



An Chartlann Náisiúnta National Archives

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5 March, 1985

From Right Hon. H. D. West

Rossahilly
Enniskillen
Co. Fermanagh

Dear Taoiseach,

I was privileged to chair a press conference this morning to launch a new political initiative in the form of the Northern Ireland Charter. There was considerable interest from a large gathering of the media.

I enclose a copy of the 'Charter' and seriously request that you would urgently respond to it in writing. I also request that you include for the response of a wide section of your colleagues.

With kindest regards

Yours sincerely

Harry D. West

The Prime Minister
Republic of Ireland.

A NORTHERN IRELAND CHARTER

A SET OF THREE PROPOSALS

1. A NEW DIMENSION - A NORTHERN IRELAND DIMENSION
2. A FRAMEWORK FOR A FULL BLOODED DEVOLVED LEGISLATURE AT STORMONT
3. DEALING WITH THE ANGLO IRISH AGREEMENT

Sections one and two are substantially the result of joint talks between individual members of the Official Unionist Party and the S.D.L.P. A.Ardill, D.Mc Narry, P.O Hanlon, B.Carahe. Section three was drafted by the Unionist sponsors in the light of the discussions between the same participants.

March 1986.

1. A NEW DIMENSION - A NEW NORTHERN IRELAND

1. A new Northern Ireland inherits two main historic traditions.
2. There is a pressing need to offer real hope for a new Northern Ireland to the people of Northern Ireland.
3. A new Northern Ireland has to shoulder responsibility locally for ending political violence within its borders.
4. Both main traditions require guarantees that they will not be pushed into an unacceptable accommodation with the other tradition and both require formal and effective expression of their dignity, legitimacy and rights.
5. Each of the two main traditions has a significantly different way of handling political ideas and of working within their party political structures - differences which make meaningful communication (and therefore agreement) extremely difficult.
6. A prime task for a new Northern Ireland is to plan and implement a programme of social and economic reconstruction.
7. There is a need for all who wish to help build a new Northern Ireland by constitutional means to have a meaningful stake in the decision making process for running the new Northern Ireland.
8. Devolved Government is the best form of Government for a new Northern Ireland within the United Kingdom for among other reasons:

Northern Ireland is separated from England, Wales and Scotland by a substantial strip of water and from London by a distance which makes communication restricted.

Northern Ireland has a number of unique economic problems - lack of raw materials, small local market, distance from European markets, low industrial base - and these require individually tailored regional policy structure.

Voters in Northern Ireland do not have a common identity with any of the main parties in the rest of the United Kingdom and Members of Parliament from Northern Ireland are never likely to form part of a Westminster Government.

Unlike the rest of the United Kingdom, Northern Ireland has two different cultural traditions, one of which is a part of the cultural tradition of the rest of Ireland, the major part of which is under a different jurisdiction; the other of which is part of the culture of the United Kingdom.

Each tradition has a perception of the other different from the perception each has of itself; and accommodation between the two depends on each tradition valuing the way the other sees itself i.e. the British Ulster tradition is on valid ground when it sees itself as British and not Irish and the Irish tradition is on valid ground when it sees itself as Irish.

9. It is important to ensure that a political settlement leaves no room for a wedge to be driven between one tradition and the police service of a new Northern Ireland and this can best be achieved by representation of both traditions taking full responsibility for policing as soon as practicable.

2. A FRAMEWORK FOR A FULL BLOODED DEVOLVED LEGISLATURE AT STORMONT.

1. WRITTEN CONSTITUTION

A new written constitution would be drawn up for a new Northern Ireland. This could be done by a document enshrined in both a United Kingdom Act of Parliament and an international agreement between London and Dublin lodged at the United Nations.

The Constitution would have as its basis an expressed recognition of the existence of people inheriting a British Ulster tradition and people inheriting an Irish tradition, as well as some belonging wholly to neither.

The constitution, while recognising the need for the collective accommodation of the two main traditions, would seek to establish this accommodation as wholly compatible with the development of a Northern Ireland tradition, a tradition for which the accommodation of cultural differences would be a positive value.

2. GUARANTEES

The constitution would need to provide the best possible guarantee to the British Ulster tradition of its position and rights and this would include a guarantee that the constitutional position of Northern Ireland as part of the United Kingdom would be secure. This might be in the form of a guarantee that any change in the constitution would require majority support within each tradition - and this could be expressed in terms for example of a special poll based on separate registers for each tradition (or none) or through elected representatives registered according to the tradition they represent.

