

## NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

Friday 19 September 1997

*The meeting was called to order at 10.04 am (Mr J R Gorman in the Chair).*

*Members observed two minutes' silence.*

### MARKETHILL BOMBING INCIDENT

**The Chairman:** It has been an interesting week. You would not expect me, nor do I propose, to comment on the political happenings, but it would be remiss of me if I did not, on your behalf, totally condemn the bomb outrage in Markethill on Tuesday.

When I was RUC district inspector for Armagh, Markethill was part of my area, and I was there very often. It is a good place inhabited by good people. Once again (the sixth time, I believe) this quiet market town had its peace, homes and businesses shattered — its people once more the unwilling participants in somebody else's game.

**Rev Dr Ian Paisley:** I would like to associate myself with what you have said, Mr Chairman.

The most alarming thing about Markethill is the fact that the Army's chief security officer in the area made it clear in a statement, which was carried in 'The Daily Telegraph' the next day, that no one could deny the involvement of the South Armagh brigade of the IRA. It is not the first time the IRA has assisted those who do not fly the IRA flag but use a flag of convenience. They used IRA explosives and guns to carry out their devilish deed.

The Government have a responsibility to deal with this matter. I stand aghast at the comment of the representative from the Women's Coalition that she agreed with the IRA that this bomb was an incentive to take part in the talks. I also stand aghast at the action of the Ulster Unionist Party in going into the talks. But that is a matter for another day.

I think there is unanimity among Unionists that the Government must cease beating their chest and saying that they will deal with this matter. They must deal with it. And I hope that the Ulster Unionists will withdraw from the talks process if the indictment they are bringing is not sustained.

**Lord Alderdice:** I join with you, Mr Chairman, and, I am sure, with all Members of the Forum and the vast majority of people in Northern Ireland in condemning this outrage. As you quite rightly said, it destroyed not only homes and businesses but also the peace of the people of Markethill.



It was intended, of course, to do a great deal more. It was intended to create further problems in the community. While it is not entirely clear who perpetrated the outrage, it is very clear that the persons involved are from the Republican family. This raises questions about the present process — questions which we inside the talks were able to press. Is it really possible to sustain some kind of peace process which can be guaranteed — for this was always the understanding — to remove the gun from Irish politics?

Members know that I have always been sceptical about this project. I believe that it is possible to have a political process where a majority of elected representatives from both sides of the community and from across the community as a whole can reach agreement, but whether we can actually remove all the guns, as we would like to, is another matter, and the Markethill bomb raises a serious question about that.

What exactly is involved? What is going on within the Republican movement? Are there splits or splinters, or are they simply trying to use the process in a thoroughly malevolent way? None of us can be entirely sure. What we can be quite sure about, however, is that those who planted the bomb wished evil not only upon the people of Markethill but on the people of Northern Ireland as a whole, and for that they stand rightly condemned.

But I urge that we approach this situation wise as serpents as well as harmless as doves because all sorts of things of great danger and malevolence are going on. But there are still hopes and opportunities, and we must capitalize upon the hopes rather than build on the fears. I am sure that the majority of people would want that, and I hope very much that the majority of Members of the Forum want it too.

**Mr Coulter:** On behalf of the Ulster Unionist Party, I first join all right-thinking people in condemning the outrage in Markethill. It was so callous, so calculated and so devastating in its effect that one begins to wonder whether there is any appeal to our Government or to the Government of the Irish Republic, both of whom are trying to make excuses.

My second word must be one of congratulations to the police force for the marvellous, professional way in which they carried out the evacuation in such a short time. Their action undoubtedly saved a tremendous number of lives. But our strongest word today must be of sympathy for those who have suffered so much — the innocent people who were just going about their business in the market; the owners of the restaurant that will have to be completely demolished; the people who lived in the houses round about. As, once again, we see the tears on television, we begin to realize the kind of enemy that we have been dealing with over the last quarter century.

The two Governments are now on the spot. They will be judged not by their statements but by their actions against the men of terror. No other country in the world would be made to endure such terrorism for so long by Governments that seem to vacillate. As we join with all right-thinking people in condemning this bomb, we look forward to the time when peace will once again reign in our land.



## FORUM BUSINESS

**The Chairman:** Before asking Mr Campbell to make his statement on the subject of BSE I want to announce that yesterday the Business Committee decided to invite Mrs Monika Wulf-Mathies, the European Commissioner for Regional Policy — obviously, an enormously important matter to us — to address the Forum at a future meeting. Mrs Wulf-Mathies is an excellent choice, and I would be grateful for the Forum's agreement to the invitation.

*Members indicated assent.*

## MARKETHILL BOMBING INCIDENT

**Mr David Campbell:** Before dealing with the matter of BSE may I say that the Committee discussed yesterday the bombing in Markethill and wrote to Mr Greer Robinson, the owner of Markethill Livestock Market, which appears to have been one of the principal targets. It is deplorable that livestock were slaughtered. While one is grateful that there was no loss of human life, one must recognize that the farmers who were taking those animals to market derive an important part of their income from livestock sales.

## BEEF INDUSTRY CRISIS (BSE)

**Mr David Campbell:** Members of the Forum have taken a particular interest in the BSE crisis, recognizing its importance to the province and its largest industry. I am pleased to report that on Wednesday a major breakthrough occurred when the European Scientific Veterinary Committee accepted in principle the reworked certified-herd-scheme proposals submitted by the British Government early in the summer. The committee has formally accepted that there are superior standards in Northern Ireland. I hope that this will lead to early removal of the ban on the export of our beef.

I quote the most relevant paragraph of the committee's report:

"The revised document received from the UK has been subjected to a detailed examination by the committee. Recommendations for changes have been made to several aspects of the scheme. However, in most cases these are minor and should cause little problems. The major stumbling-block, however, appears to be the lack of a comprehensive computerised movement and tracing system and associated data base in Great Britain. An adequate system does appear to exist in Northern Ireland.

Where major stumbling-blocks do not exist, it should not be necessary for the UK authorities to return to this committee with a revised document but, rather, to proceed to the legislative and inspection services, taking the recommendations of this committee into account."

This is the most positive move forward yet, and we hope that exports of deboned beef from certified BSE-free herds will commence by the end of the year. There are still hurdles to cross. It is not yet clear if the British Government have to act exclusively for Northern Ireland. If so, we can be certain of a hysterical reaction from Scottish producers and, in particular, politicians determined to prevent exports from Ulster. That will be our next challenge.



We hope that the European Commission will now proceed to draft a formal proposal for adoption by the Veterinary Committee within the next two months. If not, we will expect the Secretary of State for Agriculture to appeal directly to the Council of Foreign Ministers.

This has been a long and fraught struggle. I earnestly hope that the corner has been turned, but in resuming exports we must be aware that producers whose holdings are BSE-flagged will be in an isolated and worse position. At our meeting with Lord Dubs last week, I specifically requested compensation for those farmers who are victims of the very system which will allow their colleagues to progress out of this crisis. They must not be left to ruination.

10.15 am

I hope I am not premature in commending our Department of Agriculture for its far-sightedness in devising a traceability system and for its handling of these sensitive matters. Northern Ireland's MEPs are also to be commended for their handling of the situation, as are all those involved in the lobbying effort — not least this Forum.

**Rev Dr Ian Paisley:** I am sure we are all highly gratified that, at long last, we have had a breakthrough from this European committee. We did not need any breakthrough from the commissioners, but we did need one from the committee. This has now been achieved. The commissioners and the Veterinary Committee are at one that Northern Ireland's meat may be brought into Europe. But that cannot take place except the British Government make an application, and, so far, they have dragged their feet.

There is some hypocrisy here. During debates in the last Parliament there was Front-Bench advocacy for Northern Ireland and its favourable position. When Labour came to power, I think it is right to say, Dr Cunningham, the Minister of Agriculture, slavishly followed the same procedures as Mr Hogg, but he did not get the same stick. The train was running along the lines on which Mr Hogg had sent it, and he did not make any effort to stop it.

In Scotland, there is terrible agitation on the part of the Farmers' Union against Northern Ireland. That has to be countered because there is no way Scottish beef will get into the European market until we make the breakthrough with Northern Ireland beef. We are the pioneers for the rest of the United Kingdom.

Last night, strange to relate, I spoke with the Secretary of State on this matter. She said she had just left the Ulster Farmers' Union, with whom she had had a good meeting. She also said she would be pressing in Cabinet for the procedure to go forward and for an application to have Northern Ireland beef accepted for the European market. She still has to win that battle, but I am glad that she at least is now firmly on our side. I trust that before Christmas our beef will be on the market, for that would bring great relief to the farming community.



Much has rightly been said of our own Department of Agriculture. The staff have worked very hard and very conscientiously, and there has been support across the board. This has not been a political issue at all; it is an issue on which all have been as one.

I also want to congratulate the hard-pressed farmers, who, in spite of all the obstacles, kept their cool and persisted in their representations. When this is over, the President of the Ulster Farmers' Union will heave a great sigh of relief. He, like his predecessor last year, has been at the receiving end of complaints from all the farmers. I hope that the Committee Chairman will soon be able to announce that Ulster beef is back on the market and back in the mouths of the French and of people in the other member states of the European Community.

**The Chairman:** I can think of no better dish for our Christmas party.

**Mr Neeson:** I too welcome the decision that was taken in Brussels this week. It shows clearly the wisdom of Northern Ireland's traceability procedure. However, as I am sure all Members will agree, there is still work to be done. I welcome the united approach to this major problem by all political parties in Northern Ireland. It is important that this co-operation continue, for there is still a major lobbying job to be done. And it is important that Mr Blair, Dr Cunningham and Lord Dubs be lobbied as a matter of urgency to ensure that Northern Ireland beef gets to the tables of Europe as soon as possible.

At a recent meeting Mr Blair indicated to my party's Leader that he would seriously consider giving priority to Northern Ireland, as permission for exports from this province would benefit other parts of the United Kingdom. It is incumbent on the Government to respond to the decision that has been taken in Europe.

I hope the message going out from the Forum today is a united one. I ask that the record of this discussion be sent to Lord Dubs to make him well aware of our unity in respect of this major problem.

**The Chairman:** The Minister will receive the Record of Debates in the usual way, and I will attach a note.



## BILL OF RIGHTS

**Rev Dr Ian Paisley:** I regret to say that I have to leave the Forum for about an hour. A very good friend of mine — indeed, a friend of many in the Forum — Leslie Stuart, has died.

**The Chairman:** The photographer.

**Rev Dr Ian Paisley:** Yes, the photographer. He photographed politicians and tried to make them better looking.

The motion is from my party, and I want it to be known that I support it.

