

cc 1870W 22/5/86 AM



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23/5/86

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2) pc (MacBride)
No

15/✓

13 May 1986

All Members of the House of
Representatives of Rhode Island

I understand that the Finance Committee will tomorrow consider two pieces of legislation concerning Northern Ireland and that those may well come to a vote on the floor of the House later that day. The first bill (No. 86H 8009) would require all companies in Rhode Island investing in Northern Ireland to apply "the MacBride Principles". The second (No. 86H 8098) would require the State to divest all State funds and pension funds invested in any corporation doing business with Northern Ireland.

There are no Rhode Island companies with investments in Northern Ireland. Nor, to the best of my knowledge, are there Rhode Island companies trading with Northern Ireland. Moreover, my Government instituted the Fair Employment Agency in 1976 as a result of Fair Employment legislation that year designed to promote equality of employment and occupations between people of different religious beliefs by the elimination of religious and political discrimination in employment and occupations, which it makes unlawful.

My Government therefore finds it strange that the House of Representatives of the State with which we enjoy the friendliest of relations should be considering legislation of this kind. It can only have the effect of making life more difficult for the million-and-a-half people who live in Northern Ireland. It will increase further the number of young people who are without employment and who can the more easily be drawn into acts of violence and terrorism fomented by extremists of one religious persuasion or another, North or South of the border.

Perhaps the thing that hurts us most is the timing of the submission of the two draft bills. They come just after the Government of the Republic of Ireland on the one hand and the United Kingdom on the other reached an historic agreement. On 15 November 1985 we concluded the "Anglo-Irish Agreement" (as it is called) which gives the Republic of Ireland - for the first time in history - a say in the affairs of the North. (This is rather like the United States giving Mexico a say in the affairs of Texas!). The Anglo-Irish Agreement is perhaps the most important piece of legislation in

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Irish history since the partition of the Island in 1921. The principal desire of both the Government of the Republic of Ireland and that of the United Kingdom is the creation of peace and stability in the North in which both communities can prosper, develop economically, and find a way to settle their differences. While the Anglo-Irish Agreement accepts that, if and when a majority of the North vote for union with the South, that will be allowed to happen, it also recognises that a majority for such union does not exist at present.

The Anglo-Irish Agreement was welcomed by President Reagan and by a wide spectrum of American opinion, including the House Speaker, The Honorable Thomas O'Neill. Notably, it was also welcomed by the Rhode Island House of Representatives by its resolution of 7 March 1986. In welcoming the Agreement, the US Congress has agreed to consider an Aid Package designed particularly to encourage US investment and the consequent creation of jobs in Northern Ireland and affected areas of the Republic. This is something which both the Government of the Republic of Ireland and that of the United Kingdom much desire and an area in which both have been working strongly for many years. This would be in addition to over \$6 billion currently being spent by my Government each year as well as a substantial sum from the European Community. As of now, there are some 25 US companies based in Northern Ireland creating 11% of the workforce. The President in support of the Agreement and of the Aid Package said "he was proud that Northern Ireland enterprises in which American money is involved are among the most progressive in promoting equal opportunity for all."

While most responsible Americans have welcomed the Agreement, there are a number of extremist organisations in the US who see it as thwarting their objective of securing unification of Ireland by whatever means are necessary for that purpose - violent or otherwise. Measures to secure US divestment from Northern Ireland and imposition of MacBride Principles have been pressed upon legislators by a number of them for adoption in different State legislatures. While the motives of some of these organisations may be innocent, others see the action as a covert means of making the situation in the North even more difficult and therefore the likelihood of violence and chaos that much greater. In his speech to the Charitable Irish Society in Boston on St. Patrick's Day, Cardinal Law described these groups in these words:

" Some in the United States are inclined to use the discrimination issue as a way to prevent and sabotage any reconstruction effect that is not guaranteed to lead to the maximalist position of one community, to the total defeat of the other.



