



# **Good Relations in Northern Ireland:** Towards a Definition in Law

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# Good Relations in Northern Ireland: Towards a definition in law<sup>1</sup>

## Introduction

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- [1]. This paper gives effect to the commissioning of an expert briefing paper on ‘Good Relations in Northern Ireland: towards finding a definition in law’. The paper was to be presented at an Equality Coalition roundtable discussion. The paper was required to cover matters such as: the evolution, interpretation, application and impact of the ‘good relations’ paradigm in Northern Ireland from its inclusion as s75(2) of the Northern Ireland Act 1998, through a ‘shared future’ to the ‘Cohesion, Sharing and Integration (CSI) and ‘Together: Building a United Community (T:BUC)’ strategy; the relationship between ‘good relations’ on human rights and anti-racism (including sectarianism) goals; the definition of ‘good relations’ in law in Great Britain and recent debates on incorporating a definition in Northern Ireland. While it stands alone, it can be usefully read in tandem with a previous paper ‘Sectarianism in Northern Ireland: Towards a definition in Law’, also commissioned by the Equality Coalition.<sup>2</sup> There are key areas of overlap and many of the challenges of finding a definition in law for good relations are mirrored in the similar attempts to define sectarianism.
- [2]. Recent discussions in Northern Ireland have confirmed that there is little consensus on what good relations involves. There is arguably even less agreement on any definition in law although most actors agree on the *need* for a definition.<sup>3</sup> Unfortunately, there is little immediate assistance for any such definition in wider international law – this is not a term that can draw immediately on any existing template. Unlike with human rights or equality, there are no obvious ‘minimum standards’ on good relations to which we might appeal. Of course, good relations appears to be a societal good – it is hard to be ‘against it’. It references a whole

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<sup>1</sup> A draft of this paper was presented at an Equality Coalition roundtable in Belfast in September 2014. The paper was informed and improved by the discussion at that roundtable. Since the roundtable was conducted under Chatham House Rules in order to encourage unfettered dialogue, individual contributions are not identified but their contribution is much appreciated. The draft was also improved by comments from Daniel Holder of CAJ, Emma Patterson-Bennett of the Equality Coalition, Patricia McKeown of UNISON and Professor Bill Rolston. Remaining errors of fact or judgement remain my own.

<sup>2</sup> Expert Briefing Paper by Dr Robbie McVeigh [Sectarianism in Northern Ireland Towards a definition in Law](#) published by the CAJ-UNISON convened Equality Coalition.

<sup>3</sup> This consensus on the need for definition was echoed in the roundtable discussion. While participants brought very different perspectives on good relations to the discussion, there was broad consensus on the requirement for definition.

series of social objectives - like reconciliation, integration, sharing or interdependence – that are both hard to oppose and hard to define. Each of these words has multiple interpretations. Like peace itself, the notion of ‘good relations’ seems to straddle a whole continuum from the absence of conflict to the presence of justice.

- [3]. At best the good relations paradigm comes from a different perspective than human rights and equality; at worst, it can be an *alternative to* human rights and equality. For example, its predecessor community relations paradigm emerged when African American resistance to racism was causing widespread unrest across America cities. But it was not referenced when African Americans were enslaved, or when segregation was entrenched in legislation or when lynching was widespread. In other words, the ‘goodness’ of relations can be very one-sided and subjective. It is telling that the community relations intervention in the USA, as characterised by Lyndon B Johnson, was to be a *solution to the civil rights movement* rather than a solution to institutional racism (CRS 2014).
- [4]. In general, therefore, there are broad concerns regarding the tension between community/good relations approaches to conflict and division and those based on equality and human rights. In Northern Ireland this has taken more concrete form around the potential of community and good relations approaches to undermine the equality and human rights obligations of the Good Friday Agreement (GFA) – although the primacy of the equality duty remains embedded in law. Moreover there has been a specific concern in Northern Ireland around the practical ‘misuse’ of the good relations duty to avoid or evade equality obligations (CAJ 2013, 2014, 2014a).<sup>4</sup> There are also specific concerns around the ability of the paradigm to address - rather than disguise - ongoing racist violence against Black and Minority Ethnic (BME) communities across Northern Ireland (McVeigh and Rolston 2007).
- [5]. These issues acknowledged, there is no getting away from the likelihood that good relations will continue to frame policy in Northern Ireland. There is a developing practice around the paradigm - in Great Britain as well as Northern Ireland. The British model provides a key comparator for work in Northern Ireland. This ‘GB approach’ emerged from race equality work which has employed the community relations paradigm since the 1960s. Moreover, the term good relations *is* defined in law in England and Wales and Scotland and this remains a key referent in discussions in Northern Ireland. This wider good relations work helps us resist the tendency in Northern Ireland towards *exceptionalism* - the insistence that good relations are both profoundly important and undefined and undefinable. If the good relations paradigm is to be given an increased statutory importance, it needs to be

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<sup>4</sup> For example, CAJ and others have been specifically concerned by the ECNI decision to use Equality Impact Assessments (EQIAs) towards good relations objectives (CAJ 2014: iii).

grounded in a definition that meets the basic principles of clarity of law and allows meaningful measurement across objective indicators of success or failure.

## The evolution of the community relations paradigm

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- [6]. The community relations paradigm emerged from the federal state response to civil rights protests in the USA. The US Community Relations Service was created by the Civil Rights Act of 1964 and remains within the US Department of Justice.<sup>5</sup> It describes its contemporary mission thus:

*The Community Relations Service (CRS) helps local communities address community conflicts and tensions arising from differences of race, color, and national origin. CRS also helps communities develop strategies to prevent and respond to violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability. (CRS 2014)<sup>6</sup>*

- [7]. The term 'community relations' was subsequently adopted in the context of early British 'race relations' interventions. The Race Relations Act of 1968 introduced and resourced a national, statutory Community Relations Commission and a series of local Community Relations Councils. A related but distinct intervention appeared with the development of a community relations paradigm for addressing sectarian division in Northern Ireland (McVeigh 2002; McEvoy et al. 2006, Morrow 2013). The appeal of the paradigm in terms of the Northern Ireland conflict was obvious – institutionalised violence and discrimination was resulting in widespread unrest and unambiguously 'bad' relations between different communities. As McEvoy et al suggest: 'From its inception, particularly to the more progressive elements of Unionism, community relations was arguably always a softer and more palatable alternative to rights discourse with its inevitable critique of the state'. (2006: 86)

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<sup>5</sup> As CRS records: "It could be one of the longest and most far reaching steps toward an ultimate solution to the civil rights movement that can be taken." With those words, then-Senate Majority Leader Lyndon B. Johnson, on January 20, 1959, introduced a bill to establish the Community Relations Service. Five years later, CRS was established under Title X of the Civil Rights Act, which President Johnson signed into law on July 2, 1964' (CRS 2014).

<sup>6</sup> In response to recent events in Ferguson, Missouri, the US Attorney General announced: 'In order to truly begin the process of healing, we must also see an end to the acts of violence in the streets of Ferguson. Those who have been peacefully demonstrating should join with law enforcement in condemning the actions of looters and others seeking to enflame tensions. To assist on this front, the Department will be dispatching additional representatives from the Community Relations Service, including [CRS] Director Grande Lum, to Ferguson. These officials will continue to convene stakeholders whose cooperation is critical to keeping the peace' (US Department of Justice 2014).

