



NORTHERN IRELAND
Information Service

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A FRAMEWORK FOR A JUST SETTLEMENT

The following is the text of a speech delivered by the Secretary of State for Northern Ireland the Rt Hon Sir Gerrick Mayhew QC MP, to the Institute of Irish Studies at the University of Liverpool.

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"We cannot go on as we are". You do not have to walk far in the streets of Northern Ireland to hear those words from someone you talk to. "They have to keep talking. There has to be compromise. There has to be a better way of living together than this." As much in unionist east Belfast as in nationalist parts of Derry, and in Coleraine as in Newry, these statements to me are commonplace. They are uttered almost as entreaties.

2. There is nothing new in the thoughts. What is new is the intensity, and the universality, of the feeling they now represent.

3. How is that yearning to be fulfilled? There is no clearly defined or even opaque blueprint in the public mind. Even the business community, who seem unified in their demand for new talks, stop well short of a plan. Two days ago Mr Roy Bailie, Chairman of the CBI Northern Ireland, renewed the Federation's call for a resumption of political dialogue, but added, "I do so without any view of what the outcome of dialogue should be".

4. Mr Bailie went on to say: "..... I have no doubt that a sustained period of negotiation could lead to a political solution, because I detect a willingness in the community to accept the compromises necessary to bring about a settlement. But only the politicians have the skills or authority necessary to give this form, and their task is undoubtedly a formidable one".

5. So, as they say in Northern Ireland, that is where we are at. The route we have travelled to get here winds back through the centuries, and the memorials to many deeds along the way, both good and evil, are kept fresh in many hearts. Yet effectively what I believe the public are saying to us, their politicians is this:

"Indeed you have many good points you can make about the past: we don't deny that. But it is no longer enough for you to summon us to your recitals and recall us to our loyalties. We insist on looking forward, and we want you to set a lead".

6. It is always difficult to be sure of the public mood, as pollsters recurringly experience. But if this reading even might be right it is our duty to respond: for the antagonisms of a permanently divided society foster the violence with which alone, alas, the world associates Northern Ireland, and which in turn calls down death, destruction and human misery in hideous degree.

7. Our duty to respond - I use the plural pronoun because I and my ministerial colleagues are far from dissociating ourselves from Northern Ireland politicians, or placing the burden exclusively on them. I admire those who have the guts to take any part in Northern Ireland politics, and I wish there were more of them. Moreover, Britain has not been without responsibility for the past, and the British people and their leaders certainly have responsibilities to discharge at present. Therefore the Government feels itself bound to respond to the public mood it perceives in Northern Ireland. We want to help, and help we must.

8. It is part of the complex syndrome Northern Ireland presents that a Minister has only to say this to set suspicions coursing. "Now what did he mean by that?", Metternich is supposed to have mused on learning of the death of an antagonist. One learns to live with this, and must overcome it.

9. There is plenty in Irish history to engender suspicion, and a suspicious mind can perceive subtlety in simplicity as a fine radio telescope alone perceives some teeming constellation in the remoter reaches of a clear night sky. Thus for a Minister to show in a speech that he understands a particular anxiety and seeks to allay it suffices to generate fear that he has sold out. Or at least it

seems to justify public assertions of such a fear: and in no time it is these assertions that make the news, and so the story races on with no one bothering to check the original text. I am not myself above suspecting that some such wildfire originates in arson.

Progress so Far

10. But never mind. Our duty is to keep on keeping on, and there is strong encouragement to be had from the fact that suspicions were at their height when the proposals emerged to get political talks started in the first place. Enormous credit is rightly given to Peter Brooke for overcoming that, and gaining the agreement of the main constitutional parties to the talks he announced on 26 March 1991. Procedural discussions were out of the way by April 1992, and from then until November substantive talks went on.

11. I agree with the Prime Minister that much more success was achieved in these talks than is publicly perceived: we paid a price for agreeing to secrecy. But the public, all the same, perceived plenty, and I am sure they are calling for more. For six months they saw the participants talking, possibly even amicably, for at the end everyone was still there. I believe that if anyone had finally walked out of the talks they would have got a generally dusty reception. The public saw the four main Northern Ireland parties talking to each other about difficult and sensitive issues - for the first time since 1976. They saw the Talks joined at the appropriate moment by representatives of the Irish Government: the first formal meeting on such issues since 1973 and arguably the first meeting between Irish government Ministers and representatives of the whole spectrum of Unionist opinion in 70 years. They saw Mr Molyneux and the Ulster Unionists arguing their corner in Dublin.

