



# An Chartlann Náisiúnta National Archives

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SECRET

O'Hanlon/Caraher and Ardill/McNarry Talks

Some time ago when I spoke with Ben Caraher (SDLP) in Belfast he promised to let me see the papers on the above talks. Because of the problems which the discussions and their publication by Harry West caused him, he quite reasonably was reluctant to show the papers to anyone outside the leadership of the SDLP. So on the strict understanding that I would use them only for my own information, he gave me copies of the papers relating to the discussions when I was in Belfast on 11 April. (In the event that the Taoiseach or Minister for Foreign Affairs may meet with the West Ardill McNarry group in the near future it might be useful to have seen these documents. There are six different documents:)

- (1) Is a letter from Ben Caraher to the Executive and Constituency Representatives of the SDLP which describes the events leading up to the talks, the nature of the talks, the documents, the result of the discussion and the difference between the final document and that presented in the form of a Northern Ireland Charter by Harry West at his press conference.
- (2) A statement of what the discussion entails signed by Messrs. Caraher, O'Hanlon, Ardill and McNarry.
- (3) A Unionist view of the Anglo-Irish Agreement which was presented at the start of the talks.
- (4) An SDLP perspective which Ben Caraher and Paddy O'Hanlon presented.
- (5) An incomplete "Preamble" and "Draft basis for a new Northern Ireland".  
This was the document which showed the stage which both sides had reached on the conclusion of their talks. Ben

Caraher points out that the document was written by the Unionists and not fully agreed to by Paddy O'Hanlon and himself.

- (6) The Northern Ireland Charter document presented by Harry West at the press conference.

The final document presented as "a Northern Ireland Charter" by the Unionists is similar to the discussion paper (No. 5 above) apart from a few changes.

The Preamble in the old document is incorporated in the first proposal in the charter - "A new dimension - a Northern Ireland dimension" with the exception of paragraphs, which I have marked A, B and C, which are changed and enlarged and now make up the third proposal "dealing with the Anglo-Irish Agreement".

In the old document the "draft basis for a new Northern Ireland" is the second proposal of the charter "a framework for a full blooded devolved legislature at Stormont". As Ben Caraher points out, Section 8 (Anglo-Irish Agreement) dealing with the suspension of the Anglo-Irish Agreement has been left out of the Charter document. The section dealing with "devolved Government" (3) has been amended to take in the new Executive's relations with the British Government on taxation, budgets, defence, etc. and leaves out a piece about selecting Westminster representatives from the Executive and the regional legislature.

In section 5 "the Executive" the new body would consist of 5 members who would reflect the strength of the parties in the legislature who had achieved at least 15% of the popular vote. Decisions 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 it could be taken to the legislature where it would have to secure 65% of the full membership before being passed. This latter figure seems

to have been challenged by Messrs. O'Hanlon and Caraher. Section 5 has also been expanded to cover the election of deputies to the 5 person new Executive.

Section 2 (guarantees) goes much further than the Anglo-Irish Agreement in that a written Constitution (Section 1), (internationally guaranteed by Britain and Ireland), containing a clause that the constitutional position of Northern Ireland as part of the United Kingdom would be secure, would include a guarantee that a change in this constitution would require majority support within each community. In this same section the new liaison body, in which the Governments of Ireland and Britain and the new Executive would be represented, which would have no executive authority, would be only competent to deal with matters involving co-operation between North and South, e.g., tourism, power, agriculture etc. (i.e. a good neighbourly body)

  
Liam Canniffe,  
16 April 1986.

cc: Taoiseach  
Minister  
Secretary  
Mr. Nally  
Ambassador London  
A-I Section

*MR. L. Nally*

... meetings have been held between B. Caraner, F.O'Hanlon (members of the S.D.L.P.) and A.Ardill, D.McNarry (members of the Ulster Unionist Party).

We came together as individuals willing to explore the areas of potential common ground between ourselves as ordinary party members and on the understanding that we were acting as individuals not as representatives of our respective political parties.

We have prepared three documents. One of these provides an Ulster Unionist view of the Anglo Irish Agreement. The second provides an S.D.L.P. view of the Agreement. The third is a jointly prepared and agreed document headed 'Draft basis for a new Northern Ireland with Preamble'

Our main purpose has been to offer a grass roots contribution to the debate on the future Government of Northern Ireland.

