfied about these matters he may go ahead and appoint and give power to the Executive. That would complete his involvement in the matter and the Executive's existence would then depend on its acceptability to the Assembly (or perhaps additionally some body other than the Assembly; see heading "Options").

Where the Executive appointed failed to command acceptability in the Assembly or later became unacceptable then provision would have to be made for the Executive to act merely on a caretaker basis to enable political discussions to go on without direct rule being re-invoked, or for direct rule to be invoked because the system has irretrievably broken down (CP,2c). However if the system works as we envisage, the Secretary of State would be likely only to appoint an Executive which would be acceptable to the Assembly. Thus the most likely problems would be either that there would be no consensus for the first appointment or that because of changing political circumstances, the Executive became unacceptable. In all events where the system has failed to function the Secretary of State ought to have power to cause a fresh election to the Assembly to be held so as to give the population an opportunity to break whatever log-jam has developed.

Where casual vacancies to the Executive have to be filled, the same criteria as before would apply to any appointment to the Executive by the Secretary of State.

The allocation of portfolios within the Executive would be a matter for the Executive itself. Likewise, within the context of the acceptability requirement, it would be for the Executive and Assembly together to establish a suitable conventional framework to regulate their own relationships.

We would expect that the Secretary of State would consult with the Executive on non-transferred matters, especially security.

ACCEPTABILITY

It is of crucial importance that the system by which executive power is exercised is broadly acceptable to the Assembly as a whole (CT,5 CP,2b,2n). We say this because in the divided society which is Northern Ireland there is a particular sensitivity in this area. There has been a history of abuse of executive power within the province, and many people fear a repeat of this. Moreover since the question of who shall exercise executive power has been the subject of lengthy and unproductive debate over the years, the issue carries a symbolic significance which cannot be ignored.

Hence our aim is to provide a system sustained by the broadest possible consensus and to this end we consider that a

mechanism for periodically testing that consensus, would be of value. What we would seek to test is the level of acceptability (not support) for the Executive. Initially we think that the Executive should be required to submit itself to the Assembly so that its acceptability can be tested. Thereafter acceptability can be tested upon a resolution supported by at least 15 per cent of Assembly members not more than once in a parliamentary year. In this way a continuing check on acceptability can be made (CT,3,5, CP,2b).

In our view in order for the acceptability motion to be carried it must be supported by at least 70 per cent of the members of the Assembly. We consider it right that there be a requirement for a weighted majority and we have adopted the figure of 70 per cent as it was the figure chosen in a similar context and legislated for in the Northern Ireland Act 1982. It is a figure which in effect requires a substantial level of acceptability across the community.

We consider that an Executive composed as we have suggested and accepted by the Assembly as required above, would command the confidence of the great bulk of the community (CP, 2n). Now there will be those who will say that the acceptability hurdle is too high or too cumbersome. Our answer to these criticisms is that special provisions such as the acceptability requirement are a response to actual difficulties which exist in Northern Ireland and which in the past have prevented devolved government being restored because people could not identify within the system sufficient guarantees of their political security. The system is designed to be scrupulously fair in order to allay fears and encourage participation by all. We think that to do less than we propose would be to leave too much to chance and that the better approach is to state clearly the acceptability target which must be achieved. Of course we would like to think that the need for such a special provisions would diminish as the system of devolution takes root and obtains public confidence (CP, 2d). But the need is there now and hence we have catered for it.

OPTIONS

While we think that testing acceptability is best carried out as we have described, we are conscious that in this area there are other options which might be worthy of consideration.

One option would involve a specially composed second chamber (or other institution) to which the Executive would have to be acceptable. The second chamber might be composed so as to represent vocational and community rather than political interests; or it might be designed to over-represent minority points of view in order to give the minority equality of voting power with the majority. However composed, the

Executive would have to carry a majority both in the Assembly and in the balancing institution.

A further option might be to require that the constitutional scheme for devolution as a single package be presented for approval to the electorate in the province in a referendum (CT,13, CP,2n). There are many difficulties to be borne in mind.

Firstly, how suitable is such a mechanism, where a complex proposal is involved? The details would need to be made clear, as these are important, to enable people to see how their interests are affected. Secondly, would a simple majority either way suffice? Thirdly, it is often said that referenda test support but are not adequate to test acceptability. Finally if the referendum proposition is carried, the effect would be to entrench the scheme concerned, so that any future changes would also require a referendum (CP,2d).

CONSTITUTIONAL PROTECTIONS

The Party has in the past offered the view that in addition to proposals designed to provide a fair and acceptable scheme of devolved regional government, there was need to give improved constitutional protections for the individual.

We consider that this approach is as important today as ever it was, and we wish to record our support for the incorporation of the European Convention on Human Rights into the domestic law of Northern Ireland, justiciable in the ordinary courts, effectively giving our citizens the protection of a Bill of Rights (CT,12).

Similarly we think that the idea proposed by the Party's representatives at the Atkins Conference in 1980 of having a Political Right of Appeal available to a sizeable aggrieved minority in the Assembly, could usefully be included in any legislation establishing regional government. In essence the aggrieved minority, which in numerical terms would have to be 30% of the Assembly members, would have the right to lodge an appeal against a political decision of the majority and the effect of doing so would be that the matter would be considered again by the national Government, within a specified time (CT,12 CP,2f).

We have also given thought to the possibility of requiring a weighted majority in the Assembly for actions by the devolved authorities including legislation in areas where "fundamental issues" are at stake. However we have found it difficult to discover a satisfactory way of defining what issues are to be regarded as "fundamental" for this purpose.

SUMMARY OF MAIN ALLIANCE PROPOSALS

A New Northern Ireland Assembly

The transfer of power over Economy, Finance, Health & Social Services, Education, Agriculture and Environment etc to a new Assembly, which would have a consultative role on security and other non-transferred matters,

because such a regional government provides the right framework for all the citizens to work together.

Partnership Executive

A partnership Executive based on the strength of Assembly Parties which wish to participate, but excluding those who support violence,

because we must all work and build together at the highest level of regional government.

Test of Acceptability

A test of acceptability of the Executive with a weighted majority requirement in the new Assembly,

because any new administration must be widely accepted if it is to work.

Committee Structure

A back-bench committee structure with membership and chairmanship based on the proportionate strength of parties in the Assembly,

because there must be effective participation in the scrutinizing of the operation of the Executive.

Constitutional Safeguards

Strengthening the already existing protections of individuals and minorities by both a Bill of Rights, and also a Political Right of Appeal to Westminster for aggrieved minorities, which would require 30% support within the Assembly,

because all citizens must be confident that their essential rights will be protected.

ON THE RELATIONSHIP BETWEEN WESTMINSTER AND A NORTHERN IRELAND ASSEMBLY

AN ALLIANCE PARTY PAPER (4 June 1992)

Alliance recognises and fully accepts the **sovereignty** of the Westminster Parliament.

