

for meeting with UUP (22.2.95)

Ulster Unionist Party

A Blueprint for Stability

Monday 28th February 1994

INTRODUCTION BY RT HON JAMES MOLYNEUX MP,
LEADER OF THE ULSTER UNIONIST PARTY

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At the Annual General Meeting of the Ulster Unionist Party in March 1992 I delivered
the following report on the work of the party over the past year.

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over the course of the Local Government Election campaign in April and May 1992.

I am pleased to report that our discussions have been fruitful. Our task is complex
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INTRODUCTION BY RT HON JAMES MOLYNEAUX MP,
LEADER OF THE ULSTER UNIONIST PARTY

At the Annual General Meeting of our Ulster Unionist Party in March 1993 I delivered my views on how we ought to proceed. I said then:

"Confidence building is a high priority. A pre-requisite is the creation of trust between the various elements of the Northern Ireland Community for there would be no future for an Ulster consisting of two irreconcilable communities protected from each other by razor wire; the division perpetuated for eternity.

We have a responsibility to draw together the many strands in our community. It is time for a start to be made on designing a Blueprint for Stability. Ulster Unionists freely acknowledge that we cannot achieve this aim on our own. We shall need the full co-operation of other constitutional parties participating on equal terms. Nor can we exclude those who bear responsibility in farming, commerce, industry, and all who possess special skills and talents.

We shall need the backing of the people of Northern Ireland who are weary of phoney sterile arguments and who yearn for the restoration of stability and the peace which will surely follow.

We may find that the Blueprint for Stability could include the concept of responsibility sharing which surfaced in the Strand One discussions. If that should prove too ambitious we might move down the scale until we discover the common denominator on which we can start to build a structure capable of delivering accountable democracy."

There was an immediate response from the constitutional parties, groups and individuals to whom my appeal was publicly addressed. The consultations proceeded even during the Local Government Election campaign in April and May 1993.

I am pleased to report that our discussions have been fruitful. Our faith in consensus was not misplaced and we are in a position to present proposals which can offer a better future to everyone in Northern Ireland.

SUMMARY OF RESPONSES

Not unexpectedly there was general agreement that stability is the key to the defeat of terrorism, the establishment of accountable democracy and economic recovery. Particular stress was laid on lowering the tension which results from continuous speculation about initiatives of all kinds.

Some 72% of respondents deplored controversial radio and television programmes which, they felt, reopen wounds and encourage personal vilification. It was recognised that while such activities can proceed relatively unnoticed in, for example, the Greater London area, they are luxuries which a small community such as Northern Ireland simply can not afford, particularly in its present troubled condition.

It was considered vital that the constitutional parties be encouraged to develop and expand their proven capacity to co-operate over a wide range of interests such as industry, energy, agriculture, health, education and planning. There was a perception that such commendable and necessary co-operation suffers as a consequence of "political initiatives" which by their nature are divisive.

There was widespread support for a much closer relationship between Her Majesty's Government Ministers and elected representatives to ensure that decisions are soundly based and wasteful duplication avoided.

There proved to be a desire for urgent streamlining of administration at all levels. Examples were given of areas in which such modernisation could proceed within existing legislation. This view appeared to arise from exasperation with unnecessary and outmoded structures and procedures. Although some of these structures and procedures might be remedied by legislation, it was felt that there would remain a need for a determined effort by Government and the general public.

In areas which would require limited amending legislation, it was agreed that Northern Ireland Ministers should be given assistance in identifying minor legislative needs and in processing same with all possible speed.

Following from this it was agreed that there ought to be close and continuous consultation and co-operation between Her Majesty's Ministers and elected representatives.

There was unanimous agreement that no section of the Northern Ireland community should be disadvantaged by past or future legislative changes.

A large number of those who met with us expressed support for total integration as their second option, should it not prove possible to achieve agreement on structures within Northern Ireland. This attitude prevailed right across the religious spectrum.

CONCLUSIONS

We believe that the proposals which we outline in our Blueprint are realistic, sustainable and will attract the support of the greater number of people in Northern Ireland. Our Blueprint offers a system of accountable democracy for all our people. Unionist and Nationalist elected representatives would be in a position to offer proper representation to their voters without any compromise of constitutional aspirations.

However, if for the time being, it should not prove possible to achieve agreement among the constitutional parties on new structures then Her Majesty's Government must take measures to establish some semblance of accountable democracy in Northern Ireland.

Such measures would include the devolution of further powers, on matters such as planning and roads, to the twenty six District Councils. On a regional basis, it should prove possible to restore an acceptable level of administrative devolution. This would enable the elected representatives of the people of Northern Ireland to exercise a real say in the day to day affairs of our region with regard to matters such as Education, Agriculture, Economic Development and the Environment.

Measures must also be taken to bring the system of legislating for Northern Ireland more into line with other parts of the United Kingdom. In the absence of legislative devolution, it is unacceptable that matters which fall within the "transferred" or "reserved" category are invariably legislated for by Order in Council. The excessive use of the Order in Council procedure must be curbed. All major legislation for Northern Ireland should be enacted by Bill, thus allowing for more effective and representative debate in Parliament.

We would encourage Members of Parliament to adopt the recommendation of their own Procedure Committee to establish a Select Committee on Northern Ireland. This would end the anomaly whereby the Northern Ireland Office is the only major department of state which does not come under the scrutiny of a departmental select committee.

These measures are vital to the development of public confidence in the political process. They would enable the elected representatives to build on the co-operation that already exists between the constitutional parties by working together on matters which are of real importance to the daily lives of the Northern Ireland people. None of these measures would be detrimental to the rights or interests of anyone within our community but would contribute considerably to the creation of stability and a better way of life for everyone.

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.