We have further agreed that the next stage will be a for a response to be sought from influential people within the Ulster Unionist Party and for a parallel sounding to be done within the SDLP. At the appropriate point in each case, the party leader will be approached. (Procedure will differ in each party because of the fundamentally different structures and methods of operation in each party.)

We wish to record that the exclusion at this stage of other political interests such as the Democratic Unionist Party and the Alliance Party is not intended as any reflection on their importance. Rather we felt that before consultation is widened it was important establish what areas of potential agreement there might be between the parties to which we belong. If the initial soundings inside the OUP and the SDLP prove favourable, we anticipate wider soundings including other parties.

If a basis for a significant agreement emerges as we hope it will it would be for the Prime Minister to call a round table discussion for the major parties in Northern Ireland.

Ben Caraner

Ross O'Hanlon

Kaustubh Anand

MS

At recent meetings of the Executive and the Constituency Representatives Paddy O'Hanlon and I were subjected to vigorous criticism because of our discussions with members of the Official Unionist Party. We were, apparently, guilty of treachery or spectacular political incompetence or both. Needless to say none of those making such comments had thought it necessary to contact me to discover my perspective on these matters. I feel I owe it to myself to place my own account of the incident on the record and to circulate it to the officers of the Executive and the Constituency Representatives.

Peter McLachlan, former unionist member of the Assembly, contacted Dorita Field and told her that some unionists were anxious to have an exchange of views with SLP members on an individual and unofficial basis. Dorita informed Alban Maginness who asked me to meet them. I suggested that Paddy O'Hanlon should accompany me and this was agreed. I should like to emphasise that this was the extent of Alban's involvement. I reported to him when meetings had taken place but not the details of the discussions.

There were about five meetings between Paddy and me, the unionists David McNarry and Austin Arfill with Peter McLachlan in the chair. All the participants were anxious to emphasise that they were present as individual members of their parties and were in no sense negotiating on behalf of their parties.

The first meetings took the form of a general exchange of views. The unionists submitted a paper attacking the Anglo-Irish Agreement; Paddy and I submitted a paper supporting the Agreement.

On the basis of his notes of the discussions and the submitted papers McLachlan produced three documents. The first was a declaration to be signed by the participants which committed them to communicate the results of these discussions to the parties and to seek a response from them. It also made clear that the participants were acting as individuals and not as representatives of their parties. The main effect of this declaration was to protect the parties from any responsibility for the results of the discussions.

The second document set out a series of general principles which should underlie a political settlement. The third document proposed a number of ~~XXXX~~ governmental institutions. These

included a written constitution which, among other things, would recognise the Irish national identity of the minority; a cross border inter-governmental institution consisting of representatives of the Irish Government, the British Government and a Northern Ireland Government; a Legislative Assembly elected by proportional representation; a devolved, power sharing Northern Ireland Government. It also proposed that, if an agreement on such a structure appeared likely, the Anglo-Irish Conference should be placed in either permanent or ~~xxxx~~ active suspension.

Laddy and I made it clear that we supported the Anglo-Irish Agreement and that there was not the remotest likelihood that the SLP would agree to a suggested suspension of the Conference. The unionists understood that it was with this oral gloss that we would be presenting the documents to the SLP. (There was, in fact, a number of such glosses and both sides were conscious that what we had, at that stage, was a document in the process of evolution rather than in its final form. That this is so is shown by the fact that when the unionists published their document they had removed the clause suggesting the suspension of the Conference).

We presented these documents to the Party Leader in the hope that while, of course, he would reject any proposal to suspend the Conference he would consider the other proposals sufficiently encouraging to warrant further contact between these unionists and SLP members. However, he said that since it was the primary aim of the Unionist Party to destroy the Anglo-Irish Agreement they would use any SLP response short of an absolute rejection of these proposals as a means of shifting the British and Irish governments away from their complete commitment to the Agreement. (In view of the use the Unionist Party made of the document that was eventually published it is difficult to disagree with this judgement). He, therefore, asked us to terminate the discussions.

The unionists made it clear that they now regarded the documents as their property. Some time later the Irish Times obtained a version of the proposals, presumably from Unionist sources, and rang me for comment. I emphasised the unofficial nature of the discussions and the determination of the SLP to stand by the ~~xxxxxx~~ Anglo-Irish Agreement.

