

Northern Ireland: Human rights redefined on sectarian lines

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20 August 2003

Underlying the tensions in and around the Northern Ireland Human Rights Commission (NIHRC), are two conflicting conceptions of human rights. These in turn reflect the gulf between the hopes of working people initially attached to the Northern Ireland “peace process” and its essential divisive and sectarian content.

The establishment of a Human Rights Commission was set out in the Good Friday Agreement (GFA) of 1998, which won support amongst both Protestants and Catholics. The GFA laid the basis for power sharing in Northern Ireland between nationalist parties, including Sinn Fein and the Social Democratic and Labour Party, and the parties of pro-British unionism such as the Ulster Unionist Party of David Trimble.

In its section on human rights, the GFA nodded towards the traditional language of civil rights, proclaiming freedom of expression, religion, the right to pursue political aspirations and freedom from sectarian harassment. The GFA went on to propose a Bill of Rights for Northern Ireland.

But the GFA also stated that it wanted to extend rights “to reflect the particular circumstances of Northern Ireland... to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem....”.

Implying that human rights operate differently in Northern Ireland than elsewhere, this comment reveals the extent to which the GFA parties sought to distort the democratic content of human rights conventions and legislation in support of perpetuating the sectarian division of all areas of political and social life.

This is in line with the character of the GFA itself which, driven by the interests of big business and the British, Irish and American governments, wanted to end paramilitary violence whilst enshrining the division of the working class along sectarian religious lines.

The NIHRC was duly established and soon found plenty of work for itself. Such is the continuing brutality of British and Unionist rule in Northern Ireland, the bitter legacy of civil war and decades of the most naked anti-Catholic discrimination that there is no shortage of extreme violations of basic rights.

The NIHRC, led by academic Brice Dickson, recently complained, for example, about the continued use of plastic bullets. In July, the organisation warned that the inquest system

of investigating killings was in a “chaotic state”. This was despite a 2001 European Court ruling ordering the British government to compensate the families of Irish Republican Army (IRA) members shot dead between 1982 and 1992. NIHRC said that 1,800 killings from “the Troubles” remained uninvestigated. More protection should also be given to those whose lives are threatened. Dickson warned that current measures for people facing death threats only protect the powerful, or those directly employed in the criminal justice system. It recently demanded the right to inspect “places of detention” in pursuit of information on cases it was following.

The NIHRC also complained about its lack of power and resources in comparison with other Human Rights Commissions around the world. Annual funding has been set at just £750,000, due to increase to £1.3 million. The lack of resources has led to a series of highly publicised resignations from the body.

However, even its restricted and underfunded probing has meant that unionist politicians loathe the organisation. Lord Laird (UUP) attacked the NIHRC asking, “[W]hy public funds are being wasted by a small group of politically motivated ideologues.”

Laird complained that by highlighting human rights abuses at Holy Cross School—where Catholic school children were attacked by Protestant mobs—and Drumcree—where the Orange Order insisted on staging its most provocative marches—the NIHRC has “turned the entire unionist population against the concept of human rights.”

Another UUP member, Dermott Nesbitt, attacked the NIHRC’s consultation exercise over the proposed Bill of Rights.

The demand for a Bill of Rights to redress the daily discrimination in housing, jobs, and basic rights against Catholics was one of many raised by the Civil Rights movement that erupted in the 1960s in Northern Ireland. Under conditions of rapidly rising unemployment, the movement quickly won support from Catholic and Protestant working people.

Part of the global revolutionary wave that shook the foundations of world capitalism, the tumultuous civil rights campaign emerged with its most prominent group the Northern

Ireland Civil Rights Association. This raised the prospect of a broad political movement in Northern Ireland seeking, with the aid of working people in Britain and the Irish Republic, to end discrimination against Catholics while advancing the interests of all working people.

Assailed by Protestant militias, Reverend Ian Paisley's street thugs and the British Army, the opposition to discrimination and pogroms against Catholics, however, was diverted behind the Irish Republican Army's nationalist agenda, with disastrous consequences for the entire Northern Ireland population.

