

## OPINION

THERE are 10 reasons why a regional (Northern Ireland) bill of rights - the demand of a clamorous minority - is flawed, should not be enacted and must be resisted.

1. It is not required by the Belfast Agreement. The UK discharged its obligations when, in March 1999, Mo Mowlam asked then head of the Northern Ireland Human Rights Commission Prof Brice Dickson to advise on supplementary rights. No such advice has been forthcoming.

2. A bill of rights is now being actively discussed at Westminster. So why do we need a Northern Ireland bill? In July 2007, the new Brown government issued a green paper, The Governance of Britain (meaning the UK), which referred to a bill of rights and duties as a long-term project. This followed David Cameron's speech of June 2006, where he put forward the idea of replacing the Human Rights Act 1998. Subsequently, the leader of the opposition established a commission of jurists (including independent lawyers), to advise on a UK bill of rights and responsibilities in time for a general election in 2009 or 2010.

3. The Republic of Ireland has a clear obligation under the Belfast Agreement to provide "an equivalent level of [constitutional] protection of human rights". Any regional bill of rights would have to be incorporated in the Irish constitution or in statute law (this is making all-Ireland law).

4. The first (Dickson) human rights commission - doing what

# Why we don't need a Bill of Rights

By Barrister Austen Morgan



it wanted - produced a comprehensive draft bill in September 2001; 127 of the 164 clauses were new. It was riddled with legal illiteracies. And condemned by an Assembly majority of 48 to 39.

5. The second human rights commission, under Prof Monica McWilliams - who has only temporarily lost control of the project - remains unrepresentative, despite the inclusion of one, and now two, unionists.

6. The Bill of Rights Forum, chaired by the Australian, Chris Sidoti, originated in a misguided parliamentary attempt to help the Northern Ireland Human Rights Commission. Sidoti, who flies in from Geneva, remains naive about local sectarianism, and admits to seeing Northern Ireland as a precedent for his internationalist ambitions.

The forum - as the Assembly pointed out in October 2007 - is dominated by the state-spon-

sored community and voluntary sector. This movement, a consequence of an absent Labour Party, is a coalition of the politically correct. Lobby groups are simply translating their wish lists into the language of rights.

7. As a consequence of the St Andrews Agreement, the Assembly was restored on 8 May, 2007. Northern Ireland has 108 MLAs (as well as 18 MPs and three MEPs). But there is no consensus among the political parties for a bill of rights (which, in any case, remains an excepted matter and therefore the responsibility of Westminster).

8. This is my thesis: a self-appointed human rights community has been permitted to substitute itself for elected politicians. This is quite frankly unconstitutional. The army council of the IRA used to tell everyone what to do. The dawning of peace, however, has not seen the people, through their representa-

tives, speaking. A new group of know nothings, who claim they know everything (international human rights standards), seeks to take over the agenda of politics.

There would be nothing for law makers at Stormont or Westminster to do, under a Sidoti bill of rights; further, the courts would tell ministers in Belfast and London what to do.

9. The Northern Ireland Office is entirely responsible for this infantile disorder. It is difficult to see why more unnecessary nonsense is needed. Most likely, the NIO set the project up to fail (or in the expectation that ministers in London would find it over the top).

10. Finance. The Bill of Rights Forum will make no effort to cost any of its proposals. Are the British taxpayers prepared to fund a subvention (already £7 billion) so that the political ideals, and self interests, of a mixed bag of secular moralists may be realized alone in Northern Ireland?

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In tomorrow's News Letter  
Elena McCaustland,  
Chairperson of Northern  
Ireland Human Rights  
Consortium writes on why  
we do need a bill of rights

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