The day after the Loyalist "Tay of Action" the Official Unionist Party publicity machine passed the word to political journalists that a document would be published next day containing proposals for a settlement agreed between unionists and Paddy and myself and that these proposals called for the suspension of the Anglo-Irish ~~AGREEMENT~~ Conference. A story to this effect was carried the following morning by the BBC on "Good Morning Ulster". I rang the BBC news room at 7.30 a.m. and told them that the story was untrue. I gave them my home and work ~~my~~ telephone numbers but, though they continued to run the story, they made no attempt to contact me.

A document based on, but not identical to, the document produced as a result of our discussion was released at a press conference later that morning. The most significant change was that the proposal to suspend the Anglo-Irish Conference was dropped. The conference was chaired by Harry West who had not participated in the discussions. He turned the occasion into an attack on John Hume who was accused of vetoing a very promising development and generally adopting an intransigent stance. That evening I issued a statement regretting that our discussions had been exploited by the Unionists in this manner and supporting the Party Leader's call for talks without preconditions.

The press reported the story in the terms set out by West and in the light of the pre release briefing ~~by~~ by the Unionist publicity machine. Apart from the Newsletter they did not report the details of the document and I doubt if many of them bothered to read it. (This experience ~~has~~ has confirmed my already low opinion of Northern Ireland political journalists).

If they had bothered to read the document they would have discovered that the real political story was that a group of unionists are prepared to agree to power sharing and an institutionalised Irish dimension. The existence of such unionists is a matter of some importance to the SLP but how to respond to them is, of course, a matter of political judgement.

BEN CARAHER

The Anglo Irish Agreement is an unwarranted concession to the Irish Republic, it serves no useful purpose in furthering the equality of citizenship for non-unionists in the context of the United Kingdom. The agreement is a formula for the "little Irelander" mentality and has driven a wedge between Unionist and non-Unionist. Unionists view the agreement as a conspiracy between London and Dublin because their citizenship of the United Kingdom no longer remains the prerogative of the Westminster Parliament alone. Had the agreement provided for the immediate formal withdrawal of jurisdiction claims by the Irish Republic then a greater purpose of achievement could have been explored by Unionists. It must be understood that Unionists by nature are devolutionists and as such acknowledge the significance of control from a power base which registers within a tangible defiance of the claims by the Irish Republic.

The 1920 syndrome of Irish politics means little to the Unionist of today. In 1986 the Unionist community believe that sixty years is sufficient time for them to master their identity as fully fledged citizens of the United Kingdom. However Unionist ascendancy at home has meant difficulty in accepting subordination at London, to find that the same subordination is required at Dublin is to say the least offensive to their standards.

The geographic make up of the United Kingdom is constitutionally formed and represented at the Sovereign Westminster Parliament. Alongside Scotland and Wales, Northern Ireland in terms of representation form a minority presence compared to England. However there is a distinction between the English as opposed to the British dimension. The collective Union works for the Unionist as a means of expression against the Irish Dimension. In truth this means that Unionist prefer the British dimension rather than the Irish dimension. By virtue of their name, Unionists cannot remain so if they approach the road of Irish Unity. Herein lies the abstract of Unionist defiance. The frustration for Unionism is that in working within its own party political constitution,

rules and objectives. It is accused of exploiting situations when in fact it extols the virtues of the Union framework in formulating a true Northern Irish dimension on existing constitutional lines.

The Anglo Irish agreement has served to highlight the depth of Unionist frustration at the general complexities of establishing "through freedom of participation" a Northern Ireland dimension which "neither threatens the Union or thwarts the aspirations of Non-Unionist". It is an acute case of identity crisis for which the Agreement does nothing to reconcile. The Agreement in seeking to alleviate the alienation of Non-Unionists has in fact solved one problem by creating another - Unionists now feel alienated. The Agreement is not a demonstration of Westminster's faith in the Union it is a breach which has altered the strength of the Union by diminishing the sovereignty of Westminster and relinquishing the dominion ~~of~~ a sense of Unionist belonging. Northern Ireland plays no real part in the Westminster scene. Unionists can have no real aspirations of holding Cabinet Office, by the same token none of the major parties at Westminster are likely to seek electoral support and representation from Northern Ireland. Given this reality, Unionism is not an expression for Ulster independence or separation, it is however an expression for self-autonomy and self-determination ratified by the will of the electorate.

