

RECORDS OF DISCUSSION ON THE KEY POINTS OF GENERAL PRINCIPLES
AND PERCEIVED POLITICAL REALITIES AND REQUIREMENTS.

PRESENT Secretary of State and NIO Officials and
delegations from Alliance Party, SDLP, OUP,
DUP

CONSTITUTIONAL STATUS

SOS said that he perceived that there was general support for the present status of Northern Ireland ie retention of the link with the UK and he asked for comments

John Hume expressed surprise that the paper was a series of headings not based on the analysis of each paper and did not include requirements for structures.

SOS replied that he hoped this paper would show that the various analyses were not common and that with debate we could see how close we were on particular points and possibilities of agreement and eventual resolution

James Molyneaux said that this was the position in general terms but it did not take into account the fact that the status had been changed by the Anglo Irish Agreement.

Ian Paisley agreed with this and said he wanted a definition of the status to clarify and identify clearly that Great Britain and Northern Ireland were linked. He said that he would be producing a paper on this later.

SOS said that that would be most useful and he would hope that after this debate papers can then be produced later.

Mr Hume said that he was surprised that the SOS had started this debate with the most controversial topic. It was quite clear that there was difference of perception and he thought it would be better if they found the common ground first.

There was then a cross debate between the Unionists and J Hume about the question of the present status.

J Hume said that he accepted it as a fact but that it would need to be changed to accommodate both sides: Our analysis showed that the perception of the present status had failed and should be looked at again.

The Unionists quoted from the DUP and OUP papers about the status and David Trimble said that the crucial point was that we are one kingdom. I P said that the status had been changed by the AIA and we contend that the two Governments take a different view of the status: UK says NI is a part of it but Dublin say in Articles 2 & 3 that NI is part of the RoI.

Therefore the status as defined in the AIA is at the very best contradictory and at the worst meaningless. The majority do fear, in spite of Government's assurances to the contrary, that they will be left alone.

There were further comments about the status of the wording "as long as they desire" in the preamble of the AIA.

There was then talk about the principle of consent and the present views of the majority. Once again the AIA was spoken of by the Unionists in deriding terms. The questions of the rights of the majority was not clear and consent did not really form part of the agreement as it appears to say that the majority have no alternative in voting for a future other than a united Ireland. It was a false veto said I P the majority could only stay in or get out. We need to come to grips with clarifying or getting rid of this agreement: it is the heart of the controversy. The SOS said that they were going over and over the ground and it seemed that the differences will need to be debated in more detail with accompanying papers on the subject.

THE NATURE OF THE NI COMMUNITY

SOS started this debate by asking does NI constitute a single but divided community or two distinct communities. JM said that his paper does not refer to two communities he would personally prefer two sides of the one community.

JA confirmed that the Alliance Party see NI as a divided community and this division is seen in a number of ways, religion, political, cultural etc and there is a broader point than two identities. It is important to recognise that we are one community of different parts and it does not do the people of NI to fracture this.

JH repeated once again his comments about the two identities and stated once again that no attempt of solution up to now has succeeded because it has ignored the fact of two identities. Then he had a discussion with David Trimble about the two communities and examples of this problem and how it has been dealt with in other parts of the world. They debated over the term 'aspiration' and acceptance of the RUC and Security Forces etc.

David Trimble contended that no minority has the right to be involved in formulating mechanisms etc if they believe that their rightful place is in a United Ireland and Dublin should never have a say in any such process as this would aid and abet the destruction of NI.

LOCAL INSTITUTIONS

SOS sensed that there was concurrence on these themes and that there was agreement re No. 8 that simple majority rule was not enough. There was then a discussion about type of majority to be used in any set up and it was agreed that papers would deal with this in future sessions. JH reiterated that there must be accomodation of differences and consensus must be the key to any setting up of mechanisms for both sides of the community.

EXTERNAL RELATIONSHIPS

SOS said that when he speaks of NI it is a purely geographical unit to defray the differences felt on what effect exterior relationships can actually have in NI. "I include the EC because this is were it would naturally be and we can debate the nature of what any relationship should be in the light of any new agreement."

There was then discussion about Article 4 of the AIA by the Unionists and Devolved Government. This included discussions on transferred matters and possible constraints from Westminster. Unionists agreed that it was important to improve the relationships between NI and Westminster so that any new agreement can be effective. There was discussion about the present set up with the NI committee and the desirability of a new select committee which could liaise between Westminster and Stormont.