[8]. While this emerging paradigm drew directly on US and UK community relations approaches to managing racism and anti-racism, it was resistant to identifying sectarianism as a racism. This was ironic since the analysis was almost identical. For example, the template for community relations intervention in Northern Ireland - 'Community Conflict Skills' (Fitzduff 1988) - was borrowed from a US manual on community relations which focussed solely on race. Despite the obvious resonances, however, community relations proved reluctant to address the racism experienced by BME communities in Northern Ireland.<sup>7</sup> It consequently played little part in the efforts to extend some form of British race equality legislation to Northern Ireland. This all changed, however, in the wake of the GFA *even though neither community relations nor good relations had featured in the GFA negotiations.*

[9]. The shift from community relations to good relations was a change imposed by the Northern Ireland Act 1998 rather than emerging organically from anti-racism and community relations practice. Even as late as 2004, the Northern Ireland Community Relations Council reported that: 'an agreed definition for the promotion of good relations does not exist' (2004:6). Nevertheless, when the Community Relations Council launched its *A Good Relations Framework: An Approach to the development of Good Relations*, 'dealing with' racism had been unambiguously integrated into the community relations/ good relations paradigm:

*Those who have worked on anti-racism and anti-sectarianism approaches in Northern Ireland have acquired decades of experience. The promotion of good relations requires that both these areas of expertise be joined together to provide an approach that will enable **racism and sectarianism to be addressed equally and together.** (2004: 5, emphasis added)*

[10]. Historically the paradigm was neither a rights- nor an equality-based approach to racism but rather a state-led conflict management approach to addressing widespread social unrest consequent upon racism. In other words, good relations does not easily sit within a rights-based framework. This said, in both the US and Great Britain it is clearly connected to racism and the consequences of racism – which suggests at least some overlap with the conflict in Northern Ireland. Moreover, while it emerged from other dynamics, it is constantly in dialogue with rights and equality based approaches. In England and Wales and Scotland the community/good relations paradigm evolved *within* race equality legislation – it was a subset of wider attempts to address racial discrimination and inequality. In this sense 'relations' were regarded as integral to the equality project. It was fairly obviously that 'race relations' – including both racist and anti-racist violence - could not be managed without some movement towards equality and human rights that at least addressed the most egregious aspects of racial inequality. Thus in both Northern

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<sup>7</sup> Thus the definitive CRC publication 'Approaches to Community Relations Work' made no reference to race or racism (Fitzduff 1991).



Ireland and Great Britain notions about improved 'relations' tended to be integrated with state equality projects. But this has not found much wider resonance. For example in the UK Johnson and Tatam suggest:

*Good relations do not seem to have much salience beyond the UK at this stage; and even that is somewhat limited as we come to discuss later. Indeed, some international contacts with whom we explored the idea felt unable to contribute much due to the fact that good relations was a 'very Anglo-Saxon' concept. (2009: 26)*

- [11]. This remains a legitimate analysis. It might be argued that the failure to find any wider audience for good relations is evidence enough of the limitations of the concept. From this perspective, good relations might be better repudiated than defined and institutionalised. But such an approach would have to disregard the currency that the paradigm continues to have in Northern Ireland.

Moreover, it would have to posit some better paradigm for addressing the issues currently bundled around good relations. Unlike the case with equality and human rights, there is no simple alternative international template.

## Interculturalism: good relations in international law?

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- [12]. Many organisations, including CAJ, have been keen to anchor Northern Ireland policy development in terms of best practice internationally. In particular, it is argued that equality and human rights work should be grounded in international law. This draws on a vast well of international experience as well as providing a key template of 'minimum standards' for any local legislation. Unfortunately the notion of 'good relations' does not feature in international law. As Johnson and Tatam suggest:

*There is a lack of international material that has a direct bearing on good relations. Many of the concepts described above have an international resonance – in particular contact theory, social capital and human security. Some others, notably community cohesion and integration ... are increasingly being used internationally having started off as intellectual approaches rooted in British circumstances. As such, we have found **nothing** that could be directly applicable to the idea of 'good relations' as set out in the [UK] Equality and Human Rights Commission's mandate. (2009: 26, emphasis added)*

- [13]. This idea that there is *nothing* that is directly applicable to good relations stands in stark contrast to the way in human rights and equality measures can be directly linked to international law. This is not completely surprising, however. As we have already seen, its antecedent 'community relations' paradigm emerged from a conflict management paradigm rather than from equality or human rights discourse. There is little hard law to support the specific process in Northern Ireland.

[14]. Arguably, however, something akin to ‘good relations’ is at least implicit in some of the founding principles of international law. For example, in the Preamble to the UN Charter we find: ‘We the peoples of the United Nations determined... to practice tolerance and live together in peace with one another as good neighbours’. Beyond this kind of fairly vague sentiment, however, there is not much immediate help in international law for any attempt to ground the concept in law in Northern Ireland. The nearest concept which does find support in international law and practice is the notion of ‘interculturalism’ or ‘intercultural dialogue’. This analysis is supported by Wigfield and Turner in their work on good relations in Britain who – in contrast to Johnson and Tatam – note the resonance with interculturalism (2010: 7).<sup>8</sup>

[15]. The notion of *interculturalism* (sometimes also ‘interculturality’ or ‘intercultural dialogue’) has been particularly promoted by the Council of Europe, not least as an alternative to ‘multiculturalism’ (Barrett 2013). But it is also used by the European Union and the United Nations. Interculturalism shares some of the ambiguity attached to ‘good relations’ – it is definitively *not* a well-defined legal construct. Nevertheless it clearly resonates with aspects of good relations and it has a much wider international reference. Essentially the notion of Interculturalism encourages exchange and interaction rather than either assimilation or segregation. It embraces openness to change from ‘both sides’ of any cultural interface - the majority population as well as from minority groups.

[16]. The CoE/European Commission Intercultural Cities project provides a useful definition:

*Rather than ignoring diversity (as with guest-worker approaches), denying diversity (as with assimilationist approaches), or overemphasising diversity and thereby reinforcing walls between culturally distinct groups (as with multiculturalism), interculturalism is about explicitly recognising the value of diversity while doing everything possible to increase interaction, mixing and hybridisation between cultural communities. Interculturalism is also about addressing issues of cultural conflict or tension (religious customs and requirements, communitarianism, women’s rights etc.) openly through public debate, with the involvement of all stakeholders. (CoE 2014)*

[17]. This approach has brought good relations in Northern Ireland onto the radar of different international bodies in reference to implications on anti-racist work. For example in 2011 the Council of Europe Advisory Committee on the Framework

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<sup>8</sup> Interculturalism has also been a particularly significant paradigm in the Republic of Ireland – for example, the national body was named ‘National Consultative Committee on Racism and Interculturalism’. This has become less influential, however, as this state anti-racist infrastructure has been largely dismantled over recent years.

