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ULSTER UNIONIST PARTY

THE DEMOCRATIC IMPERATIVE

Proposals for an elected body for Northern Ireland

February 1996

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SECTION 1

When he made his response in the House of Commons to the findings of the Mitchell Report on the decommissioning of illegally-held paramilitary weapons, the Prime Minister, John Major, argued that there were two ways to reach the goal of all-party talks on the future of Northern Ireland. The first was the beginning of a process of decommissioning by the IRA and the Loyalist paramilitaries. The second was through an electoral process designed to procure a democratic mandate for talks.

The media in covering the Mitchell Report concentrated on what the Mitchell Report described as a reality, namely that the paramilitaries on both sides would not decommission prior to all party talks, and the suggestion tentatively advanced by Mitchell that the parties should explore the possibility of decommissioning occurring alongside talks. In fact the Report was more subtle. Its sole recommendation was that in order to qualify for inclusion in talks parties should be firmly committed to certain principles which should be honoured before during and after talks.

While Mitchell regarded subscription to these principles as necessary, he did not regard them as sufficient. The central problem, he recognised, was a matter of trust, and he considered a number of confidence building measures, one of which was the creation of an elected body. Ulster Unionists endorse the Mitchell principles: they accept the Report *as a whole*.

The Ulster Unionist Party agrees with the Prime Minister. It has consistently held to the view that, in the absence of prior decommissioning, the democratic bona fides of those seeking to influence the future of Northern Ireland must be firmly established. In the aftermath of the resumption of the IRA's military campaign, we believe that this argument has been strengthened rather than weakened. We also firmly believe that there is a fundamental principle at stake. It is the principle of democratic procedure, without which no civilised politics and no basis for agreement can be established. We believe that a commitment to democratic procedure can be best established through the medium of an elected Body.

It is important to be clear on this point. We are not calling for elections as a mere exercise in head-counting. We are not calling for elections to establish institutions of governance. We are calling for elections in order to establish, on behalf of those who seek to engage in all-party talks, a mandate based on subscription to democratic procedure. That is an important distinction. Such subscription would be the focus of the election. It would ensure that the citizens of Northern Ireland could have public confirmation that democratic ground rules were accepted by all. In short, we are calling for an election in order to create the confidence in democratic procedures necessary to move forward to a durable settlement. In order for parties to come to the negotiating table with a willingness and a positive expectation of reaching agreement, they must be confident that all are there on an equal basis, with no possibility of turning back to the bad old ways of the last 25 years. When we speak of the principle of democratic procedure, and a mandate based on open electoral subscription to it, what exactly do we mean?

There are two ways in which we might understand this principle in present circumstances.

1) We can understand the principle of democratic procedure to fall within that category which might be defined as "rule governing". A rule governing principle is one which establishes the conditions for political behaviour in a community and one to which we would expect parties and individuals to subscribe if political activity of any civilised sort is to be sustained at all.

2) We can understand principle in the sense in which it is often used colloquially in political life. Principle is often used in the sense that a party or a government has chosen to make something "an issue of principle". This usage suggests that the principle involved is arbitrary and transient. Indeed, principle used in this sense really means "convention" or "policy".

The dispute over the principle of an election based on the issue of democratic procedure is really whether it involves a rule governing principle and is therefore a precondition for talks or whether it has simply been made an issue by the British Government, in which case it can be easily unmade if the British Government were to change its policy. So far, the British Government, the Unionist Parties, the Alliance Party and, according to a poll in the Belfast Telegraph, a majority in both communities in Northern Ireland, believe that an electoral

process is necessary to establish such a rule governing principle. For SF/IRA, the SDLP and the Irish Government it is merely an issue of British policy which ought to be changed. Let us examine this question in a little bit more detail.

Firstly, irrespective of partisan position, what is the rational case for an elected Body? Secondly, how substantial are the arguments against it?

The rational case has a number of elements to it.

