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***Democracy dimension in the Moroccan Initiative for
Negotiating an Autonomy Statute for the Sahara Region***

**Autonomy and democracy: A comparative look at Morocco and
Northern Ireland**

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Introduction: how useful is it to compare Northern Ireland and Western Sahara?

1) Very different issues and processes: elements of the process in Northern Ireland

Attempt at settlement of a twofold centuries-old dispute;

A violent and prolonged conflict not derived from decolonization;

There were many parties in the conflict and the agreement reflects the disengagement of the State of United-Kingdom (renunciation of sovereignty as opposed to the attitude of the first Thatcher Government: cf. the hunger strike case of 1981); disengagement has been progressive and continuous since 1985 (year the Anglo-Irish Agreement was signed between the United-Kingdom and the Republic of Ireland).

2) There are however commonalities in method and state of mind

In both cases several “contexts” have to be taken into account but the state remains the baseline framework.

The one difference in the case of Northern Ireland is that possibility is given to resort to self-determination in the future (cf. text of the agreement).

It is worth underlining that in both cases a global process was chosen and various frameworks were taken into account to ensure democratic balance (and inspiration?)

What we call “returning power to the periphery” in Northern Ireland can be compared to a former regionalization plan put forward in Morocco (cf. report by Mr Romuald Pial Mezala).

The willingness to place the reform in a global process is particularly obvious in Northern Ireland’s political bodies (so-called “enlarged” institutions) created at multiple levels through the Good Friday Agreement, also called Belfast Agreement:

1) A North/South Ministerial Council covering negotiations between the Northern and Southern parts of Ireland, which becomes their own political space. This Council gathers ministers representing the two “regions” that deal with problems as important as agriculture, education, the environment, health, tourism, and transport.

2) A British-Irish Council: This is a formal collaborative governmental entity bringing the two states together, integrated into a more holistic vision of cooperation between “regions” of this enlarged political space: it is made up of representatives of all the “political regions” of the United-Kingdom: Northern Ireland but also Scotland, Wales, the Isle of Man, and the Channel islands.

3) An Intergovernmental Conference bringing together the ministers of both Governments.

4) A (consultative) “Civic Forum”, comprising various economic and social stakeholders from Northern Ireland, within which all actors of Northern Ireland’s “civil society” are invited to express themselves to ensure monitoring of the reforms and proper functioning of the new political organization.

One must now mention the establishment or the recreation of the Parliaments of the British “nations”: the Good Friday Agreement obviously recreates the Northern-Ireland Assembly that had been suspended and terminated at the beginning of the “troubles” (abolition in 1972 of the Stormont Parliament established in 1922), but also paves the way for the rebirth of the Scottish Parliament (dissolved in 1787! ...) and for the establishment of a National Assembly for Wales (to a French person the word is very strong): the two parliamentary bodies were created and elected in 1999.

Thus in both cases the proposals for settlement are part of long processes spread over several decades, and they are part of a more general reorganization of the political system.

For the purpose of the comparison, I shall take a closer look at these two aspects of the problem:

First of all, in Northern Ireland, the path chosen was that of non-integration of communities: this is what I would call systematization of community-based democracy (I).

Second, generally speaking it may be interesting to compare the Moroccan and the Northern-Ireland processes precisely from the viewpoint of human rights. Indeed, even if interpretations vary it is worth noting that:

In both cases we find the idea that, as Jean-Baptiste Harelimana said during this seminar, “the right of peoples to self-determination means the right to live democratically”, and particularly that this democracy has to be interpreted as a human right; on the basis of this common understanding, the building, the “radical reform” (in Northern Ireland), or the consolidation of the rule of law, are considered a building block of respect for human rights;

This idea is thus an essential ingredient of the two processes; this crystal clear inspiration is shaping both texts and processes and reflects, in my view, an inspirational framework larger than their respective political spaces:

The European framework for Northern Ireland;
The UN framework for Morocco.

