

NEW IRELAND GROUP

A Process
based on the
Principle
of
Consensus

For Francis
from John Robb
with Best wishes

Feb 1989,

INDEX

| | <i>Page</i> |
|---|-------------|
| Preface | i |
| Summary | ii-iii |
| Introduction—Anglo-Irish Process: Northern Irish Conflict | 1 |
| The Anglo-Irish Agreement: | |
| Unionist People and Unionist Leaders in its Aftermath | 3 |
| Fundamental Flaw and Limited Achievement | 5 |
| Anglo-Irish Realities—Three Years after the Agreement | |
| The Wider Context | 7 |
| Political Reality in Ireland | 8 |
| The Anglo-Irish Agreement and the Future | |
| Self-Determination | 10 |
| Democracy | 11 |
| Consensus | 12 |
| The Preferendum | 14 |
| The List System | 15 |
| Initiating the Process Towards Consensus | 16 |
| Sequence for Progress | 16 |
| Agenda Topics in the Consensus-Seeking Process | 19 |
| <i>Promotion of Consensus in Building of New Ireland</i> | |
| De-Escalation of Violence—Truce and Ceasefire | 23 |
| New Ireland And Compromise | 25 |
| Consensus and Compromise—The Convention of 1787 | 26 |
| New Ireland—Sell-Out or Opportunity? (1972) | 27 |
| New Ireland Group | 28 |
| Aims & Role of New Ireland Group | 30 |
| New Ireland Group Membership Form | 31 |
| Appendix I—Articles 2 & 3 of the Constitution of the Irish Republic | 32 |
| Appendix II—Costa Rica | 34 |
| Appendix III—A few Examples of Other Political Options | 35 |

PREFACE

The publication of this pamphlet is timed to contribute to the forthcoming review debate on the Anglo-Irish Agreement.

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Fionnuala O'Connor, *Fortnight*, No. 267 November 1988

After 20 years of conflict do we not need hope of something better than continued stalemate?

The New Ireland Group believes that we do and this pamphlet outlines our current thinking on how it might be possible.

John Robb
Consensor,
New Ireland Group*
January 1989

* For further information about the Group, its Aims and Role, see pages 27-31.

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Summary

The New Ireland Group seeks to encourage political movement which responds to the right of self-determination based on the principle of consensus.

In our view, the conflict of loyalty within Northern Ireland has been bedevilled by the conflict of claim to Northern Ireland—the unresolved conflict between the Government in London and the Government in Dublin. Thus we welcome the development of the Anglo-Irish Process which was initiated in 1980 and which by 1985 had created that degree of understanding which enabled the two Governments to begin to face up *jointly* to their conflicting roles in relation to the perpetuation of conflict in Northern Ireland.

The fundamental flaw in the Agreement was its failure to involve the people of Northern Ireland in its formulation; the fundamental advance has been that of a joint approach by the two Governments.

Without prejudice to the ongoing development of further Anglo-Irish understanding, the New Ireland Group believes that it is vital that the people of Northern Ireland are involved in dialogue about their future. We have confidence that constructive dialogue is possible provided it takes place in a climate which has been cleared of the uncertainty induced by the failure thus far to resolve satisfactorily the rival and conflicting claims to Northern Ireland by the two Governments. We also believe the two Governments should respond to their failure to produce consensus in Northern Ireland by jointly indicating intention of withdrawing claims to sovereignty over Northern Ireland in due course while remaining prepared, in the immediate future, to underpin the process which we outline and to act as guarantors for its outcome provided such outcome meets the requirements of democratic self-determination based on the principle of consensus.

The process outlined would involve suspension of the Anglo-Irish Conference or a significant section of its workings to allow for the establishment of a public forum followed by a Consensus-Seeking Constitutional Convention. (pp16-22)

Sequence for Progress

The public forum would be open to receive submissions from individuals or groups or parties and would act as precursor of the constitutional convention. The latter would be elected by the people using means such as the list system (p.15) to yield the widest possible representation. The Convention should first consider the final report of the public forum and then prepare proposals which are likely to lead to consensus (p.17). The representatives would then be asked to vote by preferendum (p.14) for the options which had been

proposed during the Convention. Ratification of the consensus conclusion of the convention would be by referendum of the people, seeking two-thirds support of the valid votes cast. Failure to reach conclusion would lead to re-activation of the full workings of the Anglo-Irish Conference until such time as the process could be tried again unless, through deadlock, it became necessary to consider European Protectorate Status for Northern Ireland. (p.17)

Agenda for a New Ireland

The New Ireland Group is committed to the building of a New Ireland. As such, we acknowledge the right of all of the people of Ireland, North and South, to determine their future based on the principle of consensus. An agenda for debate concerning how the Irish people, South as well as North, might achieve such consensus within Ireland as a whole is outlined on pages 19-22. In this context we hold that *the new all-Ireland society, whatever form it takes, will only emerge if and when the representatives of the people of the North sit down with representatives of the people of the rest of Ireland to thrash out its form, and to draft a constitution which takes into account that form, and which clearly reflects the degree of consensus which must be the basis of any claim to unity.*

With the approach of 1992 and the possible emergence of a European polyglot, which few comprehend and many fear, it is vital that the people of Ireland achieve the degree of understanding that would enable them to exercise a united front and a distinctive personality in European affairs.

When, however, we observe "all or none" militant Republicanism pitted against "not an inch" Loyalism, pessimism is understandable. We therefore commend the words of Michael Collins in *The Path to Freedom* to those Republicans who are silly enough to reject out of hand concession to Loyalist consciousness (p.25); and we would also commend the words of Lord Carson as food for thought to those Loyalists who stubbornly refuse to compromise (p.25).

Furthermore, on page 26 will be found the words used by Catherine Bowen to describe the Constitutional Convention held in Philadelphia 200 years ago. In recalling 'The Miracle of Philadelphia' she indicates how all those who sought to transcend the bitter feuding of the past participated in the building of a worthy society for their future.

All previous initiatives have foundered in atmospheres of fear, mistrust or misunderstanding or because of pre-conditions or renewed waves of paramilitary violence or combinations of these factors. We have therefore addressed the vexed questions of truce, ceasefire, demilitarisation and amnesty in the overall context of the pursuit of an open, democratic, consensus-seeking process (pp23-24).

INTRODUCTION

Anglo-Irish Process: Northern Irish Conflict

In the submissions presented by the New Ireland Group to the New Ireland Forum and later to the Devolution Committee of the Northern Ireland Assembly, it was argued that political progress in Ireland in general and in Northern Ireland in particular should derive from the right of self-determination based on the principle of consensus. A pamphlet *'Proposal for Consensus'* was published by the New Ireland Group for a gathering on 29th June 1985 at Eamhain Macha (Navan Fort). In that pamphlet, the Group addressed itself to the conflict of claim by both Britain and the Irish Republic to Northern Ireland as well as to the conflict of loyalty within Northern Ireland.

Confronted by the legacy of "Anglo-Irish" history and Irish sectarianism, it was also argued that the log-jam would never be broken unless and until those holding power in Britain and the Irish Republic were prepared to face up *jointly* to the implication of conflicting claims to sovereignty which had had the effect of aggravating the conditions for conflict in Northern Ireland. Unless the two Governments were prepared to commit themselves with determination in this regard, we held the view that the people of Northern Ireland would remain locked in the prison of their history. By the very nature of our bitter legacy, we recognised that both Governments might well be obliged to involve their respective people in decisions which would inevitably be painful to many of them.

