

Ulster Unionist Party (UUP)

14th November 1997.

**UUP response to the Consultation Paper "STRAND 3 A NEW AGREEMENT"
by H M Government and the Government of the Republic of Ireland.**

The UUP expresses disappointment and concern at the joint proposals put forward in the Consultation document. The guiding approach from both Governments seems to be an unequivocal endorsement of the proposals put forward in the Frameworks Documents. Clearly this shows a lack of commitment to progress by both Governments. The Frameworks Documents remains an anathema to Unionists, and the endorsement of that approach i.e. the Consultation paper is thus both unimaginative and lacking in political balance.

While welcoming a commitment to the principle of consent, this needs to be stated in a clear and unambiguous fashion. Consent is determined by the will of the people of Northern Ireland alone, and is not co-dependent on the wishes of the people of the Republic of Ireland. Similarly, while any arrangements should ideally have the greatest degree of support within Northern Ireland that is possible, the consent of the Nationalist Tradition in Northern Ireland cannot be placed on a par with the consent of the people of Northern Ireland.

An aspiration cannot be equated with the fact of British Citizenship and Sovereignty. A clear distinction must be drawn between identity and allegiance.

Similarly, while we support equality of opportunity for every individual in Northern Ireland, other phrases used in the Consultation paper such as "parity of esteem" and "equality of advantage" would need to be clarified, before a response could be given.

On Constitutional Issues, the paper talks of a balanced accommodation, again referring in detail to the Frameworks Documents. This in effect trades changes to British Legislation with alterations to the Irish Constitution. The UUP finds such an approach unacceptable, and believes that if the Irish Republic is to fulfill its obligations in international law, and perform the role of a good neighbour, it should unilaterally remove its territorial claim. There are two sovereign states in the British Isles, namely the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland, and Law and Practice in both jurisdictions should reflect this.

Any new relationship established on an East/West axis should genuinely deal with matters on an East/West basis. The type of structures envisaged by the Frameworks Documents only deal with East/West issues in 3 lines. This contrasts with the 1980 British/Irish communique 80% of which genuinely dealt with East/West issues.

East/West Structures in the Frameworks Documents concentrate on an overseeing and interfering role for the two Governments, both in the internal affairs of Northern Ireland and in North/South structures. Such proposals rarely perpetuate the worst aspects of the Anglo-Irish Agreement, and ignore East/West Issues.

North/South and East/West cannot be divorced : the totality of relations must be addressed.

We would instead envisage a Council of the British Isles, which would comprise representations of the British and Irish Governments, as well as representatives of the devolved institutions within the United Kingdom and other autonomous bodies. Such a body would place discussion in a proper framework, address the totality of relationships within those islands, and enable consultation and co-operation between the United Kingdom and the Republic of Ireland, and their respective regions. Such structures, unlike those proposed by the Frameworks Documents, would be in line with the normal European and International approach to solving such problems. By definition, such a body would cover all relationships with other arrangements.

Finally, we welcome the commitment of H M Government to protect human rights in Northern Ireland, and to incorporate the European Convention on Human Rights into domestic law.

We were the first party in Northern Ireland to call for a Bill of Rights, and therefore support such a measure. We are not however clear on the reasons for the suggested All-Ireland Charter or Covenant, and do not see merit in such a plan. Instead we call on the parties to address positively the Council of Europe Conventions and accords on human rights and on the protection of minorities, and the issues covered by the Human Dimension of OSCE charters and documents.