

FROM: P N BELL, AUS(L)
16 June 1995

ASST/ SEC
15/6
JUL 1995
C.G.R.U.

Mr Brooker o/r

- cc PS/PUS (L&B)
- PS/Mr Fell
- Mr Legge
- Mr Thomas
- Mr Leach
- Mr Daniell
- Mr Shannon
- Mr Steele
- Mr Watkins
- Mr Williams
- Mrs Brown
- Mr Canavan
- Mr Maccabe
- Mr Perry
- Mr Beeton
- Mr Lindsay
- Ms Marson
- Mr Jagelman

1. D. OK. I did see it for the road. the all.

2. Mr Jones

D. Home Area

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INCORE NEGOTIATION SEMINAR - 31 MAY 1995

You will have seen Mr Watkins' ^x very interesting note of the latest example of official/academic cross fertilisation. What struck me, as it may have struck you was Professor Horowitz's dismissal of the "consociational model" (which, of course, underpins "Frameworks" on the grounds that this provides, allegedly, no incentive to compromise or to act across ethnic or other boundaries, merely to act within ethnic boundaries and in co-operation with other parties of the same ethnic family. Some would, do add that our arrangements are just unworkable - and will, are designed to collapse in a single direction, southerly.

2. The NIO conventional wisdom will quickly explain why (some of) the Professor's fears may be groundless. In particular, political consensus within an Assembly/Panel - or at least the acquiescence of what would otherwise be a blocking minority - will be essential to effective government so there is an incentive to compromise etc (provided, of course, you do want to make the scheme work). Nevertheless, I should be grateful for your views on some of the

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alternative models designed to promote "accommodative behaviour" which he suggested (in paragraph 8 of Mr Watkins' note). In particular schemes which provide incentives for inter-ethnic co-operation eg by adjusting PR methods in ways which compel parties to design their manifesto to appeal not just to their own natural ethnic constituency but to other groupings across the ethnic boundary as well. Perhaps you could consider, in collaboration with Ms Marson.

3. This is an interesting exercise, I suggest, in its own right but it may be useful background if there is - as Professor Darby is now suggesting - a return match with Professor Horowitz (which I, on this occasion, would certainly like to attend if others thought it worthwhile).

(Signed PNB)

P N BELL
OAB 6469

SMJ/AUSL/43217

DJW/12/6

FROM: D J WATKINS
US CENT SEC
DATE: 6 JUNE 1995

cc PS/PUS (B&L) -B
PS/Mr Fell -B
PS/Mr Legge -B
Mr Thomas -B
Mr Bell -B
Mr Leach -B
Mr Daniell -B
Mr Shannon -B
Mr Steele -B
Mr Williams -B
Mr Brooker -B
Mrs Brown -B
Mr Canavan -B
Mr Maccabe -B
Mr Perry -B
Mr Beeton -B
Mr Lindsay -B

MR JAGELMAN

INCORE NEGOTIATION SEMINAR, 31 MAY 1995

1. Thank you to you and your predecessor, David Crothers, for arranging this seminar with INCORE.
2. I thought it might be worthwhile recording the main points.
3. After an introduction from Professor John Darby, Martin Williams described the development of Anglo-Irish relations, focussing on the period 1985 to the present. He brought out a number of points in particular:
 - the Irish already had a role in the search for a solution, but would or should they also have a role to play in the solution itself? This was clearly sought by both the Irish Government and Nationalists; would it be tolerable to Unionists?

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- over the last year the Irish Government has seemed keen to involve parties at both extremes of the political spectrum within Northern Ireland. This appeared motivated in part by the attractions of developing a pan-Nationalist front;
- it was still not clear if the Irish Government foresaw Northern Ireland remaining within the United Kingdom (in their view, on a certain basis) as either an interim or a final solution; and
- there was a question about the stability of the sort of solution envisaged by both Governments. It was clearly necessary to install a procedure for resolving serious disagreement within new arrangements; but the Unionists and the Irish Government/Nationalists took very different approaches to the sort of mechanisms that might be envisaged.

5. Then Stephen Leach gave a description of the origins and process of (L)XD. He explained its objectives, including that of enabling parties to demonstrate their democratic credentials and commitment to exclusively peaceful means. HMG had identified as critical the issue of arms decommissioning, not merely as a doctrinaire point but as essential to enable multi-party negotiations to be held on a basis of equality. He also described the concept of parallel progress and its applicability. As to the dialogues themselves, LXD was easier to manage but four key concerns preoccupied the Loyalist parties: Northern Ireland's constitutional position, fear of attack from republican paramilitaries, anxiety at having secured no credit for their ceasefire and their position in talks post-LXD. XD was on the other hand more austere. Sinn Fein wanted the exploratory phase to come to an early end. They found the Government's challenge on decommissioning difficult to handle for a variety of reasons, and we were

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looking to help them overcome these difficulties by offering constructive flexibility while seeking to ensure that this posture was not interpreted as weakness.