Convention for National Minorities directly addressed the exceptionalist approach to sectarianism in Northern Ireland:

*[T]he Advisory Committee finds the approach in the CSI Strategy to treat sectarianism as a distinct issue rather than as a form of racism problematic, as it allows sectarianism to fall outside the scope of accepted anti-discrimination and human rights protection standards. Similarly, the CSI Strategy has developed the concept of “good relations” apparently to substitute the concept of intercultural dialogue and integration of society. (CoE 2011: 25)*

- [18]. In other words, the CoE is making it clear that *with regard to racism at least* the specificity of good relations work in Northern Ireland does not permit abandoning the broader lessons of an interculturalist approach.
- [19]. As was argued in *Sectarianism in Northern Ireland: Towards a definition in Law* (McVeigh 2014), the crucial point is that this issue does not have to be endlessly reworked. The key international bodies have already accepted the analysis that sectarianism is a form of racism. It is sensible to let the word racism do most of the ‘work’ in Northern Ireland. In other words, once sectarianism is regarded as a form of racism, we can get on with the work of addressing racism rather than worrying endlessly about definitions of sectarianism. But this also means that the discipline of anti-racist paradigm should be applied to ‘good relations’. In this context it does at least overlap with the notion of interculturalism or intercultural dialogue. Moreover, the international monitoring bodies are at least encouraging ‘good relations’ to be seen in this way. Neither is this process all one way. There is some evidence that government in Northern Ireland has been addressing this point. For example, there is reference to interculturalism in the TBUC strategy: ‘We believe that an approach based on intercultural dialogue can help facilitate greater integration and build a more united community’ (OFMDFM 2013: 79, 88-9).
- [20]. Thus interculturalism may well offer a way forward in terms of practice that at least overlaps with ‘good relations’ and is grounded in international law and practice. The key point is that international monitoring bodies are saying that good relations is not enough on racism and sectarianism. Moreover OFMDFM are at least acknowledging this issue in the TBUC strategy. There is certainly a window of opportunity for further work in this vein, especially as it dovetails with developments in good relations in England and Wales and Scotland. This does not, however, mean that any convergence of good relations and interculturalism is a silver bullet that might end tensions and difficulties associated with the definition of good relations in Northern Ireland. The interculturalism paradigm is a far from finished article anywhere. While it is an increasingly important international term and it does provide a wider frame of reference for Northern Ireland based work, it does not provide a simple template for good relations work – nor any simple transferable definition. It is important, however, that the development of definitions for good relations makes

explicit the resonance between the two terms and encourages ongoing dialogue with best practice on Interculturalism in Europe and elsewhere in the world.

## The evolution, interpretation, application and impact of the 'good relations' paradigm in Northern Ireland

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- [21]. Broadly there were three key stages in the evolution of good relations paradigm in Northern Ireland. First it was named in legislation in Section 75(2) of the Northern Ireland Act 1998. This new phase in 'relations' interventions by the state did two key things that continue to frame discussions around good relations in Northern Ireland. First – drawing on developments in Britain around race equality - it signalled that '*good relations*' rather than '*community relations*' was the defining concept in this new statutory approach. Second, it made clear that this notion of good relations was to *include* race alongside Protestant/Catholic relations and *exclude* other equality grounds.
- [22]. Later the role of good relations expanded further and it became the key framing device for 'normalisation' in Northern Ireland in the *A Shared Future* document of 2005. Finally, it became a leitmotif of the attempts to address ongoing tensions and conflict (within both government and wider society) through the recent TBUC strategy. In this sense good relations is now at least symbolic of what holds the new state together. The interpretation and meaning of good relations has changed markedly over this period so it is useful to trace this evolution in depth.

### Section 75(2) of the Northern Ireland Act 1998

- [23]. Even though the term good relations was not mentioned in the GFA, it was integrated into the Northern Ireland Act 1998 through which the British Government provided the legal context for the implementation of the agreement. Section 75 of the Northern Ireland Act 1998 placed a key statutory equality duty on public authorities. This was the outworking of the British State commitments on equality that had been central to the GFA:

*(1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; (b) between men and women generally; (c) between persons with a disability and persons without; and (d) between persons with dependents and persons without.*

- [24]. But Section 75 then went on to introduce a new and somewhat unexpected good relations duty:

*(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.*

- [25]. There are a number of important dimensions to this. First, the term appeared in law for the first time in Northern Ireland.<sup>9</sup> Second, it integrated ‘anti-sectarianism’ and ‘anti-racism’ for the first time. Third, the hierarchy between equality and good relations was firmly and clearly established – the legislation makes it clear that equality ‘trumps’ good relations in the sense that good relations must be promoted without prejudice to equality. In other words, it is explicit that equality must take precedence if there is a contradiction between equality and good relations.

## A Shared Future 2005

- [26]. When the state’s ‘Good Relations’ strategy emerged in the OFMDFM (Office of the First Minister and Deputy First Minister) *A Shared Future* document in 2005 (issued under direct-rule), the importance of good relations had been fleshed out and foregrounded. This was now presented as a ‘Policy and Strategic Framework for Good Relations in Northern Ireland’. There was some attempt to envision this approach:

*The establishment over time of a normal, civic society, in which all individuals are considered as equals, where differences are resolved through dialogue in the public sphere, and where all people are treated impartially. A society where there is equity, respect for diversity and a recognition of our interdependence.*

- [27]. The document also engaged with the Community Relations/Good Relations overlap:

*There was criticism that the terms ‘community relations’ and ‘good relations’ were not properly defined. ‘Community relations’ refers specifically to division between the Protestant and Catholic communities in Northern Ireland. ‘Good Relations’ refers to Section 75 (2) of the Northern Ireland Act 1998 which includes persons of different religious belief, political opinion or racial group. (2005: 63)*

- [28]. Importantly therefore the racism/sectarianism synthesis within good relations was complete.<sup>10</sup> The blueprint for an integrated ‘Good Relations’ response to both racism

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<sup>9</sup> Shortly before the 1998 Act, the Race Relations (Northern Ireland) Order 1997 was introduced and for the first time protected ethnic minorities from discrimination. Article 67 of the Order does place a statutory duty on local councils only, to eliminate unlawful discrimination and to promote equality of opportunity and ‘good relations’ between different ‘racial groups’. This provision is rarely used.

<sup>10</sup> Although technically this emerged in a period of Direct Rule during a period of suspension of the devolved post-GFA institutions.

and sectarianism was in place. This has largely continued. This ‘convergence’ is important since it further undermines the case for the exceptionalism of sectarianism. Since racism and sectarianism are being addressed equally and together while other equality issues are being excluded, it further begs the question of whether there is any substantive difference between racism and sectarianism *at all*.

- [29]. *A Shared Future* also addressed the relationship between equality and good relations directly:

*Concern was expressed that the equality agenda would be suppressed to promote the good relations agenda. However, we regard equality of opportunity and good relations as complementary and believe that good relations cannot be based on inequality, between different communities or ethnic groups. To add emphasis to this point, the new policy and strategic framework has included as a fundamental principle: “**Progress towards a shared society must be built upon the significant progress that has been achieved in promoting equality of opportunity and human rights.**” (Original emphasis)*

- [30]. The document also acknowledged contradictions of this approach in terms of other equality constituencies. Many people were concerned that ‘good relations’ would not explicitly address homophobia or sexism within the paradigm. Nevertheless, the paradigm was located very specifically within the Section 75 categories – in this sense it was specifically about race and sectarianism and specially not about other forms of inequality or hate crime or violence:

*This new good relations policy and strategic framework aims to address particular manifestations of community division between the Section 75 (2) categories – persons of different religious belief, political opinion or racial group. This does not diminish the importance of other equality categories and this document represents just one facet of a multi-dimensional approach to the promotion of equality of opportunity and good relations. (2005: 62)*

## The TBUC strategy 2013

- [31]. The most recent development in evolution of the good relations paradigm in Northern Ireland is the *Together: Building a United Community* (TBUC) Strategy, published in May 2013. This draft strategy, ‘reflects the Executive’s commitment to improving community relations and continuing the journey towards a more united and shared society’. It bears emphasis that good relations is by this stage absolutely central to the presentation of policy – at least symbolically:

*The Together: Building a United Community Strategy outlines a vision of “a united community, based on equality of opportunity, the*

*desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance”.*

- [32]. The document makes it clear that the strategy represents a ‘major change in the way that good relations will be delivered across government’. A key action of the strategy will be the establishment of an independent and statutorily-based organisation to provide advice to government and to challenge all levels of government in terms of its performance in improving good relations:

*The Equality Commission already fulfils a similar role in terms of monitoring public authorities against the statutory duties in Section 75 of the NI Act 1998. We will therefore establish an Equality and Good Relations Commission to change their roles and responsibilities to include good relations, this will incorporate the existing role and new good relations role. This will place significant functions currently under CRC on a statutory basis.*

- [33]. The document also confirms the difference between equality and good relations but insists that equality remains central to the strategy:

*Therefore, in our decision making and policy implementation, we regard the promotion of equality of opportunity as an essential element in the building of good community relations and consider that good relations cannot and should not be built on a foundation of inequality.*

- [34]. Despite this, however, the concept appears as elusive as ever when definition is required:

*In relation to the draft legislation to establish the Equality and Good Relations Commission we will seek to find an appropriate consensus around a definition of sectarianism, based on this Strategy, to be included in that legislation.*

- [35]. A new Equality and Good Relations Commission is regarded as key to this process:

*In order to achieve this we will amend the remit, roles and responsibilities of the existing Equality Commission and incorporate the following functions into an Equality and Good Relations Commission: Advice and challenge to Government; Research and evaluation on good relations issues; Scrutiny; Scrutiny of and challenge to District Council Good Relations Delivery Programme; and Regional advisory role to individuals and groups working on good relations issues.*

[36]. TBUC also details the statutory duties of the Equality and Good Relations Commission which flow from these augmented functions:

- To challenge and scrutinise Government in its progress towards meeting the commitments and aims of this Strategy;

To scrutinise and provide advice on action plans arising from this Strategy;

- To enforce and investigate as appropriate where there is a failure to comply with section 75(2);
- To promote good relations across all sections of the community and support the development of best practice across the public service and the private sector;
- To commission appropriate research in order to inform the implementation and delivery of this Strategy;
- To carry out an assessment of progress against the objectives of this strategy and produce a report to the Assembly every two years;
- To provide advice and scrutiny to the Ministerial Panel in the development of the District Council Good Relations Programme;
- To challenge District Councils in respect of their performance against Good Relations Action Plans;
- To submit an annual work plan to OFMDFM and report on progress against agreed targets;
- To facilitate the sharing of best practice on a North-South, East-West, European and international level; and
- To connect actions to promote good relations at a regional, sub-regional and localised level. (2013: 105-6)

[37]. Throughout this sweeping plan, however, there is a profound failure to address the question of just what this good relations work involves. Without a definition – and in the face of very different perceptions of what it *should* mean – this is a recipe for disaster. Moreover, the continued failure to ‘go the final step’ and identify sectarianism as a form of racism in line with the recommendations of the international bodies carries with it many contradictions. In integrating racial justice with sectarianism which remains undefined and good relations which remains undefined, the strategy threatens to do more harm than good.

[38]. These contradictions are at their most extreme when they overlap with issues that should be more central to criminal justice. Since ‘hate crime’ might be regarded as the quintessential example of ‘bad relations’, it is unclear why some equality constituencies should be addressed by good relations while others should not.<sup>11</sup> The

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<sup>11</sup> This issue is raised throughout TBUC – particularly in terms of homophobia and the LGBT community. Thus TBUC acknowledges: ‘Lesbian, gay, bisexual and transgender people have and do play a role in building good relations across our community. This was highlighted extensively throughout the public consultation when a number of individuals and representatives of lesbian, gay and bisexual groups, and transgender people, spoke of the need to apply good relations principles more widely across all s75 groupings (2013: 16-17).



TBUC document appears to collapse the difference between racism and sectarianism in Northern Ireland almost completely (OFMDFM 2014). Here the new paradigm of 'good relations' is used to integrate racism and sectarianism and separate them from other rights and equalities constituencies and issues. They become 'twin blights' to be addressed together. But, just as importantly, they are presented as something to be addressed separately from other forms of discrimination or hate. In direct contrast, the construction of 'hate crime' in Northern Ireland creates an unusual profusion of categories. The PSNI, approach leads to *three* separate sub-categories of hate crime connected to racism and sectarianism (and therefore, presumably, to good relations) – 'racist', 'sectarian' and 'religious'.<sup>12</sup> In all there are six hate crime categories recorded by the Police Service of Northern Ireland (PSNI) - sectarian, racist, homophobic, faith/religion, disability and transphobic. Yet only three of these is presented as directly negative in terms of good relations in the TBUC strategy. This contrasts starkly with the situation in the UK where the application of good relations 'extends to all equality strands, including social class' (Wigfield and Turner 2010: 9).

## The relationship between 'good relations' and human rights, equality and anti-racism goals

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- [39]. There is an ongoing ontological tension in terms of discussions of what precisely good relations is about. This is one of the reasons that an acceptable definition is proving so elusive. At the heart of this is the tension between two contradictory formulations of good relations. First, there is the idea that good relations is really about human rights and equality and anti-racism – in other words it should be understood solely or primarily in terms of these goals. (Here the approach is best captured by the work on good relations of the Equality and Human Rights Commission (EHRC) in Great Britain – it is perhaps not surprising that an equality and human rights commission would define good relations in terms of equality and human rights.) At the other end of the spectrum is the notion that good relations is essentially separate from both human rights and equality. This is most highly developed in the work of Tom Hadden– which suggested that issues of 'sharing and separation' were both *different from* and *just as important as* issues of equality (Boyle and Hadden 1994; Hadden et al 1996). This approach acknowledged that sometimes one might take precedence over the other (CAJ 2013: 6-11).
- [40]. This difference was in effect recognised in the Northern Ireland Act 1998, although it also made clear that equality obligations retained primacy over those of good relations. It has also been present in some of recent debates in which the notion of the 'equal importance' of equality and good relations was to the fore. Much of the time, however, this ontological difference is implicit in the positions that different

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<sup>12</sup> PSNI 'Hate Crime' [http://www.psni.police.uk/index/advice-and-legislation/advice\\_hate\\_crime.htm](http://www.psni.police.uk/index/advice-and-legislation/advice_hate_crime.htm)

actors take on good relations. And often is simply assumed that they cannot but be complementary. But there are obvious contradictions. For example, human rights and equality were – alongside security – presented as two of the three pillars of the Good Friday Agreement. Neither 'community relations' nor 'good relations' played any significant part in the agreement. Yet every Council across Northern Ireland has one or more centrally funded 'good relations' officers - there is no equivalent programme for equality or human rights officers<sup>13</sup>.

- [41]. The notion of good relations is equally complex and contradictory in terms of its relationship with racism and anti-racism. As we have seen community relations in Northern Ireland began as a paradigm that explicitly disavowed any connection with racism. From this perspective it was 'about' 'Protestant and Catholic communities' and sectarianism was defined as something other than racism. This has changed more recently as anti-racism has been grafted on – sometimes completely unthinkingly – to the existing community relations paradigm as it rebranded as good relations. Where this becomes particularly problematic is the point at which it begins to distort anti-racism in Northern Ireland (McVeigh and Rolston 2007). For example, it is not hyperbole to suggest that relations between white communities and BME communities are at an all-time low in Northern Ireland. It can be suggested that the BME communities have lived the peace process in reverse – surviving the worst of the conflict by being to an extent removed from unionist/nationalist tensions – yet seeing the ratcheting up of racist violence in the context of 'peace' as Northern Ireland becomes routinely characterised as the 'race hate capital of Europe'. As racist violence escalated across Northern Ireland through 2014, the PSNI finally publicly confirmed that the UVF is behind some of this violence.