The powers of the Assembly, both Legislative and Executive, and its relationship with Westminster can be categorised into three levels.

The first level relates to **excepted matters** in which power would remain permanently with Westminster. Matters in this category would be mainly of national as opposed to purely regional concern. Furthermore certain sensitive issues (eg Electoral Law), could, for reasons of constitutional propriety, also remain with Westminster.

The second level would be **reserved matters** in relation to which legal power would be retained at Westminster, **for the time being**. Into this category we would place powers over security, including the police and criminal law. As, over time, public confidence in the new institutions grew, it might well be possible and desirable to transfer these powers.

The third level of powers relates to **transferred matters** for which the Assembly will have legal power devolved to it by Westminster. This would involve all matters not included in the other two categories.

The Assembly should have a **consultative and advisory role** in relation to matters affecting Northern Ireland, but which are not transferred.

Direct consultation between Westminster Ministers and their Assembly counterparts should take place on **matters which have a significant influence on Northern Ireland** (eg negotiations on agriculture within the EC).

The Heads of Departments and the Department of Finance and Personnel will, with others, play an important role in the determination of Northern Ireland's finances but **ultimate responsibility** for the negotiation of the Northern Ireland Financial Block with the Treasury, will remain with the Secretary of State for Northern Ireland for the foreseeable future.

A political right of appeal should be incorporated into the legislation enabling an aggrieved minority of not less than 30% of Assembly members to have the right to lodge an appeal against a political decision of the majority, for arbitration at Westminster.

There should be a development of closer contact between parliamentary representatives in these islands, through appropriate inter-parliamentary structures.

THE ALLIANCE VIEW OF THE STRAND ONE PROBLEM

Our task is to devise institutions of government for Northern Ireland with which all sections of the community can identify, and in which their elected representatives can clearly be seen to participate effectively at the highest level. We must seek to ensure that such institutions are realistic, practical and capable of effective decision-making.

To date there has been useful discussion. Some common ground has emerged, set out in the Common Themes and Common Principles papers.

Very real differences have emerged however, in respect of possible institutions, such as to make it difficult to see how progress can be made without substantial movement from firmly expressed positions.

In our view the current impasse has emerged from the SDLP insistence that the Irish Government (and HMG and the EC) must have a direct involvement in any new decision-making body in Northern Ireland through the appointment of a 'commissioner'. It is our understanding that the SDLP sees this as an essential requirement. We believe that the needs and identity of nationalists can adequately be expressed by the participation of their elected representatives in a scheme of executive power-sharing, such as we have described, and through arrangements of the kind which we would be considering in Strand 2. We have already indicated our views on the outline form such arrangements might take.

The SDLP proposal amounts to a major change in the constitutional status of Northern Ireland within the United Kingdom. As a matter of practical politics it must be considered unrealistic and impractical. If implemented it could not ensure effective decision-making, and the powerlessness of the proposed Assembly would serve to encourage a destructive and disruptive attitude amongst its members.

We have also been deeply disturbed by the strongly expressed SDLP view, that they would be completely opposed to any power being devolved to any elected Northern Ireland body. This approach, far from ensuring the effective and visible participation of representatives of all sections of the community, provides no effective local democracy at all. It would serve to increase the sense of powerlessness and alienation right across the whole community in Northern Ireland. It also makes further negotiation very difficult.

The present unionist proposals do not go far enough in providing an effective and influential role for non-Unionists. Their reluctance to accept executive power-sharing encourages

a suspicion that a majority in an Assembly might be used to deny minorities any real say in decision-making.

In respect of the North-South expression of the nationalist identity they have consistently rejected the Anglo-Irish Agreement but have not yet revealed alternative proposals.

Courage and flexibility will be needed from all parties if we are to find a way forward. The cost of failure is so high, that we simply must find that courage and flexibility.

THE PROTECTION OF HUMAN RIGHTS

AN ALLIANCE PARTY PERSPECTIVE

The protection of Human Rights: An Alliance Party perspective.

1. We have long regarded the enactment of a Bill of Rights as an essential element in any new constitutional package for Northern Ireland.
2. Such a Bill of Rights has an important part to play in establishing the kind of civic culture we want to see develop in Northern Ireland, one which recognises values and respects the rights of individuals and diversity in society. More negatively it is important because of the deep suspicion of government - any government - which exists, and for which there is at least historical justification. It is also important, in the context of the present process, in showing that it is not just a matter of carving up power and the spoils of office between rival political factions.
3. The European Convention on Human Rights is the obvious model for any such Bill of Rights. The European Convention may not be perfect, but it is well established and respected, and has institutions and a developed case law to which a Northern Ireland Bill of Rights could readily relate. It is of course also the case that both the United Kingdom and the Republic of Ireland are signatories of the Convention, that it is binding on the British government in international law, and that British citizens can take a case to the European Commission of Human Rights and the European Court of Human Rights, albeit only when all domestic remedies have been exhausted. Given the status of the European Convention we believe that the case is overwhelming for making it justiciable in Northern Ireland courts and for adopting it as the Northern Ireland Bill of Rights.
4. It would clearly be best if this was done in the context of it being similarly enacted in the domestic law of the rest of the UK and of the Republic, and the latter aspect at least is one to which we will expect to return in other stages of this process. The effect of all three jurisdictions simultaneously committing themselves to the adoption of the Convention would be a very powerful one indeed.

5. It may be that the British government will continue to resist the introduction of the Convention into the domestic law of the rest of the UK. We are aware that there are difficulties with respect to introducing the Convention into the domestic law of one part of the UK only. But given the importance of establishing a Bill of Rights for Northern Ireland, and giving the overwhelming argument for making that Bill of Rights the European Convention, we would regard it as essential to proceed with incorporation in Northern Ireland regardless of the situation with respect of the rest of the UK.

6. The incorporation of the Convention should be part of the UK legislation enacting the outcome of this process, and it should be entrenched in so far as that it possible within the British system. It should apply to all legislation of the Northern Ireland Assembly and to all relevant Westminster legislation unless that legislation expressly so declared. In this context we note with approval the text of Lord Broxbourne's Human Rights and Fundamental Freedoms Bill of 1985, which sought to incorporate the European Convention into UK law.

7. Some further consideration would have to be given to the question of derogations. Given the significance of any derogations, and given that the Northern Ireland Assembly is unlikely to be the competent authority in security issues for some time to come, it would be appropriate to require the Secretary of State to report any derogations to the Assembly on a regular basis.

8. We would want to see an extended role for the present Standing Advisory Commission on Human Rights. The Commission should be given power to initiate or adopt relevant cases in the courts and should have an extended role in promoting a human rights based culture. Additionally the Commission could be given a right of consultation on proposed Assembly legislation, with the right to table a report on human rights aspects of proposed legislation.