In likening Unionism to a successful football team which once never conceded a goal, should help explain in lay terms ~~explain~~ the hostile reaction by Unionists on the day their team lost. The Anglo Irish Agreement was not the day Unionists lost, it was the day Unionists faced the prospect of relegation. The day of facing the second division after years of the first division. Remarkably and so unlike the football fan doomed to accepting a lower standard - the Unionist supporter rallied to their teams plight. A rekindling of the original club was always in such circumstances likely, and Unionist United was reformed.

The secretative manner in which the "Agreement" was hatched was a spoiling feature of Unionist expectancy. The effect was a devastating shock for unsuspecting Unionists. Privately Unionists were being prepared for "something unpalatable and unthinkable 12 months ago, but which would now be not just so hard to take". Purposely leaked snippets conveyed to Unionists that at worst an Anglo Irish tier between London and Dublin would be set up. Provision would be made for the Assembly parties to take their place. The informed interpretation of this was to mean that the "Tier" was a sop to the SDLP as a way of attracting them back into the Assembly for the process of devolution to roll! Even so there were some Unionists prepared to accept this in the hope that Unionist abstention from the "Tier" would bring about its early demise and meanwhile the prospect of devolution would have rolled a bit further.

In such circumstances imagine the full horror when the bombshell of the Agreement was dropped on the entire heads of Unionists. Significantly the fervour of hostility was directed at the Westminster Government and since sprayed with equal vigour at the Parliament itself. The recent referendum election confirms the universal disapproval by Unionists of the Anglo Irish Agreement. Moreover it registers the uneasiness Unionists feel with Her Majesty's Government in acceding to a monumental error of judgement and not for the first time.

The first contest Unionism lost, was the closing down of the old Stormont style Parliament. The memories of that historical act and the consistent political path of Conservatism has resulted in an on-going serious re-appraisal by Unionists of their loyalty and their role as subordinates. Loyalism which is not to be confused with "Royalism" which is the true expression in that category of Unionist identification within the Union.

Unionists readily recall with deep anger and hurt, Heath's telegram to Faulkner on the subject of press speculation that Stormont was to be shut down. Then they believed Heath and again they believed Thatcher. On both occasions Unionists were duped and perhaps part of the hostility to the Agreements has been their own failure to anticipate events.

Unionism has a written constitution which embodies simple but concise objectives. The internal structure of Unionism is based on freedom of viewpoint, frankness and the discipline of party policy by resolution. Despite the Heath betrayal, Unionists considered Mrs Thatcher to be an Ulster Unionist as distinct from a Unionist, to them it was inconceivable that she the Prime Minister would prejudice the Ulster Unionist position.

The rock of Unionism is associate membership of the United Kingdom. Threaten that firm position and the response is an alliance of all shades of Unionism. Such response in the form of resistance to change "need offer no defence, no alternative". Rejection and disobedience by Unionists means a withdrawal of consent it is not a pliable predicament. Unionists see no requirement for them to be forced to accept another viewpoint which is distant from their written objectives. Irrespective of the threatened consequence Unionists do not fear the parody of immersion into the United Ireland senario. The Unionist viewpoint is that the Agreement seeks to be all things to all men. The term perception is now part of our political vocabulary and it is all about awareness after the event. It is this which provides the agreement with its own self-destruct device. The major problem now facing those of us who have a real stake in Northern Ireland is what damage will the self-destruction cause. Because the self element can only mean either Dublin or London, in other words who will run scared first. Within its own terms of reference the agreement upon examination does not hold water. The writer recently asked a Catholic friend, what about this Agreement, the reply was short - whatever I get out of it I will give you half! If this Agreement is to work to the satisfaction of those who concocted it, then it will be put to the pressure of very stern tests, not once but at every convoluted

turn in the entrapment of Anglo-Irish politics. History alone would prohibit Barney Eastwood opening a book on the odds in favour of the Agreement reaching the first bend let alone lasting the course. Having said that few Unionists would deny John Hume a mark of sneaking respect for pulling off the "political sting" of the decade. Whilst the author and operators of the Agreement reserve the right to sow its seeds, equally Unionists reserve the right to perceive its intentions.

The Unionist perception are that the agreement would be an instrument for triggering the mechanism of "Joint Authority". Unionists have no guarantee in writing from Her Majesty's Government that joint authority will not be the adopted procedure of joint policy liaison between Dublin and London.