These put no reliance on the indigenous means that the Northern Irish of both communities have built to deal with this problem of long-entrenched discrimination, in fact they hardly advert to the existence of the Fair Employment Agency in Northern Ireland and prefer to do all the monitoring and supervision themselves, from here, outside the situation. The effect, often quite deliberately intended, is to prevent any such amount of new investment and new employment as would make it possible for the Northern Irish, with the means they have so carefully built for themselves, to overcome the pernicious tradition of discrimination. "

He also said on that occasion:

" It is most important that there be private investment for the creation of jobs in both parts of Ireland...."

I would ask you to note particularly that nowhere in the draft legislation before you is there an exhortation of Rhode Island companies to invest in Northern Ireland. I think this really gives the lie to the objective of those who have pressed for a member of the House of Representatives to introduce the two bills. If there were real concern for the situation in Northern Ireland, such an exhortation would surely be the first point in any draft legislation.

The US Ambassador to the United Kingdom, The Honorable Charles H Price, speaking in Belfast on 30 April, said:

" The MacBride Principles are wrong because they can do incalculable harm. They target US firms that generally have been in the forefront of local fair employment efforts. They generate considerable controversy and prompt passionate charges and counter charges. The media, meanwhile, capture it all. The effect this has on Americans is clear. A company chairman in Detroit or Los Angeles or wherever will be both confused and concerned. He will want no part of Northern Ireland. Why bother when so many other places court his investment? That isn't just my opinion. It is one shared by many, I would say most, fair-minded people looking at this issue. "

Whatever your views may be on the rightness or otherwise of my Government's policies on Northern Ireland in the past, I do not think that this great State of Rhode Island would want to lend itself to measures which made the implementation of the Anglo-Irish Agreement even more difficult than it is already. Moreover, I find it



difficult to understand why the House of Representatives should want to pass legislation when there is no current Rhode Island commercial interest in Northern Ireland and when the State is preparing a warm welcome to a commercial delegation from Northern Ireland called "The Northern Ireland Partnership" representing all shades of opinion there.

Against this background, I hope that the House of Representatives will not pass bills 86H-8098 and 8009. At the very least, I hope that you will take a decision to defer consideration of this legislation until members of this House have had the chance to see for themselves the situation on the ground in Northern Ireland. We would much welcome a return visit of Rhode Islanders in response to the visit of the Northern Ireland Partnership, led perhaps by the distinguished Speaker of the House.

I attach some notes which explain why the legislation in both cases is in the view of my Government, misconceived. You will note that, in the case of the MacBride Principles, it would risk putting Rhode Island companies in a position where they would be acting illegally by discriminating in favour of one section of the community besides providing a confusing situation for intending investors.

Yours sincerely

David A Burns
HM Consul-General

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What is the Fair Employment Act in Northern Ireland already doing?

- a. It outlaws all discrimination on grounds of religion.
- b. It makes no provision for any form of reverse discrimination or preferential treatment on the grounds of religion.
- c. It requires companies to take the following measures to increase the representation of minorities in the labour force:
 - i. by advertising vacancies;
 - ii. by stopping word-of-mouth recruitment;
 - iii. by the introduction of aggressive selling campaigns to the minority community;
 - iv. by removing employment conditions or qualifications which have an adverse impact on one section of the population.

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How are the MacBride Principles contrary to British Law?

1, 7 and 8 of the MacBride Principles are inconsistent with the Fair Employment Act in the following ways:-

Principle 1: Increasing the representation of individuals from under-represented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.

This Principle, as stated, seems to imply and require the introduction of discriminatory practices, whether by the imposition of quotas or preferential treatment for the under-represented groups. Such discrimination would be unlawful in Northern Ireland and would negate the policy of equality of opportunity embodied in existing legislation.

Principle 7: The development of training programmes that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of the existing programmes and the creations of new programmes of train, upgrade and improve the skills of minority employees.

The clear intent of this Principle as stated is to discriminate in favour of one section of the community and therefore, by definition, against other sections. Such discrimination would be unlawful. To be consistent with the policy of equality of opportunity, training programmes must provide equality of opportunity in admission procedures.

Principle 8: The establishment of procedures to assess, identify and actively recruit minority employees with potential for further advancement.

This proposal again seems to imply positive discrimination. The existing legislation provides for equality of opportunity and outlaws preferential treatment, including positive discrimination.

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