We might expect that this would indicate pathologically 'bad relations' in anybody's book. Yet it has provoked little sense of crisis – and little action - across the state or politics or the contemporary 'good relations' infrastructure. Despite the rhetoric of TBUC, addressing increasing racist violence appears to be a job for someone else – it is not good relations work.

- [42]. In this sense, good relations work continues to distort anti-racism in a profoundly problematic way. It is emblematic of this reality that within the OFMDFM 'racial equality' is situated within the *Good Relations and Building a United Community* 'theme' rather than the *Equality, Human Rights and Social Change* 'theme'.<sup>14</sup> It might be suggested that anti-racism is primarily about 'equality, human rights and

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<sup>13</sup> Thus the outworking of policy often compounds the difference between equality and good relations objectives.

<sup>14</sup> OFMDFM 'Equality and Strategy' <http://www.ofmdfmi.gov.uk/index/equality-and-strategy.htm>. Arguably this should not be an either/or – anti—racism should straddle equality and good relations. But if it is to be either/or, race equality work should sit within an equality rather than a good relations paradigm.

social change' not about 'good relations' almost anywhere else in the world. But this is not simply about symbolism. Despite the frequent 'Northern Ireland is the race hate capital of Europe' warnings, BME communities have had to wait for over five years for a new Race equality strategy. In other words, in Northern Ireland at least, all the focus on good relations has proved to be singularly ineffective in driving any effective anti-racist strategy. And this is a society where the police are acknowledging that a terrorist group is leading a campaign of racist violence and 'ethnic cleansing' against migrants and people of colour.<sup>15</sup>

- [43]. Meanwhile, in GB the trajectory has been somewhat different. Community relations there was always primarily about racism. As the good relations paradigm took over, other equality constituencies were grafted onto the core project of improving relations between different ethnic groups. In other words, while the good relations paradigm has extended to cover a whole range of other equality constituencies, its practice remains grounded in anti-racist work. Writing in 2009, Wigfield and Turner suggest:

*the closest form of good relations that is currently in operation relates specifically to race under the Race Relations Act (1976) (as amended in 2000) under which public authorities have a general statutory duty to promote race equality. The duty has three distinct parts: to work to eliminate unlawful racial discrimination, to promote equality of opportunity and, crucially for the GRMF [Good Relations Measurement Framework], to promote good race relations. Johnson and Tatam (2009) rightly point to the importance of the guide for public authorities on promoting good race relations, which was produced by the CRE in 2005. The guide identified five key principles which were all necessary to achieve good race relations: **Equality** – equal rights and opportunities for everyone in all areas of activity. **Respect** – acceptance of the individual right to identify with, maintain and develop one's particular cultural heritage, and to explore other cultures. **Security** – a safe environment, free from racism, for all. **Unity** – acceptance of belonging to a wider community, and of shared values and responsibilities, rooted in common citizenship and humanity. **Cooperation** – interaction by individuals and groups to achieve common goals, resolve conflict and create community cohesion. All five of these principles are directly relevant to achieving good relations.... (2009:4-5)*

- [44]. The tension between the situation in Northern Ireland and Great Britain is also marked in terms of the *focus* of good relations work. In England and Wales in particular, good relations has reference to the whole range of statutory equality constituencies as *well as class*. In contrast, in Northern Ireland, good relations has

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<sup>15</sup> BBC News. 2014. UVF 'behind racist attacks in Belfast' 3 April 2014. <http://www.bbc.co.uk/news/uk-northern-ireland-26871331>

been very firmly - if clumsily and arbitrarily - constructed as something that refers solely to sectarianism and racism. So the grounding in anti-racism of a broad good relations paradigm in Britain contrasts starkly with a much narrower good relations paradigm in Northern Ireland - which has palpably failed to intervene effectively in a situation of 'bad relations' characterised by racist violence.

- [45]. Of course it may be argued that this is a consequence of poor practice rather than a bad paradigm. At present existing legislation accepts, at least implicitly, that there is no necessary correlation between equality and good relations – they are formulated as different, if related, things. There is nothing unusual in this – unless good relations were a direct function of equality, we might expect that the two are not always complementary.<sup>16</sup> In other words, despite the insistence of many good relations practitioners, there are situations in which the equality and community relations agendas maybe directly antagonistic. By the same token, we can suggest that there is no necessary correlation between good relations and human rights. But if this is the case, it becomes clear that legal protection from racism is likely to come primarily through equality and human rights measures, not through the good relations paradigm. In this context, it is important that good relations does not undermine human rights or equality protections in any way.

## The definition of 'good relations' in law in Great Britain

- [46]. There are specific reasons for looking at England and Wales and Scotland beyond the broad point that they are part, alongside Northern Ireland, of UK state reporting and implementation responsibilities on human rights and equality. First, there is the issue of overlap and synergy between definitions. When the term 'community relations' was defined in law in the 1968 Race Relations Act, the connection to race was explicit: *"community relations" means relations within the community between people of different colour, race or ethnic or national origins*'. When the term 'good relations' first appeared in legislation in the 1976 Race Relations Act it also remained unambiguously within the broad ambit of race equality. The CRE and others were given a statutory duty, 'to promote equality of opportunity, and good relations between persons of different racial groups generally'. But this specificity has changed over time. The UK reading of good relations is now a particularly permissive one. As Wigfield and Turner confirm:

*Although the concept of good relations has, to some extent, emerged from the desire to achieve good race relations in Britain and as a way to challenge sectarianism and racism in Northern Ireland, it is important to emphasise that the GRMF extends to all*

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<sup>16</sup> For example by analogy, we might suggest that bussing in the US had an important positive impact in terms of equality since it improved the quality of education of many African Americans. But the 'race' rioting that accompanied such bussing was almost definitively negative for 'community relations'.

*equality strands, including social class. Indeed, the introduction of a good relations duty across the seven equality strands on all public authorities within the Equality Act 2010 augments the widening of good relations beyond race relations and religious belief. Good relations is thus intended to cover in a non-exclusive and non-normative way the interaction and coexistence of economically, culturally and socially diverse populations in the UK. (2010: 9)*

- [47]. Second, there are issues of ‘read across’ between Britain and Northern Ireland - in terms of both good and bad practice. Scotland provides an additional comparator as a devolved administration managing the tensions between national and regional dynamics around good relations (Dobbie 2010; EHRC Scotland 2012). In the Scottish case, this has led to the contemplation of jettisoning the concept altogether:

*The primary barrier to evidencing good relations is perhaps the issue of conceptualisation and language.... [T]he terminology of good relations is not well understood outside of the equality movement. To achieve recognition of good relations, or to further community cohesion work, we may need to consider dropping the phrase almost entirely from our lexicon, or accept that it has a limited compliance-centred application. (EHRC Scotland: 7)*

- [48]. Either way, it is particularly important to pay close attention in Northern Ireland to good relations practice within the relatively progressive regime on race in Great Britain.<sup>17</sup> This is not, of course, a one-way process. Ironically, perhaps, much of the development of the good relations paradigm in England and Wales references the development in Northern Ireland (Johnson and Tatam 2009: 26-9). Thus, the EHRC review suggests: ‘A lot of the initial work on defining good relations and the essential prerequisites necessary for good relations has been undertaken in Northern Ireland’ (Wigfield and Turner 2010: 15).