The Constitution would need to provide the best possible guarantee to the Irish tradition of its position and rights and this would include the setting up of a new liaison body in which the Government of the Irish Republic, the Government of the United Kingdom and a new Northern Ireland Executive would be represented. The representatives of the new Northern Ireland Executive would attend with the full authority of a body composed of unionists and non-unionists and would be respected as a full participant in consultations with the representatives of the two sovereign Governments. The liaison body could also be competent to deal with matters relating to subjects deemed to be Irish i.e. matters involving co-operation between North and South in areas like tourism, power, agriculture etc. where there is common mutual interest. Discussion of such matters could be on a bipartisan basis within the liaison body between the representatives of the new Northern Ireland Executive and the representative of the Government of the Republic of Ireland. The liaison body would have no executive authority; all proposals made by the participants would be formally recorded and referred back to the three participating authorities.

The constitution would also include statements of the rights and responsibilities of citizens of the new Northern Ireland including protection against discrimination on the grounds of colour, religion or cultural tradition. Ombudsmen, the Fair Employment Agency and other mechanisms to protect fundamental rights and freedoms would thereby be given a statutory guarantee.

3. DEVOLVED GOVERNMENT

The Constitution would provide for the immediate establishment of a full scale devolved Legislature and Executive for the new Northern Ireland which would take full responsibility for as wide a range of functions as is consistent with the maintenance of the sovereignty of the United Kingdom over Northern Ireland and the United Kingdoms membership of the European Economic Community.

Voting for elected representatives in the Legislature would be on the basis of the single transferable vote.

It would be necessary to consider further the problem of how the new Northern Ireland Executive could best relate to the Government in London on the range of matters which would remain the responsibility of that Government; taxation budgets, defence etc, in a way which would preserve the proper authority of the Northern Ireland Executive and the proper role of the Northern Ireland members of the Westminster Parliament.

The powers devolved would include as flexible an approach as possible to fiscal matters, especially spending budgets, bearing mind the special economic and social features of Northern Ireland.

4. PUBLIC REPRESENTATIVES

All candidates standing at elections for local or regional Government would be required to sign an undertaking that : they would uphold the institutions of the new Northern Ireland; they would forswear the use of violence in the pursuit of political objectives if elected; they would attend and participate in the institution to which they were elected.

5. THE EXECUTIVE

An Executive would be formed which would be representative of both the British Ulster and the Irish traditions. Representation in the Executive would reflect the comparative strength of the elected parties in the Assembly who are willing to serve and participate in the Executive. In forming the Executive the aim would be to enable the widest possible cross section of law abiding citizens and constitutional politicians to become activated to take responsibility for the new Northern Ireland. The new Executive would consist of five members chosen from the members of the legislature to reflect the strength of the parties in the legislature which had achieved at least 15% of the popular vote at an election and which are willing to participate in the formation of the Executive.

After the formation of the Executive consultations would take place between the parties represented in the Executive as a result of which the parties would nominate deputies to the members of the Executive, chosen where possible from among the chairpersons of the committees. At the discretion of the Executive a specified number of meetings would take place between the Executive and their deputies during each session to ensure that the deputies are kept fully briefed and informed on the running of the Government.

Decisions in the Executive would be by simple majority but if any member of the Executive wished to challenge a decision on the grounds that it was harmful to one of the two main traditions, then that decision would be debated in the legislature and implemented only if it achieved support from at least 65% of the full membership of the legislature.

The new regional legislature would conduct its business by annual sessions and before the commencement of each session there would be a process to emerge an agreed programme of work for that session which would form a Declaration of Intent to be published and debated by the legislature.

6. COMMITTEES

Day to day legislative scrutiny and administration monitoring would be done by a system of Committees. Each major function of Government would have a committee attached to it, formed to reflect the overall party composition of the legislature. The chairmanships of committees would also be allocated to reflect the overall party composition of the Assembly and would as appropriate include representatives of parties not in the Executive.

7. LAW AND ORDER

The Executive of the new legislature, constituted to represent the widest possible consensus of both main traditions, would as soon as possible take full responsibility for law and order. The guiding principles for strong impartial policing would be:

The Royal Ulster Constabulary would take prime responsibility for all policing and contacts with the public.

The army would act in support of the police.

All political groups participating in the new institutions of the new Northern Ireland would work to strengthen policing by encouraging recruitment from the widest possible cross section of the community.

As soon as can safely be arranged, the police would cease to carry arms on a regular basis.

There is a need for transitional arrangements with regard to policing. In the interim period under the new political arrangements, an advisory Council would be established to give advice to a senior member of H.M. Government on policing matters. This Council would comprise the new Executive, the heads of police and army and other professional advisers.

8. ELECTIONS

In the event of all these matters being satisfactorily resolved new elections for a new Northern Ireland legislature would take place.

Parties agreeing to the package of proposals would undertake to fight these elections on an attendance and participation mandate.