12. And at the end of it they saw the independent chairman from Australia, Sir Ninian Stephen, say that in his opinion the original objectives remained both valid and achievable. More, they noted that all the participants, without exception, agreed that further dialogue was both desirable and necessary.

13. That is what the public have seen, and I believe it has given them hope as nothing has given them hope for a generation. To say they believe fresh talks will succeed is to put it too high. But they believe they could succeed, and they see a chance that they would. So they want that chance taken - and it is our duty to maximise it.

The Rationale for further Talks

14. We can best begin by getting clear what further dialogue could help to achieve. The recent atrocities by the men of violence at Warrington and elsewhere have once again brought the tragedy of Northern Ireland to the forefront of public attention both here, and in the Irish Republic, and indeed in the wider world. But public attention can wax and wane, whereas the Government is engaged in an effort that is constant to bring about peace, political stability and reconciliation in Northern Ireland.

15. The overriding priority of the Government's Northern Ireland policies is to bring terrorism to an end. All the people of Northern Ireland deserve to be able to live in peace. To achieve this will require a continuance of resolute and effective action by the police and others, so as to deter and interdict terrorist operations and to bring the perpetrators to justice. No one can sensibly doubt that the prospects of success for this policy would be dramatically improved by a political accommodation leading to political stability in Northern Ireland. That, after all, is why the Provisionals have been so much against it.

16. A lasting settlement can only be achieved by dialogue between political representatives. The Government is quite sure that the talks process retains the potential to deliver a fair and widely acceptable accommodation. An accommodation of what? An

accommodation of all the conflicting but legitimate political interests within and connected with Northern Ireland and those who live there. An accommodation which would begin to close the communal division in Northern Ireland.

17. I see such an accommodation giving to locally elected representatives significantly increased political responsibilities. With this would come authority and accountability to the people. This in itself would have the benign effect of encouraging citizens of calibre and quality to come forward into public life, in greater numbers than at present and from quarters, such as the business world, inadequately represented at the moment.

18. But the accommodation should not stop there. I see it, in addition, maximising the undoubted scope for co-operation between political institutions in the two parts of Ireland, in areas where their interests certainly coincide. Such a settlement would end the political stagnation and inertia within which the terrorists of more than one colour are able to shelter and thrive. It would evidence a political convergence within which the security forces would be able far more effectively to combat terrorism, because they would attract consent more widely than they can at present.

Key Requirements for Successful Talks

19. These are just some of the things that determined further dialogue could possibly achieve. So we next need to get clear the limits of what such a process would require of its participants. Several ingredients seem necessary if it is to be successful. The first is that the talks must take place in the knowledge from the outset that the process is bound to require some compromise on all sides. Experienced negotiators know that they cannot expect to have everything their own way, nor to gain all their points.

20. But while the making of any settlement is bound to require some compromise, success for the talks process certainly does not require

any of the participants to abandon a single basic political principle or aspiration. And because it is self evident that no agreement will result unless the participants at the end of the process are confident that they can secure widespread support for the emerging overall package no one has anything to lose from the start of further talks - except the bombers and the gunmen.

21. That is the first requirement. The second is a mutual recognition of the nature of the divisions which persist in Northern Ireland's society. There are, of course, two principal traditions with distinctive identities, each deeply rooted, each sustained by a long history and by strong current feeling, yet each capable of co-existence with the other, as a growing number of examples of harmonious and fruitful cooperation demonstrates.

22. Accordingly, each of the main components of the community will need to be given recognition by the other, and in any settlement each must be accorded parity of esteem, the validity of its tradition receiving unqualified recognition. Then each could find it equally appropriate for its members to play a full part in operating an agreed political system within Northern Ireland, acknowledging also the wider framework for relationships within these islands. The creation of local institutions and agencies which would engage both main parts of the community, acknowledging and reflecting their common interests, of which there are many, would enable politicians from all sides of the community to service and sustain a practicable and lasting accommodation.

23. From this I think it follows that the third ingredient requires that any talks address, in whatever format may seem most expedient, all the relationships involved: those within Northern Ireland, including the relationship between any new political institutions there and the Westminster Parliament; those between North and South; and those between the United Kingdom and Irish Governments. These relationships, of course, provided the ambit for the talks which have already taken place, following Peter Brooke's statement of 26 March 1991, when a new beginning for each of them was identified as our goal.

24. I recognise with some sympathy the view that this would be either overambitious or unrealistic, or both. But I think it to be a political reality that you cannot succeed in getting a finally agreed definition of one set of these relationships in isolation from the consideration of the others.