9. All of the above relate essentially to the question of individual rights. There are difficulties in devising an adequate legal framework for the definition and protection of community rights as such, and such matters may be best dealt with by political arrangements of the type already contemplated in the present process, so as to ensure that adequate regard is had in decision making for the viewpoints and interests of differing communities. There may however be a case for augmenting the existing discrimination provisions in the 73 Act, and for creating a general duty to have regard for the diversity of cultural traditions in Northern Ireland and to promote a multicultural society in Northern Ireland.

COMMUNITY, IDENTITY AND DIVERSITY

AN ALLIANCE PAPER

8 May 1992

NORTHERN IRELAND - COMMUNITY, IDENTITY AND DIVERSITY

There has been a significant debate about identities and the nature of the Northern Ireland problem at this conference. This paper is an Alliance contribution and response to that debate.

We welcome discussion on these broad themes. They are familiar to us. There were many such discussions in the immediate pre-Alliance and early Alliance days. We have always found such discussions helpful in increasing mutual comprehension, reducing misperceptions and identifying common ground, if all meet with an earnest desire to understand the other, rather than to persuade the other.

An improved understanding of each other can facilitate the substantive work of this conference in devising institutions acceptable to all. However we are mindful of the reality that we are four different political parties, each with our own perceptions, analyses, policies and priorities. Clearly we understand the problem of Northern Ireland differently. If we did not, there would not be a problem. The important task before us is not to agree an analysis, but to agree institutions which are capable of meeting our basic needs and of satisfying, in some measure, our differing aspirations and ideals.

Northern Ireland is often described as a divided community. Our analysis begins with the community, not with the divisions. Northern Ireland has a distinct history going back into the mists of Irish mythology, and has variously been, the last stronghold of Gaelic Ireland, a hotbed of radical and revolutionary thought, and a centre for confident industrialism. It has been a distinct political entity for seventy years, and the horrors of the last quarter of a century or so, have served to emphasize the sense of Northern Ireland's distinct, if troubled, regional identity.

Its people come from many starting places, but they share in large part a common culture. Most of them practice, or at least pay lip service to, the Christian faith in some form, something which they share with large parts of the rest of the world. They speak a common language, and partake of a broader culture based on that language which they share with the rest of the English-speaking world. They are not distinguished by racial or physical characteristics. They live in much the same sort of way, share similar values and enjoy much the same things. They are one community, having more in common than that which divides them, living in what has been called a place apart, but sharing a great deal with the rest of this island, the rest of these islands, and the rest of the developed world.

It is none the less self-evident that Northern Ireland is a bitterly divided society. There is little point in re-hashing the history of how we came to be in this position, suffice to say that we recognize that the prominence of the constitutional question has tended to polarize the community into two broad political positions. They are conveniently characterised as unionism and nationalism, and a large number of people in Northern Ireland identify, to some extent at least, with one or other of these positions, or with aspects of them. These positions are commonly seen as irreconcilable, and mutually exclusive. We have used the term 'political positions' here, but there are also significant overlaps with religious distinctions, and to some extent with some cultural features. Some people use the term identity to sum up these combinations of factors. We tend to see identity as an individual matter, and prefer to use the term tradition, as one that better indicates the historical context in which these groupings have their origins. It also expresses the variety of viewpoints which can be subsumed within what we would refer to as the unionist and nationalist traditions.

We recognize that these traditions are broad and complex, and contain within them significant variations of perspectives. The nationalist tradition for example contains a long-standing division between constitutional nationalism and physical-force republicanism, while another section of what can for the present purpose be termed nationalism looks primarily to justice and fair play within Northern Ireland, rather than to an all-Ireland solution. There are important differences within unionism, not least between integrationists and devolutionists, the former placing particular emphasis on a London-based solution, the latter on a Belfast-based solution.

We would also see these traditions as being developing things, as being capable of change, and even in the nature of things, as being bound to change.

In acknowledging these two principal historical traditions, Alliance would also identify and place itself within what we have often called the third tradition. That, broadly speaking, is the liberal and democratic tradition, which does not base itself on land and nationality, but on freedom, plurality and internationalism. Its adherents have sometimes allied themselves with one, and sometimes with the other of the two principal traditions, and sometimes with neither. It stems from the great European liberal and democratic tradition which is seeing its fulfilment in the coming together of the people of Europe. In the context of Northern Ireland it includes those who, whether in politics, culture, religion, or in private life have refused to be categorized as Orange or Green.

That tradition is by its very nature broad and diverse. Its primary value is respect for individuality and for individual conscience. It stands for democracy, values minorities and distrusts the authoritarian tendencies of the big battalions. It welcomes diversity in society, sees that all societies are diverse and recognises a source of strength and richness in that variety.

In the context of Northern Ireland our tradition, seeks to find ways in which the essential unity and diversity of our society can be reflected in agreed institutions, so that all sections of our society can play their full part in decision-making within Northern Ireland. We acknowledge the legitimacy of the two main historical traditions, and we recognize that there is much in each that we can admire and embrace. We hope that they may be prepared to recognize us and that we can all address and resolve the problem of our relationships here in Northern Ireland, and in later stages address too the other important sets of relationships which play their part in the problem.

FUNDAMENTAL ASPECTS OF THE PROBLEM AND
COMMON INTERESTS AND THEMES

AN ALLIANCE OPENING STATEMENT TO STRAND 2

July 1992

FUNDAMENTAL ASPECTS OF THE PROBLEM AND COMMON INTERESTS

This complex three-stranded process, in which we are all now engaged, has begun to develop a certain culture or tradition in its way of handling our common task. We start the strand with each participant giving an initial general presentation, which outlines our analysis, and indicates what we see as being the fundamental realities and principles which must be addressed. We then move on to examine these, and further proceed to address the requirements, and eventually the structural or institutional expressions, of any solution to our problems.

As we have agreed an agenda for this second strand under your chairmanship, Sir Ninian, I will follow our common emerging tradition and confine the opening presentation from Alliance to addressing the primary issues described in items six and seven of the agenda, that is, the fundamental aspects of the problem, and the common interests and themes.

FUNDAMENTAL ASPECTS OF THE PROBLEM

It is a great strength of these negotiations that we have all agreed to address the three sets of relationships which are at the heart of our divisions - the relationships within Northern Ireland, the relationships between Northern Ireland and the rest of the island, and the relationships between Britain and Ireland.

In the Alliance opening statement to Strand 1, we presented our Analysis of the Problem with reference to four principles which we hold to be fundamental to the understanding, and indeed the resolution, of the problems of the first set of relationships - those within Northern Ireland. The other Northern Ireland parties, and the British Government representatives are familiar with that paper and I will not reiterate all the arguments set forward in it, since it is already available. Strand 2 is of course about relationships between, as we say at home, Belfast and Dublin, but it is greatly influenced by how we view the matters addressed in Strand 1, and so, in particular for the Irish Government representatives to whom this paper is largely addressed, I will briefly summarize those four fundamental principles:

The first is, that the people of Northern Ireland, despite their obvious divisions, are a historic and coherent community, and have the right to determine their own future, and participate directly in their own governance. A regional government is necessary to provide a common focus of loyalty, and an opportunity to share in self-government.

