

29/7/92

Submission by the Irish Government Delegation

Possible Institutional Structures

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Need to cater for both identities and allegiances

1. In the submission dealing with "Identity, Allegiance and Underlying Realities" put forward by the Irish Government on 28th August, we stated that

"the heart of the problem in Northern Ireland is a conflict between two separate identities. They involve conflicting allegiances which transcend the confines of Northern Ireland itself."

2. This analysis of the problem is very widely shared. We note that the Subcommittee of Strand One agreed at its meeting of 7th May 1992 that

"each individual and community had the absolute right to define their own identity and that that right and identity should be respected".

and furthermore that

"any new political institutions should be such as to give expression to the identity and validity of each main tradition."

It follows from this analysis that new structures to address the problem must cater adequately for both sets of identities and allegiances, on terms each can identify with. The Irish Government believes, in the words of the Forum Report (5.2(4)) that

"Both of these identities must have equally satisfactory, secure and durable political administrative and symbolic expression and protection."

4. Northern Ireland is a deeply divided society. Its fundamental problem, accurately diagnosed in the British White Paper of 1973, has been, from its establishment down to the present day,

"disagreement not just about how Northern Ireland should be governed, but as to whether it should exist at all."

The search for consensus in other areas, including on constitutional issues, must begin with the search for accommodation and consensus on this critical point, since the constitutional debate is merely a reflection of this original disagreement.

Contrasting positions of two communities in Northern Ireland

5. The two communities in Northern Ireland are in strongly contrasting positions in terms of the political expression of their respective identities. The Constitution of Northern Ireland affirms in the Government of Ireland Act that "the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons matters and things" in Northern Ireland. The symbols of the State reflect exclusively the unionist identity, to the point that they are routinely used as satisfactorily partisan symbols for party political purposes. The security forces manifest themselves in their badges and titles as upholders of the union as well as guardians of the peace. The British identity of the unionist community is the dominant public reality at every level.

6. The position of the nationalist community in Northern Ireland is the obverse or "negative" of this. Yet that community comprises a sufficiently large proportion of the population of Northern Ireland to warrant a hearing in its own right. Any attempt to relegate it to its previous role of subordinate minority is likely to prove less and less tenable. The essence of the nationalists' identity is that they are Irish and not British. They aspire to participate in a wider Irish political system no less strongly than unionists assert the claim to have their British identity expressed in a British system.

Internal structures will not cater adequately for nationalist identity.

7. The issue of devolution is not the central issue as between the two communities. Neither however is it neutral terrain. Sharing in the local application of British jurisdiction in Northern Ireland is an affirmation of identity for a unionist representative. From a nationalist perspective it could imply endorsement of a constitutional arrangement which the nationalist community has never so far supported. The degree to which proposed devolved structures reflect the reality that a substantial percentage of the population in Northern Ireland persistently refuse to define themselves as British will be an important factor in nationalist attitudes to them. However no purely internal structures in Northern Ireland can hope to cater adequately for the nationalist identity. Exclusively internal structures, by definition, fail to reflect the wider Irish identity in which Northern nationalists claim an active share.

Bridge between the two traditions

10. Secondly such structures should be a vehicle to express the equal validity of both unionist and nationalist identities in Ireland. They should promote the goal of bridging

Objectives of new institutions

8. New institutions emerging from Strand Two must accomplish a three-fold purpose:
- (a) they must provide meaningful expression for the aspirations of Northern nationalists;
 - (b) they must help to bridge divisions between the unionist and nationalist traditions in Ireland in an agreed framework;
 - (c) they must provide an institutional framework with executive functions for the development of practical North-South cooperation and coordination in all areas of mutual benefit.

Nationalist aspiration

9. The Irish Government accordingly believes that any new North-South institutions must enshrine an explicit acknowledgement of the need to cater adequately for the problems of identity and allegiance of the nationalist community in Northern Ireland which cannot be addressed in internal structures. They should provide a guarantee of the protection of human and political rights and freedom from discrimination where these are not otherwise entrenched. They must provide reassurance to the nationalist community in Northern Ireland to a greater degree than the operation of the Anglo-Irish Agreement, since otherwise there could be little reason for nationalists to welcome change.

Bridge between the two traditions

10. Secondly such structures should be a vehicle to express the equal validity of both unionist and nationalist identities in Ireland. They should promote the goal of bridging

divisions and promoting agreement between them in an institutional framework for dialogue and for mutual interaction and enrichment. We would hope this would enable both traditions to rediscover common interests, to foster the common elements in both their heritages and so to lay the foundation of ever closer understanding, respect and cooperation between them.

Framework of Practical Cooperation

11. Thirdly, such structures must provide a framework for practical cooperation, within which agreed institutions could apply economic policies suited to the particular and largely similar circumstances and interests of both parts of Ireland. This would offer the two economies the benefits of more integrated planning and economies of scale, the better use of scarce resources and the avoidance of duplication and waste.
12. In the paper circulated to the Talks participants on 21 September we identified a wide range of activities where North-South cooperation would be of particular benefit. These included Industry, Trade and Technology, Agriculture and Natural Resources, Fisheries, Forestry, Transport and Infrastructure, Tourism, Energy, Environment, Health and Social Welfare, Science and Technology, Education, Labour and Human Resources.