Thus, the "Anglo-Irish Process" which was initiated in 1980 seemed vital to the development of the degree of understanding required to promote the conditions whereby the people of Northern Ireland could debate their future constructively without external duress and in a climate of reality.

Before the Anglo-Irish Agreement was signed, the New Ireland Group had entertained hopes that it might have been possible for the two Governments to have acted as joint sponsors of a constitutional convention process in Northern Ireland and to have acted as joint guarantors for its outcome, provided the outcome was consistent with the fundamental democratic right of all peoples to self-determination based on the principle of consensus.

In recognising that such a search for consensus could have failed, we had suggested that the two Governments would then have had little choice other than to apply joint authority, or, as a last resort, to have invited a third party such as the United Nations or European Community to give to Northern Ireland protectorate status until such time as the democratic process could

be engaged in once again.

As we now know, the two Governments chose a different course, choosing to put the London-Dublin cart before the Northern Ireland horse. Even so, we acknowledged arguments for so doing.

The Agreement, in recognising the duality of Northern Ireland, authorised the Irish Government to participate with the British Government in a qualified form of joint authority with the offer, on certain conditions, of devolved government jointly underpinned by London and Dublin.

While Dublin became increasingly the guarantor of Nationalist rights and aspirations and while many Nationalists felt they could turn to Dublin for understanding and support, it was quickly evident that there was no sympathetic quid-pro-quo for Unionists; in other words, whether intentionally or unintentionally, the relationship with London had changed fundamentally.

The Anglo-Irish Agreement

Unionist People and Unionist Leaders in its Aftermath

In the aftermath of the signing of the Anglo-Irish Agreement, it was quickly apparent that the Unionist people felt aggrieved, indeed enraged, by what had taken place. The conditions of the Agreement and, perhaps even more so, the process leading to its composition, seemed quite unacceptable to them as, incidentally, was also the case with some Nationalists. Salt was rubbed into Unionist wounds when London remained resolutely deaf to kith and kin arguments relating to sacrificial loyalty and service in the past, and equally unsympathetic to hurt feelings in the present. In short, Unionist self-esteem suffered damage of a magnitude comparable to that occasioned by the prorogation of Stormont in 1972.

While those who acknowledged the reasoning behind the Agreement might understand the acute sense of rejection experienced by ordinary Unionist people, it is difficult to share such sympathetic feeling for leaders, who had so persistently demonstrated a lack of imagination in coping with the Unionist dilemma. The performance of Unionist leaders has intensified the condition of isolation which has steadily eroded Unionist morale over a whole generation.

The Unionist people—as indeed most Nationalists—could justifiably claim that they had been excluded from the decision-making process. Unionist people, if they are to recover fully from the shock to their self-confidence, might ask themselves whether at least some of the blame for their predicament is not due to short-sighted, stubborn leadership? It can certainly be of no consolation to observe that Nationalist leadership has been consistently more imaginative, more articulate and, on the whole, more vigorous.

Significant opportunities have been lost by Unionism at the time of the Northern Ireland Assembly 1974, the Northern Ireland Convention in 1975, and the Round Table Conference of 1980. There has also been a total failure to influence the course of the Anglo-Irish Inter-Governmental Council from 1982 onwards.

By the time of Mr. Prior's 'Rolling Devolution' Assembly it was too late. Constitutional Nationalism, with Sinn Féin breathing down its neck, no longer believed in the possibility of a constructive outcome if the debate were to be circumscribed by Northern Ireland. It was argued that unless the arena could be widened the result of dialogue would be "the same as before"—"majority rule"—and with resolute logic, constitutional nationalism took the imaginative step of internationalising the debate.

Even so, the opportunity for enlightened new thinking by Unionists was still available: The New Ireland Forum offered one such opportunity; yet,

with a few exceptions such as the McGimpsey brothers, this opportunity was turned down. If there was a case to be made for a new relationship between the *people* of Ireland and the *people* of Wales, Scotland and England, it went largely by default. Even had such a presentation itself evoked a resoundingly negative response, it might, convincingly articulated, have promoted the challenge of a different perspective.

It is chastening to recall that out of 17 Northern Ireland MPs at Westminster, there were for many years only two from the Nationalist tradition. Unionists also had two members in the Privy Council.

It seems long past time, therefore, for the Unionist people to ask questions about their leadership in relation to an enduring future in the land in which so many have lived for so many generations. That leadership has made the Unionist people 'strangers in the Capitol', to use the words of the poet John Hewitt. Hewitt went on to note

'This is our country too, no-where else;

and we shall not be outcast on the world.' (From 'The Colony', 1950).

A quality of leadership which feeds on the collective paranoia of the siege mentality will indeed lead inevitably to the Unionist people being 'outcast' on the world.

There will not be consensus unless the Unionist people find, or are led towards, a quality of political life in which their self-respect, so corroded first by years of arrogance and—after 1972—by years of humiliation, is restored to health. That surely can best be achieved by their taking the leap in imaginative contributions to the democratic forms of future consensus; the alternative is to remain on the negative slide to historical oblivion.

Could Unionists, for example, now not begin to question whether the British system of 'majoritarian' parliamentary democracy is capable of serving adequately the needs of the divided people of Northern Ireland and from such fundamental questioning, offer genuinely imaginative, rather than purely defensive initiatives?

Could not the question be put in specific terms to the people of the rest of Ireland to consider whether or not their particular form of constitutional government is appropriate to changes which would be required by future relationships in this divided island? Whatever the response, the initiative would help to define more positively the place of the Unionist people in their own future. In this context, it cannot be overstated that Articles 2 and 3 of the Constitution of the Irish Republic pose no threat sustainable in law to Northern and that, in the event of withdrawal of sovereignty over Northern Ireland by Westminster, there is no way, short of the use of force, that Northern Ireland could be obliged to become an extension of the Irish Republic as at present constituted. In this respect, no-one, apart from the Provisional IRA, is advocating the use of force. (See Appendix I).

Fundamental Flaw and Limited Achievement

In spite of its fundamental flaw—failure to involve the people of Northern Ireland in its formulation—the Anglo-Irish Agreement reflected a major advance in understanding between London and Dublin as a result of the process launched by the Haughey-Thatcher talks of December 1980 and developed later by Dr. Fitzgerald.

The escalation of violence occurring since the Agreement was signed serves to confirm—were confirmation necessary—that the Agreement is not in itself a solution to our problems; indeed, its authors hardly claimed that it would be. It would, however, be plainly stupid not to acknowledge that the two Governments did achieve in 1985 an improved means of communication and an improved prospect of resolving the many difficulties posed by their conflicting perceptions, as well as a relationship progressively deepened by the handling of some extremely sensitive issues and events. Whether such private diplomacy is in the best public interest is another question.

The Anglo-Irish Agreement was in effect a *point of achievement* in a *process* enabling Britain and the Irish Republic *jointly* to take seriously the effect of their external conflict concerning sovereignty over Northern Ireland, a conflict which had persistently exacerbated the *internal* conflict of loyalty within Northern Ireland.

Moreover, without prescribing a solution, the Anglo-Irish Agreement has obliged both Unionists and Nationalists to face up to contradictions and to clarify political realities.

The Anglo-Irish Agreement has also made it much more difficult for Britain to patronise Ireland and it has had a significant effect in ensuring that negotiations with the Irish Republic must, from now on, be carried through on the basis of negotiation between *equals*. Mrs. Thatcher's "Out, Out, Out" begins to appear historically as the high watermark in paternalism expressed by the British Government towards the Irish Republic. Media exchanges ever since have clearly been influenced by the continuous diplomacy exercised via the Anglo-Irish Conference.

