

Mr. TRIMBLE

Members opposite to work in that way. It may be that they feel they have stated their position on that. It should be realised that any statements which they have made have not come through clearly enough to the people. They have to find some way of overcoming the suspicion and the distrust that exist and which to a large extent were caused by their actions in the past.

Mr. O'Donoghue: Do you share that suspicion and distrust? Is it just the people in the country? Do you not believe our statements?

Mr. Trimble: I am not sure, and I am prepared to suspend judgment. That is all I am prepared to do at this stage. I am prepared to suspend judgment until one sees the situation.

An hon. Member: Your party would be behind you.

Mr. Trimble: We will see. The point I am making is that you cannot—

Mr. O'Donoghue: It is time that you and your party made up your mind.

Mr. Trimble: I have made my mind up to a considerable extent, but you have asked me if I am prepared to take certain things from you on trust and I am saying that I am prepared to keep an open mind on it.

Mr. O'Donoghue: You are not sure.

Mr. Trimble: That is much the same thing.

What I am saying basically is that it is wrong for the hon. Members opposite to insist on guarantees—that the only effective way forward is to find some form of relationship with other groups and to be prepared to bargain in that sense. It seems to me that the events of recent weeks provide an argument for implementing the proposals of the United Ulster Unionist Coalition as they now stand, because there is no more that hon. Members opposite could seek to obtain from the point of view of legislation.

The addition they could seek to obtain is through bargaining with other people who may be elected now or in the future. This is not to say that legislating as things stand would send the hon. Members into a future negotiating chamber defenceless, because there can be ways—and we indicated this yesterday—in the committee system and elsewhere whereby certain basic guarantees can be given for involvement in parliamentary affairs and to ensure through a Bill of Rights or some other device minimum standards in government action. Anything over and above that cannot by its nature be subject to guarantee.

6.30 p.m.

Mr. Hume: Mr. Chairman, there are over 1,300 people dead in this community and the purpose of this Convention is to attempt to find agreement among elected representatives on the basis of a system of government which would provide us with peace and stability. It is a very important and a very responsible task and one which all elected representatives should approach responsibly. We have tried to do so, but I must say that the events of today leave a very considerable question mark over the attitude of the U.U.U.C. as to whether or not its members are willing or anxious even to listen to other people's points of view or to discuss them. That is a necessary element in this community if we are ever to reach any agreement or any stability.

We came along here today and we were told that the leaders of the U.U.U.C. would not be here; they had to go to a wedding. We accepted that and I would not have referred to it although I think it a rather peculiar thing to do as an alternative to the serious job to be done here when a major party to this Convention is putting forward its point of view. I would have ignored it, and so would my party, but then the absence of the leaders was backed up by the removal from this Chamber voluntarily, by themselves, of the entire representation of the U.U.U.C., with three exceptions.

They removed themselves when an appointed spokesman of our party was putting forward details to add to the principles which were already in our document. They decided they did not want to listen. In so doing they were telling not just Mr. Mallon but the entire S.D.L.P. that they were not interested in listening to their point of view. That, allied to the absence of the leaders, makes me question very seriously whether they are at all serious in seeking to explore any avenue of any description to produce peace and stability in this community.

I am reinforced in that when I read the remarks of Mr. John Taylor, at a recent meeting in North Down, when he indicated very clearly that negotiation here was only a game to see who could be wrong-footed. It is no game for us; it is a serious matter and one which concerns the future of this entire community. If people who are elected to do a job are not prepared to approach that job with a proper sense of responsibility let the community judge them as they should be judged.

Mr. Feely: There are only eight here at present.

Mr. Hume: Several points have been made in relation to the documentation provided by the S.D.L.P. for this particular debate but before

going into an outline of our own approach in reply to them I want to deal with a couple of points which kept recurring. There was an assumption on the part of some people that there is agreement on both sides of this House in relation to the nature of a Bill of Rights. There is not. There is a fundamental disagreement as to approach to this particular question. Secondly, the question was consistently and continually raised about the attitude of the S.D.L.P. to the police services of this community. I will try to deal with both of those together because both, in fact, fit into our analysis of our problems.