Within the terms of the Agreement there is no counter balance of the Unionist viewpoint. The "hot line" connection excludes Unionism. Action on any issue will be by response to demands. Apart from the security area, what requests are London likely to put to Dublin? For their part Unionists do not comprehend why it has taken an Anglo-Irish Agreement to resolve or improve upon the whole aspect of Security. If the main demands are coming from one direction via Dublin, it must be said again (because Unionists are ignorant of the reasons) why these channels need operate when the final decision rests with London. In simple terms Unionists feel that the Agreement has disenfranchised their input on matters relevant to their future.

The upholding of Democratic Devolved Government is a Unionist objective. The Agreement does not satisfy this objective nor do the words of Mrs Thatcher when she said "The people of Northern Ireland can get rid of the inter-governmental conference by agreeing to devolved government." Devolved Government as understood by Unionists is the responsible authority and power for which the electorate are the final arbitrators of its composition and policy. It is not some sham ad hoc collection set up as the lesser of two evils.

The evidence of the perception put about by Dublin and London is that "Bad Government" is tolerable so long as the SDLP is in it. Unionists do not understand why the SDLP must have automatic entry into Executive Government as a condition of participation. The Unionist view is that Executive Government must mean "Better Government" and that good government is only attainable when it is representative of both the Unionist and non-unionist viewpoint. The merit of this is that whoever represents the non-unionist viewpoint does not feel that they are special category political prisoners. Equally that their associates are not standing on fragile ground to the extent that governing becomes an impossibility.

No one likes the wielding of the big stick, least of all Ulster Unionists who believe the stick is being aimed at their backs. There are other non-constitutional avenues obviously being explored by serious and yes, sincere people but such ways cannot be Unionist. The task of welding a common purpose of approach between the two traditions is controlled by understanding the sensitivities of the political temperature before it reaches boiling point. This is the way of Unionists, but not with the foreshadow of the obstacle of the Agreement existing in perpetuity.

A consensus of Unionist opinion on the Agreement would highlight the following -

The following points are extracted from notes received from an important and senior member of the Ulster Unionist Party:-

(1) The issue of Sovereignty - the accord causes offense and concern.

Dr Fitzgerald is on record as having claimed to have "as near joint authority as can be". Michael Noonan is reported to have told an American audience that "in effect, we have been given a major and essential role in the day to day running of Northern Ireland". The point clearly being felt by Unionists, is

that in reaching a decision one of the Sovereign Governments has its Sovereignty infringed upon, and it follows when there is a British decision made that there has been a constitutional change of some considerable significance in relation to the status of Northern Ireland.

(2) The Issue of Secrecacy - No Ulster Unionist Member of Parliament nor any Unionists who are members of the Privy Council were consulted. All discussions relating to the agreement were concluded "behind the backs of the Unionist community. Against this the one SDLP member of Parliament appears to be regularly appraised through the Dublin parties to the negotiations.

(3) Referendum - The denial of a referendum broke with the precedent established for Scotland and Wales on the constitutional procedure adopted then on the question of devolution.

(4) Convention Report - Unionists recall that the proposals contained in the Constitutional Convention Report of 1974, were rejected by the then Labour Government and the Conservative opposition because both refused to consider the report, on the grounds that "it did not carry a broad measure of acceptance". Compare this to the broad measure of acceptance of the Anglo Irish Agreement. The Convention report had 64% approval. On this basis Unionists feel disenfranchised and discriminated against. It appears that 18% electoral support is allowed a veto which in effect gives a minority viewpoint privilege over a majority viewpoint.

(5) Eire - Is viewed as a foreign and unfriendly country which has despised all things British. It has failed in its moral obligations to contain its terrorists for the past 16 years and provided a refuge for many of those responsible for the murder of over 2½ thousand British people.

Unionists cannot reconcile the historical behaviour of Eire with its Government of today now being given the right to bring forward proposals affecting the way of life in Northern Ireland.

6. Neighbour - It should not be necessary in our civilised world to offer a neighbouring country an opportunity for intrusion into the affairs of the United Kingdom in order to encourage co-operation against terrorists. The Unionists belief is that many of the terrorists come from Eire and return there after having dealt such carnage and destruction on innocent people who are British. Is it a crime or fault for people to wish by constitutional means that they retain the territory which they regard as their birthright. The British in Ulster and many generations of their forefathers have developed an identity of being the British in Ireland. If Eire was unable to contain her terrorists before the accord was signed, what guarantee is there that the situation will now change? And if it does change is this to be taken as an admission heretofore it did even try?