**The Chairman:** Please pass on my commiserations.

**Rev Dr Ian Paisley:** I will.

**Mr Ian Paisley Jnr:** I beg to move the following motion on behalf of the Democratic Unionist Party:

This Forum calls for the establishment of a bill of rights for Northern Ireland. Given the general, all-party support for the principle of a bill of rights, the Forum urges the Government to proceed with this proposal.

Mr Chairman, it will not have slipped your notice that one of the ironic things about Northern Ireland is that there are many fundamental matters on which, on the surface anyway, our deeply divided community appears to be able to find common ground. A bill of rights is one of these. On the surface anyway, it attracts cross-party support.

We have a tradition of recognizing the importance of a bill of rights. Was it not King William of old who, when he came to the throne of this United Kingdom, brought with him the radical notion of a declaration of fundamental rights? That declaration is lauded today as simply having secured the Protestant succession, but it did much more. It established fundamental notions about the rights of citizens and, indeed, condemned the tyranny of a previous monarch who had bypassed Parliament, having failed to gain its consent to raise money. Today's fundamental notions of parliamentary democracy come directly from that period in our history, and the notion of a bill of rights has not dramatically diverged from those first principles of freedom, democracy, liberty, equality.

With this motion, the Democratic Unionist Party is seeking to draw attention to a matter of fundamental importance — something that is vital to everyone, not only in Northern Ireland but throughout the United Kingdom. The citizenship that a bill of rights implies is the big issue. A bill of rights is about defining and upholding the duty of the state towards the citizen and the duty of the individual towards the state. Liberty, equality and freedom are entitlements, but they have not been delivered and cannot be maintained without recognition of their great value. To guarantee these principles, citizens must be in harmony not only with the state but with their fellow-men.



In Northern Ireland, the difficulty is that that harmony has been devastated by the ruthless, vicious, vile terrorist outrage that we have had to suffer for almost 30 years. Political stability has been stymied, and a wedge of discontent has been driven between one section of the community and the state. An Ulster without terrorism would be an Ulster without an Emergency Provisions Acts. An Ulster without terrorism would mean a United Kingdom without the Prevention of Terrorism Act. It is these measures which, people say, go against fundamental liberties that protect those who are threatened by terrorism. Here we must point the finger of blame at the terrorists. A rights culture will be beyond our grasp until we finally eradicate terrorism.

As the motion indicates, there is general, all-party support for the principle of a bill of rights. The fact that no amendments have been brought forward indicates consensus. In the Brookes/Mayhew talks it became very clear that there was cross-party support, that the stumbling-block to introducing such a measure was a reluctant Government afraid of the implications for the rest of the United Kingdom. They argued then — and I have seen little to suggest that the current Administration have a different opinion — that many fundamental rights are already enshrined in separate pieces of legislation, rendering a bill of rights unnecessary. I do not believe that anyone in this Chamber thinks that fair employment legislation or equal opportunities legislation is any substitute, and it is wrong for the Government to hide behind that fig-leaf.

A bill of rights is necessary, even if only to clarify and consolidate the law. More importantly, it would plant the seed for the development of what has been called a rights culture, in which equality and liberty would be seen as being not just for certain sections of the community, not just for those who are politically motivated and better organized, perhaps in groups, but for the great mass of the people. All men and women equal under the law, and all men and women equally subject to the law — that should be the guiding principle.

I reject the Nationalist interpretation of a rights culture and the Nationalist idea of what rights legislation and a bill of rights should encompass. Many who are perceived to be Nationalist historians or Nationalist political philosophers have written about this concept. With regard to Northern Ireland, their view is that a bill of rights should protect communities and their linguistic, cultural and religious rights and that means fair employment legislation and reconstitution of the police service and the judiciary. Although I am not opposed to reforms where they are necessary, I reject the notion of simply protecting group rights. We have to look at individual rights. We must consider the individual's responsibility to the state and the state's responsibility to the individual.

There is no need to await the outcome of the political talks process before introducing a bill of rights. That is just a delaying tactic which has been deployed over the last 10 or 15 years by certain parties — parties which boycott the Forum. Neither should a bill of rights be presented as a favour to one community over the other. A bill of rights should be designed to protect all the people of Northern Ireland.

The main dispute about a bill of rights relates to two areas. First, what rights should be underwritten by law? As we debate the issue today, maybe Members will address the question of what fundamental rights a bill should contain. The other controversial issue is how rights should be entrenched so that they cannot be subverted by the normal process of



law. These are areas where there are common strands, and we should use this opportunity to try to develop a way of delivering a bill of rights for Northern Ireland that will have a lasting impact on the entire community.

*10.30 am*

Ideally, there would be a bill of rights for the citizens of the entire United Kingdom. In the recent past, the Government have been making some interesting sounds. They may be considering incorporating the recognized international standard for a bill of rights — the European Convention on Human Rights — into United Kingdom legislation. Failing that, my party believes the Government should not stand in the way of a Northern Ireland bill of rights.

There are many ways in which they could facilitate such a measure. They could ask the Standing Advisory Commission in Northern Ireland to draft a bill to be put forward for cross-party support. But the Forum should take the initiative. Its Parades Committee, which appears to have exhausted its remit, should be reconstituted or retasked to report on what ought to be included in a bill of rights and on how such a measure could be entrenched. That would give the Committee a new focus at a time when we should be concentrating on a fundamentally important issue on which we can achieve unity.

Last week the Forum debated a motion on the issue of consent. I want to turn now to some of the matters which I feel should be in a bill of rights.

The right of the people of Northern Ireland alone to determine their own future is fundamental, but, given the political shenanigans at Stormont Castle this week, it obviously needs to be underwritten. No amount of newspaper articles by Tony Blair, or promises by a corrupt politician from the Irish Republic, will protect or guarantee our right of consent. More importantly, it is obvious that certain legislation on the issue of consent has failed. We have had on the Statute Book, since 1973, the right to a border poll. That right has been exercised only once — in 1973, when the question of whether Northern Ireland should remain within the United Kingdom or go into a united Ireland was put to the electorate. It ought to have been put again in 1983 and yet again in 1993, but that did not happen. Indeed, my generation has been denied the right to vote in a province-wide plebiscite on our constitutional position. The legislation is there, but it is not being implemented. If there were an entrenched right, it would have to be implemented, and we as Unionists would have the right to reject any attempt by a Government or a devious Administration to force upon us political and constitutional changes to which we were totally opposed.

A bill of rights for Northern Ireland should recognize the right to life, the right to freedom of expression, the right to freedom of thought and religion and culture, and, indeed, the right to parade peacefully. If we had an entrenched bill of rights, we might have avoided the fuzzied and muddled confusion of the last few summers. Communities would have their right to parade in accordance with their traditions enshrined in legislation, as would those wishing to organize peaceful pickets or peaceful protests. Such clarification would increase people's confidence in the law and its application.



Terrorism has corrupted the concept of rights in Northern Ireland. It has robbed the people of the right to life and of the right to live harmoniously with those of very different outlook and very different aspirations. It has driven a wedge between sections of the community. That ought not to have happened. I hope we can use this debate to suggest what rights there should be and how best to entrench them so that we can work towards a day when, as a community, we have more self-confidence. We need to be able to rely more on the rights of individuals, knowing that they are protected by the state.

It would be remiss of me not to mention the fact that in the current political climate there are certain matters which spell out vividly the need for a rights culture. The bomb in Markethill, which has quite rightly been condemned by the Forum, shows clearly that we have a very dangerous political and terrorist situation. Until the entire community signs up to the notion that you cannot go round bombing and murdering to make a political point, we will not have peace. It is essential to encourage the introduction of a bill of rights for Northern Ireland so that we can get away from the nonsense and the political shenanigans that have been going on.

**Mr Nesbitt:** Having listened very carefully to Mr Paisley, my party can endorse the thrust of his remarks. He talked about human rights, individual rights. Current rights derive mainly from the United Nations General Assembly's declaration of 1948. That historical document recognized the individual's inalienable right to peace, justice and freedom — concepts to which Mr Paisley has referred. If a person is not to feel compelled to rebel, those rights should be enshrined in law. The law should reflect the rights that are appropriate for today. This applies not only to domestic law, which determines the relationships between individuals, but also to international law, which governs relations between states as recognized, in territorial terms, by the United Nations. My formal citizenship is of the United Kingdom of Great Britain and Northern Ireland. That is my country, and the right to have its international legal position protected is just as important as the rights of each of its citizens. So domestic and international rights are important.

I come now to the important question of the framework document. In January 1997, before the election, the Labour Party brought out a document which said that there should be a bill of rights for Northern Ireland. But they made the point that it should take account of the special circumstances of the province. The new Labour Government claim to be concerned about rights, not just at home but throughout the world. Robin Cook, the Foreign Secretary, is exercising himself about whether arms should be sold to Indonesia. He is bringing a rights ethos to that debate. Whether that will be reflected in policy is quite another matter, but at least the Government have brought a rights culture into the United Kingdom dialogue.

Mr Blair's team has not embraced much of Conservatism, but one thing it has adopted is the framework document. Why do I mention the framework document in a debate about a bill of rights? Well, it refers to

"a comprehensive protection and guarantee of fundamental human rights".

I can agree with that.



It uses very subtle language with respect to international law and human rights in saying that the Government should "have regard to" international practice. That is weaker than "acting in accordance with." Ministers are saying more or less that, having looked at international law, they will decide whether or not to take it on board.

The document then refers to the right of every individual to define his or her identity. That gets to the core of the differing viewpoints in Northern Ireland. Then we are told

"New political institutions should give expression to the validity and identity of each tradition."

This, we are told, is a right. It is here that I have a difficulty not just with the framework document but with the Labour Government. Is this their view of a bill of rights for Northern Ireland?

Mr Paisley talked about group rights. In fact, group rights are not recognized. The legal position is that the members of a group have individual rights to act as a group. All rights are framed in the context of the individual who may be part of a group. One might say that the Council of Europe, comprising 40 large and small nations — some very democratic, others not so democratic — is the most important organization in driving forward the culture of rights. Its latest document refers to respect for ethnic, cultural, linguistic and religious identities and to the creation of conditions to enable these to be expressed, preserved and developed. We can sign up to the individual's right to an ethnic, cultural, linguistic or religious identity.

But the document adds a note of caution in relation to the rights culture. It says that any activity of this nature must not be contrary to the fundamental principles of international law — in particular, those relating to the sovereign equality, territorial integrity or political independence of states. Now, this is not some historical, bland, blasé document from the far side of the world. A group of 40 nations, central to the European political spectrum, signed up to it. I wonder therefore who is out of accord with the international perspective.

It is very interesting — I was going to describe it as anecdotal, but that would not be right — that initially the custodian of rights was the United Nations.