In presenting our case for power sharing today and the detail that lay behind it, Mr. Mallon pointed out, as it was already pointed out in our documentation, that one of the weaknesses of the British system applied to Northern Ireland was that it tended to institutionalise the divisions that exist in society. The British themselves can afford the luxury of institutionalising party conflict because they are a cohesive society and they are agreed fundamentally about how political power should be exercised. We are not because we are a society divided on fundamentals and this problem goes much deeper than the discussions on power sharing would indicate.

In Britain the majority in Parliament enacts laws and the courts and the police enforce them. But because the society is fundamentally in agreement on how it should be governed the people accept the law and the courts as "our law, our courts and our police". If you apply this system of majority rule in a divided society like ours you get a situation where the majority think of "our laws, our courts and our police". The debate on security is littered with examples that that is, in fact, what they do think.

Mr. Empey: Will the hon. Member give way?

Mr. Hume: No; I am replying to the debate.

The contrary to that is that the minority then thinks in terms of "their law, their courts and their police". We are saying honestly that that is a fact of life. It existed before we were founded as a party. The evidence is there for all to see, stretching right back to the foundation of this State, where people from all sections of this community would at all stages co-operate with the police and with the courts in dealing with normal crime. There never has been any question about that.

However, in a period of political crisis, when the political institutions are under threat, a substantial section of this community has consistently refused to defend those institutions or to support the forces it defended. That has been

the position, and that is our Achilles heel, which paramilitary forces and subversive organisations using violence to overthrow the institutions of the State have consistently exploited. If you listen to the consistent argument we are putting forward about that problem you will see that we are desperately trying to close that gap so that that Achilles heel is gone. That is why we believe it is essential in a divided society that we should agree on the standards whereby that society is to be governed.

Other countries have shown us—the United States in particular—how it is possible for people of diverse backgrounds, religion, nationality and race to build a society around the ideal of civil and religious liberty, and it is worth recalling that the efforts to do so in that part of the world were largely inspired by people from this particular Province of Ireland. So in adopting on the one hand an agreed Bill of Rights we are agreeing to the standards by which we wish to be governed. At the same time we are trying to remove this Achilles heel I talk about because we are making the courts the interpreters of the standards we have agreed. In this way we place the courts outside of party politics and outside of the security system and make them not only the implementers of the law but the guardians of the conscience and of the rights of the individual of this community.

That is a wider role for the courts than has ever been envisaged under the British parliamentary system where the courts, like everything else, are subservient to the ultimate sovereignty of Parliament. In this way in which we envisage a Bill of Rights being enacted into our domestic law we are trying to ensure that every citizen can look to the courts as the final interpreters of his rights as well as of community standards. Thus we can get for the courts the kind of respect from the entire community that they have never had before and the kind of respect that is enjoyed by, for example, the Federal Supreme Court in the United States. That is on the side of creating the standards by which we want to be governed, but if we can agree not only a set of standards by which we wish to be governed, as, for instance, those laid down in the European Convention on Human Rights, but also a set of institutions by which we wish to be governed, then we have changed the role of the police force immediately by so doing. Instead of being, as it has been, whether we like it or not, the defender of the majority tradition, it would become the defender of the agreed institutions of the entire community. That is what has been fundamentally wrong with the law and order position for so long. We do not have a situation where agreed institutions and agreed standards are being defended.

We all subscribe to the notion of government by consent. The highest form of consent is

MR. HUME expressed agreement made, and if the police service is defending institutions of government expressly agreed by the elected representatives of all sections and endorsed, as we suggest, by the people in a referendum, it immediately gains an authority and respect which it could get in no other way and which it has never had. There is no point in playing politics with this issue if we do not examine the fundamentals of the issue itself.