In the case of Morocco my colleagues discussed this idea at length, and it is plain for all to see in the case of Northern Ireland when reading the text of the Good Friday Agreement about human rights. I shall come to it in the second part of my presentation that will focus on several concrete elements of these two approaches of a human rights-based democracy (II).

I. Northern Ireland or the systematization of community-based democracy

A. DESCRIPTION

The choice of community-based democracy, which stems from an age-old approach of the British political order⁷³ and not from any Northern Ireland specificity, can be illustrated by two examples: one related to the characteristics of the key political body of Northern Ireland; the other related to the “new” Northern Ireland police force.

1) The key political body of Northern Ireland

It is the Northern Ireland Assembly which spawned the “Executive Committee of the Assembly”, a sort of offshoot of this Assembly.

This Assembly is the political arm of the new system of governance of Northern Ireland. Let us mention here that its far-reaching proportional representation system (called d’Hondt) involves a highly complex method for allocating seats and reproduces ethno-political divisions (Catholics/Protestants), just like in all institutions.

For a detailed and in-depth analysis of the features and logic behind this institutional choice, see Joseph Ruane and Jennifer Todd (Ed.). (1999) *After the Good Friday Agreement: Analysing Change in Northern Ireland*. Dublin, UCD Press.

2) Northern Ireland’s new police force

This is a capital issue. Indeed, the former Northern Ireland police which had been created in the immediate wake of the 1919-21 Anglo-Irish War, the Royal Ulster Constabulary had from the onset crystallized all inter-community tensions and claims. The issue was so controversial in Northern Ireland that the parties to the Belfast Agreement decided in 1998 to pay special attention to the police force and set up a special commission made up of so-called individuals “beyond reproach”, responsible for designing the new police force of the province under the leadership of Sir Christopher Patten (former Governor of Hong Kong). This process initially led to the publication of the Patten Report (name of the president of the commission), which after having been discussed and amended led to three legislative acts reforming the Northern Ireland police force in 2000, 2002 and 2006.

We shall obviously not delve into this reform here and now, and that is why I would only like to synthesize a few items from the report in order to understand its spirit for the purpose of our comparative analysis.

This report purports to deal with all the aspects of policing, as shown in its plan which combines philosophical and general policy statements, the theory of democratic policing and organizational concerns and details, equipment and training, etc. The plan of the report and its annexes attest to this:

⁷³ Cf. Anne Mandeville, *Les autorités responsables du maintien de l’ordre dans le Royaume-Uni. Éléments pour une analyse politique du système britannique de maintien de l’ordre public*, doctoral thesis on political science, University of social sciences, Toulouse, 1994, and more particularly the introduction (section III, sub-section 1, §2: “the various dimensions of the British political order”). This document is available on line in French at: <http://resscd.univ-tlse1.fr/scd/theses/fiches-pdf/mandeville-a/ThAMandeville.pdf>

- 1. The Independent Commission for policing for Northern Ireland**
- 2. Perceptions of the Police: main findings**
- 3. Human Rights**
- 4. Accountability: the present position**
- 5. Accountability : a new beginning**
- 6. Policing with the community**
- 7. Policing in a peaceful society**
- 8. Public order policing**
- 9. Management and personnel**
- 10. Information technology**
- 11. Structure of the police service**
- 12. Size of the police service**
- 13. Composition of the police service**
- 14. Recruitment**
- 15. Training, education, and development**
- 16. Culture, ethos, and symbols**
- 17. Cooperation with other police services**
- 18. Overseeing change**
- 19. Summary of recommendations**

Annex 1: Terms of reference of the Independent Commission on policing for Northern Ireland

Annex 2: Political Parties, Business and Trade Union Groups, and others who gave oral submissions to the commission in public sessions. Organisations and individuals who met the commission in meetings not open to the public

Annex 3: Public meetings organized by the commission

Annex 4: Police and affiliated organizations consulted by the commission

Annex 5: ACPO draft code of ethics 1992

Among all the aspects of policing covered in the report, let me mention the two most relevant for our study and which happen to be those that moved public opinion the most. These considerations help understand and illustrate a basic idea previously mentioned, i.e. the paradox of political-constitutional innovation based on Northern Ireland's specificity and the continuous domination of the British policing model (as opposed to the Irish model or even to some European models, for instance); and thus the deeply "assertive" and rather conservative nature of the Patten Report, unlike what is stated in it.