The Agreement has brought home to any who might still need reminding, that Northern Ireland consists of two main traditions, each having a distinctive identity and outlook as well as many similarities. Obviously, therefore, nothing less than equality of cultural expression as well as equality of opportunity will work, or indeed should be acceptable. When there is talk of 'the people of Northern Ireland' it must be in the context of *all* the people of Northern Ireland and not selectively on behalf of one tradition only.

The Agreement has highlighted the special difficulties for law and order in a state without consensus. Because of the agreement there is now a less

confrontational, more sensitive means of monitoring the application of law and the enforcement of order as well as the diplomatic means of insistence on corrective action where such is deemed necessary. Without political consensus, unusual law and irregular methods of maintaining order will remain indefinitely and this is unacceptable.

On the other hand, the Agreement has not resulted in devolved Government nor has it resulted in decreased violence: nor could it of itself conjure these results. It has obliged us to think more perceptively about the issues and the means whereby, in the long run, peace, order and reconciliation may be possible.

The Agreement has not reduced social deprivation and does not seem to have given renewed confidence to our heavily subsidised economy.

It is timely, therefore, to consider how the people of Northern Ireland might enter into constructive dialogue about the future in the more certain knowledge that, with regard to our conflict, London and Dublin are much less likely to wish to score political points at each other's expense while we continue to pay the price of division in life, limb, liberty and prosperity.

Anglo-Irish Realities— Three Years after the Agreement

Realism suggests that few people in Northern Ireland wish to exchange rule from London for rule from Dublin.

A majority of people living in Northern Ireland seek justice and equality of opportunity, the right to participate effectively in the society to which they belong, the right to a fair share of available employment and the right to develop creatively the use of their talents.

At the same time, the people of Britain tire of the problem of Northern Ireland and have little enthusiasm for Westminster to rule here indefinitely *except in as far as they are not prepared to be perceived as capitulating to the PIRA.* An increasing number of the people of Britain would prefer the Irish North and South to sort out their own problems for themselves.

With comparable realism, the people of the Irish Republic are fearful of the challenge of Northern Ireland. The Irish Republic, as at present constituted, could not, in the event of a British withdrawal and short of the use of force, take over Northern Ireland.

Another accepted reality for most people is that the IRA cannot defeat the British Army and that the British Army will not defeat the IRA.

Moreover, the two Governments along with the custodians of vested interest, share with most ordinary people the gravest concern about the effect of any *sudden* British withdrawal, or mishandled period of change. There is an underlying fear that such a radical initiative would precipitate North of the border, a horrendous clash between custodians of legally held weapons and the paramilitaries, leading inexorably to the involvement of the forces of the Republic, as well as wider reverberations.

The Wider Context

Northern Ireland is not the only part of these islands in a state of flux. Significant changes are occurring in Britain and the Irish Republic too. Divisiveness has become marked in the Britain of the Eighties, and Britain has had to become much more conscious of its multi-ethnic minorities, regional differences and marginalised sections. The loyal toast in Scotland is more contentious than it was 20 years ago, and the 1988 by-election in Govan has yet again highlighted awareness of the distinctiveness of the Scottish people. Growing disaffection for the overweening wealth, power and influence located in the South of England is another plainly audible factor with anti-centralist overtones.

In the Republic of Ireland, there is today a much more balanced appreciation of the position in which the Loyalists find themselves and there are fewer people advocating the creation of 32-county state than formerly. The national problem is no longer seen in simplistic terms with simplistic solutions.

With the approach of 1992 and the emergence of a European polyglot which few comprehend and many fear, it is vital that the people of Ireland achieve the degree of understanding that would enable them to exercise a united front and a distinctive personality in European affairs. We must be in a position to take advantage of genuinely fresh opportunity, and to feel united against highly organised exploitation, masquerading as it may well do in the guise of 'development'.

Against the backdrop of the foregoing domestic and international realities, it is encouraging to note some tentative recent exchanges being advocated, through the media and beyond, between Unionists and Nationalists, and some day there must be further dialogue between constitutionalists and others.

It should go without saying that an accommodation between Unionist and Nationalist, Loyalist and Irish Republican men and women in *Ireland* would, in the long run, be of far more significance to those of us who live here, than any degree of agreement between London and Dublin. This being so, we acknowledge, nevertheless, the importance of Anglo-Irish understanding in bringing such accommodation into being.

Political Reality and a New Ireland

Our future depends on our ability to recognise the political realities of the different strands in the power game and to take account in particular of changing attitudes in Britain and the Irish Republic. It is a particular commitment of the New Ireland Group that the principle of consensus be a dominant characteristic of the Ireland of the future. We believe that the development of consensus as outlined below can break the vicious cycle of recurring sectarian violence that has plagued Ireland for so long.

Were the people of Ireland enabled to pull together in a climate of consensus, we believe that they would be capable not only of showing generosity towards each other but also, through new-found single-mindedness and fresh sense of purpose, of replacing the weak economy of the Republic and the subsidised economy of Northern Ireland by a viable economy for all.

Talents and the resources are not significantly lacking. What must be drawn forth is the will and the way. What is in question is whether we have the vision, faith, persistence and courage to explore the implications of consensus as it impinges on traditional sensitivities and whether we can unearth

the leadership to respond to the challenge.

Northern Ireland is not the only place which would experience pain in the process of change. To challenge the union link poses considerable difficulty for traditional Tories in Britain, and the emergence of a vigorous politic in Northern Ireland, made cohesive by genuine consensus, would represent a challenge to not a few in the British Conservative backwoods; while the challenges which might be offered to the Irish Republic, such as membership of the Commonwealth of Nations, might prove barely digestible to many of its people. Furthermore, it is axiomatic that in the event of withdrawal of Westminster control from Northern Ireland there could be no consensus for an all-Ireland state unless the Republic, as at present constituted, was dissolved and this too might be a price which some people might feel was too high to pay!

The first step is for the two sovereign Governments to create the conditions whereby the people of Northern Ireland may debate in a political climate no longer bedevilled by uncertainty, the means of finding consensus. From such basis of coherent and articulate self-respect they could then sit down with representatives of the people of the rest of Ireland to thrash out a new relationship rooted in the same enduring security of consensus.

The onus is therefore on all those people who believe in a 'New Ireland' to create the climate in which the achievement of consensus for it becomes a challenge rather than a threat.

The Anglo-Irish Agreement and the Future

Having established that the Agreement in its present form has served its purpose as a catalyst, obliging both Nationalist and Unionist to face up to contradictions and to think through some unpleasant realities, the opportunity should now be seized to promote serious movement towards a form of self-determination based on the principle of consensus.

It is imperative, therefore, to define clearly these terms—self-determination, democracy and consensus—so that readers may fully understand how they are being applied here. In addition, there are brief explanatory notes on such consensus-orientated mechanisms as the List System of enhanced political representation, and on the use of the recently conceived idea of 'Referendum', which has attracted considerable interest.

Self-Determination

The United Nations Covenants on Human Rights affirm in Article 1, Clause 1, that:

"All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural developments"

The implication of this affirmation is considerable for the current situation in Ireland. After all, if Republicans affirm the inalienable right of the people of Ireland to self-determination and Loyalists affirm the inalienable right of the people of Northern Ireland to self-determination, the unqualified right to self-determination must inevitably set us on a collision course. We have therefore concluded that the right to self-determination must be qualified by the principle of consensus lest it becomes simply the means of underpinning 'majoritarianism'.

