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DECEMBER 1992

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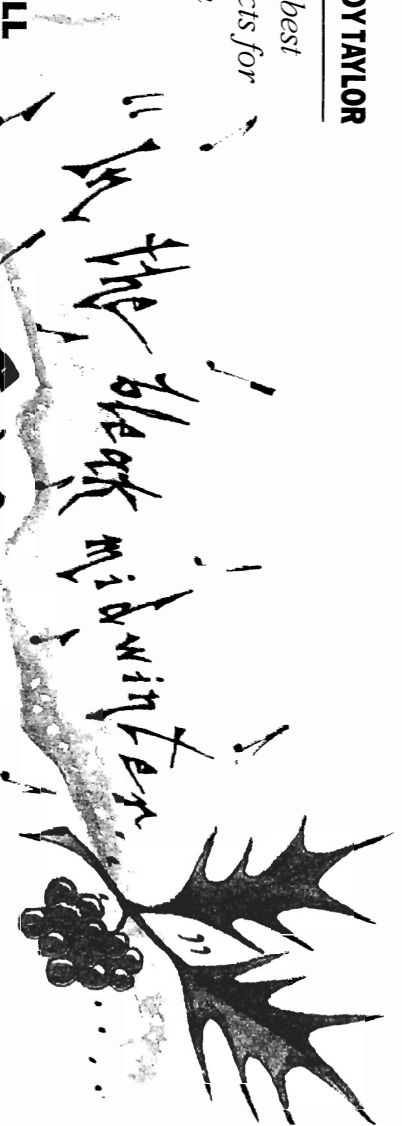
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# The Future of Northern Ireland

*Brendan O'Leary looks at the viability of shared sovereignty*

It is often considered a mark of cleverness to conclude that the conflict in Northern Ireland is insoluble. This "thought-stopping" idea inhibits imaginative intelligence. Yet the suspension of the inter-party and inter-governmental talks on the future of Northern Ireland after a general election was called in the Republic of Ireland (the outcome of which was not known as this article went to press) has reinforced the corrosive scepticism of many British people about Northern Ireland. Since the talks began in April of this year there have been precious few signs of progress, and both loyalist and republican paramilitaries have been pursuing their agendas with renewed ferocity, both in Northern Ireland and Great Britain.

As always the most likely immediate prospect for Northern Ireland is that tomorrow will be like yesterday. However, there are features of the negotiations which have clarified the region's future. Certain options, thankfully, are not on the agenda (genocide, ethnic cleansing, repatriation and independence). Others, though they are aimed, have no chance of being agreed (such as integrating Northern Ireland into Great Britain or the Republic, and majority-rule devolution).

## The Only Two Serious Proposals

There are in fact only two serious sets of proposals on the bargaining tables. One, put forward principally by the Ulster Unionist Party, proposes that Northern Ireland be governed by an assembly, elected by PR, with powers similar to those of a relatively strong local government, and organized in committees in which each party would be proportionately represented. In addition a British-Irish Council, like the Nordic Council, has been suggested to facilitate neighbourly co-operation between the UK and the Republic of Ireland. In return unionists want the Anglo-Irish Agreement scrapped and the Irish government to hold a reference to repeal its constitutional claim to Northern Ireland.

This set of ideas is rejected by Irish nationalists, north and south, because it does not guarantee power-sharing; does not recognise that there are two national identities in the region which require constitutional expression and institutional protection; and offers nationalists less than the status quo.

The second set of proposals, put forward by the Social Democratic and Labour Party, suggests that Northern Ireland be governed through a system of shared executive authority, with three commissioners appointed by the British and Irish governments and the European Commu-

**We have all learned from the last twenty five years that Northern Ireland cannot be democratic and stable if it is purely British or Irish**

## Progress?

This impasse is unlikely to be resolved immediately. Nevertheless the agenda of the talks should be considered historically significant. The unionists have accepted that any future settlement must embrace three dimensions: relations between Britain and Ireland, both parts of Ireland, and both communities in Northern Ireland. That is progress, believe it or not.

Moreover, constitutional nationalists have shown themselves willing to trade the Republic's constitutional claim provided Britain's exclusive claim to sovereignty over Northern Ireland is modified to permit the Republic a formal governmental role in the region. That too is progress: it means that constitutionalists are prepared, in principle, to abandon ~~fixed~~ full-blooded unity, in return for a half-share of power and authority.