The Bill of Rights we have suggested is the European Convention on Human Rights because we understand that lawyers regard it as the best drafted document on human rights produced to date. We also suggest the retention of Part 3, as Mr. Mallon has said, of the 1973 Act because it was drafted to deal with specific problems. We also agree with the Rev. Martin Smyth's comment yesterday that we ought to be concerned not only about the rights of the citizen but also about his duties. We accept and have said repeatedly that if we can agree on institutions of government then all citizens will have an equal duty to defend them. More important, each citizen will feel, since under our proposals he will have been consulted in a referendum, that he has this duty. The drafting of such a Bill of Rights is a complex matter and one on which we want to be guided by the experience of lawyers and draftsmen who have gone before us.

There are two matters in particular to which we should pay careful attention. One is the idea of producing a Bill of Rights which is so vague it is not worth the paper it is written on; and the other is to make clear that we are establishing a commonwealth in which the government will be the servant and not the master of the people. These two issues, setting the standards by which we are to be governed and the institutions under which we wish to be governed, are central to the whole question of law and order. As I say, if one understands the point of view of my party on that one will understand that we are the only people putting our fingers on the Achilles heel which has been consistently exploited by those who wish to overthrow the institutions of government by physical force. I dealt first with those two questions and particularly with the one on law and order because it has been the one raised most often in this debate.

The burden of comment from speakers today who criticised our proposals was largely that they felt there was not enough detail about this or that. Mr. Empey talked about there being no structure spelt out. That was his principal objection, that we had not spelt out the details to show what we meant by our principles, and the same criticism came from Mr. Burchill. This was the fundamental criticism of our document. We were called on to present a set of

principles and we did so. The purpose of this debate is to set out the details, and they were set out by speakers who spoke on different subjects. We had a speaker on power sharing, one on financial relationships and one on the Irish Dimension. If Members on the opposite side chose to remove themselves from the Chamber when our appointed spokesmen were spelling out the details, they cannot blame us.

One has to understand the approach that my party has taken to this Convention and to submitting proposals and has to understand that approach in its entire context to understand why we are submitting our proposals in that particular form. The first thing we do in all our proposals and policy documents is to analyse the problem that we have to solve. If we are asked to submit a solution to a problem the first thing we should do is to state the problem as we see it.

I am afraid that nowhere in the U.U.U.C. policy statements or documents have I been able to find what it considered to be the Northern Ireland problem or, indeed, that it even considers there is a problem at all. Nowhere does the U.U.U.C. give the analysis on which it bases its proposed solution. What it has done is to treat us to an academic thesis and treatise on the British parliamentary tradition while rejecting in practice, as it has done in the recent past and as it is proposing to do now, the very basis of that tradition—the sovereignty of Parliament itself.

The British Parliament asked us to present to it our suggestions for the future government of Northern Ireland. It did not ask us to give it a lecture on its own system of government; it knows it a lot better than we do. What it wants from us is an analysis of the community in which we live and should know best. It wants us to give it the benefit of our experience of our own community and based on our analysis of that, our proposed solutions. If one looks at our document one will see that that is what we are doing. We are analysing the problem as we see it and applying solutions based on that analysis.

Perhaps we could look at the analysis as we have done repeatedly in this House. There is, tragically for us and for the people who live here, a very deep divide—two powerful traditions whose historic approach to the difference between them has always been the pursuit of total victory for their point of view. That approach has been consistently maintained by both traditions for a long time and has consistently led to conflict, death and destruction. If we continue with that approach, it will again lead to conflict, death and destruction.

In the opening stages of this Convention we accepted the advice of the leader of the

U.U.U.C. who, in his first speech, asked everybody to think again and to rethink his position. We have done that and in a moment I will spell out how we have done it. I regret very much that Mr. West did not take his own advice because it seems to me that the approach he and his colleagues are pursuing is the approach that has been consistently pursued by those who wish to maintain their tradition in this society. We would uphold the rights and traditions of the Loyalist community and would support it in any reasonable efforts it makes to uphold them because it is only right that it should make such efforts. Like those who have perhaps pursued our particular tradition in the past we fear that it has taken the wrong path and that it has led to conflict situations. That path is the one of those who say, "We cannot trust anybody else to maintain our traditions and principles. We can only trust ourselves." That is really the "ourselves alone" attitude in another form; such is the reality of their approach. It has failed before and it will fail again.