(By 'majoritarianism', we mean the limitation of democratic form to simple, unqualified majority rule, whose deficiency has been amply demonstrated within Northern Ireland itself. Other contemporary experience with Tamils in Sri-Lanka, Matabele in Zimbabwe, Sikhs in India, Timur Separatists, Kurds in Iraq, Ngorno-Karabask Armenians in Azerbaijan, Serbs in the Yugoslavian province of Kosovo, etc, etc, proclaim the same lesson.) Whatever else, democracy was not intended to underwrite majority rule, neither the Irish form of it nor the Northern Irish form of it.

Because this problem of self-determination is now so commonplace throughout the world, the following motion has been placed on the Order Paper of Seanad Eireann and awaits—with great patience—its turn for debate:—

"That Seanad Eireann,
recognising the significance of the right to self-determination in giving
freedom to the peoples of the world,
observing with concern the social and political conflict which has been
caused in many nation states by domination of minorities by majorities,
urges the Government to recommend to the United Nations the amending
of the first sentence of Article 1, Clause 1 of the United Nations
Covenants on Human Rights,
by adding to the words 'all peoples have the right to self-determination'
the words 'based on the achievement of consensus' and to press urgently
for a suitable definition of consensus and also for wider publication of
the means of achieving it and methods of assessing it"

Democracy

Democracy has been described by Herodotus (in *The Greeks* by Antony Andrews: Hutchinson, 1967), as "taking the people into partnership". A feeling of partnership is the basis of consensus. Where consensus is *felt* to exist, the wish of a majority, expressed by straight majority vote is, to many people, an acceptable means of collective decision making. However, persistent exclusion of a particular minority by the straight majority vote method will ultimately lead, through frustration, to fragmentation of the consensus that made majority voting acceptable in the first place. Today, as noted above, it is clearly acknowledged that the marginalisation of minorities has been responsible for much social and political disaffection. Powerlessness with comfort may merely lead to apathy; powerlessness with discomfort inevitably leads to anger.

Where consensus does not exist, majority *vote* will be perceived as majority *rule*. As a result, a significant minority may wish to secede. In the aftermath of the 1918 General Election, which produced Unionist majorities in only four counties, Irish Republicans opted for secession from the United Kingdom. Northern Loyalists followed suit when they, as an Irish minority, opted for exclusion from the Irish Free State in accordance with the provision of Article 12 of the Treaty between Britain and the Provisional Government of Ireland in 1921.

The logical historical progression of such failure to achieve consensus might lead (perish the thought) to a desire for re-partition!

Short of secession, however, there are numerous political devices available for the achievement of consensus. Moreover, in today's global village, secession in itself is a contradiction in terms. It is being borne in on us progressively that independence for the person, community, region or nation is not valid outside of the framework of inter-dependence with the wider community of

which we are but a part. 'Ourselves with others' rather than 'ourselves alone' is the realistic—as well as the idealistic—slogan for creative survival.

Article 76, Section C of the Charter of the United Nations asserts the need, "To encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion and to encourage recognition of inter-dependence of people over the world" In other words, the concept of absolute sovereignty is redundant; the will of the majority is meaningless in relation to the fundamental democratic right of self-determination unless the minority to which it relates has been accommodated with consensus.

Without consensus, any claim to unity among the people is false.

Consensus

What do we mean by consensus?

What are the means of achieving consensus?

What are the means of assessing consensus?

Meaning of Consensus: Any community which can agree on how to govern itself, while respecting the fundamental human rights of the individuals composing it and also respecting fundamental obligations with regard to such rights for others who do not belong to it, has the right to self-determination.

*The right to be,
tempered by the need to belong,
with the obligation to share
is the ideal basis of consensus.*

In terms already discussed under the heading—Democracy—consensus implies that the people experiencing it have a feeling of partnership. In more practical terms, however, in particular in relation to the bitter division in Northern Ireland, compounded by the lack of understanding of democratic forms beyond majoritarianism, a workable degree of consensus *in the short term* could be derived from any state of affairs clearly shown to be acceptable to a majority on each side of the division. (This would correspond to the code-phrase 'widespread acceptance throughout the community' used repeatedly over the last sixteen years). Useful though such interpretation of consensus might be in the promotion of party-political movement, its limitations would be difficult to sustain, let alone justify, in the long run:—

- (a) It would institutionalise political sectarianism; and
- (b) It would marginalise important sections of the community.

Means of Achieving Consensus: Both the Irish Republic and Northern Ireland inherited the British system of parliamentary democracy. Because of historical association with this system, both North and South of Ireland have been slow

to grasp that straightforward parliamentary majority rule, acceptable in Britain—where, until recently, consensus had been taken for granted—is not appropriate in Ireland where, thus far, consensus has eluded us. It is to European and other models that we should now be looking if we are to capture imaginatively the means of consensus.

In the final analysis, consensus is as much a question of the distribution of power and the right to participate *effectively* at local community and district levels as it is about structures at regional and national levels. Consensus must be felt where we live, not just in a national parliament.

It is necessary to consider:-

- (a) the use of the citizen's vote (e.g. proportional representation, unitary list system, proportional voting, straight referenda, the preferendum—multiple choice referendum, etc.)
- (b) The distribution of power as it affects collective participation by the citizen where he/she works and lives. This would involve the establishment of an appropriate balance between power held in the central institutions of the state for the purpose of encouraging compliance within overall regional and national guidelines and the power held by the citizen in community in relation to the right to *effective* participation. (See, also, the *New Ireland Group Submission to the New Ireland Forum* (1983) and in *Proposal for Consensus* (1985). These contain a 10-Point Plan to deal with the serious problems caused by the increasing centralisation of political, economic and institutional power and its corollary—the acceleration of collective community powerlessness.) In relation to this redistribution of power, a community charter designed to promote consensus seeking democracy and respect for fundamental human rights where we live and work awaits publication.
- (c) Structures at regional and national level e.g. relevance of confederation, federation, consociation, cantonisation, home rule, power sharing arrangements and so on.
- (d) The constitutions of other countries e.g. Switzerland, Yugoslavia, South Tyrol, Spain, India, Canada, U.S.A., West Germany, Iceland and Faroes to mention a few chosen for their possible relevance to our particular situation. Weaknesses which have appeared in what at one time seemed to be satisfactory constitutional arrangements of such as Cyprus and Lebanon should also be studied. The demilitarised constitution of Costa Rica, long tortured by multi-faction civil war, has a number of

interesting facets, particularly in the vexed area of policing. (See Appendix II, p. 34).

Means of Assessing Consensus:

1. By sectarian head count on separate electoral registers, catholic, protestant and others, as explained above (p.11, para 4).
2. By determining the percentage of the total votes cast that would indicate an agreeable degree of consensus by forms of weighted majority.

For instance:

Dealing with an all-Ireland option which might be fully supported by the catholic population and assuming a 100% valid poll, it would require 70% of votes cast (catholic population = 40%) plus (half of protestant population = 30%) to ensure that over half the protestant population had voted for the option. Allowing for those who would not exercise their vote, should 70% of the valid votes be in favour of the option it could at least be concluded that the majority of the protestant population had not voted against it.

Dealing with a U.K. option which was fully supported by the protestant community and assuming a 100% valid poll, it would require 80% of the votes cast (protestant population = 60%) plus (half of catholic population = 20%) to ensure that at least half of the catholic population had voted for it.

Allowing for those who would not exercise their vote, should 80% of the valid vote be in favour of the option, it could at least be concluded that the majority of the catholic population had not voted against it.

As all protestants do not vote Unionist and all catholics do not vote Nationalist, agreement might be obtained in advance to accept say 66⅔% of the vote as an agreeable measure of acceptable consensus.

