



An Chartlann Náisiúnta
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THE OPSAHL REPORT: A SUMMARY OF CHAPTERS 2 TO 7 AND THE ASSOCIATED CONCLUSIONS AND RECOMMENDATIONS

I. Politics and the Constitution

A. The Commission found a lack of impetus for constitutional reform. It identified a number of reasons for this including:

1. The perceived manageability of the conflict
2. The alienation of people from the political process
3. The malign effects of Direct Rule.

B. Before the process of constitutional reform can be initiated two paramount realities must be considered:

1. Protestants do not wish to become part of an all-Ireland state and there can be no question of forcing them into such an arrangement;
2. The Republic of Ireland cannot now or in the foreseeable future afford the current levels of government expenditure in Northern Ireland.

Consequently the prospect of simple reunification through majority consent is an illusion.

C. From these premises the Commission's proposal is for a regional government for Northern Ireland based on the principle that each community should have an equal voice in making and executing the laws or a veto on their execution and should equally share administrative authority. This government would be free to negotiate its own relationships with the government of the Republic.

II. The Constitutional Parties

A. At the suspension of the talks in November 1992, the Commission understood the positions of the constitutional parties to be as follows:

1. Alliance Party: the SDLP had taken a more extreme position on power-sharing than it had historically. Consequently in Dublin the Unionists did not find the generosity they had expected.
2. Democratic Unionist Party: the SDLP was not prepared to negotiate on its outrageous opening set of proposals and Dublin was implacable on the question of Articles 2 and 3.
3. Ulster Unionist Party: Dublin got itself stuck in semantic confusion on whether there could be a referendum on Articles 2 and 3 in various circumstances. The UUP paper on North-South relations was not even considered.
4. SDLP: in a Northern Ireland Assembly, as in local councils, the

likelihood was that what you were against would matter, not what you were for, which would be a disaster. It dismissed the UUP proposals because (a) they were tabled late (b) they were less than had previously been discussed bilaterally and (c) the UUP appeared divided on them.

B. The Commission is also convinced that the current democratic deficit requires that greater choice be made available to the Northern Ireland electorate.

III. The Two Communities

A. There are fundamental differences in the ways of thinking and the uses of language between the 2 communities which must be addressed if they are to learn how to accommodate their differences.

B. The 1991 census showed the Catholic population to be 41.4% and rising fast and the Protestant population to be 54.1% and probably falling. West of the river Bann Catholics have a majority of up to 3 to 1 in the schools and almost every local authority has a Catholic majority.

C. The degree of separation between the 2 populations is also increasing. The number of segregated areas has more than doubled in the last 20 years and about half of the population now live in areas more than 90% Protestant or 95% Catholic. In Belfast substantial integration exists in only 2 middle-class populations, north and south.

IV. The Violence

A. There are 2 conflicts in Northern Ireland: that along the border which takes place along traditional nationalist/unionist lines and that in the urban areas, particularly north and west Belfast.

B. In the latter the violence is concentrated in working class areas and is fuelled by deprivation. In Belfast "there are two communities..., and one is involved in violence, suffering, unemployment and injustice. The demarcation is class" (Archbishop Eames).

C. The present rise in Loyalist violence stems from a feeling that they are under siege, and that, while Catholic grievances have been addressed, their's have been ignored.

D. Although there was widespread acceptance that Sinn Fein would have to be involved in a final settlement, the Commission believed that since Sinn Fein has recognised the need for Northern majority consent for reunification - and since republican violence only reinforces Protestant opposition to a united Ireland - Sinn Fein should renounce its support of violence now.

E. In the meantime the Commission detected scope for reducing the levels of violence if the security forces and the paramilitaries were enabled to be more sensitive to positive signals towards de-escalation made by the other side.

V. Law and Order

A. The RUC lacks support particularly from the Catholic working class population. The perceived reasons are a lack of accountability, absence of community policing or forcible action against ordinary crime, the sectarian imbalance in its personnel (less than 8% Catholic) and even its name. The Commission heard of and welcomed initiatives involving increased links between police and the local community, including in one case an informal complaints procedure.

B. Although there was even less affinity for the army, the most realistic alternatives involved EC or UN forces but did not consider the feasibility or likelihood of such an intervention.

C. The Commission considered the protection of human rights in the context of Northern Ireland's security legislation and in the European and international contexts and concluded that the European Convention on Human Rights might be incorporated into a Bill of Rights for Northern Ireland as a first and minimum step (the Convention does not include provisions on non-discrimination or minority protection which the Commission also considered important).

VI. CONCLUSIONS AND RECOMMENDATIONS

A. The British government should establish a Commission in consultation with the Irish government to study the situation and make recommendations.

B. A government for Northern Ireland should be established on the basis of an equal voice for each community (see para I,C above).

C. 'Parity of esteem' between the 2 communities should be given legal approval in various ways including the enactment of legislation to recognise Irish nationalism in Northern Ireland.

D. The Commission endorsed a proposal for an expanded programme of education and training for political leadership.

E. The British government should open informal channels of communication with Sinn Fein:

1. to test its commitment to the constitutional process, and
2. with a view to persuading the IRA first to a de-escalation of violence and eventually to a ceasefire.

F. The broadcasting ban on Sinn Fein in the Republic should be reconsidered.

G. A study should be initiated into alternative decentralised and multi-level models of policing. The Commission endorsed the following reforms:

1. The Ombudsman should take over the responsibilities of the Independent Commission for Police Complaints.
2. Recording of police interviews at least visually.

3. Improved mechanisms for communication between security forces and local people (see para V,A).
4. The RUC should be relieved of responsibility for arranging the routes of Orange marches.

H. The RUC Chief Constable and the General Officer commanding the army should immediately address the problem of harassment, particularly of young nationalist men.

I. A Bill of Rights incorporating the European Convention should be enacted. There should also be a review of the available domestic remedies.

J. The Fair Employment Act should be extended to cover rights in the provision of goods and services.

K. The Commission endorsed the following proposals on the criminal justice system:

1. The single judge in Diplock courts should be joined by 1 or 2 judicial or lay assessors.
2. The inquest process required reform, particularly because of its long delays.
3. The introduction of a charge of manslaughter available for cases involving the intentional use of lethal force.
4. An independent appeals tribunal.
5. The ending of indeterminate sentences for prisoners under 18 convicted of terrorist offences.
6. A re-examination of the life sentence review system.