

## A BLUEPRINT FOR STABILITY

1 This Blueprint reflects the views that have been expressed by interested parties in the discussions and is based on the structures which achieved broad agreement in Strand One of the 1992 Talks. These structures should prove durable and workable, and would be acceptable to the wider community in Northern Ireland.

2 The status of Northern Ireland as an integral part of the United Kingdom must be both acknowledged and given substance by the framework and structures under which it is governed.

### **3 Relations within the United Kingdom**

3.1 A devolved Assembly would be established in Northern Ireland. The Assembly would have executive powers to deal with departments of government transferred to it by Parliament.

3.2 The ultimate power of Parliament would remain unaffected by this arrangement, but it would not normally legislate on transferred matters.

3.3 The Secretary of State for Northern Ireland would remain accountable to Parliament for non-transferred matters. Whereas he would not intervene in the routine operation of the Northern Ireland institutions, he would retain overall accountability to Parliament for the fair and efficient functioning of the institutions.

3.4 Major legislation would be enacted by Bill at Parliament. The Order in Council procedure would be retained for normal ancillary and electoral law matters. Legislative functions should be revised to take account of the changes since 1973, particularly with regard to Europe, with the intention that major legislation be enacted at Parliament and matters of local interest be enacted by measures of the Assembly.

3.5 The Secretary of State would retain close links with the Northern Ireland institutions, and would continue to speak for Northern Ireland in the Cabinet.

3.6 The Secretary of State could, with the assistance of the relevant departments, meet requests for information by Members of Parliament on decisions and actions carried out under the devolved arrangements, but would not be required to justify same.

3.7 The Secretary of State could refer a measure which is considered to be discriminatory to the Judicial Committee of the Privy Council to establish whether that measure is void. There could be further entrenchment of individual and community rights as considered necessary.

#### 4 New devolved institutions

- 4.1 A unicameral Assembly of eighty five members would be elected under Proportional Representation.
- 4.2 There would be a separate election to a Panel of three people with significant consultative, monitoring, referral and representational functions.
- 4.3 The Assembly would exercise executive responsibilities over at least as wide a range of subjects as those provided for under the 1973 Act.
- 4.4 Machinery would be established to deal with and correct grievances, and to provide for further entrenchment of individual and community rights. This would include a Bill of Rights, which could not be amended by the Assembly.
- 4.5 Executive power would be exercised through Departmental Committees, the Chairmanship, Deputy Chairmanship and membership of which would be broadly in proportion to Party strengths, but with a suitable mechanism to exclude parties which condone violence.
- 4.6 The Chairmanship of Committees would normally last for one term of the Assembly. The Assembly would have to evolve procedures to limit any possible conflict within and between committees and between committees and their Chairmen.
- 4.7 The Three Member Panel would have general duties and responsibilities, acting by consensus, in the fields of consultation and advice, liaison with the Secretary of State, adjudication and appeal. It might have a supportive role in connection with public expenditure and in arbitration on connected matters. It might have a further limited role in designated public appointments.

## 5 Human Rights

Paragraph 4.4 of the Blueprint for Stability states that:

"Machinery would be established to deal with and correct grievances and to provide for further entrenchment of individual and community rights. This would include a Bill of Rights, which could not be amended by the Assembly."

The United Kingdom is a signatory to the European Convention on Human Rights and Fundamental Freedoms, and allows the right of individual access to the European Court of Human Rights. The European Convention, therefore, already constitutes a Bill of Rights which applies to Northern Ireland. Incorporation of the Convention into domestic law would be a benefit, as it would allow the Courts in Northern Ireland to apply the Convention immediately and thus eliminate the lengthy delays resulting from individual applications to the European Court.

Incorporation of the Convention by Parliament could entrench the Convention vis a vis an Assembly in Northern Ireland, and could make the Convention unamendable by the Assembly. If incorporation was carried out only in respect of a Northern Ireland Assembly, then the Convention would not be directly applicable in local Courts to Westminster legislation, or acts by the Government. Consequently the logic of providing a Bill of Rights points to making it binding in Great Britain as well as Northern Ireland.

As the United Kingdom is already a signatory to the European Convention, a Bill of Rights, on either a Northern Ireland or a United Kingdom basis, cannot contain any provision which would conflict with the European Convention. It could, however, extend the Convention. Nowadays, there is an increased recognition of the need to accommodate the rights of communities and minorities. These have hitherto been omitted from Human Rights instruments on the valid grounds that collective rights cannot override individual human rights.

