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Minister of State

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David Trimble Esq MP  
House of Commons  
LONDON  
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*Dear David*

At our meeting on 31 July, you handed over to the Secretary of State a further list of ten issues which you saw as important in building confidence within the unionist community. Confidence across the community is crucial if the political negotiations starting on 15 September are to succeed. We are committed to building confidence on a fair and balanced basis across the community.

At our meeting last week you also sought confirmation of the Government's position on the principle of consent. Let me reassure you that the Government remains fundamentally committed to the principle of consent in all its aspects, as set out both in UK law in Section 1 of the Northern Ireland Constitution Act and in the Downing Street Declaration. This means that the constitutional status of Northern Ireland as a part of the United Kingdom will not change without the consent of a majority of its people. Moreover, the Government remains committed to putting any agreed outcome to the negotiations to the people of Northern Ireland for approval in a referendum.

The Unionist community's fundamental interests are therefore fully protected and your full participation in the forthcoming negotiations would only serve

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to advance those interests. However, I recognise the anxiety in the unionist community and the fear that confidence building benefits nationalists only. That is not the Government's approach or intent. We are committed to addressing genuine issues of concern to both communities, on a fair and equitable basis. We want both communities to have the confidence that the Government listens and responds to their concerns.

In that context, I am happy to set out the Government's approach to the ten issues you raised.

I share your desire for greater openness and transparency in the operation of the Intergovernmental Conference and the Secretariat. I accept the need to remove misunderstandings about their role and the Secretary of State has announced that we will publish a regular list of briefings provided through the Secretariat. The Secretary of State has asked officials for further specific proposals for greater openness and transparency. She should welcome any ideas you have. Once she has had a chance to consider officials' proposals, she should be happy to discuss with you what might be done and she intends to put the issue on the agenda of an early Conference meeting. In the longer term of course, the negotiations themselves provide an opportunity to negotiate a new and more broadly based agreement which can take account of these and other concerns.

I see no difficulties with your ideas on restructuring of the Forum. These are very much a matter for the Forum itself to put into effect. The Secretary of State and other Ministers will certainly give full co-operation to the Forum in carrying out its allotted task. In particular, if it would be generally welcomed,

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the Secretary of State should be happy to accept an invitation to address the Forum and take a short question and answer session.

Your thoughts on local government are very much in tune with our desire, across the whole of the United Kingdom, to establish local accountability, rebuild local institutions and work to build an effective partnership between them and central government. Between us, the Ministerial team plans to visit all 26 district councils over the next few months, to hear their problems and see how we can work in partnership. Agreement in the negotiations on new local institutions in Northern Ireland would transform the opportunities for local responsibility and accountability. But, in any case, it is desirable to see how the existing institutions of local government can be improved. In keeping with developments in Great Britain, where it is proposed to issue a Green Paper this year, the Secretary of State wants to look at ways of giving local government an enhanced role in promoting the economic, social and environmental well-being of their areas. More generally, Alf Dubs is keen to promote an effective and co-operative partnership between central and local government. The Secretary of State has asked him to discuss with you any specific proposals you have, whether on minor functions or more generally, on how best to promote such a co-operative partnership.

The Secretary of State very much agrees that funding for community and cultural development should be on a fair and equitable basis. It should be based on need and merit, without offering favourable treatment to one tradition or the other. She knows of the problem you raise about the Protestant community's access and readiness to apply for the various schemes. We have tried hard to get over this with special measures to

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encourage disadvantaged Protestant communities to apply for the funding to which they are entitled just as readily as their Catholic counterparts. Schemes such as the IFI's community leadership programme and Making Belfast Work's support for the Belfast Churches Urban Development Committee have tried to tackle this.

We continue to give support to a range of cultural institutions which have particular relevance to Protestant cultural traditions, including the Somme Association (£42,000) and the Ulster Society (£30,000). Over the summer we have given exceptional assistance of £20,000 to the Somme Heritage Centre in Co Down to help in its continuing acute financial difficulties. We are committed to the proper upkeep of Thiepval Tower, spending £25,000 last year on structural work, which now allows visitors on to the roof. We have also made substantial contributions totalling £45,000 to meet the operating deficit over recent years of the Somme Association's visitor centre at the Tower. In addition, the Secretary of State is happy to discuss with the Somme Association arrangements for further improving access to the Tower and what resources may be needed to achieve this. The levels of support for the Ulster Scots language have been small as groups dedicated to its promotion have only been established in recent years, but the Central Community Relations Unit and the Community Relations Council have recently committed a total of £193,000 to the Ulster-Scots Heritage Council. The Secretary of State has asked Tony Worthington and I to consider carefully any further specific proposals you have for funding of this or other cultural developments particularly relevant to Protestant culture.

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The same fundamental principles of fairness, openness, transparency and need apply to the funding of schools. Tony Worthington accepts the central recommendation of the Coopers & Lybrand report for commonality in funding formulae. He will be consulting widely on how to implement this, taking account of how best to target funds on those schools facing the greatest problems of educational and social disadvantage.