- [49]. From this departure, however, the paradigm that emerges in Great Britain looks significantly different. First, it is clearly located in anti-racist discourse. Second, it now references all equality constituencies. Third, it specifically references its relationship to human rights and equality. (For example, the Equality Act 2006 defines good relations very specifically in terms of ‘respect’ for human rights and equality. At this point, however, it is not clear what the added value of the label ‘good relations’ is. It is essentially suggesting that equality and human rights are positive in themselves – which most people would support – but adding little extra to the notion of good relations.) Finally, the term is defined in law. This is obviously significant since, as we have seen, there is little else to anchor the term to in terms of international discourse beyond the work that we have mentioned on interculturalism. It is also significant since it occurs within another jurisdiction of the UK. Legislation

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<sup>17</sup> See, for example, Wigfield and Turner’s review of the GRMF (2013). It seems obvious that this kind of analysis should be informing good relations practice in Northern Ireland.

does not have to be identical across the different devolved administrations, obviously, but it would seem ridiculous to offer a definition in law in Northern Ireland that was significantly removed from the existing legal definition for England and Wales and Scotland.

- [50]. On this front there have been recent attempts in Great Britain to improve the robustness of the term (Johnson and Tatam 2009; Wigfield and Turner 2010). It has found more precise definition in recent equality legislation. For example, the Equality and Human Rights Commission was created by the Equality Act 2006 which provided it with a 'good relations' mandate to build:

*...mutual respect between groups based on understanding and valuing of diversity, and on shared respect for equality and human rights.*

- [51]. Section 10 of the 2006 Act defined the Commission's responsibilities in respect of promoting good relations, as to:

- (a) promote understanding of the importance of good relations:
  - (i) between members of different groups, and
  - (ii) between members of groups and others
- (b) encourage good practice in relation to relations:
  - (i) between members of different groups, and
  - (ii) between members of groups and others
- (c) work towards the elimination of prejudice against, hatred of, and hostility towards members of groups, and
- (d) work towards enabling members of groups to participate in society.

- [52]. This broad approach to good relations was confirmed by the Public sector equality duty included in the 2010 Equality Act:

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- [53]. This Act also offered a definition of good relations:

*Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to— (a) tackle prejudice, and (b) promote understanding.*

[54]. It has been noted that this formulation also includes a subtle shift from ‘promoting’ to ‘fostering’ good relations (EHRC Scotland 2012: 4). If anything, however, this makes the approach even more lacking in conceptual rigour. Finally the Act made explicit the ‘protected characteristics’ – essentially the core equality constituencies to be addressed by good relations interventions:

*The relevant protected characteristics are—age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.*

[55]. It bears emphasis that these protected characteristics are much wider than those in Northern Ireland. In addition, as Wigfield and Turner make clear:

*Although socio-economic status/class was not listed as one of the equality strands, it is increasingly recognised that it needs to be taken into account and has implications for good relations. It is also being added to the other measurement frameworks. (2010: 3)*

[56]. Given the lack of clarity and agreement in Northern Ireland, adapting the statutory good relations duty on public bodies in GB definition in s149(5) of the Equality Act 2010 is the closest to being definitive: *good relations ...means having regard, in particular, to the desirability of —(a) tackling prejudice, and (b) promoting understanding.*

[57]. Finally there are important lessons for Northern Ireland in the process of the EHRC generating a Good Relations Measurement Framework (GRMF) for Great Britain (Wigfield and Turner 2010). The GRMF aims to produce a set of indicators that collectively ‘paint a comprehensive picture of the current state of good relations in Great Britain, for England, Scotland and Wales, and in individual localised areas’. The Commission’s stated aims are that the GRMF will:

- contain indicators that paint a comprehensive picture of the current state of the nation in terms of good relations;
- have the confidence of the Commission and its major stakeholders, including the government, statisticians and academics; and
- be developed through a consultative process to support legitimacy. (Johnson and Tatam 2009: 1)

[58]. The EHRC report outlines the Good Relations Measurement Framework which comprises four key domains and associated indicators (Wigfield and Turner 2010). These indicators were arrived at through a complex methodological process involving a quantitative review, focus groups and stakeholder discussions.

The four domains selected to measure good relations are: *attitudes; personal security; interaction with others; and participation and influence.* The report also discusses the reasons for the selection of each domain and indicator, considers how well these can be measured by existing research and identifies gaps in the evidence.

- [59]. Clearly the GRMF has vitally important lessons for Northern Ireland. We would expect the TBUC strategy to invite a similar degree of objective measurement and assessment. It bears emphasis, however, that this Framework for Great Britain is based upon the relatively tight definition of good relations contained in the 2010 Act. The farther the Northern Ireland definition of good relations from the Great Britain definition, the lesser the relevance of lessons from interventions like GRMF. The looser and woollier the definition used, the less easy it is to provide any measurement at all.

## Recent debates on incorporating a definition in Northern Ireland

- [60]. In the absence of any definition of good relations in law, there are a number of fairly vague, sometimes overlapping, sometimes contradictory definitions. Many of these are a survival of the old community relations paradigm with racism crudely tacked on – or ignored altogether. But there has been some new work in this area since 1998. For example, the Assembly Code of Conduct states, “*Members will act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting justly and promoting a culture of respect for the law*”.
- [61]. Since the ECNI is supposed to take responsibility for this process in the TBUC proposals, its current views are particularly salient. The Equality Commission’s ‘working definition’ of good relations as set out in its Good Relations Guide (2007) is:

*The growth of relationships and structures for Northern Ireland that acknowledge the religious, political and racial context of the society but seek to promote respect, equity and trust and embrace diversity in all its forms.*

I have been critical of this type of definition in the past, in particular in its divergence from the post-GFA equalities framework (McVeigh and Rolston, 2007, page 15). What is most striking however is that the working definition diverges significantly from how the same paradigm is defined in the rest of the formal jurisdiction. This threatens to return Northern Ireland to a pre-1997 situation in which people find themselves in a substantially different, and markedly weaker, race equality regime.

- [62]. The ECNI has also made interventions to encourage wider adoption of its broad framing of good relations:

*We recognise that neither ‘good relations’ nor ‘promoting good relations’ is defined in legislation nor is there a commonly agreed definition. The Commission has however set out in its guidance for public authorities on guidance on promoting good relations its working definition of good relations in order to provide further clarity to public authorities:*



*“the growth of relationships and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms.”*

[63]. In addition:

*we are of the view that ‘promoting good relations’ is not primarily concerned with ‘acting justly’ or ‘promoting a culture of respect for the law’. We also consider that the draft code does not fully capture good relations as a positive and dynamic concept. Instead we consider that good relations is concerned with proactive steps that embrace diversity and promote respect, equity and trust.<sup>18</sup>*

[64]. There has also been recent discussion in the context of Assembly discussion at the Further Consideration Stage of the Local Government Bill.<sup>19</sup> At this point there appeared to be a desire for consensus on definition from both unionists and nationalists. In other words, at least the need for definition was recognised.