Secondly, that this community, whatever its historical coherence, is characterised by differences, and our primary objective must be the protection and the valuing of minorities.

Thirdly, that as in every community, stability and prosperity require the achievement and maintenance of law and order, our recent history ensures that in Northern Ireland we must be especially attentive to the requirement that at every level those who take positions of responsibility and represent all strands in our community, must have, and must exercise, confidence in the law and in those who administer it.

And finally, that there is a contribution to be made, and a price to be paid for peace in our community, not only by those who live in Northern Ireland, but also by those who live outside of Northern Ireland, in the rest of the United Kingdom, in the Republic of Ireland, and indeed further afield.

As we enter Strand 2, we are to address the second set of relationships - those between Northern Ireland and the rest of the island - and in the agenda for this element of the negotiations there are also outlined four fundamental aspects of the problem. They are described in item 6 as "underlying realities, identity, allegiance, and constitutional" matters, and I should like to address myself to them.

UNDERLYING REALITIES, IDENTITY, ALLEGIANCE, AND CONSTITUTIONS

To speak of underlying realities is immediately to imply that what appears on the surface may indeed be superficial, and it is certainly my conviction that much of what passes for accepted knowledge, is simply illusion.

Gathered here in London, to discuss future relationships between the two parts of Ireland, our minds must turn, as did the minds of the authors of the New Ireland Forum Report when they reflected on the origins of the problem, to the events of the early 1920's.

It seems to me that there were at that time considerable illusions about the strength and nature of the attitudes of the pro-union people of the North. There was a notion that if the British Government were to stand aside northerners and southerners would soon be reconciled. The southern delegates at Downing Street in 1921 seemed readily to agree that Ulster should be given a free choice, but found it more difficult to answer Lloyd George's question as to what would happen if the northerners declined to cooperate. This is a position which is not hard to find in some circles to this day. Perhaps it was the strength of the assumption that the resistance of non-nationalists was a passing notion of no great depth or

strength, that explains why it was such a minor issue in the bitter debates in the Dail that followed the signing of the Treaty. I would cite as evidence of this, estimations that of the 338 printed pages which the report of the debate fills, only 9 are devoted to partition, and two-thirds of these contributed by deputies from Monaghan.

That this illusion still persists is suggested to me by the expectations amongst the authors of the Anglo-Irish Agreement that whilst there might be passing annoyance and protest, it would be only a matter of time until there was some form of acceptance. I must tell you that the reality is far from this. Even in my own party which, as I have previously said, was prepared to bear the heat of the day, to give it a chance, the past seven years has left the Agreement in its present form, no more attractive than ever.

It is my hope that the people at this table will not imagine that the problem in Ireland is the border. I believe that it was Professor J C Beckett who said "The real partition is not on the map, but in the minds of men." It is in the hearts and minds and relationships of the people that we must look for the underlying realities.

Whether or not the border is seen to be the origin of the problem, it is nevertheless the case that there may be those here who would subscribe to the notion of the nation-state. In the Irish context this idea is often further elaborated to propose that an Irish nation-state should be contiguous with our particular physical geography. That is to say that there is an Irish Nation, which should identify with an Irish State, whose boundary should conform with the island of Ireland. It is this idea which was espoused in the 1937 constitution and, of most importance to us in these discussions, the claim to territorial sovereignty contained in Articles 2 & 3 of that constitution.

There is a profound romantic appeal to the proposition of an independent island nation state, and indeed I may say from a psychological point of view, the simple attractive proposition of being at one with oneself on an island surrounded by water, has the deepest of reassuring maternal resonances. It takes all of us back to a time before we can remember, and points to why the feminine, and especially the maternal element has played such a vital role in Irish religious, political, cultural, mythological, and social life.

It has taken a woman, the President of Ireland, Mary Robinson, to point out to us, in her inspiring inaugural speech, that the sense of identity which is Irishness is not particularly a matter of statehood. "The State," she said, "is not the only model of community with which Irish people can and do identify." Her expression of freedom, which for me broke the link between mere state allegiance and a sense of

Irishness, meant that her election could be a matter of joy in East Belfast as well as in Ballina.

The truth is that it is not possible to define what a nation is, except on the crudest and most primitive of racialist theories. Nationhood is for many people a precious and a deeply meaningful thing, but it is essentially a matter of the heart, and as such is not exclusivist. It cannot be defined as a state can, and it is corrupted, and sometimes positively dangerous, when we mix it with the politics of statehood.

Most states are not in any real sense national entities. Belgium isn't. Switzerland isn't. The United Kingdom isn't. And while the Basques, and the Bretons share common citizenship with other Spaniards and Frenchmen, they certainly do not regard themselves as being part of a Spanish nation or a French nation. Perhaps at this particular time when others too are trying to resolve deep bloody historic divisions, we do well to reflect on what has happened when that most rugged and persistent nation, the Jews, have sought to identify Jewish nationhood with a particular piece of ground, the state of Israel. To identify Irishness with allegiance to a particular state is to confuse, to alienate and to divide Irish men and women.

'But,' some of you will say, 'when our President spoke of the Irish diaspora, she was speaking of something different. The Irish emigres in North America, Australia, and even those in England, have chosen to leave home. They hold allegiance to their own state. They are Americans (albeit Irish-Americans), Australians, and some are even British, but to live on the island of Ireland is something quite different. Whatever about nationhood or identity, there is the question of statehood. It is surely clear that the boundary of the state should conform to the natural frontier provided by the sea.'

This is a misunderstanding of the history and social geography of Ireland. Communities are formed through communication between people. Through ties of kinship (which we do not choose, but into which we are born) we develop a sense of identity and often of nationhood. Through the politics of social and economic intercourse, and the need for mutual protection (which we do choose, and which may change) we develop states and the benefits of citizenship. This is all on the basis of communication.

In the past the water, if it was not too wide, was not necessarily a frontier. On the contrary it was a line of communication. It was easier and a good deal less dangerous to travel back and forth between the North-East of Ireland and the South-West of Scotland than to venture inland and across country to Galway or to Cork. That is why not only the Presbyterians of Antrim and Down, but also many of the

Catholics of the Glens of Antrim, are originally Scots, some of them of very ancient pre-reformation descent. The community in the North-East of the island, whose actual extent has varied considerably over the centuries, has always had a regional distinctiveness, and powerful relationships with both Scotland and with the rest of the island of Ireland.

The Welsh and the Scots do not depend for a justification of their nationhood, or the boundary of their territory on a spurious confusion of physical geography with social geography, and it does no justice to a sense of Irishness to make such a dangerous error. A sense of community, is not defined simply by the fact of sharing an island.