*10.45 am*

The United Nations has a commissioner for human rights, which is a very important position. The new commissioner relinquished the post of President of Ireland to take up that job, yet the Republic of Ireland is probably the only nation in the democratic world that has a constitutional imperative actually in breach of international human rights law. That is an interesting irony which cannot be denied but which many in the body politic, not just in Northern Ireland but in Europe and throughout the world, wish to keep hidden. It is an interesting contradiction.

Conscious of the desire for a bill of rights for Northern Ireland, I will conclude by referring to the Foreign Office's mission statement of May 1997 in which Mr Robin Cook said that the Labour Government wished the United Kingdom to be a leading player in a Europe of independent nation states. He also said that they wished to promote the national



interests of the United Kingdom. I hope that when the Government get round to considering a bill of rights, and come to deal with human rights, they will be mindful of that mission statement on international relations. It is because the issue of human rights is so important to an individual that they are beyond the Pale — if I may visit my neighbour — in considering the use of these fundamental principles as bartering or bargaining chips when trying to resolve the conflict in Northern Ireland.

On behalf of the Ulster Unionist Party, I support the Democratic Unionist Party's motion, which recognizes the all-party support for a bill of rights. But I ask Members to remember that certain fundamental principles must be to the fore in any consideration of individual human rights.

**Mr McBride:** It is appropriate, in a debate about fundamental constitutional reform, to start by welcoming the success of the referendum in Wales yesterday. It is an important development, just as the Scottish vote last week was, and it has implications for this Chamber.

We welcome the debate on this matter, and we have no difficulty with the motion. This is the Forum's second debate on the subject, and it is to be welcomed that there is a substantial degree of common ground. There is growing recognition that Northern Ireland needs a rights-based culture. For too long the argument has been about who shall have power. The situation has been seen as exclusive. We need to look more closely at what rights people deserve and at how individuals and communities can be satisfied that their rights and traditions will be respected.

A rights-based culture comes down more to looking at other people's rights than to asserting one's own. We have all been very good at asserting our own rights, but true protection of rights involves respect for the rights of others.

Conflicts are never easy. The right to march is important, but there are other, conflicting, rights, and this gives rise to very difficult situations. We all need to approach these by considering how we can satisfy other people's rights. There is growing recognition in Northern Ireland that we need to work on a basis of that type rather than one predicated on the division of power.

It is good that there is all-party support for this motion and that there is widespread community support for a bill of rights. There is a very clear model upon which legislation could be based. I refer to the European Convention on Human Rights, to which the United Kingdom is a signatory. The European Convention is not perfect — in many ways it is not a very dramatic legal instrument — but it is an internationally recognized standard. Clearly, it should be incorporated into United Kingdom domestic law.

The present Government have said that they will take the necessary action. That is a very important step forward, as Mr Paisley has said. During the 1992 talks there was all-party agreement on this matter. The only element opposed was the previous Government. But that has changed. The present Government have said that they will move on the matter. It will be very important to look closely at their proposals when these are brought forward.



Such action needs to be encouraged, and we must look closely at its implications for Northern Ireland.

Mr Paisley spoke about another, more contentious, area of rights. I refer to collective rights. These are political matters rather than matters that should be incorporated into a bill of rights, and they are properly the subject of the talks process, which I hope will shortly move into substantive discussions that will include all such questions. They will be worked out there because whether people feel that their various communal rights are being adequately protected is, fundamentally, a political matter.

We debated this question a few months ago. At that time I referred to a previous development, but it is worth mentioning again. There is now widespread, cross-party agreement — agreement well beyond this Chamber — about the need for a bill of rights. In contrast, more than 30 years ago, in the mid-1960s, Sheelagh Murnaghan, who was the representative of the Alliance Party's predecessor — the Ulster Liberal Party — got virtually no support from either side when she introduced in the Stormont Parliament a bill of rights for Northern Ireland. Looking back, people must consider that a wasted opportunity. With the sad wisdom of hindsight, how different things might be if people had approached the problem then as they do now.

**Ms Sagar:** The DUP has raised an issue of fundamental concern to the Women's Coalition. The protection and advancement of human rights is one of our founding principles, and we have repeatedly stated our commitment to developing a bill of rights. Indeed, we have already held a consultative conference on the subject.

A bill of rights is crucial for protecting and advancing the human rights of all citizens. We look forward to the day when such a charter is enshrined in legislation. We are sure the DUP will agree that, although there is broad support for a bill of rights for Northern Ireland, there are many different models for human rights legislation, each of which has its merits and its drawbacks. The Women's Coalition, for example, is committed to seeing social and economic rights, as well as civil and political rights, included in the debate.

Another of our founding principles is that of inclusion. It is not enough to guarantee rights and freedoms if some groups are not able to exercise them. For example, an equality-rights clause could explicitly protect programmes and laws that are designed to counteract disadvantage. A bill of rights should not be used as a weapon for attacking programmes aimed at reducing inequality. There may be some who see proactive equality programmes as an infringement of their individual rights.

What will be included in any charter of rights is a matter for debate and negotiation. We hope that the process of working out the content of the bill of rights will be grasped as an opportunity for dialogue and debate and that there will be contributions from the broadest possible range of interested groups and individuals.

We urge all parties to enter these discussions in a spirit of openness and with a willingness to consider other perspectives, however difficult that may be at times. This process should increase mutual understanding, and should not be used as a means of advancing selfish party political interests or of entrenching division.



In the framework document the British and Irish Governments have formally recognized the broad support for human rights legislation. They have committed themselves to facilitating the development of such legislation as part of the process leading to an agreed settlement. Clearly, the appropriate place to negotiate a bill of rights is the talks process. We support the principle of a legislated bill of rights. We do not believe that this body is the place in which to negotiate it.

We would like to take this opportunity once again to urge the DUP to go back to the talks table so that they can make their contribution to this crucial issue in the appropriate context.

**Mr Ian Paisley Jnr:** The Member says that this is not the place to negotiate a bill of rights. I do not think that I suggested we should negotiate it. My suggestion was that we put the Forum to work on establishing the content of a bill of rights acceptable to all parties. The Parades Committee, which has now finished its business, could deliver a report. I trust that the Women's Coalition would not shy away from bringing their ideas to that table. They would find a very willing response to any creditable proposals.

It is nonsense to suggest that were we to go to the Northern Ireland talks process, in its current format, we would be able to advance the idea of a bill of rights, especially as the fundamental rights and liberties of the people of Northern Ireland are being negotiated behind our backs with a party that has guns on the table, under the table and outside the door. The talks process is leading in one direction — towards implementation of the framework document. It has very little to do with the rights of the people of Northern Ireland.

**Ms Sagar:** May I respond to that?

**The Chairman:** I do not think so. Your time was up.

**Ms Sagar:** I sat down because the Member wanted me to give way — not because I was out of time.

I would like to see everybody at the table, and I would like to see in the Forum the parties that are currently absent. I ask all parties to sit down together, whether in the Forum or at the talks.

Mr Paisley pointed out one of the difficulties about a bill of rights. People assume that such a measure is for themselves only. I do not care where people come from. We should respect everybody's rights, and not just our own.

**Mr Hugh Smyth:** I will be very brief because I do not intend to rehash what has already been said.

This is a very happy day for my party and me, with the DUP proposing a motion on a bill of rights. As many people — the DUP included — will know, such a commitment was contained in our manifesto as far back as 1978. It is good that almost 20 years later other people are beginning to see —



**Mr Ian Paisley Jnr:** Will the Member give way?

**Mr Hugh Smyth:** No. The Member is taking up my time. I hope he will give my head peace. I have been in brave good form up to now.

My party welcomes this motion because it believes in equality. We believe that all people, irrespective of race, colour, religion or — and this is also very important — political opinion, should be treated with equality. We also believe in equality for those with a prison record, and, of course, we are great believers in equality for the disabled.

*11.00 am*

We welcome the fact that at long last someone has listened to us. As several Members have said, there are many ways of achieving what is needed. But we should not have to wait for a settlement in Northern Ireland to see the introduction of a bill of rights. Nor do we need to wait for Tony Blair to introduce one for the United Kingdom. In fact, such a measure for Northern Ireland might hasten a settlement in the province. My party supports Mr Paisley's suggestion that a Committee be set up to deal with the subject.

The operation of a bill of rights should be overseen by eight judges — four from Northern Ireland, two from Europe and two from Great Britain. Also, an office should be set up in Belfast, possibly operating along the same lines as the Labour Relations Agency. That would facilitate speedy decisions, which is what a bill of rights is all about.

I wonder if all those people who are calling for a bill of rights would be prepared to abide by such a measure. I doubt it very much. A bill of rights would entitle me to any political opinion so long as I was prepared to work within the system. The political opinions of some of us differ from those of large sections of the community. We are branded as traitors simply because we hold different views.

I hope and pray that the people who are calling for a bill of rights have thought it through. I will welcome the day when we can come to the Forum and express opinions freely. That is what politics is all about. We do not need scenes like the one that has started, which, before this day is out, we have been warned, will take off. I will welcome the day when we have a bill of rights that guarantees my right to differ from other political parties.

I do not want to rehash all that has been said. You are nodding, Mr Chairman. You are brave and good with your old watch. All I want to say is that my party supports the motion. When a bill of rights is eventually introduced, we will be watching with great interest to see who is prepared to abide by it.

**Mr McAlister:** I want to thank Mr Paisley for his eloquent presentation of this DUP motion. It is a very worthy motion, and I can see no reason for its not being given support, not only in this Chamber but throughout the community.

There is no right-thinking person who would not support a bill of rights. The Government have said that they want a bright, different and more empowered future for



everyone. One way of empowering people would be through a bill of rights. Those with the least would feel that they had the same entitlement and the same freedom as those in the upper echelons of society.

A bill of rights might remove the grey areas that have been mentioned, but it must be stressed that this is a two-edged sword. I first heard a debate on a bill of rights many years ago on the famous radio programme 'The Brains Trust'. I remember, as a young chap, listening to that very interesting debate, which took place — Mr Nesbitt referred to this — against the background of the adoption of the United Nations Charter in 1948. One speaker — a lady, whose name I do not remember — said that a bill of rights was a two-edged sword: it set out people's rights but, equally important, stated what rights they did not have. We often hear individuals or groups saying that they have a right to do this or that, but there are many things to which we have a right only if we have worked for them.

Certainly, a bill of rights would be a way forward. It would give the rightful authorities — the police and the security forces — clear guidance in respect of contentious matters such as parades. I am thinking of situations in which individuals or community groups claim the right, for instance, to prevent a parade along the Queen's highway.

Mr Hugh Smyth referred to the interesting point that a bill of rights was under discussion here as long ago as 1978. That being the case, I think we can claim the first strike.