The Unionists said that obviously the SOS and Westminster might have something to say about this important matter at a later date, but that we should get it right because it could have serious repercussion in regard to reserved matters. JM said that they would be anxious that in any new set up legislation for NI would be by Bill and not by Orders in Council. David Trimble brought up the matter of financial subvention and said that the area of actual autonomy should be clear in this respect there would need for more discussion on this later.

I P agreed and said that it must be clear how any financial help would be given. "We would need to have influence on money spent and have a real budget". JA also said that in regard to No.11 the relationship should be clearly spelt out. He said there would be no easy answers but the linking must be agreed upon by all. JH said that they would need to know what structures were agreed on and that they would have to meet basic criteria.

There was general support for the improvement of relations between the two parts of Ireland but that it should be an instutionalised one. This would need to be addressed in detail and the SOS said that although he would accept that at this stage they may not want specifically but that he would need a general feeling on this. JM said that it would need to be

based on respect for the Republic of Ireland Government and for their respect of any new institution that we would agree on.

IP agreed and said that the key point would be good neighbourliness and should be for mutual benefit. We would aim for a strong relationship mutually agreed by all parties. JA said that broadly speaking he would agree with all this but felt that there was one other type of relationship that could be explored eg joint structure of mutual interest such as what had already been in existence eg Foyle Fisheries Unit. Non Governmental structures of that type could be explored for mutual benefit.

IP said that any assembly agreed on would be able to decide on any necessary structures for economic issues etc but would not want institution outside the assembly to handle any North South relationships (only elected representatives). JH said that adequate expression must be given to all relationship and we will put our own views on this later, including the relationship with the EC.

J Nicholson said that they would need to be careful about co-operation within the relationships and they would need to be looked at within any new NI structures. IP agreed with JA on the question of exterior committees to deal with the south and Europe but we would need to decide and be in control of representation on any such committee. Ken Magennis said we need meaningful relationships based on mutual respect and that there was a lot of ground to be made up. A reduction of respect since 1987 between ROI and NI, we have not really moved forward to any great extent but we should be looking at it in a more extrovert way within the European scene.

JH agreed with this and said that if we look at our shared European identity that this could defray the conflict of present relationships. JA said that he felt the EC was developing very quickly and that item 14 on the paper was very important. Economic, security and cultural matters can be looked at in this way and developed. William McCrea said that there was also a need to develop No 12. It was a two way process and that Articles 2 & 3 must be addressed before we have this wider harmonious relationship. This is a reality.

IP said that if this hurdle of Articles 2 & 3 could be dealt with we could be on the way to very good relationships. The Unionists all agreed and had many comments to make about the supreme importance about Articles 2 & 3. Ken Magennis stated that we also have to look at the question of some commonality of theos between NI and ROI in other structures before relationships can be improved. There would need to be a fundamental review on their part. IP said that they did not want to draw up a blueprint for the South but he said that confidence must be achieved for meaningful relationships by

mutual review eg if Articles 2 & 3 are removed we can do things together for mutual benefit.

JH queried this and Ken Magennis clarified that he meant not just Articles 2 & 3 but topics like divorce and abortion. This discussion ended by consensus of the importance of looking at ways of easing the problems within EC identity. JH reminded everyone that most of the problems that we have today stem from European events eg the Battle of the Boyne. There was then talk about common features between NI and ROI like language and culture etc and JH contested that we should look at the positive aspects of any new friendship as we have in the past been victims of its negative aspect.

The issue of the territorial claim that the ROI makes in Articles 2 & 3 was discussed at length and JA reminded delegates that this really was an issue for Strand 2 to fully address. This was agreed and it will be talked about along with papers within Strand 1 in preparation for Strand 2.

There was further discussion about the European scene and possible lessons that could be learnt from their experiences. J.H. was asked about his British identity and in what ways he felt British. He did not really answer the question but to say that in the past nationalism has defined itself as anti British but I know that there should be comprehensive main stream accommodation and that there must be agreement between the two peoples rather than conflict over land. P Robinson asked him if he felt an affinity with Irish rather than British and he said in practice no.

Seamus Mallon spelt out his feelings on this subject and said that he had a strong affinity to the South but that he would live and work in NI and hopefully build up its future. We could share what was good with the South and not concentrate on negative issues. We all need to re-examine our feelings and to see what structures we can make for our mutual benefit. JH said that we should spill our sweat not our blood.