(7) Jurisdiction - It has been noted that Eire's readiness to sign the European Anti-terrorist Convention was "set out" in the joint communique, but not in the actual Agreement. There also has not been any change in Eire's claim of sovereignty over this part of the United Kingdom under Articles 2 & 3 of the Eire constitution. Another diplomatic triumph for Eire when this territorial claim offends against the Helsinki Agreements of 1975.

(8) Minority - The current situation favours the minority viewpoint situated within the terms of the Agreement much more and with greater effect than it would be within a devolved Government framework. From this privileged position the SDLP are likely to operate a permanent veto against the establishing of a devolved government with greater vigour. There is no

recognised form of Unionist representation in the inter-governmental conference, there is no majority input, where as there is a Minister of a foreign country with no electoral base in the UK representing the minority viewpoint. This is despite the fact that the minority (SDLP) has two elected Parliamentary representatives at Westminster. Unionists feel strongly that the affairs of Ulster are influenced or dictated by people who are not accountable to the local electorate. The interests of the minority are advanced and pressure exerted by a Minister of a foreign country, while the majority interests are vested with the Northern Ireland Office of which because of the agreement there is a total lack of confidence and respect.

(9) Effect - Far from creating peace and stability and conditions for political progress, the working in session of the conference will have the opposite effect. Evidence of this is portrayed in the general attitude of the Unionist community being greatly enraged and deeply resentful of the endangerment of their cherished birthright. Very regrettably in many areas a sense of alienation is ripe among Unionists to all except Unionists.

(10) Economy - What is there to say, except that the political instability already there is fostered by the agreement. Disobedience by the majority because of resentment of the Agreement will have a lasting and devastating effect on the economy which is already depressed.

(11) Unionists collectively believe to the extent that they are now convinced. That the violence, boycotts and false propaganda to which Her Majesty's Government has succumbed has through this agreement given birth to constitutional change in Northern Ireland. To the everlasting shame of Britain the world has been shown that violence pays dividends.

## An SDLP perspective

### THE TWO COMMUNITIES

We have two communities here in Northern Ireland; the majority community call themselves unionists; the minority community call themselves nationalists.

Unionists are British and support the Union between Northern Ireland and Britain. Their chief political preoccupation, since the foundation of the Ulster Unionist Council, has been to avoid inclusion in any political unit which has an Irish nationalist majority.

Nationalists call themselves Irish by which they mean, among other things, that they are not British. Modern Irish nationalism is a creation of the 1880s and 90s. Essentially it was a demand by the "native" Irish that they be accorded equality of status and esteem with other nations. Like most 19th century nationalisms it constructed, from the materials of history, a national myth which claimed a national history and a cultural inheritance and which was used to reinforce a claim for independence from Britain. The minority is that part of the nationalist population which found itself inside the boundaries of Northern Ireland as established in 1920.

### THE NORTHERN IRELAND STATE

Each of these communities has an entirely distinct perspective on and attitude to the Northern Ireland state.

Unionists regard the state as theirs. It is the institutional expression of their identity, in particular their separate identity from the Irish nationalist inhabitants of the island. They have an emotional commitment to the institutions of the state. They are the "people of the state" in the sense the Germans and the Hungarians were the "people of the state" in the Habsburg Empire.

Since the individual's rights and his equality before the law are well established, unionists have tended to dismiss nationalist grievances as unfounded or mischievous. Because political opposition has been, essentially, opposition to the existence of the state, even its most constitutional forms are, in some unionist eyes, tainted with sedition. Nationalist politicians are, to some degree, regarded as enemies of the state and have excluded themselves from any

role in the government of the country.

On certain basic questions, such as the maintenance of the union and the rejection of interference from Dublin the unionists are a united political community.

Nationalists regard the state as something "apart" from them. It was set up in the unionist interest and is presumed to serve the unionist interest. Its continued existence depends on a continuing unionist majority - that is, a continuing nationalist minority. It is not surprising that nationalists have no emotional attachment to a state a condition of whose existence is that they remain a permanent minority.

The most intransigent form of nationalism regards unionists as an aberrant section of the Irish nation which collaborates with the British and has no right to do so. However, there is a considerable variety of nationalist responses to the existence of the Northern Ireland state. Some sections of the nationalist community support violent assaults on the institutions of the state. Most do not, but none would die to defend them. In contrast, therefore, to the unionist community, the nationalists are a divided political community.