In order to understand this paradox it is thus important to look into the way the text deals with the new vision of the organization and political monitoring of policing on the one hand; and on the other into the "representativeness" of the new police force (chapters 13 to 19). These two dimensions are at the heart of this renewed philosophy of the Northern Ireland police force supposed to solve the fundamental issue of "communitarisation" (in the negative sense of the word) of the Northern Ireland conflict and to be of a mainly democratic nature (the positive sense of the notion of community).

The new policing "model" wanted for Northern Ireland indeed first and foremost implies a new sharing of policing and law enforcement powers towards greater democracy. This is where the Patten Report is most innovative. Let us briefly see how:

Organisation and political control

Among the many proposals it contains, two are key:

→ The double separation between the Minister for Northern Ireland and the local police

First of all in the oversight of policing affairs, especially at the level of the legislation: it is foreseen that in the medium term (depending on the evolution of the security situation), police affairs will come under the responsibility of the Northern Ireland Government (in practice, it seems that it will have to wait...)

In terms of power to direct the local chief of police, the text provides for the abolition of hierarchical powers, of the power to impose penalties, of government intervention, when germane to the functions of the chief constable⁷⁴ (especially the abolition of the power of the Secretary of State, reaffirmed in the Police (Northern Ireland) Act of 1998, "to issue guidance to police as to the exercise of their functions"⁷⁵). In this area, the British model is applied word for word. Indeed, according to the report, it has to be stated that neither the Secretary of State nor the local executive authorities should have the power to direct the chief of police in the exercise of his functions which are the "direction and control" of the police force, just like in Great Britain. Since the report was published, we know that in Great Britain today the trend has been reversed (the 2002 Police Act makes no secret of the willingness to increase scrutiny of the action of the chief of police by the government), which leads us to view the rather theoretical scope of this provision in perspective with regards to Northern Ireland.

On the other hand, there is true willingness to establish truly "tripartite" management of police affairs, still along the lines of the British model. The report indeed offers to create a Policing Board, exactly along the lines of local police authorities in the rest of the Kingdom, responsible for annual policing plans, the budget, the monitoring of police performance, appointments, the establishment of partnerships between the police and the various agencies and local public or private services, and generally speaking responsible for bringing the police to account. Regarding the membership of this board, here again the idea was to bring Northern Ireland back into the most democratically and professionally "advanced" British framework⁷⁶. The report indeed recommends that the new board should have 19 members, 10 of whom should be members of the parliamentary Assembly, selected on the new d'Hondt proportional system established through the Good Friday Agreement, and 9 "independent" members selected from a range of different "fields", including business, trade unions, voluntary organizations, community groups and the legal profession, with the aim of finding a group of individuals representative of the community as a whole⁷⁷.

→ Reversing the controlling relationship

Police control should be organized at the lowest possibly local level: it was suggested to establish district policing partnership boards⁷⁸. The idea is to institutionalise some kind of direct policing democracy, drawing on the model adopted quite recently in Great Britain (police partnerships), whilst going much further in certain respects⁷⁹.

The very practical problem is that of the establishment of these partnerships: it would appear that corresponding policing structures were established in April 2001, but the boards have had difficulties functioning. There is also the problem of the participation of the Sinn Fein as well as

⁷⁴ Cf. § 6.18 to 6.23 of the report.

⁷⁵ Cf. § 6.18 of the report.