3. DEALING WITH THE ANGLO IRISH AGREEMENT

If a new Northern Ireland is to be stable it is vital that the complex network of relationships between the Government of the United Kingdom, the Government of the Republic of Ireland, the British Ulster Tradition and the Irish Tradition in Northern Ireland is stable. Only when all the relationships between these four parties are stable will industrial investment and economic revival return to Northern Ireland.

The Anglo Irish Agreement was entered into by the two Sovereign Governments because of a lack of stability in this network of relationships. It has substantially changed those relationships and further destabilised them.

One of the four parties to those relationships, the British Ulster Tradition was excluded from consultation about and from the formation of the Agreement. This Tradition was not offered any means of representation in the network established by the Agreement. The Minister from the United Kingdom Government cannot represent the British Ulster tradition because he does not come from that Tradition. Had the British Ulster Tradition been involved in any way in the process, the ferocity of the Unionist Parties response might have been avoided. It is a fundamental right for both Traditions in Northern Ireland to have the opportunity to give or withhold consent to any agreement about the totality of relationships of the four parties.

The Anglo Irish Agreement has given the Irish Tradition in Northern Ireland a new status in this network of relationships. Previously it felt excluded. Now it is represented by a Minister of the Government of the Republic of Ireland. This representative comes from the same Tradition as the Irish Tradition in Northern Ireland. It is vital that in any future development of the network of relationships between the four parties both the Traditions in Northern Ireland have a proper dignity and status.

The establishment of a stable set of relationships incorporating these principles would be the final item on the agenda for discussion about a new Northern Ireland and an agreement on the final stable agreed form of the totality of these relationships would supercede the Anglo Irish Agreement.

Northern Ireland Charter Group (1) March 1986

Following informal talks between McNarry, Ardill, OUP and Caraher and O'Hanlon, SDLP, Harry West and the OUP members above announced to a press conference that agreement had been reached for a new Northern Ireland Charter. The SDLP (Hume) claimed that the SDLP individuals were acting in a personal capacity and the SDLP individuals that the final document produced by the Charter group was not agreed with them

The outline below covers only the final OUP Charter document.

'Northern Ireland Charter'

Objective: to establish devolved Government for N.I.

Features:

(a) Principles

- NI has traditions and both need guarantees.
- NI needs its own Government.
- Both traditions should support police.

(b) Operation

- (i) Written Constitution in UK Act of Parliament and in IR/UK International Agreement. To include (a) Guarantee on status in UK: perhaps in form that it could be changed only by majority support in each tradition (separate electoral registers for each tradition), (b) Bill of Rights.
- (ii) Liaison body with the UK and Irish Governments (non executive) to cover matters of mutual concern.

(iii) Devolved Government

Assembly elected by P.R.-S.T.V.: candidates to swear to uphold institutions, forswear violence, and attend ~~and~~ participate if elected.

5-man Executive - with full functions - including security as soon as possible.

- Executive representative of Assembly parties having 15% or more of votes.
- Executive decisions by majority except if challenged as harmful to a tradition in which case 65% of legislature required to adopt measure.
- Executive Deputy Members - one for each Executive member, chosen by consultation between the parties, preferably from Chairpersons of Committees, to have close contact with Executive members.
- Committees - representative of legislature generally, to perform scrutiny functions.

(c) The above structures would supercede the Anglo-Irish Agreement.

Comment

A positive effort is made to recognise and embed in the Constitution the separate identity of nationalists, include the SDLP in the powersharing Executive, and to provide some protection against majority rule. However, there are serious drawbacks:

- (i) The Charter is to supercede the Agreement and security is to be devolved - although not necessarily immediately;

- (ii) The union with Britain will be copperfastened for so long as there are unionists, since presumably if any change their minds and are willing to vote for a united Ireland, they would no longer belong to the unionist tradition. While the separate electoral registers is only suggested as an option, it is difficult to see how otherwise one can get the views of each tradition. Any such proposal solidifies the current splits and is unacceptable.
- (iii) Declaration required by candidates - Sinn Fein is likely to boycott elections and unless there were a very great change in nationalist voters' views (which is unlikely with the Charter) S.F. vote would not go the SDLP.
- (iv) It is very difficult to predict the results of the first poll, but assuming that the 15% rule for Executive membership applies to first preference votes, it is probable that the SDLP would get just 1 seat and the 2 main Unionist parties 2 each in a 5 man Executive.
- (v) Assuming that the SDLP would not pick up a substantial amount of the Sinn Fein vote, a 65% special majority is likely to be attainable by the non-nationalist parties combining.

In discussions between the Taoiseach, and Carson and Redpath of the OUP, on 18 April the possibility of the Charter document forming the basis of discussion was considered. The principal subject for discussion was however how talks could get established (see note).