Because of these divisions, Northern Ireland is a very unstable political entity. Neither side regards it as a legitimate political unit i.e. one within which a majority decision is accepted by all. Nationalists are not loyal to a state whose *raison d'etre* is unionist separation from the Irish people and which requires nationalists to remain a permanent minority. Unionists are loyal to the state only so long as it has a unionist majority. If it ever ceased to have a unionist majority they would simply demand that the border be redrawn. In fact, the only democratic decision the unionists are likely to accept is a decision of the unionist community itself.

#### BASIC PRINCIPLES

We propose some basic moral and political principles to guide our search for a political solution.

of itself. This acceptance could be the foundation of that mutual respect and trust which is necessary for any successful political settlement.

Acceptance of the moral principle would have important political consequences. These consequences would be fruitful ~~xxxx~~ since part of our problem is that each community insists on fitting the other into the confines of its own political ideology. The consequences would also be painful for the partisans of each political orthodoxy.

Unionists should accept that the minority are Irish. The political consequence of this is that some way must be found to accommodate their national identity in the political institutions of the state.

Nationalists should accept that the majority are British. This involves acceptance that they are not some evil, misguided or deluded category of Irishmen. The political consequence of this is that unionists have a right to their British identity and a right to make provision for its continued existence.

The political principle we propose is that as a united Irish state with an unreconciled British minority would not be a viable political entity, so Northern Ireland with an unreconciled Irish minority is not a viable entity.

#### THE ANGLO IRISH AGREEMENT

The Anglo-Irish Agreement is compatible with these principles. It is not, in itself, a political settlement but it establishes a framework within which acceptable political institutions can be established and developed.

The purpose of the Agreement is to set in train political developments which will result in both communities regarding the state institutions as theirs and as worthy of their support and defense. The British identity of the unionists is recognized by the acknowledgement that the U.K. government exercises sovereignty over Northern Ireland and that a united Ireland will only come about if a majority of the people of Northern Ireland consent to it.

The Irish identity of the minority is recognised. The Irish government is the sovereign embodiment of that national identity and the fact that it is given an input into Northern Ireland affairs is intended to make the status of the nationalist community more nearly equal with that of the unionist community and to enable it to identify more wholeheartedly with the institutions of the state and to promote stability and peace.

The Agreement does not diminish the rights of unionists. If recognition of the national rights of the minority is ipso facto a diminution of unionist rights then we are in a zero sum game and the situation is insoluble.

It is said, correctly, that a majority of the people of Northern Ireland oppose the Agreement. From a British perspective this cannot be a decisive argument. The U.K. Parliament, by an overwhelming majority has decided that this is the way this part of the U.K. is to be governed. There are frequently regional majorities against decisions of Parliament but they do not lead to the type of crisis that the unionist leadership is trying to ~~make~~ create. To carry opposition to the lengths that unionists have threatened is to proclaim that unionists are only conditionally British. Continued majority opposition can prevent the establishment of any local institution within the framework of the Agreement but it cannot determine how the U.K. is governed.

Unionists have complained that they were not consulted to the same extent as the SDLP. This is a complaint that the SDLP had built up ~~relationships with the Irish government~~ a closer relationship with the Irish government than the unionist parties had with the British government. Surely this a comment on the quality of the unionist leadership over the past few years rather than a criticism of the Agreement.

It is said that there is no local voice on the Anglo-Irish Intergovernmental Conference. This is a legitimate objection. It could be remedied by giving a Northern Ireland power sharing government a seat on the Conference, changing it from a bilateral to a trilateral institution. We would support such a move.

PREAMBLE

ACKNOWLEDGE

- (2) that there is a pressing need to offer real hope for a new Northern Ireland to the people of Northern Ireland.
- (1) that a new Northern Ireland inherits two main historic traditions.
- 3 that a new Northern Ireland has to shoulder responsibility locally for ending political violence within its borders.
- 6 that a prime task for a new Northern Ireland is to plan and implement a programme of social and economic reconstruction.
- 7 that 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.
- 5 that each of the two main ~~xxxxxxxx~~ traditions has a significantly different way of handling political ideas and of working within their party ~~xxx~~ political structures - differences which make meaningful communication (and therefore agreement) extremely difficult.
- 4 that both main traditions require guarantees that they will not be pushed into an unacceptable accommodation with the other tradition and that both require formal and effective expression of their dignity, legitimacy and rights.

