

Ulster Unionist Party
Presentation

It will be perhaps profitable to remind ourselves of the process which brought us all here.

We fought the General Election of 1987, together with our colleagues of the DUP, on a joint manifesto. Under this we sought authorisation from our electorate to seek to ascertain whether the new government would be prepared to create the circumstances and conditions necessary to encourage successful negotiations, including the suspension of the working of the Anglo Irish Agreement and of its Maryfield secretariat. We undertook to "...naturally test and assess whether there exists a mood of realism at Westminster which could lead to an alternative to, and a replacement of, the so called Accord."

On polling day we obtained the mandate we sought and accordingly we entered into exploratory talks with representatives of HMG on 14th July 1987.

In the early stages we encountered a desire on the part of HM Government representatives to meander over the whole range of minor matters. It was implied that if agreement could be obtained on such matters "there would be implications for the Agreement". But we pointed out that we could not be expected to settle for mere implications for an Agreement on which we had not been consulted. We had offered to tender advice which, if heeded, would have alerted HMG to major defects in this so called "accord". Those defects have led all who were concerned in its drafting to distance themselves and privately disown their product now that they have been turned out of office or have left government service. That fundamental change in attitudes is reflected in opinion within the Parliament of the United Kingdom itself so it is now possible to look beyond the narrow restrictive confines of the present Anglo Irish Accord to a far wider all-embracing British-Irish Agreement, co-extensive to the entire territory of both nations in the British Islands.

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The design of that wider agreement will be the task of those engaged in subsequent strands, but I mention it as a necessary foundation for any structures or proposals to be discussed in the first strand. For example, it is an essential prerequisite for the success of any devolved structure that its designing should proceed on the clear understanding that its functioning will not be within the framework of the present Anglo-Irish Accord - in whole or in part.

Another objective must be to secure the withdrawal of Articles 2 & 3 from the Irish Constitution, together with the Preamble. Our position on this important issue was set out in our joint letter which we handed to the then Prime Minister Mrs. Thatcher on 28th August 1985, two months before the signing of the present Accord. I quote:

"To the people of Northern Ireland any proposal for increased Anglo-Irish co-operation must be suspect given the Republic's claim to the territory of Northern Ireland which is a repudiation of Northern Ireland's right to self-determination. This being so we call upon Her Majesty's Government to challenge the Government of the Republic to withdraw its territorial claim and recognise Ulster's right to self-determination as an essential prerequisite to greater friendship, co-operation and understanding."

On 11th May 1991 we jointly updated that stand:

"As H.M. Government and all Unionists rightly refuse to recognise that claim we will be seeking to persuade the Dublin Government to move quickly on this matter when we come to Stage 2. Such a movement indicating a willingness to withdraw the claim would transform attitudes to those secondary issues flowing from that claim which have occupied us all during the past week."

Fair-minded people will accept that it would be impossible for representatives of the Unionist people to develop worthwhile co-operation with the Irish Republic until that harsh, aggressive, irredentist claim is withdrawn.

There is an even more urgent need for its withdrawal in the light of the continuing terrorist campaign. The IRA regards the territorial claim as their mandate to unite by force what republicans claim to be the national territory. They justify their use of violence by pleading that successive Irish governments have shared the objective of unification, asserting that violence is merely an alternative method. That alternative method has been accorded greater credibility by last year's ruling of the Irish Supreme Court that the territorial claim is not merely a political aspiration but a constitutional imperative. Such a ruling enables republican terrorists to insist that they are enforcing an injunction of the Irish Supreme Court, the perceived enforcement of which other terrorists are in turn provoked to resist.

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The present Government has stated that Northern Ireland is an integral part of the United Kingdom. In a colloquial way no less a person than the last P.M. has put this as "Ulster is as British as Finchley".

It is now surely incumbent on HMG to re-establish, as far and as quickly as it can, a clear understanding of the Union, and to reinforce this with constitutional arrangements which show that the supreme body is presently, and will remain, the Queen in Parliament. Furthermore it must be demonstrated that the citizens of Ulster are, like their colleagues in England, Scotland and Wales, citizens of the United Kingdom with all the rights and obligations which go with that status. Ulster, in the political sense and more recently in the economic sense, has been quarantined for far too long from the mainstream of life in the United Kingdom.

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parliament

It is only when the constitutional framework of the nation has been re-established and reinforced that any useful discussions on the detail within that framework can take place. Moreover, this framework would further reinforce the duty of HMG to vigorously refute and actively oppose the claim over part of its territory by the Republic, and illustrate clearly to all that the present positions of the two governments on this matter are completely contradictory and irreconcilable.

