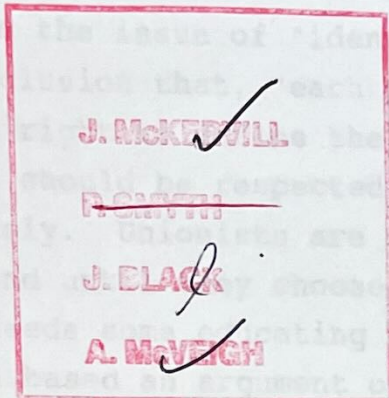


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3106  
POLITICAL AFFAIR  
DIVISION  
24 JUN 1996  
Belfast

FROM: D J R HILL  
POLITICAL DEVELOPMENT TEAM  
24 JUNE 1996



Negs Planning

cc PS/PUS(L+B) -B  
PS/Sir David Fell -B  
Mr Thomas -B  
Mr Leach -B  
Mr Bell -B  
Mr Watkins -B  
Mr Maccabe -B  
Mr Beeton -B  
Mr Lavery -B  
Mr Whysall(L+B) -B  
Miss Harrison(L+B) -B  
Ms Checksfield -B  
Mr Budd, Cab Off, via IPL -B  
Mr Lamont, RID -B  
HMA Dublin -B  
Mr Campbell-Bannerman -B

24/6

Mr Stephens -B

#### CONSTITUTIONAL AND EAST/WEST ISSUES

I should like to associate myself with the thrust of Peter Bell's recent minutes on the constitutional issue and the nature of the East/West relationship which may emerge from the Talks.

#### Constitutional Issue

2. On the constitutional issue we should have, as our prime objective, the securing of an unambiguous commitment to the principle of consent to any change in the current constitutional arrangements; but a glance at the McGimpsey judgement illustrates that such a commitment would be insufficient unless there is a parallel acknowledgement of what those constitutional arrangements are - ie that Northern Ireland is a part of the United Kingdom. Mr Bruton has publicly acknowledged this at least twice in recent months, in press conferences and other informal contexts, but it should be formally nailed down. In other words, I am firmly in the camp of those who believe that the territorial claim must be unambiguously removed if there is to be a peaceful settlement, and that withdrawal of a claim to "jurisdiction" alone will be insufficient.

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3. Having been tempted to look at the metaphysics of the situation, I also believe we should be aiming to overthrow the view that Unionists are part of "the Irish nation". One of the most valuable conclusions of the Strand One sub-Committee in 1992 concerned the issue of "identity": a full day debate led to the one line conclusion that, "each individual and community had the absolute right to define their own identity; and that right and identity should be respected.". That principle needs to be accepted more widely. Unionists are not members of the "Irish nation" - unless and until they choose to regard themselves as such. (Even Mr Bruton needs some educating here: his Drogheda - or was it Dundalk? - speech based an argument on the assertion that Unionists were part of the Irish nation.)

4. As to language, the best I recall was drafted by one Mrs Mary Robinson and submitted by Workers' Party motion to the Dail in December 1991 where it won the support of a majority of deputies (but the PDs voted, alas, with their Coalition partner - Fianna Fail - on the grounds that it was better to overhaul the constitution completely than go for a "divisive single issue referendum"). I cannot now remember exactly where it came down on claim/jurisdiction but it was very strong on aspiration and consent: it may be worth researching.

5. To push to boat out completely, I continue to hold the view (which I have expressed at length on previous occasions so will not justify in detail now) that "consent" to Irish unity should require at least majority support in each part of the community in Northern Ireland. Since I first expounded this heresy it has secured respectable backing from the report of the Opsahl Commission; and the concept of "sufficient consensus" is of course already enshrined in the current Talks process.

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East/West Issues

6. I had previously been sure that, politically, the "East/West" elements of the "Frameworks" package would have to be significantly enhanced before it could provide the basis for a widely acceptable settlement. I am grateful to Mr Bell for pointing out some of the reasons why that is likely to be practically necessary as well.

(Signed)

D J R HILL  
POLITICAL DEVELOPMENT TEAM  
EXT CB 22317

Mr Thomas (L&B) - B  
Mr Bell - B  
Mr Legge - B  
Mr Leach (L&B) - B  
Mr Steele - B  
Mr Watkins - B  
Mr Wood (L&B) - B  
Mr Beaton - B  
Mr Currie - B  
Mr Hill (L&B) - B  
Mr Lavery - B  
Mr MacCabe - B  
Mr Perry - B  
Mr Stephens - B  
Mr Checkfield - B  
Miss Harrison (L&B) - B  
Ms Mapstone - B  
Mr Whyall (L&B) - B  
Ms Collins, Ceb Office via IPL-B  
Mr O'Mahony, TAB - B  
Mr Lamont, RID - B  
HMA Dublin - B  
Mr Westmacott (via RID) - B  
Mr Campbell-Bannerman - B  
Mrs McNally (L&B) - B

FILE NOTE

THURS: MORNING OF 24 JUNE 1996

SUMMARY

Pursuit of revised Rules of Procedure further complicated by the introduction by the UDP of various possible formulations to ensure that the outcome of the negotiations cannot be predetermined and will take precedence over any previous agreement. Delayed resumption of full conferral meeting. UDP to pursue their suggested amendments with the SDLP and Irish.

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