3. It would be unnecessary to use separate electoral registers or to think of weighted voting in sectarian terms if the sophisticated method of multiple choice referendum—the preferendum as advocated by the Ecology Party (see below)—were instituted.

The Preferendum:

The Preferendum, now firmly developed by the Ecology Party and much discussed more widely, offers an ingenious method for making a collective choice out of a range of possibilities.

Briefly, the Preferendum works as follows:

1. A consensor lists all the options for which he has concluded that there is serious support either by commitment or by numerical strength or both but excepting any which, in his opinion, are repugnant in principle to the United Nations Declaration of Human Rights, the United Nations Covenants on Human Rights and the European Convention on Human Rights.
2. The voting paper is presented as a list of the options against which the voter numbers each option in the order of his/her preference. A valid voting paper must include a numbered preference for *all* of the options on the paper. Only thus may those committed to democracy affirm the right of others to canvass an option to which they themselves are most opposed and vice versa; hence, the need to ensure that nothing repugnant to internationally accepted principles of human rights appears on the paper. The returning officer indicates the score, giving first preference a score equivalent to the number of options on the paper. Thus, on a 10-option voting paper, a first preference would receive a score of 10 points whereas the tenth preference would receive a score of one point.
3. For each of the options, the points attained on each of the voting papers is then added up and the option with the greatest number of points is the one achieving the greatest degree of consensus.

(While it is perfectly feasible to manage a preferendum with adequately trained tellers, the concept is particularly apt for a computer age and may well suggest that the day of the computer in the polling booth is not so very far off!)

The List System of Representation:

Northern Ireland or Ireland as a whole for that matter would be looked upon as a single constituency. If, for example, it was decided to create a 100-seat assembly or convention then any party or individual winning 1/100 of the vote would have the right to a seat, 10% of the vote would receive 10 seats and so on.

Initiating the Process towards Consensus

Having outlined the background realities, and the paramount need to promote understanding of consensus, and the means of its establishment, the next stage is to outline the steps by which this process may begin.

Because of traditional sensitivities and complexities and of the widespread limitation of democracy to meaning mere majoritarianism, a period of preparation in dialogue is highly desirable. Such a dialogue, involving members of the public at large as well as politicians, would enable vital ideas, however novel, to achieve a sensible degree of intelligibility as well as credibility. It would also protect the politicians themselves from being prematurely hoisted on party-political hooks.

The mechanism for such unconditional dialogue would be a public forum, which would consider not only the topics for a constitutional convention, but also the mechanism by which the convention might conduct its business. It would have an impartial secretariat and impartial chairmanship of unimpeachable integrity. It would be open for both written and oral submissions by individuals, groups and parties. It would thus act as a thorough and uninhibited precursor to a constitutional convention which would be charged subsequently to generate proposals for new structures likely to achieve consensus.

It is therefore desirable that the two sovereign governments mount a **sequence for progress** along the following lines:

1. The British and Irish Governments to affirm jointly that the right of all peoples to self-determination derives from the achievement of consensus.
2. The British and Irish Governments jointly to acknowledge the failure thus far to produce government with consensus in Northern Ireland, and consequently the redundancy of claims to sovereignty over Northern Ireland and, by so doing, jointly to indicate intention of withdrawing such claims in due course.
3. The British and Irish Governments jointly to initiate a process in Northern Ireland as outlined above, whereby the people of Northern Ireland may, by both the principles and mechanisms of consensus, determine their own future; and in so doing, to agree to act as joint sponsors for the process.
4. At the outset, the British and Irish Governments, without prejudice to the ongoing development of their mutual relationship in a wider context, to suspend such workings of the Anglo-Irish Conference as may relate to Northern Ireland or limit any relevant workings to those for which a measure of consensus is acknowledged from currently recognised leaders of public and political opinion in Northern Ireland.

5. The British and Irish Governments jointly to sponsor or otherwise effectively support the establishment of a public forum (see above) charged with debating the meaning of consensus in Northern Ireland and the mechanisms by which it might be obtained and assessed; such public forum to have all appropriate secretarial support, to last for up to twelve months, and to have facilities for producing reports, including a final report (see above).
6. Following the Forum, the British and Irish Governments to sponsor or otherwise effectively establish a Constitutional Convention, elected by the people using such means as the List System (see p.15) to yield the widest possible representation, and charged with considering in the first instance the final report of the public forum, and otherwise formally to prepare proposals which are likely to lead to consensus, including the mechanisms for the implementation of such proposals.
7. Through the use of a mechanism such as a preferendum (see p.13) to determine, at the conclusion of the convention, the option which can be shown to have the greatest consensus among the delegates and to put this option before the people requiring the support of two-thirds of the valid votes cast for ratification.
8. The British and Irish Governments to act as joint guarantors for the outcome provided it is consistent with the principle of consensus democracy as distinct from majoritarianism and provided it is not repugnant to internationally acknowledged charters of human rights.
9. In the event of failure to achieve a two-thirds vote, the proposals to be referred back to the convention for further consideration and re-cycled to successful conclusion unless it becomes apparent that, for the time being, it cannot reach conclusion. At that juncture, the workings of the Anglo-Irish Conference to be re-activated and a decision taken as to whether, under Anglo-Irish aegis, further suspension of the workings of the Conference at a later date might still hold out the prospect of a satisfactory conclusion.

If it were decided that this was unlikely or if the further process ended in deadlock too, then the position should be fully described to the European Commission and European Parliament and proposals invited from the European Community on the best means of indefinite maintenance of civilised services until such time as there is evidence of indigenous willingness to find consensus.

(The concept of European protectorate status has already been mooted in this regard, in a letter to the *Cork Examiner*, 6.10.88, from Tom Raftery, MEP.)

Since the process outlined above would have been freely generated and

fulfilled within Northern Ireland shorn of rival claims of Dublin and London yet underpinned by both, it would have freed us from the debilitating effects of dependency, and should effectively generate a new quality of self-respect so vital to creative stability. In this regard we believe, in particular, that the Northern Protestant community, in spite of its long period of negative leadership and low morale, could yet seize a major initiative to become, on conditions based on pluralism, a significant driving force in the development of this advanced form of democratic politics throughout Ireland.

As we stand at the frontier which separates the Ireland of yesterday from the Ireland of tomorrow, the Northern Protestant community, far from being "*outcast on the world*", could prove worthy of its pioneering ancestors by grasping this passing opportunity. Its destiny beyond that frontier lies in its own hands. In this "*our country also*" along with their Catholic fellow countrymen, Northern Protestants could show the world ingenious and generous new ways of resolving conflicts hitherto regarded as insoluble. One thing is certain, against the backdrop of world opinion—particularly opinion in Europe and in the United States of America—no Dublin Government could easily afford not to respond positively to a Northern initiative seeking settlement based on consensus.

It is with this in mind that the New Ireland Group would urge, at both the Forum and at the Convention, the pursuit of the means of consensus as well as canvassing arrangements for a New Ireland achieved through such consensus as the means of reaching an enduring solution.

In presenting an outline process for the achievement of consensus, the New Ireland Group finds itself in an interesting test of its own position—a conflict between its fundamental commitment to politics by consensus and its strongly held opinion that the all-Ireland context is the most appropriate environment for the emergence of such consensus.

As democrats, we acknowledge that consensus might be found for a number of suitably qualified options, examples of which are mentioned in Appendix III; as democrats we also reserve our right to pursue the constitutional path to which we are committed—namely the building of a New Ireland shorn of dependence on or control by Britain—where self-determination has responded to the challenge of consensus.