There are some whose attachment to the notion of an island nation state, is such that they will happily sacrifice not only relationships but lives to bring it about. I know that no-one here shares that view, but some of you may say in a wistful, and sad way, "What have we done wrong that Northerners do not want to be part of a unitary state."

Perhaps you are asking the wrong question. When a young woman asks herself, "Why does he not love me?" she will often respond to herself that she is not pretty enough, not clever enough, not wealthy enough, or perhaps not of the same social class, or religion. In general these are not the issues. He does not love her, because he does not love her. It is not something rational. It is a matter of the heart. The real question for the young woman is "Why are you so besotted with him, that despite the fact that he has eyes only for another, you make a nuisance of yourself about him?" (In these days of equal opportunity I must take care to point out that the gender identifications I have used are by way of example only.) But the question is important. You must ask yourselves why it is that you are so determined to take to yourselves people, who whilst quite happy to live beside you, and indeed be friends, do not want to sign a marriage contract. Indeed the more you press your attentions, the more your suit is likely to cause offence, and there is no more clear aspect of this than the threatened shot-gun marriage pre-figured in Articles 2 & 3 of the Irish Constitution.. What is this desire that it cannot be satisfied with "the hand of friendship,..... and no strings attached?" if I may quote again from President Robinson.

It is hard for us to accept the realities of life, especially in matters of the heart, but it is now a fact of history that this is the position. The majority of the people of the North-East of the island do have a desire for good neighbourly relations, but if you see these talks, or if you see the evolution of European integration, as some kind of back door to a United Ireland, you are dreaming dreams which can make a real relationship difficult if not impossible.

COMMON INTERESTS AND THEMES

If these are some of the underlying realities, the varying identities, the divergent allegiances, and the constitutional problems, what are the common interests and themes that bring us together?

We must not forget that there are already many social and cultural realms where cooperation throughout the island is considerable. The main christian denominations, many sporting, professional and trade organizations, and artistic and cultural bodies always have operated, throughout the island. There is an extensive network of trusting and solid cooperation on which to build the social relationship between North and South.

There is also a wealth of opportunity for us to learn more from each other in the economic field, and out of that to enjoy unprecedented growth and development. For years we have known that in agriculture, tourism, energy, transport, the environment and economic development, the opportunities for cooperation are very considerable, and the price that we have both paid for its absence, has been similarly considerable. That is not to say that working together is without its difficulties. We have only to recall the introduction of the 48 hour rule, to appreciate that. But it is clear that our small island economy, wholly inside the European Community, must address these issues if we are not to suffer quite unforgivably in the future. We would like to explore the possibility of establishing a series of Joint North-South Commissions, for the express purpose of developing cooperation in these areas, because we believe that it is in both our interests.

If however we are truly to address the broader and more divisive questions of identity, allegiance, and the constitutions, the fraught and necessary responsibilities for law enforcement and security cooperation, and all those other matters which may not in any case fall to the responsibility of a new Northern Ireland Assembly, we should look towards the establishment of a Tri-Partite Council which, like these talks, brings together representatives of all three jurisdictions.

A series of new institutions in which governmental representatives, back-benchers, and officials from Belfast, London and Dublin would meet to explore important matters of mutual concern, such as the welfare of young emigrants, the transport network throughout the islands, environmental issues, drug trafficking and organized crime. We have also pointed out in the preliminary discussions for Strand 3 that the creation of a Human Rights framework for the islands would be a most useful issue for such a Tri-Partite structure. The present bilateral Anglo-Irish institutions should be changed

to accommodate the input of the people of Northern Ireland, and widened in their scope and activity. This would not be unprecedented for it was achieved for all the component parts of the Low Countries in the Benelux arrangements, and for the various Scandinavian states and their subsidiaries in the Nordic Council.

FINALLY

In Strand 1 we have already begun to face the very great difficulties which stand in the way of agreement, and in this opening statement I have tried not to shy away from the deep historical divide that we must cross if we are to build new relationships between the people of the two parts of the island. But I also want to make it clear that I am impatient with the begrudgers and Jeremiah's outside who are already prophesying doom. These people expect us to come here and say words to each other that have no meaning, and then to go away empty. In Alliance we have found that building relationships between Protestants and Catholics in Northern Ireland has not been about changing each other, but appreciating each other. It has been hugely enriching, and we come here with the same expectation of enrichment in building a better relationship you.

ALLIANCE STATEMENT TO STRAND THREE PRELIMINARY MEETING

My colleagues and I would first wish to thank the representatives of the two governments for the invitation to be present at this meeting and to make a statement setting out some of our views on the issues likely to arise in Strand Three of these negotiations.

There has been some discussion amongst commentators of the historic nature of this meeting, and indeed it is a welcome fact that representation, at one meeting, of such a breadth of political opinion is probably unprecedented, as is the historic opportunity it offers to address the divisive issues which have so plagued relations in these islands, and especially in Ireland. However, if we catch a glimpse of the exciting opportunity that stands before us, we must also not lose sight of the dangers that lie in our way.

Such a time brings great fear. Each of us comes to this meeting with deep anxiety. We know that the price of failure in this process will be measured in blood shed, lives lost, and hope crushed for years to come. But there are also other fears, which may run even deeper. Some of us represent people who have a profound and historic fear of each other. A fear which is well grounded, for it was forebearers of ours on all sides who ran roughshod over the rights, and often the right to life itself, of the others. We should not shy away from this truth, for within us we come here carrying the anxiety that we risk selling the people we represent into the hands of their traditional enemies. We must recognize this in ourselves, and we must appreciate that it is also present in the others. This fear of betraying the past must not however blind us to the danger of betraying our children by handing on to them the legacy of hatred and division we have inherited. If we are not to lose this opportunity, and it could pass so quickly, there will need to be great courage. This is a job for real leaders. There are signs, unmistakable signs, that the ordinary people are hungry for an agreement. Not everyone is prepared to pay the price, but price there is, and it is we who have to negotiate that price. It involves leaving some historical and political baggage behind. It involves compromise. It requires putting agreement above victory, and it will not be easy.

In Alliance we have found that bringing Protestants and Catholics together in Northern Ireland has had its difficult times. The introduction of internment, the Hunger Strike, the Anglo-Irish Agreement - these were some of the intensely polarized and bitter periods of our experience, and out of living together as Protestants and Catholics through experiences like these, we offer some comments for this process.

This meeting must take us back in our minds to 1973 when, after talks at Stormont Castle, representatives of the Unionist Party, Alliance and the SDLP, met at Sunningdale with the British and Irish Governments to seek a way forward. They failed, and it has taken almost twenty years to get back to this point again.

Why did they fail?

