



RIGHTS, INCLUSION AND APPROACHES TO DEALING WITH DIFFERENCES IN NORTHERN IRELAND

June 14-15, 2001

Lusty Beg Island, Northern Ireland

In mid-June on the scenic and secluded Lusty Beg Island, the Project on Justice in Times of Transition and the Northern Ireland Voluntary Trust held a conference designed specifically for Northern Ireland community leaders. Through presentations by practitioners from other countries and a theater group, teaching exercises led by members of the Harvard University faculty, and small-group sessions, the participants had an opportunity to consider the types of differences that exist within and between communities in Northern Ireland, as well as appropriate ways of acknowledging and addressing them. The sessions enabled participants to examine such timely issues as parades and marching season, and the debate surrounding a bill of rights for Northern Ireland. Since the conference occurred shortly after the elections for Westminster and local councils in the context of a changed political map and a heightened awareness of divisions in Northern Ireland, participants recognized a real need to identify strategies for dealing with differences.

The 100 conference participants came from a wide range of groups and various communities throughout Northern Ireland as well as those concerned with particular issues. Participants represented a spectrum of organizations such as the Chinese Welfare Association, ex-prisoners associations, and rural development groups, and also included women, victims, young people, artists, and single parents, among other types of people.

Following introductions and welcomes by conference chair **Roy Garland**, **Avila Kilmurray** of the Northern Ireland Voluntary Trust, and **Sara Zucker** of the Project on Justice in Times of Transition, the participants began an intensive two-day exploration of differences between and rights of individuals and communities in Northern Ireland. **Dr. Galia Golan**, a leader of the Israeli Peace Now movement and an

activist in a number of community groups working for peace and women's rights, gave an opening presentation. She described the dialogue that was conducted between and within Israeli and Palestinian groups prior to and following the Oslo Accords signed in 1993. These discussions required the groups to confront the two communities' positions, differences, stereotypes and fears. Even harder, according to Dr. Golan, was the necessity for each community to persuade its own members that compromise was necessary, and the dialogue was used as a way to demonstrate to the public that negotiation was possible. Despite this dialogue, both sides neglected to properly consider the fact that the Oslo Accords were an interim agreement rather than an actual peace agreement, and there were tremendous expectations for an immediate end to tension and conflict. Dr. Golan posited that because the two sides neglected to address the concerns of those who opposed the Oslo Accords, both Israeli and Palestinian "rejectionists" were able to create problems. As a result, each side became convinced that the other side was not serious about peace, and the process broke down.

The risk of a negotiated agreement deteriorating was also the theme of the theatrical piece by the **Wolf & Water Arts Company**. The troupe's dramatic presentation portrayed two families of magicians who had been at odds for years until the heads of the two clans set parameters for future coexistence. The brief sketch demonstrated with poignancy and humor the concerns of the various family members and the tensions felt by all involved, and served as a good segue into the **small group discussions**. During two sessions, one before and one after lunch, people met in small groups of approximately 12 conference participants, a facilitator and a rapporteur. During this time participants had an opportunity to respond to the morning's presentations and voice their ideas and concerns about the peace process and differences within and between communities in Northern Ireland. Although some of the community

leaders present were seasoned conference attendees who were newer to community work and subjects such as “single identity” vs. “cross-community” work. The resulting group was a dynamic mix that allowed people to learn from each other as well as to consider fresh perspectives.

Additional insights came from **Billy Robinson** of Counteract, the Anti-Intimidation Unit of the Irish Congress of Trade Unions, and **Eldred De Klerk**, a South African working at the Community Development Centre in North Belfast, who shared some of their tools as practitioners who try to address differences between communities. Mr. Roberson candidly noted that, while credibility is critical, whenever possible he “steals, plagiarizes and copies” others’ tools in an effort to take advantage of existing strategies to effect change. He urged the conference participants not to be afraid to experiment and think out of the box, yet noted that attitudes can be deeply ingrained and change takes time, especially when communities must confront fear, lack of trust and strong feelings of identity. Mr. De Klerk echoed the idea that it is difficult but necessary to address injustice and the past, and to deal with the challenges that come with change. He suggested that the key to doing so is not to ignore differences but to recognize them, and that discrimination as a way of distinguishing among choices is acceptable; it is only wrong when discrimination comes with power and is used as a way of treating others as “less than.” According to Mr. De Klerk, the goal for South African civil society is to remain alive and aligned in such a way as to enable coalitions and collaborations in order to negotiate and build a common future.

In the last session of the day, **Dr. James Cooney** and **Professor Frederick Schauer** of Harvard University provided insights about the considerations that have gone into the development of various constitutions and bills of rights around the world. Jim Cooney, Director of Harvard’s Weatherhead Center for International Affairs, started off by asking conference participants what sorts of items might be included if one were to write a bill of rights for a new country. He then gave some background on the drafting of the American bill of rights and the German constitution and explained some of the concerns of those societies at the times the documents were created. Fred Schauer, Academic Dean and Frank Stanton Professor of the First Amendment at Harvard’s John F. Kennedy School of Government, further expanded on this topic. With the use of a hand-

had been addressing these issues for many years, others out that excerpted sections from constitutions ranging from Canada to Hungary to Mongolia, he gave examples of the types of considerations and the resulting documents from various times and places. Professor Schauer’s explanation clearly illustrated both the span of issues that could be addressed in a constitution and why the inclusion of an idea might seem critical for one society during a given period yet be virtually irrelevant for another. He noted that newer constitutions have a higher degree of specificity than those that were drafted many years ago. However, while it can be simple to achieve consensus on a broad issue, the more specific the handling of the topic, the harder it is to gain universal support.