Agenda Topics in the Consensus-Seeking Process

Confronted by the true implications of Articles 2 and 3 in the Irish Constitution (see Appendix 1) as well as by an increasingly restive British public expressing a growing desire to withdraw from Ireland and called upon to determine our future on the principle of consensus, the New Ireland Group would urge that the following items, among many others should be placed on the Agenda of the Northern Constitutional Convention by those advocating the building of a New Ireland. Many of these items would present painful difficulties for people in the South as well as in the North of Ireland; we are, after all, dealing with a cycle of *recurring* violence which stretches back in consciousness to 1649 and 1641, to the curse of division wrought by the violence of reformation and counter-reformation.

Nothing which touches on the sensitive issues of identity, fear and hope should if at all possible be excluded from the debate. Proposals for many different solutions would inevitably appear on any agenda dealing with our present deep-seated division and reference has already been made to some examples which appear in Appendix III:—

1. Those advocating various forms of internal Northern Ireland solution would be required to outline the structures and mechanisms by which enduring consensus might be achieved.
2. Those advocating 'total integration' to outline the mechanisms and structures by which such a solution might elicit effective consensus and provide for participation within Northern Ireland.
3. Those advocating 'independence' to provide similar 'consensus proof' mechanisms and structures, and in particular to indicate how the related concept of 'inter-dependence' is to be effective.
4. **The Promotion of Consensus in the Building of a New Ireland:**
Those, like the New Ireland Group who advocate the building of a New Ireland would be required to outline the conditions which would promote consensus for it and with this in mind the New Ireland Group would urge:
 - (i) The acceptance of an indefinite transition period, to terminate only when the new arrangements were clearly seen to be working for the overwhelming majority of the people. This would be in keeping with our conviction that an evolving solution which invites participation to meet the challenge is much preferable to the notion

of a final solution which, by implication of its specific nature, is likely to prove threatening to those who are opposed to it. The onus would therefore be on those of us who believe in the potential of New Ireland to ensure that those most fearful of it could grow in confidence as participants in its development. The country cannot afford further exodus; it must seek commitment.

- (ii) Acknowledgement that a the degree of autonomy would be required for Northern Ireland during the transition period in relation to matters which could not be resolved overnight, and after this period, in relation to requirements for regional decentralisation.
- (iii) *Explicit* affirmation of the right to dual nationality for the people of Northern Ireland throughout the transition period.
- (iv) With Article 12 of the Anglo-Irish Agreement in mind, consideration of an Anglo-Irish Parliamentary Body to explore, among other things, the possibility of a co-ordinating conference of the WISE (Welsh, Irish, Scots and English) meeting regularly on neutral territory such as the Isle of Man. (Such a parliamentary conference, designed to reflect the interests of regions and satellite island communities rather than those of centralised power located in London and Dublin, could become a catalyst for worthwhile new debate on the wider implications of the "consideration of the totality of relationships within these islands").
- (v) Consideration of Irish membership of the Commonwealth of Nations. The 'Commonwealth' is no longer the British Commonwealth. It includes a number of Republics and many of its members, in common with Ireland, have had their share of post-colonial problems. The Commonwealth could provide Ireland, as a neutral and small nation, with further scope to exert global influence for peace-making purpose; it would also provide means of bringing pressure to bear on more powerful neighbours. Application by Ireland for appropriate association with the Commonwealth of Nations would be a significant gesture to Loyalist consciousness as well as a test of Irish Republican willingness to change.
- (vi) A Bill of Rights which would draw heavily on the European Convention on Human Rights, the United Nations Declaration of Human Rights and the United Nations Covenants on Human Rights.
- (vii) Release of prisoners with amnesty on ceasefire.
- (viii) A Community Charter to enable the devolution of power to ensure

within regional and national co-ordinating guide lines, that participation is *effective* where we live and where we work.

- (ix) Consideration of the most appropriate siting for a new Ireland Parliament as well as the desirability of providing for regional council chambers along lines already indicated in Articles 15.1.3 and 15.2.2 of the present Constitution of the Irish Republic.
- (x) *Explicit* separation of church and state in keeping with an aspiration to social and cultural equality.
- (xi) Specific ecclesiastical, cultural and social initiatives designed to ensure that the children of Ireland would grow in unity and that the sectarian and class basis of separation in their growing up would become a thing of the past in the Ireland of the future; comparable initiatives to remove traditional stigmas which have not only designated second-class citizens in society but also second-class partners in marriage.
- (xii) Consideration of ways and means whereby the economy through the transition period might be underpinned by canvassing European, American and other interests sympathetic to political stability in Ireland. Stability must not be compromised by an unacceptable fall in the standard of living at a time when the economy would be particularly vulnerable and the political climate uncertain.
- (xiii) The dissolution of the present state and constitution of the Irish Republic. It is axiomatic that a New Ireland cannot be an old Ireland in disguise.
- (xiv) The setting up of an *all-Ireland constitutional conference* to discuss the agenda tabled by Northern representatives and by the representatives of the rest of Ireland for the drafting of a provisional constitution which would reflect the degree of consensus that would be the justification of any claim to unity.
- (xv) Ratification of the provisional constitution by two-thirds (2/3) majority of votes cast separately in the North and in the rest of Ireland.

In the event of failure to achieve ratification, the proposals to be referred back to the all-Ireland Convention for further consideration and this process to continue to successful conclusion unless it becomes apparent that such conclusion cannot be reached, in which case the Northern people would inevitably feel compelled to consider again other options which had already been brought forward in the previous Northern Consensus-Seeking Convention.

We believe, however, that under the conditions which we have urged in the development of this process based on the principle of consensus, the political climate would not only be positively challenging but also sufficiently favourable for the different Irish traditions to start responding to each other's needs instead of continuing to react against one another.

De-escalation of Violence— Truce and Ceasefire

All previous initiatives have foundered in atmospheres of fear or mistrust or misunderstanding, or because of pre-conditions, or renewed waves of paramilitary violence, or combinations of these factors.

Given the open, unconditional, and jointly underwritten nature of the process herein outlined, no armed group claiming to seek a democratic outcome to present instability could have any vestige of legitimacy for pursuing its violent disruption. Given, however, the irrational nature of such violence as is rooted in fear and suspicion, some attention must be given to the effect of background violence to the process.

Moreover, the public forum itself, and any of its legitimate successors, might consider the vexed subject of policing and the topic sometimes described as legitimate violence in defence of democracy.

It is inevitable that for the duration of the consensus-seeking process, responsibility in these areas will remain largely as they are, but a number of steps could be attempted which might make the climate for the conduct of the process more favourable.

Attempts, however unproductive they might currently seem, should continue to be made to obtain ceasefires by all involved in paramilitary activity, movement towards such ceasefires to be mirrored by visible running down of military profiles. Thus, the British and Irish Governments should support negotiations aimed at bringing about a rapidly phased de-escalation of military and paramilitary activity in which all sides would be expected to read signs confirming trust in each other's bona-fides. Ideally, the *Sequence for Progress* should not be initiated until a truce has been obtained and agreement reached that ceasefire with amnesty would follow if and when the people had determined for themselves independently their future in accordance with fundamental democratic principle.

Were a truce leading to cease-fire adequately negotiated all army forces should have returned to their barracks for the duration of the constitutional convention process. Consideration should then be given to the desirability of inviting a United Nations or European peace-keeping force to be posted to Northern Ireland as an appropriate back-up to ordinary civilian policing.

