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RECORD OF A PLENARY MEETING HELD AT PARLIAMENT BUILDINGS ON
WEDNESDAY 26 JUNE 1991

Government Team

Secretary of State
Minister of State
Mr Fell

Mr Pilling
Mr Thomas
Mr McNeill

Alliance Party

Dr Alderdice
Mr Close
Mr Neeson

Mrs Bell
Mr Dickson
Mr McBride
Mr Morrow

UDUP

Dr Paisley*
Mr Robinson
Rev McCrea

Mr Campbell
Mr Dodds
Ms Paisley
Mr Vitty
Mr Wilson*

Talks Secretariat

Mr Hill
Mr Rodell

SDLP

Mr Hume
Mr Mallon
Mr McGrady

UUP

Mr Molyneaux
Mr Nicholson
Mr Trimble

Also Present

Mr Pawson

Mr Gallagher
Mr Haughey
Mr McClelland
Mrs Rodgers

Mr Allen
Mr McGimpsey

*For part of the meeting

A plenary meeting of strand one of the Talks took place at Parliament Buildings between 10.30 am and 11.35 on 26 June.

2. The meeting continued to work through the checklist of issues laid down in the document entitled General Principles and Perceived Political Realities and Requirements: Key Points [a copy of which is attached to the aide memoire of the plenary meeting held at 2.15 pm on 25 June]. The previous session having adjourned in the middle of a discussion on Northern Ireland's external relationships, the Government Team invited the UDUP to continue the line of argument which they had been pursuing at that point.

3. The UDUP reminded the meeting that they had been arguing that it was the fact that the British Government had taken steps to show that it was not antagonistic to the Nationalist community that had given them the opportunity to review many of their attitudes. If the Irish Government were to withdraw its aggressive claim to

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Northern Ireland the Unionist community would face a similar challenge. The SDLP pointed out that the Irish Constitution was a product of the Civil War and said that times had moved on; none of the political parties in the Republic now had any aggressive intentions towards Northern Ireland, indeed, they all desired good relations between the two parts of Ireland. The SDLP warned the Unionist parties, however, that if they were serious in wanting to see Articles 2 and 3 removed then they were going about it in the wrong way. To make this a major issue would be to rekindle many of the emotions of the Civil War and would bring to the surface again many unhelpful attitudes. As things presently stood it was almost certain that if any proposal to amend Articles 2 and 3 were to be put to a referendum it would be rejected. A far better way to manage this would be to reach a new agreement with the Irish Government and let them put that to a referendum, they would then be in a position to argue that this endorsement for a new relationship with Northern Ireland was a mandate from the people themselves to prepare a new constitution.

4. The UDUP said that in their view Articles 2 and 3 were an illegal claim and it was an outrage that they should be asked to bargain for their removal. The SDLP asked why the Unionist parties had become so concerned about Articles 2 and 3 in recent years when for decades before that they had not been at all worried by them. The UDUP denied that this was the case. They also said they were very saddened to hear that the SDLP did not think that a referendum on amending Articles 2 and 3 would succeed, people in the Republic clearly still had no realistic understanding of how the Unionist community felt. The SDLP agreed, and emphasised that they were not themselves arguing against the repeal of the Articles but only with the tactics that the Unionists were employing to achieve it.

5. The SDLP asked the Unionist parties why they had never approached the Irish Government directly to request that they amend their Constitution. The UDUP said that they had never been given any reason to think that such an approach would serve any purpose. The UUP pointed out that from 1976, when the Government of the

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Republic had passed the Criminal Law (Jurisdiction) Act, to the time of the McGimpsey case it had been widely believed that Articles 2 and 3 expressed only an aspiration to unity. It was only after the Supreme Court judgement in March 1990 that it had become clear that it was intended to be a legal claim and that it imposed a constitutional imperative on all Irish citizens. The UDUP said that they, for their part, had never believed that Articles 2 and 3 were merely an aspiration.

6. The SDLP expressed some concern that Unionist objections to the Irish Constitution were never ending. In years gone by it had been the special position granted to the Roman Catholic Church by Article 44(i) that had attracted all the criticism. That Article had been repealed and now the Unionists were insisting that Articles 2 and 3 be removed as well. The UDUP denied this and said that they had no desire to interfere in the internal affairs of the Republic their only concern was with those Articles of the Constitution that impinged upon Northern Ireland.

7. The UUP said that Articles 2 and 3 were very high on their agenda for the Talks and that they did not believe that an agreement would be possible unless they were repealed. They asked the SDLP to explain their own position on this question. The SDLP said that they recognised that this was an important issue for the Unionists and that it affected the relationship between the people of Ireland; they also recognised that there were issues which the Irish Government would want to see on the agenda for strand two and they hoped that the two sides would be able to reach agreement. The Government Team asked the UDUP if they accepted that the repeal of Articles 2 and 3 would, in practice, only be achieved as part of a wider agreement. The UDUP said that, in practice, there could be no real relationship between Northern Ireland and the Republic while Articles 2 and 3 remained in place but that they accepted that their removal would only be achieved as part of a package. The SDLP said that they agreed with the UDUP and believed that this was also the position of the Irish Government.

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8. The SDLP reminded the Unionist parties that they had already indicated that they accepted that it was entirely legitimate for nationalists in Northern Ireland to aspire to a united Ireland; by extrapolation this was a legitimate aspiration for nationalists in the Republic. How did Unionists think it should be expressed? The UDUP said that they had no objections to aspirations, what they were objecting to was the illegal claim made to Northern Ireland in Articles 2 and 3 and to the immoral way in which this was being used as a bargaining counter in order to wring concessions from the Unionist community.

TALKS SECRETARIAT
28 June 1991

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