

I N C O N F I D E N C E

RECORD OF A PLENARY MEETING HELD IN PARLIAMENT BUILDINGS
ON WEDNESDAY 19 JUNE 1991

<u>Government Team</u>	<u>Alliance Party</u>	<u>UDUP</u>
Secretary of State	Dr Alderdice	Dr Paisley
Minister of State	Mr Close	Mr Robinson
PUS	Mr Neeson	Rev McCrea
Mr Fell	Mrs Bell	Mr Gibson*
Mr Pilling	Mr Morrow	Mr Dodds*
Mr Thomas	Mr McBride	Mr Campbell*
Mr McNeill	Mr Dickson	Mr Vitty*
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UUP</u>
Mr D J R Hill	Mr Hume	Mr Molyneaux
Mr Pope	Mr Mallon	Mr Cunningham
	Mr McGrady	Rev Smyth
<u>Also Present</u>	Mr Farren	Mr Empey
Mr Pawson	Mr Haughey	Mr McGimpsey
	Mr Feeley	Mr Allen
	Mr Gallagher	Mr Donaldson

* For part of meeting

A plenary meeting of Strand One of the Talks took place at Parliament Buildings between 10.36 and 11.35 on Wednesday 19 June.

2. During Alliance Party clarification of the UUP presentation, the following main points were made:-

(a) Paragraph 4. Any new British-Irish agreement should be co-extensive to the entire territory of both nations. The Anglo-Irish Agreement as currently drafted lacked the ability to assist certain groups, such as Irish citizens in the UK, who might seek to have grievances redressed.

(b) Paragraph 6. Articles 2 and 3 of the Irish Constitution were objectionable to pro-Unionists throughout the UK and to the people of Northern Ireland since they gave to terrorists and, particularly, the IRA, a supposed mandate to carry

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out their activities. The recent Irish Supreme Court Judgment reinforced this. That said, the removal of Articles 2 and 3 without some form of adjustment to the Preamble would be meaningless since the latter set out the general framework of the Constitution. The reference in paragraph 35 (the effect on terrorists) was to the effect of any new political structure on the terrorists' ability to continue their campaign - removal of Articles 2 and 3 and a new political structure could reduce the terrorists' claim to have a mandate, but would be unlikely to harm their ability to operate.

- (c) Paragraph 10. The reference to "Finchley" was colloquial, and suggested that as Ulster was part of the UK it should be governed, as was the rest of the UK, by the Queen in Parliament. It did not suggest that the same structures were necessary in all respects.
- (d) Paragraph 11. The concept of modern Unionism was acceptance of the existence of a separate Republic of Ireland, coupled with the aims of removing the ambiguities which had grown up over the previous 20 years and removal of the inequalities created by the signing of the Anglo-Irish Agreement. Modern Unionism respected the rights of self-determination of the people of Ireland, respected their integrity and wished them well while continuing to express genuine regret at the Irish desire to exist outside the United Kingdom. The reference in paragraph 11 to "obligations" referred only to the need to exercise those expressed in legislation. There was no obligation on the people of Northern Ireland either to make efforts to ensure that "defective" legislation would work nor to implement Parliamentary resolutions which did not legally bind individuals. Obligations extended to all citizens and there could be no distinction between different parts of the UK.

- (e) Paragraph 14. The concept of self-determination was a safeguard against a Parliamentary decision that Northern Ireland should no longer be a part of the UK. The people of Northern Ireland should have the right to exercise self-determination and to consider other options other than that of hand-over to a "foreign" country. The UUP said that they did regard the Republic of Ireland as a sovereign, foreign and independent nation despite the wording of the Ireland Act 1949 and would continue to regard the Republic of Ireland in this light, while respecting the Republic's right to be governed as its people wished. Additionally, the UUP believed that the situation since 1949 had moved on to the extent that the Irish themselves might now repudiate the wording of the Act.
- (f) Paragraph 16. The use of the word "unionist" (with a small "u") was similar to that of the Alliance Party in their position paper of 17 June. The reference to attendance at Westminster by "16 out of 17 candidates" did not imply the acceptance of the Union by all involved, rather an acceptance of the UK context and the advantages of attendance. The electors involved had consciously responded to an undertaking by those candidates to attend if elected. Attendance did, however, imply something more than an acceptance of the status quo by those attending and the electors, since MP's were actively participating in the UK system.
- (g) Paragraph 21. The reference to "economic or financial benefit" was meant to underpin a belief that there could be no justification for withholding financial benefits flowing from HMT subventions from the people of Northern Ireland if these were applied to the people of England, Scotland and Wales. A specific example was that of the application of grants in respect of defect housing - despite an

assurance by the then Housing Minister that these would apply to Northern Ireland, the Province had been specifically excluded in the Bill which had been brought to the House of Commons. Only after the Order in Council procedure had been gone through were Northern Ireland residents in a position to claim these grants and they had thus been denied benefits which had been available for 2 years to the rest of the United Kingdom. So far as the possibility of extension of an economic or financial disadvantage to the Province was concerned, it was stressed that the wording in the paper had been carefully drafted to refer to benefits only. The UUP believed that no Government would knowingly introduce legislation which would make individuals worse off. The categories had not been extended to include "social" benefits, because the existence of separate Northern Ireland Departments to handle these issues, coupled with the body of legislation which had been built up during the life of the Stormont Parliament, meant that there could be no "blanket" application of 'social' measures.

- (h) Paragraph 22 - 24. It was expected that a Select Committee would deal mainly with non-transferred matters. Transferred matters were already scrutinised by Departmental Select Committees. The lack of scrutiny of the NIO was a flaw in the present arrangement. While any NI Select Committee might need to be large in number, it was unlikely it would be as large as, for example, the Scottish Grand Committee. It should not be organised on the same lines as the present NI Committee. It was necessary to avoid a return to the situation which had applied before Direct Rule when there was no Whitehall "grip" - if there had been a closer interest by Parliament in NI matters (while recognising that a Select Committee system did not exist in those days) it might have prevented the development of the Stormont

Parliament as an autonomous, rather than a subordinate, organisation.

- (i) Paragraph 26. Any system of government applied to Northern Ireland would not need to be identical to that in the rest of the United Kingdom but it should be founded on the same principles. The introduction of legislation which amplified the differences between Northern Ireland and the rest of the United Kingdom was to be avoided.
- (j) Paragraph 28. Any Bill of Rights should be applied to the whole of the United Kingdom. An argument against the use of Northern Ireland as a "guinea pig" in this area was that the introduction of a Bill of Rights in any one part of the United Kingdom would lead immediately to demands for its extension to the rest of the country. However, the UUP would be prepared to consider such an approach.
- (k) Paragraph 32. Built-in safeguards for any new form of structure of government were vital since what Parliament gave could, equally well, be taken away - there must be protection for any new body against later downgrading and/or dismantling. Any new system would obviously have to be enshrined firstly in Westminster legislation, but there would be a need for further entrenchment. Given the likely future downgrading of the powers of national Parliaments, serious consideration should be given to entrenching any arrangements which emerge from the Talks at a level above the European Commission (perhaps through the Council of Ministers, the Council of Europe or CSCE). The imperative was to ensure that any new system could not be tinkered with.

- (1) Paragraph 34. The UUP agreed with an Alliance Party view that this paragraph suggested that the existing ambiguities were resolved, then the problems would have been addressed and a solution found. Any solution arrived at should not, at a later stage, be subjected to reinvestigation or reinterpretation.

TALKS SECRETARIAT