In the event of the failure of all official or unofficial efforts to achieve a ceasefire for the duration of the Consensus-Seeking Process, the process must nevertheless continue, since it alone can ultimately produce legitimacy for proposals for our future, and implicitly negate the presumed mandates of any who might seek, irrationally and by sheer violence, to disrupt it.

In order to confirm this point, it should not be overlooked that there might arise an opportune moment, once consensus had emerged, of seeking by referendum from the people in both North and South a popular mandate for the cessation of all paramilitary campaigns. By this means it should be possible to establish just how small a degree of support such paramilitary activity might have in the conditions outlined.

Security, so often left to vulnerable young men in uniform, depends ultimately, as professional police would be the first to proclaim, on the consensus of a people in partnership which the process outlined above seeks to create.

New Ireland and Compromise

In promoting this commitment to new forms of consensus politics, it must be admitted that some citizens no longer believe that there is any solution, and would hold the view that such proposals as those herein outlined are simply not feasible. Indeed, when confronted with "all or none" militant Republicanism pitted against "not an inch" Loyalism, pessimism is understandable. It therefore seems appropriate to commend to those Republicans silly enough to reject concession to Loyalist consciousness, the words of Michael Collins as found in 'The Path to Freedom':

"It is this serious internal problem (dis-unity) which argues for the attainment of the final steps of freedom by evolution rather than by force—to give time to the North-East to learn to revolve in the Irish orbit and to get out of the orbit of Great Britain—in fact internal association with Ireland, external association with Great Britain ..."

"Had we been able to establish a Republic at once (as distinct from the Free State), we would have had to use our resources to coerce North-East Ulster into submission. Will anyone contend that such coercion, if it had succeeded, would have had the lasting effects which conversion on our side and acquiescence on theirs will produce?"

Equally commendable are the words of Lord Carson as food for thought for those Loyalists who stubbornly refuse to compromise:

"If Home Rule is to pass, much as I detest it and little as I will take the responsibility for the passing of it, my earnest hope and indeed I would say my earnest prayer would be that the Government of Ireland for the South and West would prove and might prove such a success in the future, notwithstanding all our anticipations, that it might be even for the interests of Ulster itself to move towards that Government and come in under it and form one unit in relation to Ireland."

Later, during another attempt at compromise by Lord Carson, a concerned supporter stated privately "this will ruin Carson in Ulster" To this Lord Carson replied "I don't care a damn! Only a fool would fight if there is a hope of accommodation. What a great thing it would be if this longstanding controversy could be settled once and for all!" We were interested to read that Dr. Paisley used this quotation at his recent Party Conference.

Consensus and Compromise

In all of these deliberations we remain aware that former leaders were not incapable of compromise. Perhaps more significantly we might recall the great convention held in Philadelphia during the long hot summer of 1787 when Americans, barely 10 years after the Declaration of Independence, were endeavouring to draft a new constitution which would bring the different states together.

"The federal convention, viewed from the records is startlingly fresh and 'new' The spirit behind it was the spirit of compromise, seemingly no very noble flag to rally round. Compromise can be an ugly word, signifying a pact with the devil, the chipping off of the best to suit the worst. Yet, in the Constitutional Convention the spirit of compromise reigned in grace and glory; as Washington presided, it sat on his shoulder like the dove. Men rise to speak and one sees them struggle with the bias of birthright, locality, statehood --- South against North, East against West, merchant against planter. One sees them change their mind, fight against pride and when the moment comes, admit their error. If the story is old, the feelings behind it are new as Monday morning"

(*The Miracle of Philadelphia*, Catherine Bowen: Little, Brown & Co.)

It is salutary to recall that the Declaration of Independence passed on the 4th of July 1776 was supported by many Ulstermen at least a quarter of a million of whom had left their native land during the previous 60 years to form one sixth or more of the total population of the American colonies. It is reported that the Declaration of Independence was drafted by an Ulsterman, first transcribed by an Ulsterman, first printed by an Ulsterman and first read in public by an Ulsterman!

Northern Loyalists have it in their power to create history rather than to continue merely to appear in it, to be founding fathers of a destiny for their children that will live beyond them. Should they seize the initiative they will be worthy of their forbears. In giving the lead for the settlement of our ancient quarrel in Ireland, the Loyalist community could pave the way for the creation of an independent Ireland and at the same time promote the establishment of a realistic and brotherly relationship with those who live across the water in Wales, Scotland and England. Almost 20 years ago this challenge was raised in the newspapers and in a pamphlet, 'New Ireland—Sell Out or Opportunity?' The challenge, with some change in emphasis, still seems relevant today.

New Ireland—Sell Out or Opportunity?

October 1972

"The English people have no will to rule indefinitely in Northern Ireland. They have an increasing desire to be rid of the connection and we deceive ourselves if we believe otherwise. If, however, we act before it is too late we will obtain support for an interim period of transition from Westminster not just to satisfy an increasing wish to be freed of our problems but also because Westminster has a vested interest in order here. The most certain way to undermine institutions in mainland Britain is to perpetuate the present state of affairs in Ireland.

The Government in Dublin, if the truth were known, is deeply concerned about the prospect of coping with the Northern minority let alone the Northern majority. Furthermore, it is not yet clear that the people of the Republic would welcome our intrusion in their affairs. Both people and government seem reticent and with reason, to grasp the historic opportunity with imagination. There has been little indication that they are ready to take part in the creation of a truly New Ireland and few people in Northern Ireland—catholic or protestant—are interested in being absorbed into an extension of the present Republic.

In the United Kingdom, the Northern Ireland people count for little. In a union of Irish men and women they would command considerable authority and be in a position to exert significant influence.

Thus, if Northern Irish protestants would only realise that they flatter the forces which have created their siege mentality they would sweep out of the citadel and with their catholic fellow Ulstermen and women, cross Ireland with the new ideas and thinking which have been provoked by our years of conflict. If we would pause to reflect constructively we might see that this island needs the people of Northern Ireland together to challenge negative reactionary forces which have become institutionalised in the Republic.

The time has therefore come for the men and women of the North to stride forth not just to create an alliance of catholics and protestants for temporary peace nor to create an artificial unification in response to despair but rather to inspire ideas which will fertilise a new society with a fresh sense of purpose"

New Ireland Group

The New Ireland Group was formed in 1981 as a pressure group in the aftermath of the hunger-strike. It has an open membership and holds General Meetings which are open to the public. It was founded in the hope of re-awakening the radical dissenting tradition among Northern protestants so that it could re-assert itself in the affairs of Ireland.

With limited resources and membership of around 100, the New Ireland Group has taken opportunities in the Irish Republic and in Britain as well as in Northern Ireland to put forward its viewpoint and in so doing, to challenge conventional views about the British/Irish problem. We have participated in many debates concerning the issues of human rights and civil liberties. We have put forward proposals, based on political, historical and socio-economic analysis with the purpose of creating a better climate in which the people may more easily express their fundamental democratic right to self-determination based on consensus as well as obtaining appropriate share of power for *effective* participation at local community level. We have considered means of political reconciliation through symbolism and the politics of *repentance*. In so doing we have tried to respond to the challenge of guilt, resentment and falsehood which have resulted from the violence of attitudes as well as actions recurring through generations.

Through letters to the Press, articles in newspapers and periodicals, public lectures, participation in debate, opportunity on the media and through representation in the Irish Senate, we have endeavoured to publicise our ideas for the future.

In addition to publishing a number of pamphlets, we presented a 40,000-word Submission to the New Ireland Forum. We made a Submission to the Devolution Committee of the Northern Ireland Assembly. At three People's Conventions held in the Nelson Mandela Hall of Queen's University in 1986, we endeavoured to promote an interest in new style of political debate which we believe could lead to consensus democracy throughout Ireland.