We use as our definition of the status of Northern Ireland the following quotation from Hansard 5 July 1990:

"... the constitutional position has often seemed central to matters in Northern Ireland. I turn to it now in the hope of putting it to one side. We regard the position as clear. Northern Ireland is part of the United Kingdom in national and international law. It is part of the United Kingdom because that is the clear wish of the majority of the people of Northern Ireland...." (P Brooke Col 1142)

I omit the qualification "There will be no change ... unless and until a majority of the people [there] want it" as this appears to make Northern Ireland's position within the Kingdom conditional. The qualification is also unnecessary as it merely restates an accepted principle of International Law, namely the right to self determination. As the Government acknowledged that right extends to more than being part of the United Kingdom; it includes being separate from the Republic of Ireland.

This was encapsulated by the then SoS Mr. Prior in 1984:

"There has been much discussion about the realities, ... But there is one over-riding and abiding reality from which we cannot escape, and that is that consent is simply not forthcoming for any formulation which denies the Unionists their right not only to belong to the United Kingdom, but to be apart from the Republic" (Mr Prior 2 July 1984, HC Deb Vol 63 Col 25, in the debate on the New Ireland Forum Report)

The whole process in which we are presently engaged will be futile unless there is a recognition of the solid fact that the greater number of the people of Northern Ireland do not wish to leave the United Kingdom. I have avoided use of the word "majority" because that is too readily equated with "the Protestant majority" or "the Unionist majority". The greater number of which we speak embraces Protestants and Roman Catholics who think and vote as unionists with a small "u". They are supported by another large band of electors who decided, in 16 constituencies out of 17, to send Members of Parliament to represent them in the Parliament of the United Kingdom. Those who would have the world believe that the constitutional divide coincides with the religious divide have been proved wrong, notably by Father Dennis Faul who publicly states that only 20% of Roman Catholics would knowingly vote themselves out of the United Kingdom, an opinion confirmed by successive opinion polls. That is not an argument for unfettered majority rule but it is a basic fact which can not be disregarded by those attempting to design new arrangements.

The freely elected representatives of the people of the United Kingdom must be entitled to the same basic rights and opportunities to take part in and influence the legislative and administrative processes of the Kingdom. These basic rights must be common to all parts of the Kingdom if it is to merit the title of a united Kingdom. This principle of equal treatment is reinforced by international law. Art. 25 of the UN Covenant on Civil and Political Rights says:

"Every citizen shall have the right without any of the distinctions mentioned in article 2 ... (a) to take part in the conduct of public affairs, directly or through freely chosen representatives ... (c) to have access on general terms of equality to public service in his country." (Art 2 requires governments to ensure the rights in the covenants to all individuals, "without distinction of any kind such as race colour sex language religion political or other opinion national or social origin property birth or other status.")

Similar statements of principle are contained in the CSCE Accords.

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At present our MPs are unable to amend or adequately debate most legislation relating to Northern Ireland. Most Ulster legislation is made by Orders in Council which cannot be amended and are only debated on the floor of the House for 90 minutes. They can get two and a half hours if referred to a standing statutory instruments committee, but the price of the extra hour is that the Ulster representation on the committee is limited to two members.

There is general recognition that legislation for Northern Ireland in the Parliament of the United Kingdom should be by Bills and not by unamendable Orders in Council. In the case of Northern Ireland, this procedure was adopted as a stop-gap device when Stormont was abolished in 1972. It is patently undemocratic and unsatisfactory. There is no justification for excluding Northern Ireland from new legislation, particularly in the case of legislation which confers economic or financial benefit on England, Scotland and Wales. In recent times such benefits have been withheld from Northern Ireland for up to two years because of the complications involved in drafting Orders in Council.

There is also an absence of proper accountability. The Northern Ireland Office is the only major Department of State for which there is no select committee. Other select committees occasionally conduct investigations with regard to aspects of the Northern Ireland Departments, but this omits the NIO and in any event Ulster MPs are substantially under-represented on the existing select committees. In its response to the report of the Procedure Committee on the select committees the government appears to have accepted the principle that there should be an NI select committee, subject to a review of territorially based committees and unspecified "political" difficulties with regard to a NI committee.

The Conservative Government in 1979 established Select Committees to shadow the work of each major United Kingdom Government Department. Their role has been to examine departmental administration, expenditure and policy. The functioning of these Select Committees has been vital in adequately scrutinising the performance of Departments. There is no committee to concern itself exclusively with Northern Ireland and there can be no substitute for a committee carrying out a continuous and thorough examination of Northern Ireland Departmental performance and policy.

In our view something like a Select Committee would have been of great advantage during the fifty years of the existence of the Stormont Parliament and Government. It would have provided beneficial linkage between the Stormont structure and the Sovereign Parliament at Westminster.