**Mr Hugh Smyth:** I made a mistake: it was 1968.

**Mr McAlister:** Some people here may wonder if the Member could read in 1968. But that is another story.

**Mr Hugh Smyth:** I was only four years old then.

**Mr McAlister:** In spite of the interruptions, I will continue.

Any bill of rights, covenant, political statement or election promise is only as good as the people who will be expected to honour it. There would be no point in having a bill of rights if people were not prepared to live up to its provisions. Sadly, we have seen an example in the past week. I bring in a political point here because other Members have commented on the fact that parties which promised one thing have done exactly the opposite. What is right is right. I am glad to be in a party that has stuck by its beliefs and by its commitment to and its covenant with the Ulster people.

There are some who would deny that unwritten but very basic human right — the right to life. Is it not shameful that those people are sitting at the table of democracy? They should be turned away. I hope that in the coming days and weeks we will see a situation in which right is right and those who say one thing but do another are totally rejected.

Of course, a bill of rights could never be a panacea, but it would certainly be a step in the right direction. It could not stop slurs from individuals or parties. I think it was my party that Mr Smyth accused of lacking courage. Last night in Bangor someone said to me that that



was a terrible insult to people at the grass roots who, with other family members, had served in the UDR and confronted the enemy face-on. Indeed it was.

Again Mr McBride has made a couple of silly statements. He says that a bill of rights should be divorced from political issues. I do not understand his logic. If you were to have a political debate, it would circumvent the bill of rights. So why have such a measure? A bill of rights should embrace all aspects of our lives. That is what happens in the case of the United Nations Charter. Since 1948 the United Nations has often acted politically in respect of a civil-rights issue. Politics cannot be divorced from a bill of rights. It is part of what we are, and a measure of this kind should embrace every part of our lives. Northern Ireland should not be singled out as being different from anywhere else in the world.

Mr McBride talked about a resounding victory in Wales, despite the fact that the majority was only 6,000 and the fact that only one in four voted. One wonders whether if a referendum here were to produce a majority of 6,000 the Labour Government would be so eloquent in praise of it. They might say that the majority was not big enough.

**Mr Ian Paisley Jnr:** My Friend was probably as astonished as I was at the almost triumphalist way in which the Secretary of State for Wales boasted that all he needed was 50% plus one. When Unionists ask for provision for a simple majority in anything — even a vote in this Forum — we are denied that right. Mr McAlister is absolutely right to make this point. It is clear that the Government's approach to Northern Ireland is different from their approach to the rest of the United Kingdom.

**Mr McAlister:** I thank my Colleague for his timely interruption.

Mr Nesbitt's comments were very apt. He talked about the interference of the Republic of Ireland in Northern Ireland affairs. It is shameful: on one hand, they talk about rights for everybody and about wanting to embrace everybody's culture; on the other hand, they retain articles 2 and 3. It is beyond belief. But that is the way of Governments. Governments will always fail us.

A bill of rights is particularly important in this age of such advances in science, including genetics. This is an area that we should concentrate on. Like every other Member here, I am sure, I was shocked by the revelations of a few weeks ago about what had been done to individuals in Sweden deemed to be below a certain level. There was a campaign of mass sterilization. This week it was revealed that the Austrian Government had murdered children who were unstable and of a low mental age so that their brains could be extracted for examination. It was revealed that the brains of 600 of the 1,000 children murdered were being kept. The Austrian Government are going to try to put the situation right. Governments can do these things. And we in this country need not think that we are perfect. Those of us who live another 20, 30, 40 or 50 years will have certain things about our Government revealed. They will be shocked and will ask "How could they possibly have done that?"

A bill of rights is particularly important to the weakest in society — the unborn. What about the rights of those who are about to come into this world? This is an area that needs close examination. There should be properly constituted rights for the unborn.



I want everyone here to support the motion. I hope that the press, who look for sensationalism and aggravation but have not reported on the vital issues with which the Forum has dealt so far, will give this debate the space that it deserves. They should focus on the positive things that have been said here today. The debate should get front-page treatment, and not back-page space. I hope that everyone will support the motion. Anyone, either in the Forum or outside, who does not will have his own selfish reasons.

**Mr King:** I have just had a look at the list of Members who want to speak in this very interesting and important debate. To facilitate them — certainly those on these Benches — I will endeavour to be brief, in the best tradition of Mr Hugh Smyth.

I am in the very fortunate position of being able to agree with both Mr Nesbitt and Mr Paisley, and I will enjoy it while it lasts. But I should not start on a frivolous note as this is a very serious topic.

The purpose of a bill of rights is to establish a common set of entitlements and obligations for people and state. Such a measure is about establishing a covenant between those who are governed and those who govern. A bill of rights would bring true parity of esteem — certainly in Northern Ireland and, I like to think, throughout the United Kingdom. When I refer to parity of esteem I mean equality for all citizens in the eyes of the law and under the law and equality of treatment by the agencies of the law, and not the bogus equality between the ethos of Nationalism and the ethos of Unionism that is espoused by a political party of cultural parity. If I believed that Unionism and Nationalism were equal in their ethos I would be a member of the Alliance Party.

*11.15 am*

I believe that Nationalism is wrong, which is why I am a Member of the Unionist Party. But that does not mean that I do not appreciate and understand or would not be prepared to defend the right of anybody in this society to be a Nationalist, or anything else other than a Unionist. An individual's rights and his treatment by society reflect upon all of us. That is why it is essential, on the brink of the twenty-first century, for Northern Ireland — and, indeed, for the United Kingdom as a whole — to have a proper framework which will enable everyone to move forward, to leave antiquated laws and antiquated notions of citizens' obligations behind. We are all citizens now. In 1981 the British Nationality Act removed the nomenclature "British subject".

**Several Members:** Shame.

**Mr King:** Yes and no. Use of the term "citizen" implies a covenant, a contract and a certain amount of equality. But equality comes from the legitimacy of institutions. One day, I hope, we will all be able to give loyalty and allegiance to institutions which are common not only to all the people of Northern Ireland but to all the people of the United Kingdom. That would be a day to be welcomed.



My party supports this motion because a bill of rights and rights for all would create a workable society in Northern Ireland. The reason some people are opposed to the notion of a Northern Ireland bill of rights is that they do not want a workable society.

How often have we heard the old lie that Northern Ireland is a failed political entity, a failed and failing statelet? We all know that that is rubbish, and if we had the most modern, most pluralist and most secular set of citizen rights it would finally nail the lie. Anybody who believes in Northern Ireland and in the Union with Great Britain wants a society that works, and a society can work only when everybody is treated equally under the law and perceives that he is being so treated.

What rights should be included in the bill? I agree with Mr Paisley that this is something that requires a great deal of work. And what better forum to examine what exactly should be included in a Northern Ireland bill of rights than the Northern Ireland Forum for Political Dialogue? But a word of caution: any bill of rights should be introduced on a United Kingdom-wide basis. I lived in England for many years before returning to Northern Ireland, and the thing that struck me most when I left London was that I automatically lost the right to vote for any party that would be able to govern me. A fundamental right that we should all consider carefully is the right to influence how we are governed.

There are various legislative differences not only between Great Britain and Northern Ireland but also between England and Scotland and between Northern Ireland and Scotland. These should all be ironed out. Anyone who believes in the United Kingdom should be looking for a common set of rights and obligations for all British citizens. We discussed earlier how Northern Ireland is leading British beef back into the world market. It would be a badge of honour if Northern Ireland were to lead the way for the rest of the United Kingdom by adopting a set of rights and obligations that we could all be proud of. I do not want to feel discriminated against just because I have to live in this part of the United Kingdom.

I want to finish by quoting from an article in this month's 'Fortnight' magazine — not a publication I would normally quote from — in which Philip McGuinness referred to a "bill of wrongs". There is a great deal of guff here about the Bill of Rights of 1689. I disagree with the vast bulk of the article, but the last paragraph is interesting and something we can all take to heart:

"Two hundred and twenty-one years ago the American Declaration of Independence was drafted. Ulstermen played a large part in the birth of this document, which begins with the words: 'We hold these truths to be self-evident, that all men are created equal'. Ulster can be proud of this heritage".

Indeed we can. That is our heritage, and the challenge from our ancestors is that this body and this society should go forth today and adopt rights, obligations and a system of which we can all be proud and in which all can participate. The challenge is to create a stable Northern Ireland in which all have a stake. That would cement the Union.

**Mr Shannon:** I support the motion.



As everyone has said, a bill of rights is very important now that we live in a multicultural society. The need to respect all traditions is real and very important when there are as many nations represented in a country as there are in ours.

In the 50 years since the end of the Second World War we have seen people immigrating to the United Kingdom, hoping to make a better living for themselves in a land of promise and jobs. Europe lay in ruins; reconciliation between yesterday's enemies and a new, radical appraisal of relations between the nations of Europe was needed.

It is impossible to defend everyone's rights through ordinary legislation. We need a separate bill of rights. Such a measure would consolidate democracy and, at the same time, assert the rule of law by putting emphasis on human dignity and respect for human rights. These are essential criteria. There needs to be respect for political aspirations, ideals, freedom and, indeed, the rule of law. Political aspirations must be provided for in a bill of rights, although at least one Member has said today that he does not believe that that is either necessary or acceptable. There must be a minimum level of protection. That would be the foundation for any true bill of rights. Justice and peace are best maintained by effective democracy, common understanding and observance of human rights.

First, in order to have an effective democracy we need a system through which our political views can be expounded. But that is being denied us at this time, except here in the Forum. We need an Assembly with decision-making powers where all parties are represented and where we the people can decide our future. It is very important that institutional machinery for protection be set up, and it will take more than a bill of rights as its foundation. Establishing a democratic legislative process in a bill of rights would be both wise and effective.

Secondly, the religious views of everyone must be recognized. If any person feels that his fundamental rights have been violated, he must have recourse to an appeals system. People demand and deserve the right to lodge individual petitions against the state to which they belong. There could be an appeals panel consisting of eminent people or of ordinary jurists. Such a body could deliberate on the petitions presented to it. Not every petition would be admissible, and a set of criteria could take care of different circumstances.

In Northern Ireland many people believe that Protestants have been denied their right to a job and have lost out with job creation. Many who have the ability and the experience to apply for jobs are unsuccessful because we have a system under which you nearly need to be of a certain religious persuasion in order to be employed. A bill of rights could perhaps address that issue. Indeed, it could also address the question of the geographical spread of jobs.