We sustain an interest in Irish history, highlighting the early history of Ulster of Tirconaill (Donegal less Inishowen), Tireoghain (Tyrone and central Ulster) and Dalriada (East of the Bann and North of Larne) and the relationship of the Uladh to these three parts of Ulster as well as the relationship of Ulster and the rest of Ireland on the one hand, and between Ulster and the West coast of Scotland on the other. The significance of these relationships in our early history and of their development was depicted in song, dance, poetry and prose at Emhain Macha (Navan Fort) on 29th June 1985. That gathering was held to explore a reality which is war and a hope which is peace. Three years on, that theme still dominates our lives and

remains a challenge to all women and men of goodwill.

The New Ireland Group looks for the support of new members. Anyone interested in joining the Group and participating actively can do so by filling up the membership form on page 31.

Aims and Role of the New Ireland Group

1. AIMS

The attainment of a New Ireland through negotiation by

- 1.1 creating, through dialogue and persuasion, a just, caring and non-sectarian society and
- 1.2 requiring the establishment of a new pluralist constitution embracing the whole of Ireland, containing a Bill of Rights in line with the United Nations Declaration of Human Rights and the European Convention on Human Rights and with acceptable safeguards for minorities and
- 1.3 achieving, through consensus, equitable, progressive and participatory forms of government at all levels and
- 1.4 recognising and promoting the right of free expression of all cultures and traditions within Ireland and actively encouraging interaction between them.

2. ROLE

- 2.1 To provide a forum and support for those who seek political reconciliation in Ireland by
 - 2.1.1 encouraging the revival of the radical dissenting tradition in Ulster protestantism; and
 - 2.1.2 challenging all opinions and practices which promote sectarian domination in any part of Ireland.
- 2.2 To promote awareness and responsibility at local community level for all matters affecting the health, enterprise and esteem of the people by
 - 2.2.1 encouraging the development of decentralised forms of government and democracy so that all citizens may become directly involved in effective decision making where they live and where they work; and
 - 2.2.2 supporting radical new proposals to overcome poverty and other social injustice; and
 - 2.2.3 considering proposals required to meet the challenge of high technology with regard to work and employment; and
 - 2.2.4 promoting a healthy, unpolluted environment throughout Ireland with respect for global ecology.
- 2.3 To promote and encourage the development of democracy based on consensus as the alternative to majoritarianism and to develop the means by which consensus can be achieved.

Appendix I

Articles 2 and 3 of the Constitution of the Irish Republic

Article 2 states:

'The national territory consists of the whole island of Ireland, its islands and the territorial seas.'

Article 3 states:

'Pending the re-integration of the national territory and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Éireann and the like extra-territorial effect.'

In respect of the need for constructive dialogue between representatives of the people of Northern Ireland and the rest of Ireland, the *reality* of Articles 2 and 3 in the Constitution of the Irish Republic as distinct from Loyalist and Republican *perceptions* requires re-emphasising.

It is the perception of what these Articles imply rather than the reality of their legal status which has promoted so much negative reaction to them. Republican purists see in them a claim vindicated by the result of the 1918 General Election and further justified by the result of the referendum for their ratification in 1937 while Loyalists perceive them as a monstrous interference in the constitutional settlement agreed, albeit at the end of a gun, between Lloyd George and the representatives of the Provisional Government of Ireland in 1921.

As a result of the failure of the constitutional challenge to the Irish Government's ratification of the Sunningdale Agreement, it was stressed by the Supreme Court that Articles 2 and 3 of the Constitution are a statement of aspiration rather than a claim to Northern Ireland justifiable in law. In 1977, the late Supreme Court Judge Kenny, in delivering the prestigious MacDermott Lecture in Belfast (Northern Ireland Legal Quarterly, Vol. 30, No.3, p. 206) made the following statement:

"When the people enacted the Constitution they did not make a legal claim that the parliament and government established by the Constitution had any legal power under international or national law to exercise any power over Northern Ireland"

We therefore emphasise that there is no way, short of the use of force, that the people of Northern Ireland could be obliged, even after withdrawal of Westminster control, to become part of an extension of the Irish Republic as at present constituted. The New Ireland can only be created by representatives

of the people of Ireland sitting around a table to determine its form, and would of necessity require the dissolution of the Irish Republic as at present constituted. In the meantime, as an indication of the prospect of a new and more hopeful era, a significant gesture could be made through the re-drafting, in a spirit of brotherhood and patience, of Articles 2 and 3 in the present Constitution so that they might express hope of political accommodation between all the peoples of Ireland rather than aspiration to sovereignty over Northern Ireland.

Appendix II

Costa Rica

Until its re-constitution in the late 1940's, Costa Rica was riven by ferocious multi-faction violence, yet it has been the lone model of Central American stability in recent times.

The eventual outcome of their peace conference/constitutional convention process was being held up by fear over how constitutional control over the army would be exercised. Elaborate mechanisms for the free activity of all the different groups had been agreed; yet this one fear remained that some group or coalition of groups might be able to deploy the army against political rivals. The obvious, yet apparently ridiculous suggestion was made that there be no army; this was followed with the query on who would back the police in the event of any emergency. The resultant agreement was roughly as follows: no army, but every able-bodied person be liable to serve for four years in the police force, during which time appropriate education and training would also be given for future careers. The extraordinary bonus of this scheme was widespread consent to policing, reinforced by the *de facto* reconciliation achieved during police service; and no group need have any fear of the army—since there isn't one.

Perhaps we are not yet able to exercise the imagination or restraint of the Costa Ricans: but who can argue that we should not at least study their example?

Appendix III

A few Examples of Other Political Options

In common with many other groups, we have investigated various constitutional options, and qualification of them, and considered how consensus might be achieved for each of them. For example, in looking at independence for Northern Ireland we advert to '*Beyond the Religious Divide*', the seminal document of what was then known as the New Ulster Political Research Group (1979) and which was again summarised by Anthony Kenny in his book '*The Road to Hillsborough*' p. 132-133.

Compelling proposals for a *Northern Ireland* consensus within the *United Kingdom* in the context of better understanding within Ireland were made in '*Commonsense*', the document published by the Ulster Political Research Group—the political wing of the U.D.A. The brutal murder of its chief author John McMichael was instrumental in preventing the presentation of this viewpoint to the Constitution Club in Dublin in January 1988.

An interesting angle on *negotiated repartition* is outlined by Michael McKeown in '*The Greening of a Nationalist*' p. 138.

Further intriguing proposals for repartition are contained in Liam Kennedy's study in demography '*Two Ulsters*'.

Out of the Republican tradition, Desmond Fennell has developed many ideas based on the principle of federation both within Ireland and for Ireland in the wider world of the archipelago and beyond. Martin Smyth, Unionist M.P. and Grandmaster of the Orange Order has from time to time pursued similar thinking.

In recent times, Unionists have broken new ground with '*The Way Forward*', the '*Task Force Report*' and latterly by welcome, if tentative, considerations of more open dialogue as exemplified by statements made during the summer of 1988 by Mr. James Molyneaux and Mr. Martin Smyth, and more recently by proposals made against the Unionist grain by Mr Raymond Ferguson and Mr Ken Magennis, M.P.

The Campaign for Equal Citizenship which pursues the option of integration, looks to Britain for equality within a United Kingdom. Although this aspiration seems to fly in the face, not only of public opinion in Britain, but also of the implications of our divided society as part of the wider division of Ireland, the C.E.C. case is unlikely to go by default and would doubtless be strongly advocated in any constitutional debate.