What is required is the moral courage to recognise the other man's position without abandoning basic principles. We have never asked anyone to abandon basic principles, nor would we. We are asking people to adopt new approaches to the protection of traditions and principles. Tragically there have been plenty of examples of physical courage in both communities down the years. This community abounds in physical courage, but there is very little of the moral courage which is required for real political leadership. The trenches of our prejudices may be comfortable but they will never lead to a solution of our community problem. When men have the moral courage to suggest new approaches for marrying their principles to those of the other section they have to listen to choruses of denunciation. People who are nothing more than loud-mouths working on fears and prejudices call them Lundies and sellers-out.

Hon. Members: Hear, hear.

Mr. Hume: For a politician in this society there is nothing easier than to stand up and play upon the fears and prejudices of his followers. We all have drums and flags. The flags are of different colours but when they are used in an emotional way to work up prejudices and fears they are really all the same. That is the easy road but ultimately it is the road to self-destruction. Unless those who belong to the tradition of Members opposite have the courage to stand up and seek new ways of arriving at an accommodation with those of the tradition which we represent we will head for further destruction.

A few minutes ago I said that we had taken

Mr. West's advice and rethought our position. I have said here that the romantic notions of Ireland which have been handed down to us as part of our political tradition have very little reality when applied to the situation in which the people of this island find themselves. The notion of somehow forcing a million people into a united Ireland is unacceptable to us. That is one of the traditions which have been handed down. The notion that territorial unity of this island is an objective worth dying and killing for has also been handed down and has led, in both parts of the island, to political dogma which must be re-examined seriously if we are to reach an accommodation with the other tradition.

We have thought about this. We have always been concerned about uniting the people of this island, as opposed to its territory, but we are now firmly committed to that notion. The real division which exists here is not the line on the map which we call the Border but the mental division which separates one section of the community from the other, and it cannot be ended at the point of a gun. The solution is not for one community to force its will upon the other. Partnership is the only way. Both parts of Ireland need institutions of government which have the support of all the people. That is the way to unite the people of this island.

Mr. William Thompson: It is impossible.

Mr. Hume: It is not impossible. That is the way to give our institutions of government the consent, authority and security which have always been lacking. In that situation our institutions could be defended with real strength.

Mr. William Thompson: Will the hon. Member give way?

Mr. Hume: I am replying to the debate.

Our ideas in this field have been spelt out time and time again. We have said repeatedly that partnership is the only alternative to conflict. Because of the situation in which we find ourselves the building of the necessary trust and confidence in institutions requires a period in which both sections of the community can work together at every level. There is no other way. The domination of one section by the other does not provide a way forward. Similarly we need partnership between the two parts of this island. I am not talking about something to be forced upon anybody but about something freely agreed between the two parts of the country. Clearly there are certain matters which need to be dealt with jointly.

Let me return to partnership within Northern Ireland. We recognise that power sharing is an unnatural system of government; we have al-

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ways said so. But we are in an unnatural situation and we need a means of developing a normal society. Partnership seems to us to be the only reasonable way of doing that. As has been pointed out today, we would be willing, after an agreed period, to review partnership institutions in an effort to remove any difficulties in their operation. It is not possible to set up institutions to last for ever. They must evolve and we must have agreed machinery for examining their evolution.

Mr. William Thompson: You want a united Ireland.

Mr. Hume: We have said repeatedly that if partnership institutions are established in the North, and if there is agreed partnership between North and South, we will be happy to leave the future to evolution, the direction of which can be controlled by the majority in the North. We would be happy to create a new Northern Ireland and a new Ireland through agreement and co-operation. The old prejudices and the questions which Members opposite are now asking would then be irrelevant. That is the thinking which lies behind our proposals.