[65]. However, the ensuing discussions suggested that there was unlikely to be an immediate consensus on any definition. For example, Anna Lo spokesperson for the Alliance suggested:

*We are not convinced that a definition is required, if no definition is required in the Northern Ireland Act and as there has already been 15 years’ worth of good work with the legal framework that exists. More than that, I am deeply concerned that the amendment makes no reference to reconciliation, integration or sharing. Those must all be part of our approach to good relations, and we cannot leave them out. To do so would be to roll back valuable good relations work and would limit good relations work far too narrowly. A comprehensive definition is needed if one is to be applied at all. This definition is not good enough and could undermine work done so far.*

[66]. This contrasts starkly with the position adopted by Colum Eastwood speaking in response for the SDLP:

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<sup>18</sup> A CAJ briefing also argues that at times a ‘literal and face value’ definition of ‘good relations’ has been operationalised whereby the duty is engaged by actions the ‘other side’ takes umbrage with. CAJ states that “Such good relations discourse does not tend to make reference to grievances of the representatives of ethnic minorities, and hence in practice is about the competing views of the representatives of unionism and nationalism” and voices concerns the duty could simply become a political veto. The example given is the Equality Commission investigation into the naming by Newry council of a play park after IRA hunger striker Raymond McCreech. The Investigation Report states that “the good relations duty is ‘certainly engaged’ in the context of both a complaint by the Orange Order to the Council and that there has been ‘much public discussion in the context of good relations and a shared future’” (CAJ, 2014a).

<sup>19</sup> <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-13-14/01-April-2014/>

*I would have loved to have read your definition of good relations, but you made no attempt to define it in the Bill. We did, and we did it on the basis of ensuring that objective need and equality will not be trumped by good relations or anything else. However, we stand by the principles of community relations and good relations, and we will not allow them to be used to veto policies on the basis of need and to stop equality becoming a central part of our society and this Government. People fought very hard to ensure that we have a rights-based approach in this society and that we can develop that. All the work around the Good Friday Agreement — not everybody in this room says they agree with it, but they are all here — was about ensuring a rights-based approach. That was because we have a history in this society of not having had that approach. People in this city and in the North of Ireland had to fight and march in a peaceful and democratic way even to be allowed to use their vote. I think that people very clearly understand why equality is an essential part of this.*

- [67]. Thus even two of the most committed supporters of the ‘good relations’ paradigm appear poles apart on the issue of definition. CAJ and others made interventions in this context (CAJ 2014). In the event the Minister put forward a clause which stated “the reference to improving the social well-being of the district includes promoting equality of opportunity in accordance with section 75 of the Northern Ireland Act 1998 and, without prejudice to this, having regard to the desirability of promoting good relations;” which, as the Minister told the assembly was “framed to ensure that the type of existing safeguards between equality and good relations in section 75 of the Northern Ireland Act 1998 are maintained.” All parties accepted this formulation which now stands as section 66(3) (a) of the Local Government Act 2014.
- [68]. In this context, cross-party support for any new definition appears unlikely in the immediate future. As it stands consensus is reached only in the sense that political actors are forced back to the 1998 legislation which protects the primacy of equality but provides no definition of good relations.
- [69]. There are a number of salient points here. First, the notion that a definition is not needed is ridiculous. The basic principle of clarity in law means that the increasing statutory prominence of good relations must take place in a context in which people are clear about what kind of behaviours are being made unlawful or inappropriate. The very fact that there is such a contradictory discussion confirms the need for definition. It seems impossible to have an intervention which is presents as having such relevance yet incapable of defining itself. This becomes ever more problematic as it is suggested that good relations assumes the enhanced status suggested in the TBUC strategy. If good relations cannot be defined in Northern Ireland, it would be better to jettison the term completely and accept that most of what it attempts to achieve is already implicit or explicit within equality and human rights work.

- [70]. Second, as we have seen, there *is* already a simple, functioning definition in law in the UK. Although this definition did not attract sufficient cross-part support to be included in the Local Government Act, this remains the best option available. Unless there is unanimity across the Assembly, it seems inappropriate to generate a definition of good relations which is itself divisive. It would be ironic if the definition of good relations were itself to become a manifestation of ‘bad relations’. In this context, the simplest and best solution is to adopt the definition already embedded in UK law – at least until some other ‘appropriate consensus’ is reached. In other words, in the absence of any other definition, adapting the statutory good relations duty on public bodies in GB definition in s149 of the Equality Act 2010 remains the best template: good relations ...means having regard, in particular, to the desirability of — (a) tackling prejudice, and (b) promoting understanding.
- [71]. Finally, this definition is useful because it emerged from a race equality paradigm. This should reinforce the reality that ‘good relations’ – as framed by the Northern Ireland Act – *should* be as responsive to bad relations between ethnic groups as bad relations between Protestants and Catholics. Yet ongoing racist violence played almost no role in recent debates. There are two ways to remedy this – either the good relations paradigm transforms its capacity to address the contemporary reality of racism in Northern Ireland or it absolves itself of this responsibility. In other words, if good relations cannot address the profound challenge of contemporary racism, the concept may have to be disarticulated again and represented as ‘community relations’ between Protestants and Catholics once more.<sup>20</sup>
- [72]. But this raises its own contradictions since the notion that sectarianism is a form of racism is now recognised by the key international bodies. Moreover, as we have seen, the trajectory in Britain is completely in the opposite direction – good relations is becoming ever more permissive in its target interventions. Certainly the paradigm in Northern Ireland cannot have it both ways. Either good relations is solely about Protestant/Catholic relations and these are so exceptional that they require an entirely separate approach from anti-racism; or the paradigm must accept the discipline that comes from working on racism. If good relations in Northern Ireland continues to include anti-racism then the paradigm cannot be allowed to distort work on racism in the negative way that it has over recent years. In terms of the *sui generis* approach, there are plenty of arguments to suggest that this is not a sensible option.<sup>21</sup> It is much more practical for Government to continue to integrate approaches to anti-sectarianism with broader anti-racism as they have done over recent years. This is precisely the approach supported by CERD and CoE through

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<sup>20</sup> For example, this could be achieved relatively easily legislatively by removing the ‘or racial group’ element from Section 75 (2) which would leave good relations in Northern Ireland in the more traditional domain of pre-GFA ‘community relations’.

<sup>21</sup> These are discussed in more depth in the parallel Equality Coalition document ‘Sectarianism: Towards a Definition in Law’ referenced in footnote One.

their recognition of sectarianism as a form of racism. But this means that the core values of anti-racism – including those laid down in international law – have to obtain.

And this means that equality and human rights must remain central to racial justice. Other dynamics – like ‘equity’ or ‘sharing’ should not be allowed to dilute or undermine this project.

## Conclusions

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- [73]. Good relations is about to enter a new phase in Northern Ireland through the outworking of the TBUC strategy. For good or ill, the paradigm is becoming a defining feature of consensual politics in the new Northern Ireland. Negatively it appears as the lowest common denominator in unionist/nationalist power sharing since almost everybody can subscribe to the broad goal of ‘good relations’. It is, however, important not to be too dismissive of this reality – in a post-conflict situation all of the processes referenced by good relations – sharing, reconciling, understanding, integrating – present genuine challenges. In such circumstances a ‘soft’ approach to the causes of division may be the most obvious one available, especially if politics is being driven by the need to establish ‘sufficient consensus’. This means that the good relations paradigm is unlikely to go away – in this context it is important that it is made to work as effectively as possible in support of the equality and human rights of all citizens of Northern Ireland. A key part of making it work is having a definition in law.
- [74]. Alongside a functioning definition, it is important to pay closer attention to other jurisdictions which are addressing broader similar issues in different ways. In particular, the trajectory of good relations practice in England and Wales and Scotland is significant because it appears more and more dissimilar to that in Northern Ireland. In this context, it seems bizarre to further institutionalize a form of good relations in Northern Ireland that is increasingly divergent from the model in Great Britain. In the absence of international standards, the British good relations model provides the default standard. Any deviation from this – in terms of definition, scope or monitoring frameworks – should be justified in terms of something more substantive than political expediency or Northern Ireland exceptionalism. Beyond this there are lessons from the US and Australia and other countries that continue to make use of the community relations paradigm. It is also important to draw on the lessons from the interculturalism model which has more grounding in international law and practice and is much more current at EU level. In other words, a key corrective to Northern Ireland ‘exceptionalism’ is the recognition that most other societies are engaging with similar questions to those bundled around ‘good relations’. Moreover, they are often addressing these in more innovative and more radical ways.