The first day ended with a cocktail party followed by a relaxed dinner and, though there was no formal program, many conference participants used the evening as a way to share their ideas and strategies as community leaders. The exchanges did not end with dessert, though, and quite a few people stayed up late to take advantage of the neutral setting presented by the conference, and to socialize and have some fun.

The conference program began on Friday with a summary of the first day’s discussions presented by the Wolf & Water Arts Company. In an often hilarious and occasionally disturbing drama, the troupe profiled a number of community workers who attended the conference and then returned home. In the sketch, the community workers found the conference useful and inspiring yet, once back in their communities, continued to face difficult challenges. The members of the company acted out several such challenges --- the paralyzing pain felt by a woman who had lost a loved one; homeless people whose distrust of each other overrode their desire to participate in a program; conflicting ideas about what to depict in a community mural --- and, after each, went out into the audience and asked people what they felt the characters should do next. This technique elicited some creative ideas and enabled the conference participants to play an active role in the session.

In the next presentation, **Justice Albie Sachs** of the South African Constitutional Court and prominent member of the African National Congress, spoke eloquently about the premises behind the South African bill of rights and the challenges that the Constitutional Court confronts as it tries to uphold expansive concepts

with regard to practical matters. Justice Sachs began by explaining that South Africans developed their bill of rights in response to where the “shoe pinched the tightest” and deemed the concepts of equality and dignity to be of primary importance. (He contrasted this to the United States where the drafters of the constitution considered freedom of religion, expression and assembly to be paramount, issues that were not of special concern in post-Apartheid South Africa.) He suggested to the conference participants that, should they develop a bill of rights in Northern Ireland, they would need to determine where the shoe pinches.

Justice Sachs then cited a number of cases in which the South African Constitutional Court has had to examine ways to uphold these premises with regard to day-to-day matters, particularly in light of the fact that the South African bill of rights also delineates social and economic rights. As Justice Sachs put it, they want both freedom and bread, not one or the other. Examples of cases brought before the Constitutional Court included whether President Nelson Mandela’s amnesty for some prisoners was a form of sexual discrimination, the right of South African Airways to refuse a particular job to an individual who was HIV positive, if the government had an obligation to provide housing to a homeless person, or under what conditions a hospital should care for a chronically ill patient when limited equipment created a waiting list for treatment. Justice Sachs stressed that although these cases and others like them present challenges, the beauty of the bill of rights is that it takes issues out of the realm of politics and the “street” and allows for them to be debated by pre-determined rules and a pre-selected group of people, thus diminishing the potential for unfair discrimination or disregard for policy or procedure.

Following a break for coffee and tea, conference participants convened in their small groups again and discussed the concept of bills of rights and the particular issues of concern surrounding this subject in Northern Ireland. While many people felt that the bill of rights should be a universal document, others felt that this could not be achieved in the politically and socially fragmented context of Northern Ireland. Participants wondered whether a bill of rights could serve to bring people together in Northern Ireland as it had in South Africa, or whether it would simply provide something else for people to fight over. Another central question was whether a bill of rights for Northern Ireland would

be legitimate at all, and how it could exist in the context of conflicting interests of and relations with Great Britain and the Republic of Ireland.

Many of these concerns were raised in the final session with Justice Sachs and **Brice Dickson**, Chair of the Northern Ireland Human Rights Commission (NIHRC). Mr. Dickson described the work of the NIHRC and its attempts to reach out to people throughout Northern Ireland and solicit their opinions about how the bill of rights should be framed. Several participants responded that there should be significantly more effort made to consult with the public and suggested such mechanisms as distributing draft copies to every home as was done with the Good Friday Agreement, broadcasting the debate on television and radio, or asking members of the Legislative Assembly to bring the discussion to their constituents. Justice Sachs mentioned that the drafters of the South African constitution had employed a language consultant to help them ensure that the text was accessible to the broader population and not written in jargon that obscured the meaning. Mr. Dickson also noted that while some of the NIHRC’s constraints are due to lack of resources, some stem from the lack of cross-community support for a bill of rights in Northern Ireland.

As expected, the “Rights, Inclusion and Approaches to Dealing with Differences in Northern Ireland” conference did not result in any definitive conclusions or recommendations. The organizers had not expected or planned such an outcome; rather the program was designed as an opportunity for community leaders to interact, hear each other’s views and those of individuals from other societies, and together consider a number of thorny issues. At the conclusion of the conference, participants indicated that these goals had been achieved, and some commented that the program had provided an unprecedented opportunity for them to expand their horizons. It was noted, too, that the conference created a non-threatening environment in which many participants took risks, both by interacting with people from different communities or with opposing viewpoints, and by stating their views honestly even if it created some tension. The seriousness with which participants and speakers approached the subject matters, offset on occasion by humor, ensured that the program was thought-provoking and enjoyable for all involved.

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The Project on Justice in Times of Transition

The Project on Justice in Times of Transition is an inter-faculty initiative of Harvard University under the auspices of the Kennedy School of Government, the Harvard Law School, and the Faculty of Arts and Sciences. Originally founded in 1992 as part of the New York-based Foundation for a Civil Society, the Project assists states emerging from repression or conflict to engage in dialogue across national, ethnic, religious and ideological boundaries with the intention of preventing legacies of the past from jeopardizing their progress toward democracy and peace. Among the countries and regions in which the Project has worked are South Africa, Northern Ireland, Central and Eastern Europe, and Central America. In 26 distinct initiatives, the Project has provided an extraordinary stimulus to pragmatic problem-solving by offering a broad spectrum of leaders exposure to international experiences in ending conflict, establishing peace, and building civil society. The June 2001 conference, the Project's ninth programmatic initiative focused on Northern Ireland, was part of a multi-faceted three-year plan that will include conferences or workshops for political and community leaders in Northern Ireland, and the development and use of materials documenting the experience of Northern Ireland.

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