⁷⁶ Cf. page 30 of the report and especially reference to the McPHERSON report of 1999 following the Stephen Lawrence Inquiry of 1998 (the need to ensure « the cultural mix of society »).

⁷⁷ Page 30.

⁷⁸ Cf. District policing partnership boards, § 6.25 to 6.38 of the Patten report.

⁷⁹ Cf. membership of the boards and councils, very democratic indeed, *ibid*.

that of local cooperation: it is expected that the “communities” will be willing to cooperate at this level which is itself politically defined by “central” authorities: but does a genuine political will to cooperate with the police exist?. That is the question.

“Representativeness” and Acceptability

The goal was theoretically to make sure the police would no longer be a stake in the inter-community conflict, and therefore that the main law enforcement tool would be acceptable to the two main communities (see above) present within the Northern Ireland political space.

It can be said that this problem is bi-dimensional:

→ A practical dimension: the “ethnic” composition of the police

The report is a political innovation in that it officially admits to the fact that the Royal Ulster Constabulary (RUC)⁸⁰ “is not representative of the society it polices”. Now, the principle of representativeness can in our mind be considered a quasi-constitutional principle in the United Kingdom. The report contrasts the current composition of the RUC (just under 8% Catholics) with the composition of the Northern Ireland society (over 40% Catholics).

It is also interesting to note that the problem of the “ethnic” composition is analysed under a more general concern related to the situation of “minorities” in the Northern Ireland and British political space. The report indeed notes that less than 13% of Northern Ireland police officers are women, and that a tiny minority comes from other ethnic minorities, or is homosexual, or is from a working-class background.

Building on the conclusions of the McPherson report on the problems between the police and ethnic minorities in Great Britain, the Patten report makes a number of highly “innovative” recommendations regarding the membership of the RUC. According to the authors, the idea is not to “balkanize” the police, i.e. to recruit Catholic police officers to police Catholic people, or to recruit Chinese police officers to police the Chinese community. According to the report, the goal is that “communities as a whole should see themselves as having a stake in the police service as a whole”⁸¹...

In this analytical framework, the authors of the report return to the imbalance between the numbers of Catholics and Protestants, which in their view “is the most striking problem in the composition of the RUC”⁸². They therefore make a number of proposals: bringing the total number of police officers down to 7500; recruiting more Catholics: recruiting 50% Catholics and 50% Protestants over a 10 year period, which would bring the proportion of Catholics to 30% within 10 years. The proposed model does not go beyond 10 years since a progressive evolution and reform of the police is expected (particularly regarding the size of the police service). The matter of Reserve is also dealt with, due to the lowest representation of Catholics/Nationalists in the force, especially in the Part Time Reserve (5%). Whole areas which are predominantly Catholic/Nationalist are unrepresented in the Part Time Reserve. This is the reason why the report recommends some 1000 new reserve police officers to be recruited from Catholic/Nationalist areas (recruitment for the Reserve is done on a geographical basis).

⁸⁰ This was the Northern Ireland Police, established in 1922 and replaced since by the Police Service of Northern Ireland.

⁸¹ See § 14.3.

⁸² See § 14.4.

Remarkably enough, the report also considerably amends recruitment procedures and insists on transparent procedures, and focuses more specifically on the role to be played by all (extremely numerous and powerful) organizations and associations in reconstructing the image of the police and encouraging their members to enrol. A related issue is dealt with, i.e. the fact that public servants should not be members of secret societies or organizations perceived to be sectarian. The authors of the report however did not believe that membership of these organizations should render someone ineligible to join the police and decided rather to insist on the officer's primary and overriding loyalty to the police service and to the community policed, recommending however that officers be obliged to register their interests in an association.

Finally, in order to ensure a rapid increase in the number of Catholics in the senior ranks, the authors of the report put forward an original solution, which would imply identifying all Catholic police officers from Northern Ireland serving in other forces of the United Kingdom and encouraging them to apply for positions in the Northern Ireland police.