A that each tradition has a wholly different response to the Anglo Irish Agreement; the British Ulster tradition ~~xxxx~~ perceives it has been denied access to the new external guarantee mechanism (the Anglo Irish Conference) as there is no direct or indirect representation for the British Ulster tradition in it (London Ministers cannot perform that role because they do not belong to the British Ulster tradition); the Irish tradition perceives it

B has gained direct access to the new guarantee mechanism through the membership in it of a Minister of the Government of the Republic of Ireland (Since 1920 has felt that it has had no formal status within Northern Ireland and no other formal embodiment except the Government in Dublin so that that Government has been both symbolically and in practice the ~~xxxxxxxxxxxxxxxx~~ only available representation of that tradition)

C that there has to be development forward from the Anglo Irish Agreement and that any such development will be conditional on real gain being achieved for both traditions and the two sovereign Governments. | X

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

8 that devolved Government is the best form of Government for a new Northern Ireland withingz the United Kingdom for among other reasons:

✓ Northern Ireland is separated ~~fxz~~ 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 ~~and~~ 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.

the perception each has of itself; and that accommodation between the two depends on each tradition valuing the way the other sees itself i.e. that the British Ulster tradition is on valid ground when it sees itself as British and not Irish and that the Irish tradition is on valid ground when it sees itself as Irish ~~but not rebellious.~~

[While not of U.K. M.I. has 2 different cultural traditions one of which is a part of the cultural traditions of the rest of Ireland, the major part of which is under a different jurisdiction, the other being part of the U.K. as a whole.]

## DRAFT BASIS FOR A NEW NORTHERN IRELAND

### 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 ~~xxx~~ 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 ~~xxx~~ 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 difference would be a positive value.)

### 2. GUARANTEES

X | 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 ~~xxxxxx~~ special poll based on separate registers for each tradition (or not 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 Guarantor Body (in which the Government of the Irish Republic, the Government of the United Kingdom and a new Northern Ireland Executive would be represented) (This body would have <sup>no</sup> authority] but would proffer <sup>advice</sup> to the two sovereign Governments in London and Dublin.)

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, religio

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 Kingdom's membership of the European Economic Community.

(Voting for elected representatives in the ~~legislature~~ legislature would be ~~by~~ on the basis of the single transferable vote)

(It might be for consideration that Northern Ireland's representation at Westminster ~~xxxx~~ might be selected from the members of the regional legislature and include members of a new Northern Ireland Executive. It would be important to ensure that representation at the national level was cohesive with representation at the local level )

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

Qx

### 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 [unlawful] violence in the pursuit of political objectives

if elected, they would attend and participate in the institutions 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 selected parties in the Assembly who are willing to serve and

would be to enable the widest possible cross section of law abiding citizens and constitutional politicians to become motivated 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 a election and) which are willing to participate in the formation of the Executive

X | Note: the present team of five Ministers in the Northern Ireland Office appears to work satisfactorily.

X | Decisions in the Executive would be by simple majority but if any member of the Executive wished to challenge a decision on the ground 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 ~~xxxx~~ emerge an agreed programme of work for that session which would ~~be~~ 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 chairmanship 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. POLICING

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 policing. The guiding ~~xxxx~~ 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 ~~xxxxxx~~ would cease to carry arms on a regular basis.

If there were need for transitional arrangements with ~~xxxxxx~~ regard to policing, in the ~~xxxxxxix~~ interim period under the new political arrangements, an advisory Council would be established to give advice to a senior ~~xxxxxx~~ member of H.M.G. government on policing ~~xxxxxx~~ matters. This Council would comprise the new Executive, the heads of police and army and other professional advisers.

#### 8. ANGLIC IRISH AGREEMENT

If there is a prospect of agreement being reached between the Northern Ireland constitutional political parties, on the broad range of matters outlined in this document (agreement which might be the outcome of a conference of the main constitutional political parties convened by the British Government) and if that ~~xxxxxx~~ agreement will bring clear and positive advantage to the British Ulster tradition, the Irish tradition in Northern Ireland, the United Kingdom Government and the Government of the Republic of Ireland:

a meeting would be convened of the British and Irish Governments to consider placing the operation of the Anglo Irish Conference under the Anglo Irish Agreement either

in permanent suspension,  
or in active suspension (i.e. it would remain in suspension for a specified limited period and this suspension would be reviewed at the end of that period or any subsequent period of active suspension until the Agreement is formally reviewed in 1989.)

#### 9. ELECTIONS

In the event of all these matters being satisfactorily resolved new elections for a new Northern Ireland legislature would take place by the end of October 1986.

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