As some have said, there are many ethnic groups in the province. We all know that people have immigrated from India, Pakistan and the Far East. There are those of Chinese extraction, and we even have a thriving Vietnamese community. These people bring with them many of their traditions, and though they integrate into their new society they need to have their traditions and ethnic principles protected by a bill of rights. Years ago people were parochial and did not travel, but nowadays travel is second nature, and in this society there are people from many European nations — indeed, from all over the world.



Earlier, Mr Hugh Smyth said that the DUP was at long last accepting the need for a bill of rights. However, back in 1973 — and I have the correspondence here — the DUP, through its submission to the Gardiner Committee, supported a bill of rights. Such a measure has been an integral part of the party's manifesto and thinking for many years. The fact that we are here today seeking the support of all the other parties is an indication that we want to take it further. We are glad that all the other parties agree with us and are prepared to support the motion.

We not only support a bill of rights on paper, but are actively campaigning for such legislation. We are totally committed, and we urge other Members to support the motion.

**The Chairman:** Mr Snoddy.

**Mr Shannon:** He had to go home. His mother has been taken into hospital.

**The Chairman:** There are rather more DUP Members wishing to speak, and I wanted to give some of them a chance. Mr Brewster, please.

**Mr Brewster:** I hope you are not implying, Mr Chairman, that I am a DUP Member. That would be a great shock to all of us.

**The Chairman:** I resisted that temptation.

**Mr Brewster:** I have always been lukewarm about the concept of a bill of rights, and nothing I have heard today has made me any more of an enthusiast. Indeed, had I not been informed that it was Unionist Party policy, I might be opposing the motion. But I am one of those people who always vote at their party's call, and I would never think of thinking for myself. So, my words of caution should be interpreted as being intended to help Mr Paisley to refine his idea.

There are some matters that have not been addressed but which the DUP in particular, as a party that claims to be a traditional Unionist party, would like to address. One of these, of course, is that traditional Unionism is totally opposed to the idea of a bill of rights. Traditional Unionism believes that we are subjects with responsibilities, and, with the greatest respect for Mr Paisley's degree, which I understand is history-based, I have to say that the idea that the Bill of Rights of 1689 was some sort of fundamental document espousing the rights of the individual is nonsense. Like Magna Carta, the Claim of Right and all the other great documents which form our Constitution, what it actually did was define the various interlocking relationships between the different parts of our Government — it did not give rights to the individual.

Here is an example of a problem which, for the DUP in particular, may cause some further reflection on the idea of a bill of rights. Let us imagine that in the year 2000 there is a bill of rights and Drumcree four, five, six, or whatever, is about to take place. The Worshipful Master of Portadown District Lodge gives notice that he wishes to return from his church service by the Garvaghy Road, but the parade is banned by the local police. He will, of course, go to his lawyer, who will tell him that there is nothing specific in the bill of rights



to allow him to go back by the Garvaghy Road. However, his lawyer will say that there are lots of high-filutin and vague humanitarian concepts in the document — freedom of assembly, freedom to express culture, freedom of religious expression. The lawyer will make an application to the High Court, and a judge will be asked to determine whether the concept of freedom of religion or freedom of assembly, or whatever, applies. Any judge worth his salt will realize that he has an opportunity to change this society for ever with his decision, because you cannot tack extra rights onto a bill of rights, and you cannot take rights away. Judges will determine whether or not those catch-all concepts apply in specific cases.

The DUP Members must give some thought to what they are saying when they talk about having rights protected. Look at the changes that have come about over the past 50 years in the United States, whose Constitution is, in effect, its Bill of Rights. All the changes in that society that I suspect would be objected to by the DUP and by many on this side were brought about by decisions of the Supreme Court. Pornography was liberalized under the guise of freedom of expression; so were the laws and restrictions on blasphemy; so were the laws about homosexuality. DUP Member Mr McAlister mentioned abortion. It was the decision of the Supreme Court, in the 1972 case of *Roe versus Wade*, that legalized abortion by a vote of seven to six. Twenty million American children have died since then. That is the kind of right that a bill of rights is likely to protect. I am sure that all of us on the Unionist side of the House think it important to talk more about responsibilities than about rights.

Mr Paisley talked about taking human rights away from the agenda of pressure groups, but it is precisely those groups who exploit the system. You have the pro-abortion and anti-abortion people going back and forth to court, trying to get the line shifted a little bit this way or that way. That may or may not be good, but the important thing is that it is the judges who decide.

In the United States, judges are publicly selected. There is a long and detailed Senate hearing and there is an inquiry into their background. Even in the United States, where there is a written Constitution and the separation of powers is very clearly laid down, all politicians know that it is vital to have control of the Supreme Court. That is why in the 1980s, when replacement judges were required, it became a battleground and conservative judges were opposed, whether they were good or bad, because the liberals did not want to lose control, and vice versa.

*11.30 am*

We do not have such public scrutiny, nor do we have such a thorough process for appointing judges. Even our absent Friend, learned in the law, could not tell us exactly why the Lord Chancellor recommended a particular person to become a judge in Northern Ireland. But we do know that the system is open to pressure. Last year scandalous pressure was exerted by the Maryfield secretariat to prevent our present Lord Chief Justice being appointed to that position because of his religion — an outrageous thing. We know that the Maryfield secretariat has, in the past, pushed several nominees for the position of judge. We do not know, of course, whether any of them were appointed, but say in the year 2000, we could very well have a situation in which the Portadown District Master goes to the High Court seeking to have his rights protected, the judge who is to make the determination under the



guise of the bill of rights is a nominee of Maryfield or, even worse perhaps, Mr Hugh Smyth's European judge, who might be from the Irish Republic, where judges are all political placemen.

I wonder whether a bill of rights would be much appreciated by Portadown District Orangemen, or anybody else, in a situation where a Dublin, Fianna Fáil-appointed judge would decide whether people had the right to walk up and down the Garvaghy Road. It would be sensible for us to allow the judges to have such great power only if we had some control over who they were.

I do not intend, for one minute, to criticize judges in Northern Ireland — particularly those who are dealing with my cases — but I think they would all accept that they are not representative of society. For a start, they are all lawyers. They are male, middle-class, middle-aged and maybe conservative — with a small “c”. Does Mr Kirkland really think that his evangelical perspective of human rights would be appreciated by that body? Does Mr Smyth really think that his working-class Shankill Road perspective would be guaranteed? Does Ms Sagar, or any of the ladies present, really think that an all-male body would understand some of their perspectives about rights? The difference between a bill of rights for whose application a judge is responsible and what we have at present is that, for better or for worse, rights and responsibilities are laid down by Parliament, and any one of us can be elected to Parliament regardless of class, creed, trade or ability. We should be very loath to give more power to what, in effect, is ultimately a quango without counterbalancing it. This is why my support for the motion can be only lukewarm.

**A Member:** Really?

**Mr Brewster:** Yes.

Such an institution could be counterbalanced by a law-making body that was in a position to undo what the judges got wrong. That is important, and the DUP should look closely at it. We are talking about a Northern Ireland bill of rights, which means that Westminster could not be trusted to take the legislative steps to correct mistakes. A Northern Ireland bill of rights could work only if there were a Northern Ireland legislature in place, up and running, where elected representatives could deal with the problems arising from wrong decisions — and judges do sometimes make wrong decisions.

Then there is the difficulty of the sovereignty of that Parliament. A Northern Ireland bill of rights would require a sovereign Northern Ireland Parliament. Do we really want a sovereign, independent Northern Ireland Parliament?

The idea of a bill of rights, in itself, is not bad, provided that it is not used by some as a comfort blanket — and I am pleased that the DUP is not doing that. We all know that Nationalists talk about a bill of rights partly to beat Northern Ireland. I remind Nationalists, as well as anyone in this Chamber who does not know, that this state was created with specific statutory protection for people. There can be no religious or political discrimination, but you would have to go through the law books pretty far into history to find many cases being brought by people claiming that their rights had been infringed.



Another principle that Unionists used to believe in — and I think that it is still a good one — is that we should make as little law as possible, that we should interfere with people's rights as little as possible, that we should try to inculcate a sense of moral responsibility and duty. I know that the DUP agrees with that.

**Mr Ian Paisley Jnr:** Will the Member give way?

**Mr Brewster:** No.

What nonsense we have heard today about economic rights being protected. Does anyone seriously believe that a measure guaranteeing the right to a job, for instance, would be common sense?

In 1985, Judge Robert Bork was one of the candidates for the United States Supreme Court. He was unsuccessful, failing to be selected because he was a leading conservative thinker. Judge Bork has recently written a book in which he analyses the decline of the United States and its society, which used, by and large, to be Christian but is now anything but. He traces a large part of the decline to political posturing by judges who responded to political pressure groups that used the Supreme Court and the Bill of Rights to move their own agenda forward. In expressing again my lukewarm support for the motion, I can only urge my friends in the DUP to consider the matter very carefully before going down this road, and I can do little better than commend to them as their touchstone the title of Judge Bork's book — 'Slouching Towards Gomorrah'. Let us not slouch towards Gomorrah. If we are to have a bill of rights, let us be very careful and let us have very strong restrictions.

**Mr Carrick:** I can empathize with some of Mr Brewster's comments because I too would qualify a bill of rights. There is no one in the Chamber who does not cherish the ideals of freedom, democracy, liberty, equality and peace, but we must be very careful when we come to have those vital matters defined on a piece of paper.

When Mr Brewster was talking about the people in the judiciary — the men in grey suits — and the dangers that they might pose with their interpretation of a bill of rights I was reminded of the well-known saying "The best of men are men at best." We must always remind ourselves that we are not infallible. And that applies to those who dispense justice. It has become necessary in modern society, however, to consider having what I describe as a secular bill of rights, which would include social values, moral principles and political rights.

But I must preface my remarks by stating that for everyone, no matter where he comes from, no matter what his class, creed or country, there is a divine guide to living. I do not make any apology making that statement because I believe it to be an honourable, proven and realistic position. There is a divine guide for us as individuals. It defines our culture and our relationships with our fellow-men. That inspired Word of God unambiguously sets forth a code of ethics for orderly and principled living which encompasses justice, equity, liberty and freedom. I therefore hold the strong view that we already have a primary bill of rights, divinely inspired and authored. However, given modern attitudes and the reticence of society about acknowledging the sovereignty of God in these matters, it seems that a secular bill of rights has become necessary.



But, like Mr Brewster, I believe that it has to be qualified. Let me explain my qualification. The bill of rights will, of course, reflect man's philosophy and his ideas about how civil and religious liberties should be safeguarded, but it must not in any way contravene divine principles or be in opposition to moral law. No doubt, some will accuse me of parochialism or narrow-mindedness or even of having tunnel vision, but I passionately believe that the greater good of all citizens, whether Chinese, Japanese, European, Irish or British, will be achieved by a secular bill of rights which sits comfortably with the primary, divine bill of rights that is already available to us all.

