



**BRITISH-IRISH
INTER-PARLIAMENTARY BODY**

**COMHLACHT IDIR-PHARLAIMINTEACH
NA BREATAINE AGUS NA hÉIREANN**

THIRTY-THIRD PLENARY CONFERENCE

23 and 24 October 2006

The Waterfront Hall, Belfast

OFFICIAL REPORT
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In spite of all the sound and fury from St Andrews and all the hopes that it has engendered, two facts remain. They are two formally immovable forces: first, the acceptance of one side to unreservedly sign up to policing and the rule of law, and all that that entails; secondly, the acceptance of real and meaningful devolved power sharing. Those issues were firmly addressed in the agreement and in the Secretary of State's statement to the House of Commons, as the two factors without which the St Andrews Agreement could not be implemented. If those issues are not resolved by 24 November, the Assembly will be dissolved.

I hope and pray that that will not happen. It is sad that there have been one or two resiliings from what was agreed, but I hope that those are merely the last death throes of the "No, never" culture, which, unfortunately, has bedevilled both sides of the argument for many years. Both sides must be unequivocal. I hope that wiser counsel will prevail and that the two issues will be resolved by the deadline of 10 November, in order that we at Westminster can pass the necessary legislation to implement what was negotiated and agreed at St Andrews.

The final point for the Body to discuss is future east-west arrangements. The Steering Committee discussed the matter last night, and I have been thinking about it overnight. I will read a short paragraph from annex A to the St Andrews Agreement, in case some Members have not read it. Paragraph 24 states that:

"East-West Inter-parliamentary Framework. Following appropriate consultation with the British-Irish Inter-parliamentary Body, the two Governments would encourage the Oireachtas, the British Parliament and the relevant elected institutions to approve an East-West Inter-parliamentary Framework which would embrace all their interests. The framework would operate on an inclusive basis."

In the 20-odd years in which the Body has been in existence, it has operated on an inclusive basis. However, it has caused us all repeated sadness that it has not been all-inclusive, because unionists chose not to participate in it. The attendance of DUP members at our previous conference heralded a slight shift in that logjam, and the DUP may appear at some stage at this conference. However, we have yet to get a commitment from the whole body of unionism that it will participate in the British-Irish Inter-Parliamentary Body.

The reason for unionists' non-attendance stems from the fact that many of them thought that the Body was the child of the Anglo-Irish Agreement. However, even if it was the child of the Anglo-Irish Agreement, the Good Friday Agreement superseded that, and we have now moved even further with the St Andrews Agreement. Therefore, it is a pretty limp argument to make for not attending. If all the issues have been successfully resolved by the time that the Body next meets, in Dublin in March 2007, I hope that we will be on the eve of a restoration of the Northern Ireland Assembly, and that we will be able to embrace all the political parties at our conference subsequent to that one.

I hope that I speak on behalf of all Steering Committee members when I say that we must ensure that the Body also moves with the times, because it would be foolish to consider any other arrangement than this Body as the parliamentary authority on east-west relationships and, indeed, on relationships throughout all the islands. We have moved with the times by including the Scottish Parliament, the National Assembly for Wales and the various islands' Parliaments and Assemblies, and the Body is richer for it. However, we must alter our arrangements somehow to accommodate all the political parties in what we hope will be the new Northern Ireland Assembly. That will require a great deal of spadework, which is the job of the Steering Committee. We must ensure that the numbers on the Body are appropriate, so that we can accommodate those new Members. That will change the nature of the Body. However, once again, I believe that it will be a change for the better.

The Steering Committee must put forward new suggestions and proposals for the next conference. I hope that I speak for all members of the Steering Committee when I say that we welcome Members' views on how that may best be achieved.