1) There is a fundamental contradiction between enjoying the rules of democratic procedure and the benefits of a liberal society subscribed to by others, while denying them oneself. That contradiction is exemplified by a form of criminal behaviour which usually justifies itself politically by proclaiming that the ends justify the means. The means may be murder, intimidation, or extortion. The end for SF/IRA is a united Ireland. For 25 years, it conducted a criminal campaign against the procedures of a liberal democratic society. After the cease-fire of 31 August 1994, SF/IRA tried to make us believe that it had changed. The return to violence on 9 February, 1996, shows that it still believes that the end is greater than the democratic means.

2) In the 17 months of its recent cease-fire, SF/IRA went through the motions of subscribing to the particulars of a peaceful resolution of disputes. At the same time it denied its essential, general condition - the complete renunciation of violence to achieve political ends. This apparent subscription to the conditions of lawful procedures while denying the ethical requirement of those procedures is what is otherwise called fraud. As Kant recognised in his treatise on a universal peace: "No conclusion of peace shall be considered valid as such if it was made with a secret reservation of the material for a future war". And why? "For", argued Kant, "if this were the case, it would be a mere truce, a suspension of hostilities, not a peace." The bomb in Docklands which broke the cease-fire proved the truth of that. We must establish clearly in the future that Sinn Fein/IRA is honourable in its political intentions.

3) A commitment to democratic procedures, therefore, must be willed rationally by those who would seek to enter fully - without criminality or fraud - into the democratic process. We

cannot allow the sham which passed for a peace process in the last 17 months to happen again. In the particular circumstances of Northern Ireland, the stipulation for this remains that set out in para 10 of the Downing Street Declaration of December 1993. Para 10 states:

'The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.'

4) SF/IRA has argued that fulfilling these conditions would represent a surrender to the British government and a humiliation of the Nationalist people. This is only to confuse the issue. The issue is not one of surrendering to the British government. It is the issue of whether private armies are willing to surrender to the principles of democratic procedure. The issue is not one of humiliation. It is one of using logical and peaceful persuasion to resolve, democratically, even fundamental differences in society.

5) In other words, a commitment to exclusively peaceful methods is a rational conclusion to the sorts of commitment which one would expect from those who were genuinely wishing to engage in democratic politics. We firmly believe that full engagement in the election to a peace forum in Northern Ireland, under democratic principles to be laid down in legislation, must be central to a new way forward in the aftermath of the breach of the cease-fire. The bona fides of political parties who seek to participate in talks must be established to the satisfaction of the people of Northern Ireland.

What are the arguments against this approach? It has been argued by Irish Nationalists of all shades, that elections are inappropriate because they have not formed an initial part of conflict resolution elsewhere. This suggests that the model of conflict resolution appropriate to Northern Ireland is the model of constitutional transformation found in South Africa and the Middle East.

However, there are no valid parallels between the Northern Ireland case and the conflicts in South Africa and the Middle East. The issue in Northern Ireland remains clear. In both these cases access to the democratic process had consistently been denied to black South Africans (a majority) and to the Palestinians. Sinn Fein/IRA wishes to remove this region from the United Kingdom by force and attach it to the Irish Republic, and a substantial majority wishes Northern Ireland to remain as part of the United Kingdom on the basis of consent. A body of international law has emerged, especially since the end of the 2nd World War, which resolutely rejects the alteration of boundaries by violence or by the threat of violence.

The only grouping which does not even pay lip service to this international consensus is SF/IRA. The IRA has been conducting a subversive war against the constitutional status of Northern Ireland, and Loyalist paramilitaries have been conducting a campaign against those they assume to be sympathetic towards the IRA. This violence has been consistently condemned by large majorities in both communities and by representatives of all the main constitutional parties North and South of the border. The evidence of the past few days indicates that the condemnation is stronger than ever. That is why the principle of establishing democratic bona fides remains an imperative. It is an essential and symbolic first step.