Mr. Currie spelt out very clearly the implications of the Irish Dimension and our reasons for wanting an institution to deal with problems in the social, economic and security fields. People have talked a lot about the question of extradition. Mr. Paisley and other Members have referred to it here. As you, Mr. Chairman, have pointed out, the judges in the Republic cannot be criticised on this score. Under the Southern Extradition Act they are obliged to refuse to extradite if the alleged offence is

"a political offence or an offence connected with a political offence."

In this matter they do not have any discretion. It is said that the law ought to be changed. But the law in the Republic merely reflects the European Convention on Extradition which is observed by most of the independent states of Europe and of the civilised world. When Loyalist politicians criticise the Republic for not extraditing people charged with political offences they are saying that normal international law should not operate between Northern Ireland and the Republic.

Mr. Empey: No.

Mr. Hume: We agree that the normal rules should not apply because there is a special relationship between the two parts of this island, particularly in the field of security. There is a special security problem which cannot be dealt with effectively except through agreed partnership between North and South. This is a problem of vital importance to the people of

Ireland as a whole, and particularly to our people. We agree completely that no one should be able to attack physically or violently institutions of government or commit crimes in any part of this island and then seek a haven in any other part of it. Part of the machinery that we would want agreed is an Irish Dimension which would ensure that nobody could find such a haven.

We proposed our ideas in principle. We sought a mandate from the electorate for them. We have attempted to explain both in this House and in speeches outside the thinking that lies behind our proposals. In order to approach the task of the Convention responsibly we had to think about how we were going to negotiate and talk about these ideas. Therefore we took the trouble to study the objections made by the U.U.U.C. to power sharing and to an Irish Dimension to see how we could meet them. The objections fall into two broad categories which can be summed up on the one hand by the phrase, "We will not share power with Republicans," and on the other by the statement that it is a departure from the British parliamentary system. I shall take the second first because I can answer it more quickly.

I have already dealt with the fact that the Loyalist position is based entirely on the British parliamentary system although they have shown themselves not unwilling to reject the basis of that system itself, namely, the sovereignty of the British Parliament. They have also shown in recent weeks that they do not want even the very limited form of power sharing—emergency coalition—which is allowed for under the British parliamentary system. Therefore their objection—that is, the objection of those who have rejected that approach—cannot be that it is against the British parliamentary system.

Their constituents have been told repeatedly, "We shall not share power with Republicans." What does that mean? Does it mean that they will not share power with people who might have a wish or a desire to change the nature and status of the State? It can hardly be that for they have within their own ranks people who have a desire to change the status of the State and to have negotiated independence. There may also be within their ranks people who believe in the ultimate ideal of a United States of Europe. There are in the British Cabinet people with this ideal and others who do not support it but they can all be members of the one cabinet.

More fundamental is the objection that they will not share power with a section of the community who will not support or defend the institutions of the State or whose objective is to get into government in those institutions in order to overthrow them. That may be one of

their objections. We studied that objection and attempted to meet them on it. In paragraph IV of our proposals we say:

"The S.D.L.P. accepts that the majority of people in Northern Ireland at present have declared that they wish Northern Ireland to remain part of the United Kingdom. The S.D.L.P. considers that this wish should be respected. Every person in Northern Ireland should be made fully to understand that the S.D.L.P. does not wish to force him into a United Ireland against his will."

Further, we have declared in these proposals that we would give our full support to the new system of government not just by means of a party political declaration which could be changed at the next party conference but by committing the people through a referendum. Not only would we commit the people whom we represent but we would make a request to the South that a similar opportunity be given to the people there to support our institutions of government. We would then have the authority of the entire people, North and South, to deal with anybody who tried to overthrow those institutions.

In his speech Mr. Robert Cooper made the point that if the people of the South were requested to give their support to institutions of government in the North this would have implications for their Constitution. We have said before in this House and we say again that the parties in the South have never made any contribution to the solution to our problems. Like us they have to re-examine the roots of their political dogma. If we create a new situation in this island, as we would under our proposals, then clearly that would have implications for the constitutional thinking of the Republic of Ireland.