**Mr Gibson:** Having listened with some interest to the debate, I am amazed that some people thought that the concept of a bill of rights was a result of the Williamite Revolution. Like Mr Carrick, I am well aware that most of the Scriptures deal with freedoms and rights. Probably, the first great story about religious freedom that we were told is the one about Cain killing Abel. That was a battle for religious freedom. Then there is the story of Joseph being sold as a bondsman. That is a tale about personal freedom. We think of David and his great fight against Goliath. That was a fight for national freedom. But I was much more intrigued by the discussion between Paul and the captain in a gaol about citizenship. The captain said

"With a great sum obtained I this freedom."

He was talking about his citizenship. Paul, of course, was interested in persuading the captain about spiritual freedom.

So freedom and people's perception of it are featured throughout the annals. The idea of personal freedoms and what they demand of others has evolved. We have heard about Magna Carta and the 1689 Bill of Rights. There has been reference to the American Constitution and the French Revolution. We have heard about how national and international law have tried to deal with freedoms. We have heard a dissertation on how the law itself can default. These things are part of the evolution of our way of life. All of us are aware that the judicial system can be prejudiced. We are very conscious of all the frailties of human beings working within a very frail legal system. People are concerned at the perceived erosion of what they assumed to be fairly basic rights. They hear such expressions as "positive discrimination" and "negative discrimination", and "consent" is a word that never received any attention until its meaning was stood on its head. Then the alarm bells started ringing, even for those of us who were simply going about our daily work.

*11.45 am*

I am reminded of the penultimate sentence in the second article of the Treaty of Rome, which states that there should be nothing at variance with the philosophical or political beliefs of a person. That has been used to challenge various things. But our rights and freedoms must be agreed, and the right to assent or dissent is part of our make-up. Despite the legal fractiousness in the speech of an Ulster Unionist Member, the truth is that laws are made to be changed. That is what democracy is about. The law of the land is made by the people and is subject to the people.

As my party believes that all should be equal under the law and all equally subject to the law, I have no hesitation in supporting the proposal that the Parades Committee should



examine this whole matter. Over the years we have seen manipulation, not just in Northern Ireland, or in Southern Ireland, but in various international agreements like the Helsinki accords and, indeed, the Treaty of Rome itself, which show how the law does not have the same degree of acceptance everywhere. If democracy is to advance — and common to all in this Chamber today is respect for democracy — the basic rights that come from divine inspiration, as well as the secular rights that make relationships between people and their neighbours amicable, should be protected so that everyone can live in genuine happiness.

**Mr Hussey:** I support the motion. We have heard wide-ranging contributions — from the theological to the legal — and since much of what I was going to say has been said, I shall be brief, as Mr Hugh Smyth would say.

Northern Ireland is at the forefront in many fields of human endeavour, including the search for a bill of rights for this part of the United Kingdom. I hope that our search will set the standard for the rest of the kingdom. The representatives of the people of Northern Ireland, from whatever political background, are united in their desire for such a measure, which, as my Colleague Mr King has stated, would be a covenant between state and people and would therefore imply responsibilities as well as rights.

Politicians from elsewhere often criticize our representatives, but by the European standard we have much to be proud of. Earlier this year the human-rights issue split the European Parliament, with 174 Members for, 166 against and 66 abstaining in the vote on a motion in support of a range of human rights. Judging by the debate so far, the Forum is united in its support of this admirable motion.

I trust that in determining the content of a bill of rights we would support more than just the traditional rights of the individual. We need a range of rights covering social, economic and environmental matters, despite the comments — which, of course, he had every right to make — of my Colleague Mr Brewster. I trust that those who undertake the job of deciding the content of a bill of rights will be mindful of the concerns that have been expressed today.

I close with a reminder to all that we deserve our rights so long as we honour our responsibilities.

**The Chairman:** There are four more Members to speak before Mr Dodds winds up. Would you like to complete the debate before lunch or have an early break and come back?

**Mr Hugh Smyth:** May I suggest that we break now and resume at 1.45 pm.

**Mr Morrow:** I suggest that we finish before lunch.

**The Chairman:** Do Members want to continue?

*Members indicated assent.*

**Mr Hugh Smyth:** When the remaining Members have spoken, will that be the end of business for today?



**The Chairman:** I have no information about any other business.

**Mr Bolton:** I support the motion, the point of which is really that we should have a bill of rights as a baseline. The events of the past 25 or 30 years have shown that everybody has rights. But the individual or the group with the loudest voice or the best propaganda seems to claim an entitlement to dominate civil rights.

A bill of rights would achieve standardization. It could not be party political; it would have to incorporate a degree of loyalty to the state; and it would doubtless have to include the rights of the individual. But superior to those would obviously be the rights of the majority — something which has been sadly overlooked during the political campaign of the past 25 years. The aspirations of minority groups could not be made an appendage. A line must be drawn somewhere, and it would have to be between legal enshrinement and toleration.

In another field, a line should be drawn between the elected and the appointed. We need to shy away from a situation — especially in funding terms — where people who, quite legitimately, sit round a table representing community groups, business groups and other interests are given the same rights as those of us who have put time, effort and shoe leather into getting elected. That seems to me a negation of civil rights.

We should also look across the border to the Republic of Ireland, which claims the right nowadays to a say in the affairs of this state. I entirely agree with my constituency colleague Mr Brewster in his opposition to the Republic's input into the legal service and the appointment of judges. That secretariat at Maryfield seems to think that it has a right to an input into the affairs of this state. Indeed, it does have an input, but it has no right to it.

I am led to believe that in the Republic, rights in respect of flags and emblems are defined totally differently from and more clearly than those in Northern Ireland. I watch the Loyal Orange Institution's processions in Rosstown. These are held up as a great model of freedom of expression, but there is no Union Jack at their head. That would not happen in Northern Ireland.

I understand that an increasing number of people in that state want the privilege of a British passport. Anybody in this country can have an Irish passport, but I am told that it is illegal for a person born after a certain date in the South of Ireland to have a British passport. These are areas where comparisons need to be made in any discussion about a bill of rights for Northern Ireland and the establishment of a baseline for civil rights.

I support the motion.

**Mr Alcock:** In rising to support the DUP motion I would like to pay tribute to the many Members who have contributed to the debate. Let me single out my party Colleague, Mr Brewster.

When we consider the idea of a bill of rights, the first point to bear in mind is how times have changed. In 1948 the United Nations issued the Universal Declaration of Human



Rights — a non-binding instrument, which did, however, set standards and principles. It was precisely because the Universal Declaration was not binding that two years later the Council of Europe adopted the European Convention on Human Rights. It might be wise to reflect on the period of almost 50 years since then.

That there should be a code of international human rights at all was a reaction to the abuse of power by totalitarian Governments in Fascist Italy, Nazi Germany and Soviet Russia. Unsurprisingly, there was provision for the right to form and join independent trade unions, the right to found a family and the right to freedom of speech and non-discrimination. These rights were universally welcomed. They were seen as a healing instrument, integrating and uniting society.

But how things have changed. The trade unions became oppressive with the advent of the closed shop. The right not to belong to a trade union had to be fought for at Strasbourg. The right to marry and found a family was introduced to counter the effects of the Nuremberg laws on Jews. But what about the right to divorce, only recently approved in the Irish Republic and in Italy? What about freedom of speech, which, as my Colleague Mr Brewster has stated, has been turned into a platform for pornography and blasphemy? What about the right to non-discrimination and how that has led to positive discrimination? And what about the right to property? The Soviet Union, for example, refused to accept the Universal Declaration of Human Rights on the grounds that it gave people the right to have property, which the Soviet Union decided was against Marxist principles.

And now the climate has changed. Today, human rights culture is an adversarial culture: "We have rights, so you, over there, must bow to our demands." The issue of rights has become divisive and disintegrated. But what is important now is to have a special bill of rights for Northern Ireland which can take advantage of the experience of the last 50 years. We need a bill of rights which will reflect the changes in society and will check abuse by any regional Assembly that may result from these talks.

12.00

It is for all these reasons that I would welcome a bill of rights for Northern Ireland, with the Northern Ireland judiciary to interpret it and ensure that it developed with the times. The point has been well made that one of the problems is that while rights and society evolve, legal instruments remain behindhand. I hope that when a new Northern Ireland is created — more democratic, more just — human rights will be enshrined and there will be a body to ensure that they are developed in keeping with the times.

**Mr Eric Smyth:** I support the motion.

A bill of rights must have the law behind it to make it effective. The people of Northern Ireland have been denied their rights. The present Government, like the last one, denies the right of the majority in this land to express their wishes. All people have a right to express their views, to protest and to walk the Queen's highway, but the Unionist family has been denied that right by Republicans and others who seek to destroy this province.



It was good to hear Mr Hugh Smyth saying that he agrees with the idea of a bill of rights, but he forgets that his party is linked with the thugs who are involved in racketeering and violence. He needs to be honest with the people. I am glad that we saw the response of the people of Northern Ireland to the violence this week. Sadly, the Ulster Unionist Party has allowed itself to be seen with the men of violence. Well, the people of Northern Ireland have given their verdict: the men of violence should be wiped out.

Let anyone go up the Shankill and talk to the people who have been beaten by thugs. They have been denied their rights. Shopkeepers and builders have to pay protection money. When houses are being built, a certain amount of money has to be added to the bill to pay the thugs to stay off the property. *[Interruption]*

That is the response you get from one of the leaders of the paramilitary groups. We all know where that person stands. The paramilitaries do not tell the people of Northern Ireland how they meet and drink tea with Sinn Féin in the city hall. If they believe in a bill of rights they should be honest with their electorate.

What annoys me is that the Government and other authorities in this country know what is happening but they do not lift a finger to deal with it. We have approached the police with details of many who are known to be leading men of violence, men who deal in drugs, but the police refuse to lift them. We need a bill of rights because it is obvious that the law is not being enforced.

We need to be very careful with people who talk with forked tongues, who say that all is well. They have sold the people behind their backs. Let us be honest about this. It is all very well to say "Be careful about a bill of rights", but certain parties have gone back on their manifesto pledges. A bill of rights is not always the answer. We have seen how Governments across the world have flouted the rights of ordinary people. We see it on television every day.

But I am a great believer in justice. I believe in the great hand of God. It is a pity that men will not heed and apply God's bill of rights. That would stop the murder and the thuggery. We would be a better nation if people could hold and express different views without being threatened. I am being threatened all the time. When I go up the Shankill, members of the PUP shout at me.