Firstly a major strand of loyalist political life was not present at the talks. This mistake was repeated in 1985 in an extraordinary and even more widespread exclusion from the negotiations which led to the signing of the Anglo-Irish Agreement. Alliance found this a most difficult experience. We were angry at the exclusion, and at the flawed content of the Agreement. But because the Agreement stated that it gave support to devolution, an opportunity to return power to the people of Northern Ireland, and a promise of real progress on security, we gave it a qualified acceptance. To date it has failed to achieve its stated aims, and we are back to the table. This time is different. The temptation to exclude has been resisted. The full spectrum of constitutional political life is here. That will mean that it will take more than just a few days to reach agreement, but it will also mean that any agreement reached will have a much greater chance of success.

To succeed where previous talks have failed we must honestly confront the issues, and I will briefly point up those areas from which the two governments must not shy away if we are to succeed in the three stranded process as a whole. In doing so I will return again to 1973.

On December 27 of that year, my predecessor Oliver Napier wrote an open letter to the people of the Republic of Ireland. In it he appealed to them to address two issues, which are fundamental responsibilities of government - security and the onstitution. He pleaded for thorough-going security cooperation, a resolution of the problems of extradition and effectiveness in combatting cross-border terrorism. I need hardly remind those of you who have been closely involved in these matters, that this plea is still tragically relevant after twenty years, but I would be failing in my duty if I did not emphasize the urgency and centrality of governmental responsibility in security. He also called for a respect for the new cross-community institutions of government in Northern Ireland and said, "We now expect you to take urgent steps to bring in a new constitution which is consistent with your Government's solemn declaration of recognition", and he warned that this was the thread by which a settlement hung. That warning went unheeded, and within weeks the political underpinning of the new institutions began to fall away. That mistake must not be made again. Mutual respect requires mutual recognition, and the constitutional claim in

Articles 2 & 3 of the Constitution of the Republic of Ireland cannot coexist with mutual recognition and respect.

There are two further issues to which I would draw attention. We are committed to a Bill of Rights for Northern Ireland, and we are optimistic that all the Northern Ireland parties will be able to reach a full agreement in this area, but we appeal to both Governments, as signatories to the European Convention on Human Rights, to consider the establishment of a common Human Rights framework for these islands. It would not be easy for you, and we are certainly not prepared to have your difficulties delay the implementation of a Bill of Rights for Northern Ireland, but were such a broader framework to be possible it would help remove the suspicion and actual abuses which have arisen in all three jurisdictions.

Finally, if we have made progress in the last twenty years it has surely been in the recognition that there is a Tri-partite dimension to this complex problem. It is signified by the constitution of this meeting, and by the three stranded construction of the negotiations. It should be fulfilled by a settlement characterised by Tri-partite institutions. At a governmental level an Anglo-Irish forum should have a place for representatives of the people of Northern Ireland to be consulted. After all, it meets to discuss our affairs. At a parliamentary level, the inter-parliamentary body already in existence should be expanded to involve the members of any new Assembly. On social and economic matters, our common membership of the European Community points to new frameworks of cooperation through which we can all be enriched. It may be tempting to feel that the people of Northern Ireland are a prickly sort, and difficult to have around, but do not deceive yourselves. There will be no solution in Northern Ireland, and no maturity of relations between the United Kingdom and the Republic of Ireland without us.

I finish with words similar to those used by my predecessor in 1973:

"If you do nothing over the next few months, and this opportunity is lost, history will judge you, and its judgement will be harsh and unforgiving. If however you show good faith, courage and a sense of urgency you can transform relations in these islands in a few short years."

A PAPER BY THE ALLIANCE PARTY ON
CROSS BORDER ECONOMIC CO-OPERATION

September 1992

CROSS BORDER ECONOMIC CO-OPERATION

Alliance has always advocated close economic and social co-operation between Northern Ireland and the Republic of Ireland. As a Pro-European political party we have recognised the opportunities to increase this collaboration and we are disappointed that more co-operation has not been achieved through the Anglo-Irish Agreement.

It is worth noting that in 1985 the Alliance Party made major efforts to salvage the agreement made between the UK Government and the Irish Government to link Northern Ireland with the Kinsale Natural Gas Field. Unfortunately, this opportunity for mutual benefit was squandered and consequently led to the closure of the town gas industry throughout the Province.

This paper gives a few examples of areas where there could be closer co-operation between the North and the South, realising also that there are areas of real competition.

INWARD INVESTMENT

The IDB and IDA have clearly defined roles to attract inward investment to their respective areas. The IDB has specific problems such as terrorism and the MacBride Principles campaign to overcome. There are also occasions when these two government job creation agencies are in direct competition to attract inward investment from the same source. However, this does not rule out worthwhile and positive co-operation, and a reduction of wasteful competition in attracting inward investment to the island.

ENERGY

The establishment of an electricity inter-connector between Scotland and Northern Ireland, which will link the island of Ireland with the European Grid, must make the reopening of the North-South inter-connector a priority despite terrorist threats.

While Alliance was bitterly disappointed at the breakdown over Kinsale Gas, we believe that the proposed cross-channel natural gas link up with Britain will help both economies in Ireland.

Joint studies on indigenous Irish energy resources by our academic institutions are essential. These investigations could consider the best use to be made of resources such as peat, lignite, wave power and wind power. They could also help draw up a long term strategic plan for the future energy needs of the island.

TRANSPORT

Ireland is a peripheral area of the EC and both parts of the island are at a disadvantage. The communication network throughout the island needs improvement as do our transport links with the rest of Europe. Despite the road improvements being carried out on the Dunleer By-Pass, the main road between Belfast and Dublin is of very poor quality. A major upgrading of this communication corridor and of the access roads to the ferry ports of Larne and Rosslare must be made a priority.

The Belfast-Dublin railway is a good example of cross-border co-operation and the present construction of the cross-city rail link in Belfast will create important opportunities for passenger and freight traffic throughout the island.

Although Ireland is a relatively small land mass we would strongly advocate an investigative study into the development of air routes to network all parts of the island as well as providing linked services for all UK and International Routes.

Ireland is on the western extremity of the European land mass, yet limited consideration has been given to co-operation on our maritime links, North and South of the Border. There are opportunities for joint ventures in both parts of the island and perhaps the creation of Free Trade Zones, which could make the island a significant international trading area for EC products.

EUROPEAN COMMUNITY

Regardless of the outcome of the present political talks, serious consideration must be given to means of maximizing the economic benefits for the whole of the island of the single European Market. This must surely be regarded as our major priority, and will provide both opportunities and threats.

The EC through the Interreg Programme already provides opportunities for important economic co-operation on both sides of the Border. However, Alliance would encourage all areas to take greater advantage of these EC resources.

Public Procurement is an area where we can see opportunities for much greater cross-border co-operation in the public and private sectors.