The Unionists then brought up once again the question of the AIA and IP asked JH to ask Charles Haughey to change the date of the next Anglo Irish Conference Meeting from the 16 July. He said that this would help him believe that what JH had said about strengthening friendships with Unionists but that if he could not do this his comments would seem unreal if I could do it I would do it, it is for the future of NI.

JH finished by saying that we in the SDLP do accept the existence of NI and we aim to work for its good this has been because we have examined our thinking and we would like to see the Unionists do the same. He felt that they looked at anything that was not Unionist as a threat to their power and status " You do not trust even HMG to be the abitrator for your future".

The Unionists finished by saying that it was not possible for them to have a re-think while the ROI have an aggressive claim to our land. There was further discussion about Articles 2 & 3 in the Wednesday afternoon session and JH said that he would be putting a paper forward with their views on what role the ROI would play but that he would say again that any structures that we would agree would have to accommodate legitimate rights of both communities.

It was finally decided that all Parties would put their papers forward on their opinions about the three relationships and that it was well to remember that everything will only be agreed by all Parties.

CONSTITUTIONAL POLITICS/ DEFEATING TERRORISM

Section 18 was agreed all.

There was then discussion about the long-term benefits of political agreement. OU's again stated their view that this was not a "peace conference" and said there were many outside influences which affect the level of violence. They expressed doubts about the way HMG were dealing with security generally.

SDLP felt that any agreement will help in that it will remove the political vacuum and lessen the influence of terrorists. Resolute agreement should help stability. The Unionists did not agree with that and there was a long discussion about the motivation of people who were involved in violence and how they would be effected with political mechanisms.

Seamus Mallon in particular give a very detailed address about the different types of people who were in the IRA and the different types of terrorism. He said any political structure would have to strive to reduce the economic deprivation and political instability and increase confidence in the Security Forces by impartial legislation, these would definitely help reduce violence, but we must discuss it in detail with an open mind.

JA explained in detail the psychology of those who are involved in violence and said that although we may not reduce terrorism by political agreement immediately that we must eventually work out responsibilities etc in all the areas that go to make up the problems connected with violence and security matters.

SDLP said that this was a crucially important subject and it is essential to have it debated clearly that there needs to be improvement in our system of policing, our consideration of each others beliefs etc and we must work towards a political system that all support and can have confidence in.

There was also discussion about legislation and emergency laws. It was also important that Westminster looks at this subject in liaison with any new assembly and between them they must ensure the durability of any security policy. There was also more talk about the constraints that HMG might put on these areas.

Peter Robinson talked about the necessity about any new assembly to have a direct voice on security matters and that this must be clearly spelt out. HMG will have to determine to what extent our input should be said the SDLP, but we must ensure that our input is guarantee. Brian Mawhinney for the SOS said that they would work as far as possible to achieve this.

INDIVIDUAL RIGHTS

There was general support for the establishment of a mechanism that would guarantee individual and minority rights. There was general support by the SDLP for a Bill of Rights but they said we must be careful of its value. The European Convention was a good model to base our own proposals.

David Trimble for the Unionists said that they would agree with the European Covention model but for matters of practicality they would favour a UK based Bill of Rights rather than one for NI on its own. The machinery is important for this so that individual rights of everybody are taken into account. Seamus Mallon said that it would be necessary to reinforce the fact that the Bill of Rights and Emergency Legislation co-exist in relation to each other. They do agree that the European Convention model was the most enforceable.

DUP also agreed with the Unionists but Peter Robinson also pointed out that there should also be an inclusion of individual responsibilities. There was some talks that minority rights would not be as clear as individual but this could be looked at. There was also some discussion about the role of Parliament in this matter, why the Bill or Rights should be entrenched rather than included in normal parliamentary legislation.

Brian Mawhinney thought it would be easier to have it included in legislation. JA also pointed out the problems of guaranteed group rights and but this could be looked at when concerned individual rights. It would be far reaching consequences generally for the good. SM felt that it would be useful that the SOS could draw up a paper on the matter of the Bill of Rights co-existing with emergency legislation. SOS said he would do his best.

ENDORSEMENT

There was full discussion on the three items on this heading. No 24 was agreed by all. But it was queried whether or not the whole package of the agreement would be presented to the public for endorsement. There was then some discussion about the ROI and it was agreed that if Articles 2 & 3 were to be removed there would need to be a referendum in the South and if this was upheld it may denote acceptance of any package. It was agreed that these particular issues would need to be looked at in more detail once the package was agreed just before any endorsement was necessary.