Mr. William Thompson: Would the hon. Member give way?

Mr. Hume: I am not giving way.

Captain Ardill: How can you influence the South?

Mr. William Thompson *rose*.

The Chairman: The hon. Member has not given way.

Mr. Hume: I am replying to the debate.

Mr. William Thompson: On a point of order.

The Chairman: What is your point of order?

Mr. William Thompson: When we were replying yesterday evening we gave way—

The Chairman: That is not a point of order. That is a comment. The hon. Member is not

obliged to give way and you are not making a point of order.

Mr. Hume: Our objective is to create circumstances in this island in which the traditions, right and principles of all will be protected and respected and not overridden without their consent. Instead of a conflict-ridden society we want to build a partnership which can evolve into an entirely new situation. We do so conscious of the fact that we are working within a European context for which a majority of the people of Northern Ireland voted. It too will evolve and may well make irrelevant the old quarrels in which some Members seem to be engaging presently. I submit to the Gentlemen opposite that when they say, as they did, that there is no movement in the S.D.L.P. position and that we are offering nothing new they are not speaking honestly.

The position as I have outlined it at the Dispatch Box is a far cry from the old, traditional Nationalist or Republican approach to our problems. If I were to come to the Dispatch Box and say, "We want a united Ireland and we want it now," then Members opposite could say that we were being intransigent. That would be the opposite of their saying, "We want back majority rule." We are saying something entirely different which involves political sacrifice from all of us. Either we are prepared to make it or we are not. If we are not we deserve the opprobrium of the generations to whom we are going to cause suffering.

The Chairman: As the hon. Member is reaching the conclusion of his speech and as we have 52 minutes left perhaps he would consider giving way at this stage. I am sure we are all interested to hear the question which Mr. Thompson wished to put.

Mr. Hume: All right.

Mr. William Thompson: I followed with great interest what Mr. Hume was saying. I accept the arguments that he put forward as arguments in which he believes. I do not accept the thinking behind them but I believe that he put them in good faith. First, let me say that.

I am not prepared to share power with those who want a united Ireland. The hon. Member has dealt with certain reasons why we should concede. The main reason why I refuse to share power with Republicans or with those who want eventually a united Ireland is that if we let them into government how can we stop them using their power in that government to pursue policies which will lead us to a united Ireland more quickly than if they were not in government? That is the reason why we are not prepared to share power with those whose ultimate aim is a united Ireland. If we give them

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power now they will use that power to bring about what they want eventually and to bring it about more quickly than it would come if they were not in government. That is the main reason.

Mr. Hume: I am sorry to reply to the hon. Member in these terms but all that he is saying is that he has no confidence in himself and that he cannot see today that he can come to an agreement which, even if he could not trust us, would prevent us from doing the sort of things of which he is afraid. In politics and in public representation it is not enough to blame the other fellow and say, "Watch him, do not trust him". It is the hon. Member's job to protect whatever he is elected to protect and it is our job to do likewise, but we would add that trust is required in this situation because if there is not trust what is there left? If there is no trust between both sections of elected representatives in charting a new way forward what is there left? What is the alternative?

Mr. William Thompson: The other reason why I do not want to share power with the

Republicans is that they have produced no set of proposals that in practice will work. The old Assembly—

Mr. Hume: I do not believe that.

Mr. William Thompson—did not need to come down with a U.W.C. strike. The old Assembly would have fallen of its own accord because of the nature of the Executive in it. Eventually any system formed in Northern Ireland on a power-sharing concept will fall because it is inherent in its structure.

Mr. McCloskey: Try it out and it might surprise you.

Adjournment

The Chairman: The Convention stands adjourned until 2.15 p.m. tomorrow.

Adjourned accordingly at 7.11 p.m. until tomorrow at 2.15 p.m.