Members have heard about the involvement of my sons in drug-dealing and other things. At least I stood up and condemned their activities. I stand against anyone who breaks the law — even my sons. Everyone — no matter who — is subject to the law and should be dealt with by the law, as my sons were. But thugs are still running this society. The Government have not dealt with them, and the RUC has not lifted them, even though it knows who they are. They should be put out of society, and their racketeering and other crimes dealt with. People who live by racketeering are among us here. They have neither worked nor wanted. They look very comfortable. I wonder why. These are things that should be addressed through a bill of rights.

It is sad to see what is happening in this province. But I am no prophet or son of a prophet. Two great men whom at one time the world and the press lifted — Mr Haughey and



that wee man Reynolds — have had to eat the dust within the last few weeks. Judgement will come to those who hide behind violence and corruption. God will judge them and bring them down. To anyone who thinks that he can threaten me I say that I could not care less. I am prepared to meet my God, and those people will one day have a greater power to deal with — God Himself. I am nobody, but I speak what is right. I say what is on my mind. The people I represent are sick and tired of the press lifting up those who are undermining the laws of this province. We need to address this matter in a bill of rights. We need to establish the right of people to live their lives.

There are areas of this province where people, because they do not hold the same opinion as certain others, have to move out of their homes. People who bought property have had it wrecked and have had to leave — all because they do not hold the same political views as the men of violence. The RUC and the other security forces do nothing. They tell us that they must catch these people red-handed. They know what we know, but how much more do they know through their intelligence services?

Let us not be wishy-washy and believe that if we go to Stormont all our problems will be solved. No doubt, if the Government ever get their way, those who have been sucked in will be spewed out and dropped like hot cakes. But we will stand firm for what we believe in. I am not afraid of the ballot-box. The people of Northern Ireland may think differently from me, but on their heads be it. We will give leadership. We believe in what we are doing, and we know that, as time goes by, the truth about what is going on at Stormont will come out.

A bill of rights is a good thing. It is only fair that all the people here should have the right to express their religious and political views. Unfortunately, that does not always happen in other parts of the world. Often Governments, once elected, break their manifesto promises to the people they are supposed to represent. All parties must remember that they should live by their manifestos. If we are to have a bill of rights, that principle should be enshrined at the beginning.

But let us not be fooled into thinking that if we had a bill of rights, everything in the garden would be rosy. There will always be those who try to exploit it and use it against the people. There is always political blackmail. We see it all the time. It is to be seen in the province today. Only time will tell what the political blackmail is. When it comes out we will see it for ourselves, but I hope that it will not be too late. I hope that the people of Ulster, in whom I have great faith, will see through the darkness that has enveloped this country.

**Mr Poots:** On a point of order, Mr Chairman. This morning Mr Smyth was interrupted twice by a person in the Strangers' gallery. I would like you to rule that people interrupting in that way will be removed from the Forum premises and refused passes to come back.

**The Chairman:** Thank you, Mr Poots. I am sorry, but I did not hear that. Are you referring to Mr Eric Smyth or to Mr Hugh Smyth?

**Mr Eric Smyth:** I was speaking. The gentleman shouting was Mr Hutchinson of the PUP.



**Mr McAlister:** I do not know if this is the time to make an official complaint, but I should point out that Mr Hutchinson came out with a string of oaths, which are unrepeatable, in my presence, just outside the door. He referred to my Friend in a very derogatory way. We in the Forum have our differences, but there is a line over which we do not go. The language of the gutter is not a standard we should tolerate. Something should be done about this. The party concerned should be reprimanded and asked to keep its members — whether Members of the Forum or not — under control.

**The Chairman:** I certainly deprecate any interruption.

**Mr Hugh Smyth:** Further to the point of order, Mr Chairman.

**The Chairman:** You are interrupting me.

**Mr Hugh Smyth:** It is a point of order. You have allowed two points of order, both of which refer to a member of my party.

I do not condone bad language, but we can only judge what takes place in this Chamber. For example, I understand that Mr Eric Smyth had a go at me — nothing unusual — when I was out of the Chamber. That is fine, but what happens outside — and I include anyone's language whether we agree with it or not — is beyond our control. I have heard outside a brave few statements that I do not agree with, but we are talking about a bill of rights. Mr Eric Smyth tells us that he is the Reverend Eric Smyth — the Reverend Eric Smyth.

**Mr Dodds:** That is totally out of order.

**Mr Hugh Smyth:** The Member's party started it. *[Interruption]* I have not given way.

**Mr Dodds:** The Member should not insult people.

**Mr Hugh Smyth:** I have not insulted anyone.

**The Chairman:** Mr Smyth, your point has been made — made again and again.

**Mr Hugh Smyth:** I am the person who, along with his party, has been insulted. I am entitled to my opinion. People who claim to be Christians should lead by example instead of preaching and prejudging.

**The Chairman:** You have made your point at some length.

**Mr Hugh Smyth:** This man continually judges people when he speaks.

**The Chairman:** I am glad that you have sat down. *[Interruption]*



**Mr Hugh Smyth:** Let the Member take the mote out of his own eye and then tell me —

**The Chairman:** Let me make two points very clear. First, I will not stand for any interruptions by spectators. Such behaviour is totally improper, and we will not allow it. In future, I will ask anyone interrupting to leave the Chamber.

*12.15 pm*

Secondly, I will deal with any remark made by Members within the Chamber. I do not know that there is very much I can do about what occurs outside, but offensive behaviour, such as the use of bad language, will certainly be looked into.

**Mr Gardiner:** May I commend the official at the door who escorted the visitor out in a very dignified manner. He did his job extremely well.

**The Chairman:** Thank you. I will pass that on to the official concerned.

**Mr Dodds:** May I suggest that the Business Committee look at the whole matter of conduct, both within the Chamber and outside, because it is relevant to how the Forum's deliberations proceed. We would certainly want a say if the press were to carry on in a particular way. But the matter should be referred to the Business Committee.

**The Chairman:** That is a very good idea. I will put the subject on the agenda for next Thursday.

**Rev Trevor Kirkland:** These proceedings remind me of an article in today's 'Daily Telegraph' about a political discussion in Albania that got so hot that in the coffee room one politician shot another.

**The Chairman:** I would certainly rule that out of order.

**Rev Trevor Kirkland:** It is not unusual in history.

There is a touch of irony in this debate. The Ulster Unionist Party, including Mr Brewster, supports a bill of rights, but, as Mr Ken Maginnis said on 'Newsnight' this week, the IRA will be sitting at the negotiating table next week — the very people who seek to deny some of the rights that would be included in such a measure.

There are a number of issues related to this matter which ought to be explored if a bill of rights is going to be framed. For example, there is the idea of something's being inalienable — one to which, because of the presuppositions on which it is based, I do not subscribe. Mr Nesbitt made the point — I hope he will forgive me if I do not quote him correctly — that the original custodians of human rights were the United Nations. I do not subscribe to that view — but I may have misunderstood the Member.



**Mr Nesbitt:** I meant that it was the first custodian-type, corporate body representing countries. Human rights were enshrined in the Constitutions of the United States of America and other countries long before that.

**Rev Trevor Kirkland:** Thank you.

There are a number of important areas relating to a bill of rights. The first concerns the matter of government. It is important to consider the calibre and quality of the politicians, both those in the Tory Party and members of the Labour Party, who have governed or are governing us. If these politicians themselves are, in one sense, no better than thugs, in that they seek to elevate thugs to the political process, any bill of rights would be circumvented.

My second, philosophical, point is on a very important principle that was raised by Mr Brewster. Dealing with the area of presuppositions, it was also mentioned by Mr King, who talked about a pluralist and secular bill of rights. That is a worldly position that he may hold but to which I do not subscribe. Indeed, there is ample evidence that a pluralist society can actually be more intolerant than some societies that are not pluralist.

The presuppositions that underpin a bill of rights derive from a religious position that every person adheres to. Everyone subscribes to a set of theoretical beliefs that are unprovable, and those presuppositions will govern what is decided should or should not be in a bill of rights. Drawing up such a measure is not as easy as saying that we must have this, that or the other. There ought to be an epistemic submission to the Lordship of Christ in all areas of knowledge — in everything.

My third point concerns whether the law should be negative or positive. There is a very important difference between framing a positive law and framing a negative law. Mr Carrick touched on this in his reference to the Ten Commandments, which, in effect, are negative laws. Why are they negative? They are negative in order to enshrine the principle of individual responsibility. In this society there are claims to all kinds of rights. But what about responsibility? Reference has been made to economic rights. But what about responsibility in the area of economics? Of course, the Ten Commandments are also negative to preserve the maximum possible liberty. Thirdly, they are negative to maintain a minimalist state, a small state. That is very important because if you frame positive law you must create an omniscient state, which is the whole basis of socialism — a state that interferes in, regulates and governs every area of life. For that reason I do not subscribe to socialism in any shape or form.

Finally, rights for whom? Mention has been made of group rights. But, of course, we could extrapolate all kinds of groups. Drug dealers have been mentioned. They could claim to be a group in need of rights. I know that they should be taken out and stoned, but that is beside the point. Group rights is an area that ought to be excluded. As some Ulster Unionist Members have pointed out, the emphasis should be on the individual's rights.

These matters are crucial in the framing of a bill of rights. I agree with the suggestion that the Parades Committee take this issue up. It is a very fruitful area for discussion and analysis, and the Committee could put on paper something suitable for modern society.



I support the motion.

**Mr Dodds:** The debate has ranged far and wide over various different facets of this subject. We have had some very academic and theoretical discussion, and we have had some very practical and pragmatic discussion about how a bill of rights would actually apply and work in Northern Ireland. I will deal with the more pragmatic and practical side and leave the more theoretical side to others.

There are very major issues in this area, and all the written work and debates on the subject indicate a great deal of research and erudition. When this matter arises in other forums, there is undoubtedly a great deal of controversy. People take different sides on whether it is even possible in the British constitutional framework ever to entrench any sort of bill of rights or fundamental laws, given the principle of the sovereignty of Parliament.

In the case of Northern Ireland the issue is, undoubtedly, whether we could effectively entrench laws which a Northern Ireland Assembly, for instance, would not be able to amend itself. It would always be open to Parliament to do that of course, but an Assembly itself could be put into a position where it could not amend certain laws.

The DUP was at the last talks in 1992. Indeed, I have to remind people that the DUP has been at every talks process since 1971 — every single one. I am reminded of a talks process which other Unionist parties were not at — the 1980 talks process which was just among the parties in Northern Ireland and was boycotted by the Ulster Unionist Party. I am reminded of the 1982 Prior Assembly, which, again, was about finding devolution. It was all about rolling devolution and, as a party that strongly believes in devolution, we were there arguing for that Assembly to be given real powers at a time when it seemed very clear — this was before the Anglo-Irish Agreement — that the Irish Republic would not have the degree of interference that it has today. I believe that had that Assembly been made to work, we would not be in the situation that we have been in since 1985. But, unfortunately, our efforts were stymied by others who decided to boycott that Assembly and stayed outside. This was the democratically elected Assembly of Northern Ireland. As a result, that Assembly did not reach the conclusion that we wished it to. Indeed, I think that the vast majority of Unionists now wish that it had.