It is interesting to note the development of "The Human Dimension" of the Conference on Security and Co-operation in Europe (CSCE) in the Vienna Accord (1989) and the Charter of Paris (1990). The latter states:

"We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identity without any discrimination and in full equality before the law."

The CSCE has, in these documents, devised a code of practice on the rights of communities and minorities. These European standards were developed with regard to the many ethnic and community problems in Europe. Institutions have also been created to monitor the application of these standards.

The CSCE standards should be adopted as the criteria for law and practice in Northern Ireland. The methods by which the United Kingdom and the Irish Republic could co-operate on the implementation of the standards, within the institutions of the CSCE, should be explored.

It is noted that the Council of Europe is preparing a Convention on national minorities, with a view to adding a protocol on that subject to its European Human Rights Convention. The protocol, when adopted, will apply to Northern Ireland.

## **6 Relations with the Irish Republic**

The prospects for stability and peace would be enhanced by the removal of the Irish Republic's territorial claim to Northern Ireland. The maintenance of the territorial claim will continue to hinder future relations between Northern Ireland and the Irish Republic. It is noted with regret that the present Irish Government is not yet prepared to put this matter before its electorate. It is the responsibility of the two sovereign Governments to resolve this issue.

An improved future relationship between Northern Ireland and the Irish Republic could be developed within the terms of the Blueprint. As the relationship matures, a future Irish Government may realise the mutual benefit to be derived by its acceptance of the need to amend its Constitution to satisfy the requirements of membership of the European Union.

One of the main objectives of the talks process was to obtain an alternative to and a replacement of the Anglo-Irish Agreement which is more widely acceptable and more truly reflects the realities of the situation throughout the British Isles. In this respect there is much to be learnt from successful European co-operation, namely recognition of existing frontiers, abandonment of territorial ambition and mutual co-operation in an atmosphere of respect for Human Rights.

Our Blueprint will help to develop the trust between the four constitutional parties which will enable us to reach out the hand of friendship to the sovereign Irish nation on our southern frontier. Our ambition would be to develop co-operation on matters of mutual interest and concern.

## APPENDIX

### Late submission received from three very prominent businessmen

We wish to set out very simply an outline of our vision for a new country. The serious business of making peace and building bridges has deteriorated into an exercise in papering over cracks between fundamentally opposed positions. The future cannot be built on such flimsy foundations.

Our vision is of a Northern Ireland at peace with itself, with all who believe in the democratic process sharing the heavy responsibility of governing Northern Ireland in the interests of a fair, open, dynamic and prosperous society of which we can all be proud. Our vision is of an island freed from the adversarial relationship which has bedevilled the past, with both parts working together in friendly co-operation wherever this can be done to mutual advantage.

We are second to none in our desire for peace, since peace can make realisation of the vision so much easier. We are not, however, prepared to see Northern Ireland's position within the United Kingdom bartered for peace. We welcome the public assurances of Her Majesty's Ministers that this - and moves to similar effect - will not be countenanced by the Government and that the Government will not be prepared to adopt the role of persuading Unionists to opt for a united Ireland. We also place heavy reliance on HM Government's acceptance that Articles 2 and 3 in their present form are a barrier to progress.

Indefinite prolongation of the present impasse is destructive of hope and represents lost opportunity.

Against this background, it is our wish that the Government should urgently convene early talks involving the relevant participants as appropriate, in which our agenda would be as follows:

- (1) Arrangements for involving in the talks process those who demonstrate that they have abandoned the argument of force for the force of argument. We recognise without reservation the right of any party which accepts the democratic process to pursue its aims through that process. We accept that those aims may include a united Ireland.
- (2) Arrangements for sharing responsibility for the government of Northern Ireland.
- (3) Arrangements for enabling both parts of the island to develop a partnership on matters of mutual interest, on the basis of full equality and without threat to Northern Ireland's position within the United Kingdom. If a relationship of mutual trust were progressively developed, we would expect such a partnership, as it proved itself, to become increasingly close. The prize, in terms of peace and prosperity, is great if friendship and mutual respect are allowed to supplant suspicion and animosity.
- (4) Means of translating the new arrangements into a comprehensive agreement between the Governments of the United Kingdom and the Republic of Ireland.

This statement is intended to do no more than indicate the spirit of goodwill in which we would approach the talks process and to illustrate briefly some of the implications of our approach. It looks forward, not back. Ireland has too many memories and too little hope. We urge all concerned to rule the books on past efforts at peace and start afresh.

We recognise that others will have their own agenda. Now is the time to get them all on the table and enter into the process of active negotiation without which progress cannot be made.