Any enduring and legitimate settlement must address the primary cause of antagonism: the conflict between two communities who are members of different nations, and who want to belong to different nations. Sharing sovereignty splits the differences. Both peoples gain because their national identity is respected by membership of their preferred nation-state; and both lose because their national aspiration is accomplished at the expense of sharing land and power with another community and nation-state.

Support for sharing sovereignty has been emerging since the early 1980's. In 1984 all the constitutional nationalist parties throughout Ireland showed interest at the New Ireland Forum declaring that it would give "equal validity to the two traditions in Northern Ireland and would reflect the current reality that the people of the North are divided in their allegiances" and suggesting a system of joint direct rule.

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*Brendan O'Leary continues*

### **The Kilbrandon Model**

An independent British inquiry chaired by Lord Kilbrandon responded to the Forum Report in late 1984. The majority suggested a form of pooled sovereignty in which the peoples of Northern Ireland would be repre-

the status quo. It is superior to repartition because it is more acceptable to more people. It is better than independence because it is more politically defensible and economically feasible. It is much more acceptable to nationalists than the status quo. While offering a stable future

**It is open to both governments to recognise the mutual validity of each other's claim, and to state that Northern Ireland is both British and Irish**

ented. They recommended that a five-person executive (consisting of one representative appointed by the UK government and one by the Irish government, and three elected representatives from Northern Ireland) should govern the region, and resolve any disputes by majority-rule.

The Kilbrandon model had defects. It appeared to maintain British sovereignty over Northern Ireland without acknowledging an Irish share. It did not adequately address legislative, judicial, economic and constitutional requirements. But the dialogue prompted by the Forum and the Kilbrandon inquiry marked an intellectual breakthrough in the search for an historic compromise.

The SDLP has now proposed something like the Kilbrandon model (but with a sixth executive member, a European Community representative, and without satisfactory legislative or judicial arrangements). Moreover, according to a report published in the Irish Times, had a Labour government been elected in Britain last April it would have considered negotiating a system of "sharing responsibility" if the inter-party talks had failed to deliver a settlement.

### **Not Such a Strange Idea!**

So although ideas and negotiations move at a snail's pace in Northern Ireland there are signs of emergent solutions and convergences. And sharing sovereignty is not such a strange idea: the British and the Irish pool their sovereignty in the European Community; there are multiple examples of "condominiums" in the history of modern states; and there are ways that shared sovereignty could be made to work democratically and accountably. There are, of course, intricate questions about how legislation, taxation, public expenditure, economic management, international and parliamentary representation would operate. However, they can be answered and addressed in negotiations.

We have all learned from the last twenty five years that Northern Ireland cannot be democratic and stable if it is purely British or Irish, which is why sharing sovereignty is so logical. Why continue to sacrifice lives on the altar of indivisible nation-state sovereignty?

The most powerful argument for sharing sovereignty is that it compares favourably the other options, including

than unification.

The Anglo-Irish agreement does not define the status of Northern Ireland; it only states that there can be no change in the status of Northern Ireland without the consent of a majority of its people. But in Irish constitutional law Northern Ireland is part of the Republic, while in British legislation it is part of the UK. It is therefore open to both governments to recognise the mutual validity of each other's claim, and to state that Northern Ireland is both British and Irish, without violating the letter of the Anglo-Irish Agreement. Provided a declaration of shared sovereignty was accompanied by appropriate changes in the Irish Constitution, and in British law, unionists could be assured of their status as UK citizens and guaranteed that the new arrangements would not be a staging-post to Irish unification.

### **A Logical Goal**

Sharing sovereignty responds to the analysis of the Northern Ireland conflict as a clash of national identities. It is the logical goal towards which the Anglo-Irish Agreement pointed, whether or not the signatories intended it in 1985. It is a point on which various forces are converging: unionists' refusal to be ruled by Dublin; nationalists insistence on their national identity and a say for the Irish government as well as full civic equality; the declining enthusiasm in the Republic for outright unification; and the readiness of Great Britain to become more detached from Northern Ireland without abandoning all say in how it should be managed. However, good ideas require imaginative statecraft before they can shape the world.

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