There can be no doubt about the DUP's commitment not only to a bill of rights as part of an overall settlement, but to its desire to achieve a negotiated and democratic outcome to the problem of Northern Ireland. We are totally committed to that, and we have been part of the current process as well. But where we draw the line, and where the problem arises for our party, is that we have made commitments to the people of Northern Ireland about any participation in a process of negotiation with IRA/Sinn Féin. We have entered into an electoral covenant with the people of Northern Ireland and we believe in honouring that covenant and those commitments. Indeed, before the election we challenged other parties to make their position absolutely clear on that point, and they signally failed to do so.

We want to see political progress being made which will involve having democratic institutions of government here in Northern Ireland with a bill of rights to protect our fundamental freedoms and liberties. But the way the present talks set-up has been rigged, with unrepentant IRA murderers brought to the table, is not the way to make that political



progress. You cannot negotiate things like democracy and devolution and a bill of rights with those whose very existence is contrary to democracy and contrary to the very notion of a bill of rights, fundamental freedoms and liberties.

The last talks process in 1992, which actually got on to the issue of a bill of rights and which made significant headway in terms of a devolved Northern Ireland Assembly, made it clear that there was a feeling among all the parties involved that further safeguards ought to be built in to protect the liberties and human rights of the people of Northern Ireland. I fully take on board and agree with the comments that have been made: it is not just a question of rights but of responsibilities as well. Far too often attention is put on the rights, as opposed to the responsibilities, of individuals and citizens in this nation and in this province. There is a consensus of opinion, which we fully support, that says that, in addition to the very many safeguards that already exist for human rights in Northern Ireland, further safeguards ought to be introduced through a bill of rights.

I know that from a Nationalist perspective it is easy to promote the idea of a bill of rights. It is said "Well, we have very few human rights in Northern Ireland." Mary McAleese, who has come to prominence very recently, said that Northern Ireland was a police state, or something very akin to it. It is worth reminding people that Northern Ireland has probably more legislation dealing with human rights and civil liberties than most other parts of Europe — the list of legislation implemented since 1969 bears that out. There is a whole list of legislation relating to electoral law and there is the Parliamentary Commissioner Act of 1969. It is worth putting these on the record because people, particularly Unionists, sometimes forget just what protections people in Ulster, from all sections of the community, have been given.

We have the Commissioner for Complaints Act 1969; the Prevention of Incitement to Hatred Act (Northern Ireland) 1970; the Public Order Order 1981, which was superseded by the 1987 Order; the Prosecution of Offences (Northern Ireland) Order 1972, which set up the office of an independent Director of Public Prosecutions; the Fair Employment legislation, initiated in 1976 and continued in 1989 through the Fair Employment (Northern Ireland) Act; all the sex discrimination acts; the equal pay acts; the Police Act 1970, which set up the Police Authority as an independent body; the Police Order 1977, which established the Police Complaints Board for Northern Ireland; the Police (Northern Ireland) Order 1987, which set up the Independent Commission for Police Complaints; and the Police and Criminal Evidence (Northern Ireland) Order 1989, which reformed the law relating to the investigation and detection of crime and the law of evidence.

*12.30 pm*

Many other measures have also been introduced which have enhanced the rights of all the people of Northern Ireland. There is a plethora of community relations measures, such as the Targeting Social Need initiative. So anybody who objectively, honestly and seriously looks at the human rights situation in Northern Ireland will have to admit that great strides have been made — to a great extent with the support and consensus of elected politicians — to safeguard human rights and civil liberties.



Of course, there have been arguments and disagreements on some of the details, and about the way in which those details have been implemented. But there is no division among constitutional democratic politicians in Northern Ireland about the need to safeguard human rights here and, as I have shown, a great deal of work has already been done.

Yes, there is a need for further protection. They have all recognized that, and that should be built in as part of an overall political settlement. But to be effective it has to be entrenched. We have to find ways and means of doing that, and it can be done. And the remedies that are open to members of the public must be speedy, uncomplicated and readily available.

People have referred to the European Convention on Human Rights, and, while that is a valuable source on which to build a Northern Ireland bill of human rights, it would certainly not be the definitive solution. There are other conventions such as the Charter of the United Nations and other fundamental documents which relate to human rights. For instance, article 1 of the Charter of the United Nations states that all people have the right to self-determination, and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. That is an excellent fundamental freedom which, unfortunately, has not been recognized in Northern Ireland up until now. I believe that it certainly could be added to the plethora of rights that already exist, so many of which are in the European Convention on Human Rights.

I agree that if there is going to be a bill of human rights for Northern Ireland it should be extended to the rest of the United Kingdom. But there is a great deal of resistance to that notion. Why should Northern Ireland be picked out specially for this, while the rest of the United Kingdom does not go along the same path? I believe that this Government's attitude is different from that of the previous Government, and we await developments on that score.

People have already referred to various articles when talking about what should be in this bill of rights. I believe in things like freedom of assembly, for instance, which the Forum has already debated in the context of the excellent report that the Public Order Committee produced on the issue of parades. In that debate we re-emphasized the notion of freedom of assembly and procession that exists in the European Convention on Human Rights, and certainly those of us who were in Dunloy last Sunday, at the behest of the Public Order Committee, will have seen the clear breach of that fundamental freedom there where a totally dignified and peaceful parade was stopped in spite of the fact that there was hardly anybody in the village to oppose it. The police decision to stop it was not taken on a case-by-case basis as is supposed to happen; it was a policy decision which, in my view, was utterly beyond the law.

Another article refers to freedom of expression which I believe very firmly in, and reference has been made to that today. When parties criticize the DUP for its attitude on not sitting down with IRA/Sinn Féin, that is fair enough because that is freedom of expression. Similarly, when the DUP exercises its democratic rights to express its point of view, that is an expression of a fundamental freedom as well. Everybody should have that right freely to express what they wish to say so long as it is within the law, given the restrictions on incitement to hatred. Who could argue with that? You may not agree with it, but that is what the fundamental right of freedom of expression means, and that is what the Forum should be



all about as well — for those who get elected to it, of course. Forum Members are the people who should be speaking here.

The articles that we wish to see included in this bill of human rights for Northern Ireland must, sooner rather than later, include the various fundamental freedoms of the right to life, the right to liberty, the right to security of the person and the right to be against torture and degrading human treatment. All those things are absolutely fundamental and must be preserved.

It is amazing that a party has now been invited to the table to discuss such issues which, for its entire existence, has been in the business of snuffing out life; has been in the business of inflicting torture and degrading treatment on people; and has deprived people of liberty and the security of their person. And it has not given that up. In fact that party's members made it very clear last week, in their official Sinn Fein newspaper, that they even disassociated themselves from the Mitchell principles. If they cannot agree with the Mitchell principles, I wonder how they could ever subscribe to even the most basic notions of democratic government in Northern Ireland or, indeed, to a bill of rights.

I also notice in many of the conventions that reference is made to the idea of free and public hearings. People have a right to appear in a court of law, or other arenas, and be represented when their rights and liberties are at stake, and there has to be a free, independent and impartial hearing. That stands somewhat in contrast to the sort of hearing that is going to take place next week on the indictment which has been rightly served in the talks process against Sinn Fein/IRA. It was the DUP which took the initiative on that and indicted IRA/Sinn Fein following the double-speak of that organization. The DUP took the initiative in exposing that hypocrisy, and it was a clear breach of the Mitchell principles. Under the rules the way forward is quite clear, and yet IRA/Sinn Fein remains at the table.

The challenge is this: if that indictment is not successful — and I believe that those who have brought it are sincere in their assertion that IRA/Sinn Fein is in breach of the Mitchell principles and was involved in the Markethill bombing — and if the two Governments decide that they are going to keep IRA/Sinn Fein at the table in spite of that, what will be the attitude of those who tabled the indictment then, because there can be no further ambiguity or bluff? They are there to confront them, but then there will be the substantive, political negotiations which, under the rules, all parties are committed to conduct in good faith and in a serious manner. That is the challenge that now lies before those parties which have sincerely put forward the notice of indictment. I hope that they will reflect on the logic of their position and on the views of many people outside when they come to make their decision and say "Yes, it is right and proper and good that we should try to negotiate together for the future of Northern Ireland."

We on this side of the House believe in trying to make progress. Our commitment over the years to all those talks processes and assemblies which others have boycotted proves that. However, we do not believe that the people whom we represent, whom we made commitments to, the people of Northern Ireland on the Unionist side, believe that it is right or necessary to sit down and negotiate the future of this province with IRA/Sinn Fein.



*Question put and agreed to.*

*Resolved:*

This Forum calls for the establishment of a bill of rights for Northern Ireland. Given the general, all-party support for the principle of a bill of rights, the Forum urges the Government to proceed with this proposal.

*The Forum was adjourned at 12.41 pm.*

#### FORUM'S STANDING COMMITTEE A (POLITICAL AFFAIRS MEETING)

The Chairman: Members will recall that the Forum, at its meeting on 14 February, agreed that one of the Standing Committee should be given the remit of political affairs which had finished the work already undertaken. The Forum also gave the Business Committee authority to determine what Committee should take on that remit. Following consultation with party leaders, it is the Business Committee's understanding that Committee A has now discharged its original remit. The Forum owes its thanks to those Members past and present who contributed to its work. We are grateful for the reports which were presented.

In the light of this, the Business Committee has decided that Standing Committee A's remit will now be political affairs and that the terms of reference, composition and operation will be those agreed by the Forum on 12 February. Parties will be asked in the next day or two to nominate Members.

#### WORLD LAND-SPEED RECORD

The Chairman: I have been asked by Mr McArdle if he may have permission to make a brief and uncontroversial statement.

Mr McArdle: Members will recall that.

Mr McArdle: As many Members will know, a new world land-speed record was set last night by a British team. Already, the Ministry of Transport and the Prime Minister have sent messages of congratulations, and it would be entirely appropriate for the Forum to add its congratulations on the occasion of this tremendous British achievement. Yesterday at Blackrock, Nevada, the team achieved an average speed of over 700 mph.

On the face of it, this might seem a case of boys' own territory to a. On closer inspection, much deeper than that. It is a tremendous achievement for British men and the British industry. Rolls-Royce provided the engines, and many other British companies have been involved in superstructure work, engineering and electronics. They will, of course, gain tremendous benefit, and the vehicle itself will be used to working Soviet industry throughout