→ The symbolic dimension

The goal here is to rid the police of the fundamental historical and cultural connection to the Protestant community. From a sociological point of view, this can be considered a change in reference system. This concern can be summarized in the following sentence taken from the report: "Like the unique constitutional arrangements, our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own"⁸³. It was thus recommended in the first place to change the name of the police force from Royal Ulster Constabulary to Northern Ireland Police Service. Second, the police changed badge and banned symbols of association with the British or Irish (Republic of Ireland) states. Third, it was recommended that the Union flag no longer be flown from police buildings and that the police adopt their own flag free from association with the two previously mentioned states.

At the time of the publication of the report, all these proposals of so-called "symbolic" changes to the police were violently rejected by the RUC and the Protestant community, before being eventually confirmed by the Government and incorporated into the new "Police Service of Northern Ireland"⁸⁴. It seems that there remains here an apparent paradox (underlined by those who criticized the report, especially the RUC): the reference system that is the basis of the Patten report is that of community-based democracy. However, one of the overarching objectives of the reform is precisely to stigmatize and encourage within institutions, and particularly so in the police service, the elimination of any symbol of association with the communities in conflict. The problem now remains to redefine a new identifiable community considered legitimate, whose police could then be representative: as can be seen, the reform of the police is deeply connected to an in-depth transformation of the mechanisms of the Northern Ireland society as a whole, and particularly of its identity-related symbols. Is this possible? The fact that the police remain to a great extent based on the British model, which is itself community-based (and continuously reaffirmed in terms of its racial, religious, or even sexual components) could be a potential problem which could hamper this apparently desired evolution towards "decommunitization" of Northern Ireland's socio-political solidarities.

⁸³ See § 17.6.

⁸⁴ PSNI.

B. EXPLANATION

We are faced here with the ideological framework of what should now be called “consociational democracy”, a phrase coined by Professor Arendt Lijphart⁸⁵, well known to lawyers and political scientists specialized in deeply divided societies. This framework rests on the commonly agreed idea that in a democracy society has to respect, or even foster the expression of cultural differences and divisions. In this perspective, the tension between universalism and specificity disappears in an organization that fosters institutions and structures that separate communities rather than processes of secularisation and assimilation.

In this respect the case of Northern Ireland is extremely interesting:

At certain times in history, attempts were made to assimilate the Irish people: for instance through movements of political “integration” (originating notably from the Irish elites, through movements against the English “occupying power” such as the 1798 fiercely crushed rebellion which gathered Catholics and Protestants (that some compared to the Paris Commune). It was a failure that led to the 1800 Act of Union that quite simply abolished Parliament.

These trends were also crystallized in progressive secularization movements of institutions, as was the case for instance with the Royal Irish Constabulary at the end of the 19th century.

Generally speaking, the dominant model is that of community-based democracy imposed by the English, just like in the rest of the United-Kingdom. According to this concept of community-based democracy, “the state admits in its midst the coexistence of political groups either closely united, which authorizes it (or obliges it) to grant them (or concede) what should be called a certain degree of organisational and functional autonomy, or sufficiently different from the rest of the group to be legitimately applied specific treatment. According to this line of thinking, it can be said that the state is made up of those united groups, which are not necessarily sub-groupings of a higher entity referred to as the State. This is what we call the community-based structuring of Real politics”⁸⁶.

This is the reason why we believe the “settlement” of the Northern Ireland conflict was integrated into a much larger plan (though not explicitly acknowledged) of “law enforcement” (in the broader sense of the term) in the United-Kingdom, here again as exemplified by the reform of the police force⁸⁷, separately organized, as explained above.

II. The conception of a democracy of human rights

Though both texts of the Belfast Agreement and the Moroccan Initiative focus on this issue, priorities differ, reflecting the particularities of both situations, as well as distinct sources of inspirations.