AGRICULTURE

Agriculture is our major industry, and producers throughout the island have more interests in common with each other, than they have with Britain. A co-operative approach to agribusiness, agrihealth and European Community financial

structuring would be of common advantage to both North and South.

TOURISM

We believe that more radical measures should be taken to build on the existing co-operation between the NITB and Bord Failte. We do not rule out the possibility of one tourist authority for the island, but in any case we believe that the island of Ireland has much to gain from being marketed as one tourist entity. For this reason too, urgent consideration must be given to inter-linked transport facilities.

UNEMPLOYMENT

Both parts of Ireland suffer from chronic unemployment and both areas have responded to the problem by providing worthwhile and imaginative training schemes. There is obviously scope to build on these experiences and this will be greatly facilitated by the establishment of SEM.

The purpose of this brief paper is merely to indicate the Alliance view that North-South social and economic co-operation in the public, private and voluntary sectors is a vital element of any successful political settlement, and is indeed essential even in the absence of such an agreement.

Progress in these talks is likely to be most rapid if there is an immediate acceptance of this principle, and then a concentration on establishing the relevant structures rather than in trying to provide an exhaustive list of areas of possible co-operation.

AN ALLIANCE COMMENT ON ITEM 6

August 1992

UNDERLYING REALITIES, IDENTITY, ALLEGIANCE AND CONSTITUTIONS

We have been asked to give our views on item 6 of the agenda.

In our opening presentation to Strand 2 we addressed what we believe to be the fundamental Strand 2 aspects of the problem, and the common interests that we all share. These were, as we stated in that paper, our views and responses to the issues raised in items 6 and 7 of the agreed agenda for strand 2.

It was agreed by all of the participants to this conference that no useful purpose would be served by the repeated production of papers. In any case it is time for us to move from generalities to concrete realities. We will therefore simply note down the matters which we feel need to be addressed under item 6, in the hope that we can then move rapidly to discussing institutional proposals for Strand 2 relationships. (For convenience we also append a copy of our opening paper.)

1. The people of Northern Ireland, despite their obvious divisions, form a historic community, and have the right to determine their own future. This has in practice been accepted in all serious attempts to address the issue since 1920, and has been stated by all parties to these Talks.
2. The Northern Ireland community, is characterised by deep divisions. A primary objective must be the protection and the valuing of minority traditions.
3. There must be no illusions about the nature and the strength of the attitudes of the people of Northern Ireland. The problem in Ireland was not created by the border. The border was a result of the problem. The ferocity with which the various convictions have been held has led to chronic and very serious violence.
4. There is a majority of people in Northern Ireland who wish it to remain part of the United Kingdom because of their British Unionist allegiance.
5. There are others like Alliance whose view on the issue is not based on questions of nationhood but who believe that the social and economic interests of the people of Northern Ireland are best served by remaining within the United Kingdom.
6. There is also a large minority of the population who wish Northern Ireland to be outside of the United Kingdom, and within an All-Ireland Republic, and this belief is based on their Irish Nationalist allegiance. (This allegiance should

not be confused with a sense of Irishness which is felt in the context of culture, music, sport or language.)

7. These deeply held aspirations are the underlying realities which we find in the hearts and minds and relationships of our people and it is our task to recognize them, to respect them and to address how a compromise may be reached that gives a legitimate place to each of them.
8. The existence of the Irish Nationalist tradition requires that relations with the Republic of Ireland will consist of more than mere good neighbourliness.
9. Such institutional relations will require the promotion of a mutual respect and recognition which has not existed before.
10. It has been said repeatedly by those who support the Anglo-Irish Agreement, that such respect and recognition is contained already in Article 1 of the Agreement. This was also said of the Sunningdale Agreement. At that time, in 1973, my predecessor Oliver Napier said, "...that recognition now makes a nonsense of those terms in your Constitution which claim jurisdiction over our territory. We now expect you to take urgent steps to bring in a new Constitution which is consistent with your Government's solemn declaration of recognition." This is no less relevant today. We are familiar with proposals, and indeed proposed wordings, from politicians in the Republic of Ireland which would replace the offending claim, with an aspiration. We ourselves have a proposed wording which would be acceptable to us and which we wish to explore with others at the appropriate juncture. We look forward to seeing from the Government of the Republic of Ireland, their proposals for a solution to this problem, which may form part of the overall package which emerges from these Talks.
11. The Anglo-Irish Agreement recognizes that there is a wider context that must be considered. This should be recognized in Tri-partite Structures, already prefigured in the participation at these Talks.
12. In every community, stability and prosperity require the achievement and maintenance of law and order. Commitment to this principle must also govern relationships between the two parts of this island.
13. There is a price to be paid for peace in Northern Ireland not only by those who live there, but also by those who live outside of Northern Ireland, in the rest of the United Kingdom, in the Republic of Ireland, and indeed further afield.
14. We come to these talks as six different delegations, each with our own perceptions, analyses, policies and priorities.

We understand our problems differently. If we did not, we would not be in different parties and there would not be a problem. The important task before us is not to agree an analysis, but to agree institutions which are capable of meeting our basic needs and of satisfying, in some measure, our differing aspirations and ideals, and those of the people we represent. In short the outcome must have a considerable degree of acceptability.

15. In strand 1 we also took the view that along with acceptability, we should strive for workability, durability and stability. These would also seem to be desirable ends in strand 2.

ALLIANCE VIEWS ON AGENDA ITEMS 7,8, & 9

September 1992

AGENDA ITEMS 7,8 & 9

This paper is intended to describe further our ideas on North/South structures which could be implemented if other matters (e.g. Articles 2 & 3) were to be satisfactorily resolved.

STRAND 1

Our proposals for institutions for North-South co-operation are based on the assumption that the framework sketched out in Strand 1 for Northern Ireland is adopted, and in any event on the understanding that as wide a range of powers as possible, (not less than in 1973), would be devolved to a responsibility-sharing Northern Ireland Assembly. In so far as the Strand 1 framework is incomplete, we note in passing that one important criteria must be to ensure that the framework is capable of relating effectively to the wider structures here discussed. We also note that it will be necessary at an early stage to return to Strand 1 for further work on the proposed framework.

TRIPARTITE COUNCIL

Given that certain very significant powers, notably in the security field and in some wider economic matters, would remain primarily the responsibility of the Westminster parliament and the British government, we have already proposed, in the context of Strand 3, that there should be a tri-partite structure involving the British government, the

Irish government, and a new Northern Ireland administration, to ensure consultation and co-operation on matters of common concern.

An inter-parliamentary body, involving representatives from Westminster, the Northern Ireland Assembly, and the Dail, might also be contemplated.

NORTH-SOUTH STRUCTURES

In the interests of better communication and co-operation it is probably best that any new North-South institutional framework should operate within the context of that broader framework, that is, with provision for the North-South elements of the conference to meet separately, or perhaps with observers only from the British government, on matters which were particularly within the remit of the Northern and Southern authorities.