Senator Brian Hayes: Thank you, Co-Chairman. When the Body met in Edinburgh in November 2005, the Shot at Dawn (Ireland) Campaign was debated. On that occasion, the Body's collective view was that the British Government would move to ensure that pardons were granted to the unfortunate people who were killed in such terrible circumstances during the First World War. We can report progress on that. Over the summer, the UK Secretary of State for Defence, Des Browne, moved on the issue, and it would be right and proper for the Body to recognise that that movement has occurred. Families in Ireland in particular are grateful that Des Browne has given a commitment to resolve the issue. I wish to congratulate him publicly, and I think that the Body should do the same.

The St Andrews Agreement is principally an agreement between both Governments. All the parties have not signed up to it, although they clearly want to make it work. I wanted to speak in this debate, as I want clarification on whether there will be a referendum or an election in Northern Ireland in March 2007. The timetable in annex D to the agreement suggests that the electorate will endorse the St Andrews Agreement in March. However, no reference is made to what form that endorsement will take. I am opposed to the notion of there being a referendum on the St Andrews Agreement in the Republic of Ireland. Whether there is a referendum in Northern Ireland is a matter for the parties in Northern Ireland, but it is being touted and suggested that we may have to hold a referendum in the Republic. I am totally opposed to that, and I wish to explain why.

The endorsement of the Good Friday Agreement by the Irish Republic in 1998 was necessary for two principal reasons. First, it was a collective act of sovereignty by the Irish people for the first time since 1918 — a notion that I very much accepted. Secondly, the Republic had to change its constitution to amend its territorial claim on Northern Ireland, which was inevitable. It would be utterly wrong to rerun that referendum in the South, when there is absolute unanimity and support for the St Andrews Agreement in Oireachtas Éireann.

There was no suggestion of a referendum on the proposed comprehensive agreement of December 2004. I ask, therefore, those who now seek a referendum to stop playing politics with this issue, because there is no basis for a referendum. All the proposed changes in the St Andrews Agreement refer to strand one of the Good Friday Agreement and principally relate to the Northern Ireland Act 1998 — a Westminster Act. I ask people to bear in mind that, while there may be a necessity for a referendum in Northern Ireland, there is not such a necessity in the South.

The significance of where the IRA is now, in comparison with its position some years ago, should not be underestimated. The historical event that brought the Irish Civil War to an end over 80 years ago began with a letter from the then President of the Executive Council, WT Cosgrave, to the then leader of the Irregulars, Eamon de Valera, some 18 months after the start of the war.

In that document, Cosgrave asked de Valera to accept two simple principles: first, that the sovereign wish of the Irish people could be determined only by a majority vote in Dáil Éireann; secondly, that there could be only one legitimate army answerable to, and accountable through, Dáil Éireann. The wise man that he was, de Valera accepted that, and that great act on his part brought to an end the terror that was the Irish Civil War.

Some 80 years later, we are in the same position — although it has taken one very small group of people 80 years to realise that. The significance of the IRA's new position must be underlined; it is a historic change, and that should be recognised.

12.00 noon

Mr Andrew Mackinlay MP: I will talk about the St Andrews Agreement in a moment.

First, I would like to add to Senator Hayes's comments about the pardons granted to British Army soldiers who were killed in such terrible circumstances during the First World War. At its last plenary conference, this Body made representations in respect of those soldiers, and this plenary conference is an occasion to place on record the process that resulted in the British Government's decision to grant those pardons.

At the outset, the Irish Department of Justice, Equality and Law Reform made representations to the United Kingdom Government in respect of the 26 Irish soldiers who were executed. Following that, four ingredients contributed to the granting of the pardons. First, the campaign had not gone away. Secondly, a wonderful lady called Gertie Harris, the daughter of an executed soldier, took the British Ministry of Defence to court: a case that the Ministry of Defence lost. The third ingredient was a change of Minister. Des Browne, a former Northern Ireland Minister, known to many people here and now Secretary of State for Defence, was sympathetic to the issue. The final element was the compelling representations made by the Taoiseach on behalf of the Irish Republic. The Ministry of Defence knew that, at some stage, it would have to reply to those representations and that to do so would be extraordinarily difficult, because the representations were part of a skilfully and carefully crafted legal submission.