6. Professor Don Horowitz then took the floor. In effect he expanded on the arguments which he had deployed in his article *Community Conflict: Policy and Possibilities* (1990) which had been circulated before the seminar. The essence of the argument was how to identify a means within the electoral system to promote accommodative behaviour within new institutions. The aim was a reduction in and management of conflict/disagreement, not its elimination. Love and harmony were not realistic aims: compromise was. One of the keys was to get the design of institutions right, rather than counting on fixing them later. It was the content of agreement, not its existence, which was critical. Internal incentives were a better promoter of accommodative behaviour than external constraints (such as admonition to act altruistically). Hence the importance of pre-designing appropriate electoral systems.
7. He explicitly dismissed the consociational model under which proportionality, reserves and vetoes were instituted. This provided no incentive to compromise or to act across ethnic or other boundaries, merely to act within ethnic boundaries and in co-operation with other parties of the same ethnic family.
8. He envisaged a number of alternative models designed to promote accommodative behaviour. One was a separation of powers perhaps on the US model. Systems could be envisaged to promote intra-ethnic conflict, which would absorb energies internally to ethnic groups but reduce the margin for allowing them to extend across ethnic demarcations. But the model that he clearly preferred was one which provided incentives for inter-ethnic co-operation. This could take the form of electoral arrangements by, eg, basing them on territorial patterns or by imposing high qualifying minima. The aim was to

avoid the pooling of seats after an election in coalitions which would fracture under subsequent pressure; we should instead examine vote-pooling arrangements. By adjusting PR methods (such as establishing a high threshold vote per seat) arrangements could compel parties to design their manifesto in a way which appealed not just to their natural ethnic grouping but to other groupings across the ethnic boundary as well. Once power had been won on the basis of crossing ethnic boundaries, a lock-in effect occurred - in other words, compromise taints, and you therefore have to continue the appeal on a compromise basis because supporters at the extreme will see compromise as some sort of surrender. Turning to the Northern Ireland experience in 1973-74, the problem lay in the electoral system. It had been too easy to get elected on the votes of party supporters alone without appeal across the sectarian divide. There had been no incentive to rely on vote-transfers from other groupings.

9. Systems which incorporated some of the features he enjoined included that for the Lower House in Australia and for elections in Sri Lanka.
10. Harry Barnes, former US Ambassador to India, Chile, etc then spoke about negotiations in which he had been involved. These included a range of negotiations concerning US/Indian relations, Chile and Romania. Three important features which he underlined were:

- the achievement of a mutually satisfactory agreement which would command the respect of both (or more) sides to a conflict;
- the need for an agreement to reinforce mutual comprehension. This was distinguished from mutual understanding on the basis that comprehension precedes understanding: each side had to identify the needs,

requirements and motivation of the other and make particular allowance for them in both negotiation and in establishing agreement: understanding in the sense of sympathising with those positions would or might come later;

- the need for mutual recognition. It was typical of many conflicts that little worth was ascribed to opponents. Their beliefs, standards and objectives were frequently mutually despised. This had to be avoided and if possible remedied. One way was to recognise the need of the other side to have historical grievances remedied; if this were done, it would often make a major contribution to a successful outcome.

11. After lunch, we had a general discussion. Some of the points which arose were as follows:

- the Frameworks for the Future documents were based on the consociational model, which Professor Horowitz had dismissed. He continued to do so;
- there was discussion about the need for incentives to continue accommodative behaviour rather than merely for electoral purposes. The key argument here was the lock-in effect described earlier;
- some questions were raised as to whether the Northern Ireland parties wanted power sufficiently to make compromise attractive. This was especially so if the parties were to be allowed to design the electoral system themselves, since they would argue for models in which they as individual parties would expect the best outcome;

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- a particular difficulty with Northern Ireland was that it was not solely and simply an internal problem: the key question related to the constitution which by definition had important external elements and therefore external influences.

12. Interestingly, when Professor Horowitz was asked whether he thought we had grounds for optimism or pessimism, he offered four reasons why he thought we were in a much stronger position to fashion a positive outcome and accommodation than in most conflicts:

- there was no readily accepted massive inter-communal violence;
- there was a resilient 10% vote for a moderate cross-community party (Alliance);
- there was a widespread willingness to share power between the communities, going across both communities and persisting over many years;
- universities were free of conflict (a point which Mr Horowitz made with appropriate timidity!).

Conclusion

13. My impression is that the seminar was well worthwhile. Colleagues commented to me afterwards that, although much of the grounds we traversed is frequently discussed in internal Office meetings, nonetheless the opportunity to hear of experiences elsewhere and to explore a rather different approach to a successful outcome was stimulating and might help us develop some fresh thinking on certain aspects of our

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problems. There was a general consensus that the set of propositions based around electoral reform provided a rather more stimulating and fruitful discussion than the slightly à la carte description of experiences in other parts of the world. Nonetheless the combination had been effective and useful.

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