What model of conflict resolution is appropriate then to the Northern Ireland situation? The appropriate model is the model of democratic transition. What does this mean? It involves a number of elements.

- a) It is not based on an analogy with conflicts on the scale of South Africa or the Middle East.
- b) There would be no assumption that deals could be made in return for the decommissioning of arms.
- c) The legitimacy of armed struggle in any form would be rejected and the absolute legitimacy of democratic procedures fully embraced.

d) The task of all paramilitary groupings would be to prove their willingness to make the transition to these fully democratic procedures.

e) The outcome would be the emergence of Sinn Fein and Loyalist fringe parties into the political mainstream, but only after they had established their democratic credentials publicly and conclusively by way of an electoral commitment to democratic methods. Only then could they be accepted on the basis of their respective democratic mandates.

This was the model which everyone acknowledged as appropriate before the IRA cease-fire of August 31 1994 as set out in para. 10 of the Downing Street Declaration of 1993. The attempt to shift from the democratic requirements of that model after the cease-fire only encouraged the IRA to think that by renewing its campaign it could further its undemocratic aims.

Hitherto, the so-called peace process is something which has happened in London, in Dublin, in Washington, on the media and behind closed doors. It has proven to be a sham. It needs to be brought back to the people whom it is supposed to benefit. There is an urgent need to involve and to engage the citizens of Northern Ireland directly in a refashioned peace process, a peace process in which everyone can be confident and with which everyone can feel comfortable. In other words, it needs to be transformed into a people's process. We continue to believe that the only way in which this can be done is on the basis of elections which require public subscription to the principles of democratic procedure.

SECTION 2

The Ulster Unionist Party has been challenged to spell out its plans for an elected Body. We set out here-under our preferred option for a practical model which is suitable for the particular circumstances of Northern Ireland, and is fully compatible with the democratic imperative referred to above.

A Proposal

for an elected body for Northern Ireland which can lead to all Parties engaging in negotiations on 1) the future governance of the Province, and 2) the totality of relationships throughout these islands

Membership and method of election

The elected Body will consist of 90 persons, elected from the new 18 Parliamentary constituencies on the basis of five persons being returned from each.

The traditional STV system of proportional representation will be used.

Establishment and tasking

The Body will be established by legislation in Parliament, and will be operational by May/June 1996.

It will be required to prepare a report(s) for the Secretary of State for Northern Ireland on proposals for the future governance of the Province and the relationships between all the constitutional units in the British Isles.

Operation

The Body shall meet to elect a Chairperson and Deputy Chairperson.

The Body shall adopt standing orders which have been agreed by the Members and approved by the Secretary of State for Northern Ireland.

The Body shall appoint a Committee to regulate and control its business.

The Body shall appoint such committees as it feel appropriate from time to time.

All Committees shall be appointed by proportionality as will their chairpersons.

Committees will report back to the Body, which may debate and approve such reports in plenary sessions and take such action thereon as may be determined.

The Body shall meet and debate in plenary session upon summons by the business committee or the Chairperson.

Adoption of reports

The method for adopting reports will be by means or consensus. In the event that unanimity is not established, then if a sufficient consensus can be reached, the work of the Body can proceed.

Powers of Body

The Body and its committees shall be able to call for persons and papers relevant to its deliberations.

The Body and its committees shall be empowered to invite outside persons and agencies to appear and to make representations.

The Body, its committees or its representatives, shall be empowered to receive representations outside the United Kingdom.

Recommendations of the Body

The Secretary of State for Northern Ireland may require the recommendations of the Body to be placed before Parliament, and the people of Northern Ireland for approval by means of referendum, before implementation.

SECTION 3

The events of 9th February 1996, and subsequent threats from Sinn/Fein IRA, serve to underline the hypocrisy and double standards of the republican movement. On the one hand, Gerry Adams wants to be treated in the same way as any democratically elected leader, yet on the other hand the IRA reserves the right to go back to violence as and when it chooses. This is a clear case of ugly blackmail, and is not acceptable in modern day Europe.