I place that on record and, as someone associated with the campaign, I express my gratitude to the

Government of the Irish Republic for its contribution to remedying that wrong.

With regard to the St Andrews Agreement, I am pleased that I caught the Co-Chairman's eye before Arthur Morgan. I feel sorry for Arthur, because, to some extent, insofar as this issue is concerned, he is like Horatius at the bridge. However, it is right that many of us ask Arthur to give an assurance on behalf of Sinn Féin, on this rather public occasion, that there will be a total commitment by his party to recognising the court structures and the Police Service.

In making that request, I acknowledge the enormous distance that his party has moved and the leadership that has been provided — it has its constituency, and we must acknowledge that it has moved constructively, to say the least.

I do not mean to ask this question in a cheeky way, Co-Chairman, but, on occasions such as this, could Members such as Arthur Morgan not give confidence to the unionist community by seizing this opportunity to reassure it? He could, perhaps, amplify how he views the necessary undertakings to cement the St Andrews Agreement in respect of policing and the courts.

Michael Mates commented on the parliamentary framework, and, in that regard, I believe that we should set our ambitions quite high. If the life of this Body, which has done so much over the past 20 years, were to come to an end, and a new Body were to be reconstituted, that would allow the unionist tradition to join it formally. The terminology, titles and names are all important. We must find a new formula. For instance, there might be a case for not having a Co-Chairman as such, but a chairperson or speaker or the Irish equivalent, with the status attached to such a title.

We should perhaps adopt the model of the European Union and so many other international organisations, whereby our chairpersons could attend ministerial bodies on behalf of the parliamentary arm. In the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe, the heads of the parliamentary arms attend ministerial bodies on a parity basis. That sends the right signals. Adopting such a model would add status and dignity to our Body as a parliamentary arm, and Ministers, both in the North and the South, would realise that they must be answerable to the Body.

I do not mean this in any critical way, but it would also get away from the Northern Ireland Office — and probably the Irish Foreign Ministry — which has, in the past, had a disproportionate influence on this Body and on when and where it should meet. We must beef up our act. It is to be hoped that we can steer this Body to a harbour where we can tie it up and launch a new ship with a statutory base. Co-Chairman, perhaps you and the other Co-Chairman should attempt to get some reference in statute to a successor body, which, again, would give it some status and signal to future Departments and Ministers that it has a parliamentary arm.

I very much welcome the promise in the St Andrews Agreement to introduce an Irish language Act, which would be enacted by Westminster. However, the Ulster-Scots tradition should not be overlooked. It may cause misunderstanding and offence if there is not some deference to the Ulster-Scots tradition in the historical Ulster province — not only in the Six Counties that are in Northern Ireland, but in the other three counties, particularly Donegal, which are in the Republic. Much has already been done, and the Ulster-Scots Agency has received public money from the Governments in the Republic and the United Kingdom. The agency has done some very good work.

It is imperative that the national language be advanced, and I would be very proud to be associated with that. However, there should be a commensurate recognition of the Ulster-Scots tradition. I implore Members, particularly some of my Westminster colleagues, not to dismiss or deride that tradition, or to utter some dismissal of it behind their hands. It is in the interests of each and every one of us to recognise that some of the essential ingredients of the cocktail of Ireland are the people, the communities and the traditions that came to Ireland as a consequence of the plantations. The Ulster-Scots tradition must be given commensurate recognition.

I recognise the importance of the past, and I remember being deeply disappointed when a member of the DUP, who was an MP in the House of Commons, referred to the Irish language as a Mickey Mouse language. I found that remark deeply offensive, and it betrayed his ignorance of a national tradition. I mention that because it works both ways. There should be recognition of the rich tradition of Ulster Scots that exists not only in Northern Ireland, but throughout the province of Ulster.

The Co-Chairman (Rt Hon Paul Murphy MP): Andrew made an interesting point about the future