As has already been indicated it is clearly essential that the Northern institutions in their final form be such as to ensure both an effective input into Tri-partite and North-South structures, and to ensure the maximum participation and involvement of all democratic parties taking a constructive part in any agreed Northern institutions. That however is primarily a matter for Strand 1.

Within the context already indicated collaborative North-South institutions and structures could involve those exercising executive powers in a Northern Ireland Assembly and Ministers from the Dail, and could have a consultative role in regard to matters devolved to a Northern Ireland Assembly and their equivalents in the Republic.

Areas particularly suitable for co-operation might include economic development, tourism, agriculture, environmental protection, and cultural affairs. These would tend to relate essentially to particular departments of government. Other important areas, notably EC affairs and the development of border areas might require wider cross departmental arrangements.

FORMAL STRUCTURES

In any event some wider co-ordinating structure would be needed to ensure co-ordination and to ensure the widest practical involvement and support from the Northern Ireland Assembly.

Meetings should be on a regular basis, between the co-ordinating body, respective heads of department or ministers, or inter-departmental committees as appropriate.

Such structures would provide for consultation and the exchange of information, and where practical, for the development of common strategies and programmes.

Civil servants from each jurisdiction could provide back-up in the form of research, reports and recommendations.

Any decision could only be on the basis of full agreement, and would be implemented separately in each jurisdiction by the relevant Head of Department or Minister after appropriate consultations.

There could be a permanent secretariat in which officials from each jurisdiction would be represented, remaining answerable to their respective jurisdictions.

While the most fruitful areas of co-operation would clearly be those kinds of areas over which the Northern Ireland Assembly would have direct powers, consultation and discussion might usefully cover much wider areas, such as Irish Government policy in various fields.

Structures of the kind suggested here should be capable of flexibility and development. The essential governing features must be the establishment of goodwill, co-operation, mutual respect and, eventually, trust.

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

(response to HMG Paper CPL1/NH/13025)

THE ALLIANCE RESPONSE

7 May 1992

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

We are encouraged that these talks have achieved sufficient convergence that two useful papers outlining **Common Themes**, and **Common Principles** have now been agreed. This encouragement should not be diminished by the knowledge that as we move now to structural proposals, increasing efforts will be required to replicate our joint achievements.

This response paper follows on from our comments on the first section of the Options Paper, and considers paragraphs 17 - 39. The comments are based on the views we have expressed in earlier papers.

Para 17 The Options Paper does provide a useful checklist of the elements of a new institutional framework. We will very soon find ourselves, however at the point where we will wish to see the Government papers on Finance, the EC, Human Rights, and Security, to which reference has previously been made.

Para 18 We are strongly of the view that a single Provincial Assembly and Government is necessary to provide a common focus of identity, and an opportunity for the people and their elected representatives to share in self-government.

Given our previously stated view that part of the purpose of such an institution is to help promote a common allegiance and identity, and given also that Northern Ireland is a geographically and numerically small community, we are fully convinced that for all governmental purposes above the District Council level there should be a single institution. Such an institution is essential to repair the democratic deficit which has existed for so long in the post-Macrory structure.

We see no good reasons why the single transferrable vote system of proportional representation which is now familiar to the people of Northern Ireland, should be changed (para 19).

Given that this requires multi-member constituencies, and to avoid confusion it would also be wise to retain the previous practice of using the same boundaries as those used for elections to Westminster, with each of the (at present) seventeen areas, returning five members.

Finally, in respect of para 18, a second chamber seems unnecessary, though at such an early stage in our deliberations we could not rule it out entirely.

Para 20 We believe that the powers transferred should certainly not be less than those transferred in 1973.

Para 21 We have previously expressed the view, and it remains our position that most of those powers which have been described in the legislation as 'excepted' and 'reserved' should not at this point be transferred to a new Northern Ireland Assembly.

Security is the most relevant of these issues and is a matter of such complexity that Alliance regards any suggestion of transfer with great caution. We do however believe that a significant input into security policy is entirely necessary for the self-respect, and community respect of a regional administration.

Many aspects of the administration of justice, (for example prisons, probation service, law reform etc), could usefully be considered in a regional context and we would wish to fully explore the possibilities. More detailed discussion of all these issues would be facilitated by the HMG paper on Security referred to in para 17.

Para 22 We accept that such links as are described in this paragraph are necessary and appropriate, but would like to discuss further and with greater precision how such links would function, in respect of both transferred and non-transferred matters. For this reason we would welcome, at an early stage the papers on Finance and the EC, which we understand the Government has prepared.

Para 23 In respect of non-transferred matters we take the view that there ought to be an important advisory role for a relevant corpus within the Assembly. The precise machinery for this will depend on the detailed construction of the Assembly. A separate Advisory Council may not be necessary if this function can be subsumed under the functions of another instrument within the Assembly, for example a senior inter-party committee.

As far as relevant mechanisms for the conduct of consultations with the Irish Government are concerned, this is a matter for negotiation in Strands 2 and 3.

Para 24 If a Northern Ireland Assembly did not have the power to legislate there would be such a diminution of the stature of the institution, that it could not satisfactorily fulfil the purposes which we have outlined elsewhere; there would be confusion in the operation of Northern Ireland Departments; and there would be a serious breach with the historical tradition of Northern Ireland governance.

There may however be a case for retaining for Westminster a role in transferred legislation, as a court of appeal, in the

event of justifiable complaint by a significant portion of the Assembly.

Conversely an advisory role for the Assembly in non-transferred matters would be a mutually useful device (see para 23).

There may be implications for Boards and District Councils, but these issues are best decided after an Assembly has been in operation for some time, when similarly consensual negotiations could most appropriately be conducted.

Para 25 We agree.

Para 26 Existing safeguards against discrimination on religious and political grounds must be maintained and strengthened. The best machinery would be the establishment, entrenchment and enforcement of a Bill of Rights, justiciable through our own courts. Further essential components may include a political right of appeal (see para 24). We would be interested to see the Government paper on Human Rights.

Para 27 We agree.

Paras 28 - 33 These paragraphs describe a series of approaches to addressing the central issue of how to share responsibility, and govern with consent. We find the proposals in paras 29 and 32 unacceptable.

Para 29 This model would run contrary to para 2.f of the Common Principles paper by worsening polarization and deepening our worst division.

Para 32 This model would run contrary to what we have already stated in our comments on para 18. It would fragment the Northern Ireland community rather than draw our people together.

Paras 30, 31 and 33 There is nothing mutually exclusive about these models, and indeed in our view elements from all three will be necessary to construct a satisfactory, agreeable and workable arrangement for the exercise of executive responsibilities.

Paras 34 - 39 These paragraphs describe a series of models, which we have examined with some interest, however rather than

waste time on illustrative models we would wish to move on as soon as possible to the presentation and discussion of proposals from all the four parties.