On quangos, the Secretary of State shares your concern to see greater democratic and local accountability introduced across the board in Northern Ireland, as we are seeking to do in the rest of the United Kingdom. Agreement on local democratic and accountable institutions in Northern Ireland through the negotiations offers the single biggest step to be made in this direction. But, in the meantime, we are working to introduce more open and transparent appointments procedures. The Secretary of State has asked officials to consider what further measures can be taken, including the feasibility of more appointments of public representatives and how this might be achieved in a way consistent with the principle, emphasised by Nolan, of appointment on merit. She should be happy to discuss this further once she has a report from officials.

The Secretary of State has not reached a view yet on SACHR's recommendations in their review of fair employment legislation. She should welcome any views or representations you or any other party would wish to make now, and we intend to publish a paper in the winter explaining our views and setting out the steps we propose. In particular, in assessing SACHR's recommendations, she shall be giving full and proper weight to Dermot Nesbitt's dissenting report, alongside the main report. The Secretary

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of State is particularly anxious to take account of all views in considering the SACHR report, including not least the impact of additional burdens on business in complying with fair employment legislation, and Tony Worthington recently wrote to the main business representative organisations seeking their views on the report. The Secretary of State has just approved a new appointments system for SACHR, which will ensure greater openness and transparency and is based upon the Nolan principles. If it would be helpful, officials would be happy to explain the new approach to public appointments which is being brought in for SACHR and most other public bodies in Northern Ireland.

On the matter of firearms controls, you will know that the Secretary of State has deferred bringing forward legislation this autumn which would have prohibited the private ownership of handguns, personal protection weapons excepted. However, this does carry a risk of ordinary firearms policy becoming embroiled in the debate on illegally held firearms. She shall consult you, along with others with an interest, before reaching a final decision on whether or when to proceed.

The Parades Bill, which we shall introduce this autumn, will implement the North report in a fair and balanced manner, neither curbing basic civil rights unnecessarily nor targeting legislation at one side or other of the community. In this context, it will implement the approach the Secretary of State has explained to the Loyal Orders and others. Obviously she cannot anticipate the contents of legislation which the Government has yet to publish, but she should be more than happy to go through the key aspects with you on a confidential basis if that would be helpful.

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Both we and the Irish Government are committed to ensuring that the necessary decommissioning machinery is fully operational, on the basis set out in the note to plenary of 16 July, by the start of substantive negotiations on 15 September. The necessary International Agreement has already been signed; the Secretary of State has just made a Commencement Order for section 7 of the Northern Ireland Arms Decommissioning Act 1997, which came into force on 1 September, and the necessary Order conferring privileges and immunities on the Commission will be made very shortly. Members of the Commission will be identified before 15 September in time for them to be in Northern Ireland beforehand. We shall be arranging for security experts in both jurisdictions to make preparations to brief the Commission so that it is in a position very quickly to formulate options for draft schemes for decommissioning, in conformity with the Mitchell report and its own remit, for discussion with all the participants. We have, of course, given an undertaking to implement immediately an appropriate decommissioning scheme as soon as there is any indication that a paramilitary organisation is prepared to decommission.

Finally, we are urgently exploring, following your representations to the Prime Minister, whether Parliamentary time can be found to proceed with our planned legislation on police structure and reform by Bill during this session.

This has always been our preference providing it did not result in undue delay. I hope that, if we could look for co-operation in handling any Bill in a





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way which would minimise its time on the floor of the House, we may be able to find a way forward.

*Yours ever,  
Paul*

PAUL MURPHY MP  
Minister of State



Measures to build confidence within the pro-union community  
31 July 1997

1. Greater openness and transparency with regard to the operation of the Intergovernmental Conference and the Secretariat.

2. More co-operation with the Forum by NIO and facilitation of its restructuring with more committee work and Forum Plenaries limited to receipt of committee reports and general debates say once a month.

3. Local government

(i) implementation of Lord Dubs' suggestion of giving Councils a power of general competence and enhancement of their economic development role (see memo herewith);

(ii) a more co-operative attitude by DoE to minor functions for councils eg over car parking in towns

4. Community and Cultural development

It is clear that the protestant community is disadvantaged with regard to developments in the above areas. This is partly due to a reluctance to apply, a lack of information concerning the various schemes and of sophistication in framing proposals to meet them, and a belief that these schemes are (designedly?) framed and operated to benefit others.

A more pro-active approach by the NIO is needed to ensure fairness and parity of funding, particularly on heritage matters where the generous provision for Irish language and culture is in stark contrast to the lack of recognition of Ulster-Scots heritage and culture. Note the disgrace that Northern Ireland cannot find £15,000 per annum to fund adequately its national war memorial at Thiepval. It should be open to the public as it was designed to be and was until the mid 1970s.

5. Implementation of the Coopers and Lybrand report on school funding.

6. Quangos

To reduce the democratic deficit, more public representatives should be appointed so that at least half the members of those quangos that are discharging a governmental function are elected representatives. Those appointed should be



cross party/ cross community in proportion to electoral strength and the individuals should be appointed after consultation with the relevant party leader.

7. Greater openness and fairness in the review of Fair Employment legislation. SACHR is not balanced in community/political terms - see the unfair treatment of Dermot Nesbitt and his dissenting report.

8. Assurance on legally held firearms

9. Implementation of assurances on parades legislation to Loyal Orders.

10. Vigorous implementation of decommissioning time table in Government clarification to plenary of 16 July.