European Community Dimension

13. The fullest possible coordination of policies would be of particular benefit in relation to the European Community. There are areas, such as agriculture and fisheries, where the two Governments are now primarily agents implementing a Community approach decided through the mechanisms of the Common Agricultural Policy and the Common Fisheries Policy.

Areas of common policy such as these, where the Governments have already delegated their authority, are particularly apt for North-South harmonisation, and the development of a common approach for the whole of Ireland. It is also clearly to the advantage of both economies to ensure that a strong European regional policy is maintained, that a substantial increase in structural funds is achieved, and that such funds are deployed to maximum efficiency in terms of the infrastructural requirements of the island as a whole. Our earlier paper mentioned enhancement of the cross-border elements in the respective Development Plans to be submitted for future Structural Funds and of increased complementarity in the development strategies underpinning them. New institutions should provide an instrument to implement the common interests of both parts of the island in this regard.

Trade and Marketing

14. A further important area of practical cooperation is the promotion of trade. The CII has estimated that trade between North and South could at least be trebled from its current level of £1.5 billion, and that this could lead to the creation of 75,000 new jobs on the island. The development of increased North-South cooperation in the context of new institutions would also need to address development of all-Ireland strategies and the promotion of joint North-South marketing approaches in selected areas. This could, as an example, involve significantly enlarged joint all-Ireland promotions of consumer goods abroad; development of opportunities for increased cooperation in science and technology and coordination in relation to the growth of indigenous industry throughout the island, including possibilities such as the creation of an all-Ireland venture capital fund.

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Criteria for New Structures

15. As regards the precise shape of the structures to meet these requirements, it is difficult to offer a fully detailed model at this stage. There is as yet no consensus on possible internal structures in Strand One. Agreement has still to be reached on how to reconcile the conflicting constitutional perspectives on Northern Ireland in a manner which both sides could accept as a fair balance. It will be necessary also to consider in detail the structural proposals put forward by all sides. However it is possible to put forward a number of organisational criteria which the Irish Government considers important for the success of new North-South institutions.

16. First, any new structures or institutions have a clear remit, satisfactorily addressing all of the functions outlined in (8) above. Secondly, they should have an explicit institutional status and capacity, with a firm legislative foundation on both sides. They must not be based on ad-hoc arrangements or dependents on the initiative of either side. Thirdly, they should have a capacity to innovate and a clear measure of institutional autonomy, and not be simply a framework for routine cooperation between Government Departments or agencies. Fourthly, they should include an expressly executive function, capable of dealing decisively and efficiently with significant joint areas of endeavour in the different economic sectors. Finally they should be dynamic, in the sense of promoting harmonisation and coordination between the two economies and developing their own role accordingly.

17. Further discussion will be needed as to how such structures could reflect the "totality of relationships" and how they might best be integrated into continuing patterns of cooperation between the two sovereign Governments.

Consideration will also be needed as to how they might involve arrangements for cooperation and consultation between Parliaments as well as between those exercising executive power in the two jurisdictions.

Conclusion

18. The experience of two decades in an evolving European Community has made all the people of Ireland, North and South, more aware of the importance of cooperation and partnership. The pooling of resources and services, in a context of shared sovereignty, has become a reality for member states in the Community. In such a context, our consideration of powers and roles for any new institutions or structures should avoid the false criterion of safeguarding a "sovereignty" that frequently is already shared. The real challenge is to create a true framework of partnership and cooperation to serve all the people of Ireland and in ways that serve the interests of all.
19. Our goal of creating a "new beginning in relationships" is an ambitious one, and has the heartfelt support of everyone in these islands yearning for a way out of the present tragic impasse. There are two challenges in our collective path that are particularly difficult. One is to find agreement on the constitutional issues which divide us. Such agreement will not be found by resorting again to the old and failed expedient of seeking to make one view of the status of Northern Ireland finally prevail over the other. It will rather be found in accepting that there is now no consensus on this issue, and that such consensus can follow only from agreement on how to manage the underlying divisions in Northern Ireland, of which the constitutional debate is merely the formal reflection. Discussions on constitutional aspects should not be made a substitute for addressing the original divisions themselves.

20. The shape and ethos of new institutions is of particular importance in this regard, and that is the second major challenge facing our negotiations. We are dealing with a unique problem, which may require unique structures to meet its requirements. There is a wide range of options we can consider to meet the requirements of the situation, in contrast to the more limited alternatives available on constitutional issues. We should collectively avail of this advantage and bring our resources of imagination and vision to bear in designing institutions capable of achieving at last the acceptance and support of both traditions on the island.

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3. Unionist recourse to paramilitary force, including the first illegal shipment of arms into Ireland in modern times, in order to negate the will of the British Parliament on this issue, was a major influence in turning the nationalist population to similar postures and methods, with results which reverberate to our own day. It was however successful insofar as serious British negotiation with the nationalist tradition took place only after the creation of Northern Ireland as a separate entity dedicated to the rule of the unionist community.