[75]. The community/good relations paradigm has always been positioned in an uneasy relationship with equality and human rights. There is no natural synergy between rights-based and community relations-based approaches and at times they may be directly antagonistic. Moreover, good relations has had a specific problem in addressing racism in Northern Ireland. While it has arguably subsumed race equality since 1998, it has been very poor at delivering anything approaching 'good relations' for Northern Ireland's BME population. Despite the affinity between race equality and good relations in Britain, in Northern Ireland good relations has singularly failed to acknowledge - let alone address - the commonly-held characterisation of Northern Ireland as the 'race hate capital of Europe'. In a context in which the police service themselves are identifying racist violence as being orchestrated by illegal paramilitary organisations and characterising this as 'ethnic cleansing', the good relations paradigm has failed to generate an appropriate response to racism.

There needs to be a more appropriate rights- and criminal justice-based response to racism in general and racist violence in particular. In this sense there was more integrity to the 'old' community relations approach in Northern Ireland— it did not pretend to have any competence in addressing racial equality or racist violence. This issue should be resolved in framing any definition of good relations in law.

[76]. Finally, the TBUC strategy threatens to make a rod for its own back in terms of the failure to define either sectarianism or good relations.<sup>22</sup> In terms of good relations in particular it appears nonsensical to further institutionalize and legalize a paradigm that cannot define itself and which has failed to situate itself in terms of international law and standards. But it also seems unlikely that the wished for 'appropriate consensus' on any new definition is going to be achieved, at least in the short-term. In absence of any existing or likely cross-community consensus on a definition for good relations in Northern Ireland, adapting the statutory good relations duty on public bodies in the GB definition is the most useful available: *good relations ...means having regard, in particular, to the desirability of —(a) tackling prejudice, and (b) promoting understanding.* This definition should inform any further development of the good relations paradigm in Northern Ireland.

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<sup>22</sup> The previous paper argued that the solution to this problem of definition with sectarianism is to start from the position of CERD and CoE and recognise that 'sectarianism is a form of racism'. With this approach the 'work' of defining falls on racism – which already has a well-established rights- and equality-based paradigm to draw on (McVeigh 2014).

## Bibliography

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- Barrett, Martyn. 2013. *Interculturalism and multiculturalism: similarities and differences*. Council of Europe.
- Boyle, K. and Hadden, T. 1994. *Northern Ireland: The Choice* London: Penguin.
- CAJ 2013. *Unequal Relations? Policy, the Section 75 duties and Equality Commission advice: has 'good relations' been allowed to undermine equality?* Belfast: CAJ.
- CAJ 2013a. 'Briefing from the Committee on the Administration of Justice (CAJ) on selected issues covered in the 'Together: Building a United Community' Strategy and the multi-party group on flags, parades and dealing with the past'.
- CAJ 2014. Northern Ireland Assembly Local Government Bill, Further Consideration Stage 'good relations' Amendments to clause 65 (March 2014).
- CAJ 2014a. CAJ Community Relations Week Commentary Briefing Paper no 2: The Equality Commission's Raymond McCreech Park investigation implications and analysis for proposed 'Equality and Good Relations Impact Assessments'.
- Community Relations Service 2014. 'Community Relations Service'  
<http://www.usdoj.gov/crs/>
- Council of Europe. 2014. 'Interculturality: what is it all about'  
[http://www.coe.int/t/dg4/cultureheritage/culture/Cities/about\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/culture/Cities/about_en.asp)
- Council of Europe. *Living together: Combining diversity and freedom in 21st-century Europe* Report of the Group of Eminent Persons of the Council of Europe
- CRC 2004 *A Good Relations Framework: An approach to the development of Good Relations* Belfast: CRC.
- Dobbie, Fiona with Sue Arthur and Naomi Jones 2010. *Building understanding of fairness, equality and good relations in Scotland* Equality and Human Rights Commission.
- ECNI 2007. *Promoting Good Relations: A Guide for Public Authorities* Belfast: ECNI  
<http://www.equalityni.org/archive/pdf/PromoteGdRel.pdf>
- ECNI 2014. 'Response to pre-consultation on the Draft Northern Ireland Local Government Code of Conduct for Councillors January 2014'
- Equality Act 2010.
- Equality and Human Rights Commission, Scotland 2012. 'Good Relations in Scotland: A Short Brief' November 2012.
- Fitzduff, Mari 1988. *Community Conflict Skills: A handbook for anti-sectarian work*. Community Conflict Skills project/Community Relations Council.
- Fitzduff, Mari 1991. *Approaches to Community Relations Work* CRC Pamphlet No.1.

- Hadden, Tom, C. Irwin and F. Boal, 1996. 'Separation or sharing? the people's choice' Belfast: Fortnight Educational Trust.
- Johnson, N. and John Tatam 2009. *Good relations: a conceptual analysis* London: Equality and Human Rights Commission.
- McEvoy, Lesley, Kieran McEvoy and Kirsten McConnachie 2006. 'Reconciliation as a Dirty Word: Conflict, Community Relations and Education in Northern Ireland' *Journal of International Affairs*, Fall/Winter 2006, vol. 60, no. 1.
- McVeigh, R. 2002. 'Between Reconciliation and Pacification: The British State and Community Relations in the North of Ireland'. *Community Development Journal*, 37, (1): 47-59.
- McVeigh, R. 2014. 'Sectarianism in Northern Ireland: Towards a definition in Law' Belfast: Equality Coalition.
- McVeigh, R. and Rolston, B. 2007. 'From Good Friday to good relations: sectarianism, racism and the Northern Ireland state', *Race and Class*, 48, 1: 1-23.
- Morrow, Duncan. 2013. *Tracing the meaning of 'community relations' in Northern Ireland since 1969: Reflections by Duncan Morrow* Belfast: Community Relations Council.
- Northern Ireland Act 1998.
- OFMDFM 2005. *A Shared Future Policy and Strategic Framework for Good Relations in Northern Ireland* Belfast: OFMDFM.
- OFMDFM 2013. *Together Building a United Community Strategy* Belfast: OFMDFM <http://www.ofmdfmi.gov.uk/together-building-a-united-community>
- Race Relations Act 1968.
- Race Relations Act 1976.
- U.S. Department of Justice 2014. 'Attorney General Statement on Latest Developments in Federal Civil Rights Investigation in Ferguson, Missouri', U.S. Department of Justice, Office of Public Affairs, August, 18.
- Wiater, Patricia 2010. *Intercultural Dialogue in the Framework of the European Convention on Human Rights Protection*, Council of Europe Publishing.
- Wigfield, A. and Turner, R. 2010. *Good Relations Measurement Framework Policy Evaluation Group* London: Equality and Human Rights Commission.
- Wigfield, A. and Turner, R. 2013. 'The Development of the Good Relations Measurement Framework in Britain: A Template for Experiential Social Measurement' *Social Indicators Research* Volume 114, Issue 2, pp 655-686.

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