Since then, numerous civil liberties groups and the nationalist parties have raised the call for a Bill of Rights. Pursuing its remit, the NIHRC took submissions from a wide range of groups, including Amnesty International, advice centres, HIV support groups, youth and unemployed groups, and the Northern Ireland Anti-Poverty Network, for proposals and comments on the NIHRC's own draft Bill of Rights.

Amnesty International called for the draft to be strengthened in its measures to combat torture, death threats and targeting of lawyers. It insisted that journalists should have a right to protect their sources and defended the right of all people to "make public information which concerns allegations of violations of human rights by state agents."

The Organisation of the Unemployed (Northern Ireland) submission noted that 27 percent of the working age population was either unemployed, economically inactive or disabled. The UK figure was 21 percent. It called for publicly funded work schemes, an end to the compulsory aspect of the government's cheap labour New Deal scheme and more emphasis on training.

The Committee on the Administration of Justice called for the right of every person to choose whether or not to be treated as a member of this or that ethnic, religious, or cultural minority. It opposed the NIHRC's rejection of individuals seeking redress for suffering inflicted as a result of state killing.

But, also in line with its remit, the NIHRC enquired how a Bill of Rights should be tailored to reflect the particular situation in Northern Ireland, echoing in its draft the words of the GFA. The draft mused:

"One of the principal issues for the Commission in making recommendations for a Bill of Rights is the balance between two objectives: on the one hand recognising and protecting the two main communities and on the other hand protecting the rights of all on an equal basis."

This conception that protecting general human rights is at odds with community rights is central. While it is quite difficult to delineate the parameters of the debate from the NIHRC's own documents, Colin Harvey a constitutional lawyer summed up the issue.

In an article in the Northern Ireland newspaper *Fortnight* Harvey stated, "The argument is that the [GFA's] approach to group rights is a modern form of apartheid which is illiberal. By creating the categories of 'nationalist' and 'unionist', and placing them at the democratic core of the Agreement, sectarian

divisions have been perpetuated."

This accurate assessment of the GFA's approach was rejected by Harvey, who insisted that the GFA was only accurately reflecting the special demands posed by a terminally divided society. "[T]he suggestion that people's preferences are dictated by 'ethno-political entrepreneurs' is just plain condescending. Irish nationalists and British unionists really do exist," he wrote.

Irish nationalists, Harvey insisted, should consider "reference to multi-ethnic integration", and by extrapolation the broad range of human rights demands and concern for the situation of the many other minority groups in Northern Ireland, as a concession to liberal unionism.

Warning the NIHRC, Harvey concluded that the "Bill of Rights process should not become a vehicle for undermining the Agreement and eroding its core protections. For those who feel unable to respect the terms of the Agreement, and who work within the institutions created under it, there is an obvious exit strategy."

Harvey is here articulating the interests of a Catholic petty bourgeois layer for whom, no less than their unionist counterparts, manipulation of religious rivalries and the profound hatreds stoked during the war against the IRA is seen as a meal ticket to wealth and political power.

His comments, and the entire debate, should be seen in the context of a Northern Ireland in which sectarian division is endemic. While the GFA drew an end to conflict between the IRA and the British Army, life in Belfast working class districts is characterised by ongoing low-level street violence, daily pipe bomb attacks on Catholic and Protestant homes, sectarian "interfaces" defined either by 10 metre high barriers dividing streets of identical housing and regular battles between the areas' young people. Children are attacked for wearing Rangers or Celtic football strips in the wrong area. Catholic and Protestant youth are regularly beaten or shot in the legs for petty criminal offences.

This is what "conflict management" implemented by the "ethno-political entrepreneurs", Republican or Unionist, actually means. It is anathema to any genuine defence of democratic and civil rights, which requires that every effort be made to break down the artificial barriers erected by the ruling elite.



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