The Ulster Unionist Party seeks to establish the democratic process as the tool to bring about the necessary dialogue between our differing political traditions.

There have to be some basic 'rules of engagement' between the parties if talks are to succeed. We believe that the Mitchell Report provides the blueprint for the way ahead. Acceptance in its entirety, and the honouring of the proposals contained in this Report, combined with acceptance of paragraph 10 of the Downing Street Declaration, can be the passport for all parties to enter the negotiating process, in the knowledge that they will not be betrayed during that process by any who would renege on a commitment to exclusively peaceful means as the way to obtain their political objectives.

The establishment of confidence between the parties is the way to get the best out of any talks. This is why the UUP seeks elections as a public demonstration that the past is behind us, and all who wish to participate are free to seek a mandate, *especially those who at present do not have one.*

Objections to elections as the way ahead.

The SDLP, backed by Sinn Fein/IRA and the Irish Government, has voiced opposition to the UUP's proposals for an elected body. Mr Hume has said that it has been tried before, in 1975 and 1982, and failed. He also claims that people would get elected on 'hardline manifestos', making agreement less likely. The Ulster Unionist Party challenges this interpretation of events.

The Constitutional Convention was held in 1975. Although its recommendations were not accepted by the Government, it was not a 'shouting match', and many Members put a lot of hard work into its deliberations.

The 'rolling devolution' proposals in 1982, introduced by James Prior, brought the NI Assembly into being. This was not a mechanism for bringing about a negotiated settlement, but rather a proposed solution itself.

The Assembly did not succeed. *This was due to the boycott of that body by the SDLP and Sinn Fein/IRA.*

To seriously suggest that because something was tried before and failed, it should not be tried again, is an unsustainable argument. Mr Hume is saying that the parties should get round the table now, but seems to forget that we did that in 1991 and 1992, but he isn't suggesting that because the Brooke/Mayhew talks failed, we should not try again. This is the inconsistency in Mr Hume's comments.

To further suggest that parties would put forward hard line manifestos doesn't make much impact either. If parties are not inclined towards compromise or negotiation, then they believe that it is not in their interests to be so. The discipline of putting yourself before the electorate could just as well result in the parties seeking support for themselves as negotiators. In the present climate, parties could be punished by the electorate if they put forward an intransigent position.

But the fact that the elected path has not been followed for over 21 years is the most compelling criticism of Mr Hume's opposition to an elected Body, especially as the aim of having the Body is to provide a vehicle for all party negotiations.

We must keep trying until we are successful. This is what the people expect and deserve.

The Ulster Unionist Party wishes to see full scale all party negotiations as soon as possible. The mechanism outlined above is, we believe, the only method to ensure such talks, with the threats removed.

We have made provision for, and wish to participate in, discussions on matters relating to the a) the administration of Northern Ireland; b) the relationship between Belfast and London; c) the relationship between Belfast and Dublin; d) the wider relationships between London, Dublin and the rest of Europe.

The UUP is anxious to see progress on matters such as the provision of adequate individual and group rights legislation; the Party is conscious that there is more than one political/cultural tradition in Northern Ireland; that all democratic traditions require respect and accommodation; and that this will mean the design of institutions that we have not previously had in this Province.

The Party wishes to see the establishment of a proper and appropriate relationship with the Irish Republic both for; a) the mutual exploitation of any economic benefits, and for; b) the acknowledgement of northern Nationalists' empathy with the Republic of Ireland, consistent with Northern Ireland remaining an integral part of the United Kingdom.

To be of value, this relationship will have to be based on mutual respect and recognition.

There is also a pressing need to address the democratic deficit in Northern Ireland.

All of this indicates that UUP seeks not delay, but early decisions from HMG on the calling of elections to a Body, so that the politicians can reclaim the initiative from the men of violence as soon as possible.