I shall not return to the conception of human rights as expressed in the Moroccan autonomy initiative. I would rather like to outline the very different conception that seems to stand out from

⁸⁵ See by this author *The Politics of Accomodation. Pluralism and Democracy in the Netherlands*, Berkeley: University of California Press, 1968, *Democracy in Plural Societies : A Comparative Exploration*, New Haven : Yale University Press, 1977, and *Democracies : Patterns of Majoritarian & Consensus Government in Twenty-One Countries*, New Haven, Yale University Press, 1984.

⁸⁶ Anne Mandeville, *op.cit.*

⁸⁷ See Anne Mandeville, « Le rapport Patten : texte et contextes. Éléments pour une analyse politique et systémique de la réforme de la police en Irlande du nord », *Revue Études Irlandaises*, spring 2006, n°30-1, pp. 151-168.

the texts (and thus practices) in Northern Ireland since the Good Friday Agreement or the Belfast Agreement of 1998.

To that end I shall essentially look at two texts:

the Agreement itself;
the one establishing a Northern Ireland police force, in 2000.

In the Agreement itself two non-exclusive items can be highlighted:

1) First of all, like in all other texts, subjection to the overall framework of respect for human rights, **particularly as conceived in the European Convention on Human Rights**, is solemnly reaffirmed.

Cf. safeguards in article 5 of the Agreement:

This article lists several safeguards, the most prominent being the **European Convention on Human Rights** and “any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe”, **as well as the creation of a Human Rights Commission.**

2) The definition of human rights, focused on the recognition and institutionalization of ethnic communities and on reparation for the historic damage in this community-based perspective.

In the English tradition, the Northern Ireland political system AS A WHOLE is based on this community-base conception. It therefore is no exception to the rule which prevails elsewhere in the state.

Human rights are listed in the paragraph of the Agreement entitled “**rights, safeguards and equality of opportunity**”.

CONTENT:

Human Rights

1/ The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- The right of free political thought;
- The right to freedom and expression of religion;
- The right to pursue democratically national and political aspirations;
- The right to seek constitutional change by peaceful and legitimate means;
- The right to freely choose one’s place of residence;
- The right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- The right to freedom from sectarian harassment; and
- The right of women to full and equal political participation.

United Kingdom Legislation

2/ The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.

3/ Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.

4/ The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

New Institutions in Northern Ireland

5/ A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.

6/ Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.

7/ It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.

8/ These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

9/ The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

- establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
- implement enhanced employment equality legislation;
- introduce equal status legislation; and
- continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland.

A Joint Committee

10/ It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Reconciliation and Victims of Violence

11/ The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.

12/ It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.

13/ The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the

promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

COMMENTS:

Socio-economic issues are not considered part of human rights, even though the Agreement also mentions socio-economic issues to be taken into consideration, and allocates a number of responsibilities to competent institutions.

Generally speaking, it can be concluded from this listing that the dominant human rights conception in the Good Friday Agreement is based on the need to restore the rights of a cultural community that suffered major political discriminations, i.e. the Catholics of Northern Ireland. Rectifying these discriminations is the basic objective of the reform and as such it should manifest itself in the governing principles of the new political institutions of Northern Ireland, meaning representative institutions as well as the Judiciary and the Police. In the framework of this community-based conception of the political order that we described, rectifying these discriminations necessarily and paradoxically entails the putting on hold or the mere destruction of the structures asserting the then dominant political community, i.e. the Protestants, the most prominent being the police and law enforcement forces as a whole. The destruction or the putting on hold of these institutions is thus organized and planned both from a practical political point of view and from a symbolic point of view: the symbols of association of the police force, for instance, such as badges or commemorations, were initially a bone of contention and thus had to be simply forbidden⁸⁸.

⁸⁸ See Anne Mandeville, « La réforme de la Police in Irlande du Nord : réflexions sur l'innovation politico-constitutionnelle », in *L'Irlande aujourd'hui : renouveau et tradition*, Actes du colloque international des 1^{er} et 2 février 2002, Presses de l'Université des sciences sociales de Toulouse, pp. 117-137.