In short our objective is to ensure that the people of Northern Ireland through their freely chosen representatives in Parliament should be treated "in no lesser way" than other regions of the United Kingdom. An end to legislation by Orders in Council, under the Northern Ireland Act 1974, would result in all Westminster legislation being enacted in the normal manner. In addition, the scrutiny of the Northern Ireland Office should be on the same basis as all other major government Departments.

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The Secretary of State will be concerned, as we are, at the knock-on implications of the present talks and their outcome. It seems that in general the constitutional affairs of the United Kingdom are in a state of flux. The imposition of the European influence is a major factor in this, and may be illustrated in the present debate on the systems of voting used in internal and in European elections. In looking at this position it becomes apparent that the administration of regions within the Kingdom (and Scotland may be cited as the prime example) does not conform to any logical pattern. We are prepared to be used as guinea-pigs in establishing a system of regional administration which could be used in the interests of good government of the Kingdom as a whole, but at the same time we would be opposed to any distortion of relationships in Northern Ireland which would fuel further instability and violence.

In other words we cannot accept as stable or constructive any system of governance which could not equally be applied to any other regional entity within the United Kingdom.

We have devised in outline a range of models for a devolved administration but the choice is obviously dependent upon the wider acceptance of Northern Ireland's place within the constitutional framework of the United Kingdom, accepted by Mr. Prior as the "one over-riding and abiding reality". Given that such a reality is based on the wish of by far the greater number, it is futile to tinker with any exotic experiment which would lack widespread support.

We are not unmindful of the much smaller number who hold a different view and in our various documents we have recognised that we have a responsibility to redress their grievances - real or perceived - so that they may live in peace and contentment within the United Kingdom, as do the hundreds of thousands of Irish people who have gone to live and work in England, formerly regarded as the land of the oppressor. Such grievances could be dealt with adequately within a Bill of Rights & Responsibilities for the whole nation.

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At this stage it is only necessary to set out the framework of a devolved institution. The key test must be that of durability. The 1973 Act and the 1982 Assembly Act failed that test. In both cases those who voted for the legislation privately explained that they did so because there was no possibility of it succeeding. Parliamentary majorities occasionally behave like that, as they more recently did in the small matter of the Poll Tax. Now we have biting dogs...!

Such experiments demonstrate that legislators should not insult the intelligence of those who elected them by repeat performances.

The second test must be conformity with democratic principles. There must be no fraudulent disregard for the verdict of the ballot box. A fraud it would be to invite the electorate to vote for an Assembly which was bound by legislation to reinstate in the seats of power those who occupied the same seats on the day of dissolution. As one who has upheld the right to hire and fire, I have always been convinced that the honest and logical concomitant of Lord Whitelaw's 1973 Act was a clause abolishing free elections!!!

Whatever the form of structures of government eventually designed, there must be built-in safeguards against destruction by irresponsible authorities. The original Stormont was vandalised and demolished by its creator, the Parliament of the United Kingdom. We now have to recognise that by the time a new structure can be put in place there will be the last meaningful British general election. Thereafter the authority of the Westminster Parliament will be reduced to little more than that of a county council, in both administrative and legislative terms. Authority and sovereignty will not be transferred to any elected body, but to an unelected European Commission backed by a rubber-stamp European Assembly.

The body politic in Northern Ireland would be devastated if, having striven to devise a worthwhile democratic structure, we had to witness the downgrading and dismantling of the new body which had resulted from the hopes and prayers of so many. We call in aid all those well-wishers to ensure that those given the responsibility for working the new design will not be required to follow the example of hitherto sovereign parliaments in strangling democracy to placate any European Commission.

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We continue to be pestered by those who believe, with various degrees of sincerity, that "talking" will somehow produce "a solution". To need a solution one must have a problem, and that problem must be clearly identified and defined. The problem is that there has been ambiguity for some twenty years on Ulster's constitutional position. This ambiguity has been fostered, not only by the various "initiatives" produced by a succession of Governments in London, but more recently by the added overlay of the involvement of the Republic through the structures of the Anglo-Irish Agreement.

Colleagues will be aware that our modest level of talks has been labelled a "Peace Conference". That is an utterly false description and monstrously unfair to all of us who sit around this table. We are only too well aware that even if we achieve complete success, the effect on the terrorists will be nil.

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The time is now ripe for both communities in Northern Ireland to realise that, essentially, their problems will have to be solved in Northern Ireland by their political representatives and that any future prospect for them and their children is best provided for within the Northern Ireland context. This will require a mutual recognition of each other's hopes and fears. Only rights can be guaranteed, not aspirations, but it is the responsibility of the majority to persuade the minority that the Province is also theirs.

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