25. Thus it was from the outset accepted that the Irish Government should not be involved in any discussion of arrangements for the future internal government of Northern Ireland. These were for Strand 1 proceedings, at which the Irish Government were not present. Equally, it was accepted that future intergovernmental relationships were a matter for decision by the two Governments in liaison with the Northern Ireland parties. But it was also acknowledged from the beginning that final agreement would be reached, if at all, only when the overall package, taken as whole, was found to be acceptable to each of the participants.

26. The same broad agenda and participation I do see, therefore, as a strength, because it maximises the scope for negotiation and adjustment among the participants, and ensures that any agreement would have the truly comprehensive character which is essential if it is to achieve its full purpose.

27. But it bears repetition that the format and sequence of these discussions, once talks are convened, could be for pragmatic decision by the participants, taken in the light of our practical experience gained last year.

Framework for a Settlement

28. Those seem to me to comprise the characteristics which new talks will need to have if they are to result in the settlement which all seek. But if success is to be the outcome I now believe that they will need a direction and focus to be given to them at the outset, and the United Kingdom Government is best placed to provide this.

29. Since it is of the essence that any settlement must be acceptable to all the participants, we have repeatedly said we have no blueprint to which we intend that any settlement shall conform. It remains the case that it is exceedingly unlikely that any formulation which was agreeable to all the other participants, and was generally accepted throughout the community, would not prove acceptable to the British Government. Of primary importance is the acceptability of any new arrangements to those who would be operating them, and to those whom they will affect.

30. It is now possible, however, on the basis of what we learned of the participants' positions during the previous talks, to perceive an outline of what such a political accommodation is likely to comprise, and equally, what it is not likely to comprise.

31. The Government is therefore preparing some propositions of a realistic and practical kind, which we hope will help focus discussion in any new talks, and which we believe would offer a basis for a fair and comprehensive settlement. They will build in part on the areas of agreement which emerged in the previous talks, but they will also incorporate our own judgements as to where to steer in areas where less agreement was forthcoming.

32. It would not be right for me to go into the detail, here and now, of what these propositions are likely to say. But there may be value today in sketching out the parameters within which we think any settlement is likely to be found. Let me, because of the endemic suspicions of which I spoke earlier, take the negative side first - the things which will, on any realistic view, not be found in such a settlement.

33. First, it remains beyond question that the current constitutional status of Northern Ireland as part of the United Kingdom is not going to change, save with the consent of a majority of the people of Northern Ireland, clearly expressed. Given the

common acceptance of the current and foreseeable state of public opinion on this issue, no one should suppose that new talks would produce, at their conclusion, agreement for the establishment of a politically united Ireland.

34. Correspondingly, there is no prospect of an agreement ~~precluding~~ a politically united Ireland if, at some future date, the public's view should change. The key to the whole issue is public opinion in Northern Ireland, which would be decisive. As the Prime Minister made clear in another context when speaking in Scotland during the general election campaign, the continuance of the Union of all parts of our country is founded not on coercion but on the democratic principle of consent.

35. Third, an agreed outcome will not include arrangements for returning responsibility to local leaders which would operate on conventional lines of simple majority rule. These were not successful before, and they would not be sufficiently acceptable now. Such a system in a divided society could simply not be relied on to provide a fair deal for both sides of the community or to command the allegiance of each. Devising mechanisms to avoid this danger constitutes a difficult challenge both technically and politically. It is encouraging that good progress towards a solution was made in this area during last year's talks.

36. Finally, while a settlement is indeed likely to include arrangements designed to further the many mutual interests that exist between the two parts of Ireland, the outcome will not impinge upon the existing sovereign rights of either of the two governments. Quite apart from the questions of practicability which any such arrangement would raise, these talks are not going to conclude with Northern Ireland becoming subject to the joint political authority of the United Kingdom and Irish Governments, because as I read it, such an outcome would be quite unacceptable to public opinion there.

37. That said, I am sure that it will continue to be right for the United Kingdom Government, in exercising its remaining direct

responsibilities in Northern Ireland, to take full account of the views of the Irish Government. The United Kingdom would also have the benefit of being able, more formally and effectively, to consult locally elected representatives. But the British Government's responsibility would be undiminished.

38. I have thought it right to take these fears or suspicions head on at the outset. But now I turn more positively to what I think an agreement would indeed contain.

Constitutional Matters

39. The Government both hopes and expects that any settlement will include a clearly expressed understanding of the relevant constitutional issues. This is a necessary part of the framework of reality within which any settlement of the kind we seek would need to be contained.

Accommodation within Northern Ireland

40. Next I believe that the outcome of the negotiations would involve a political accommodation within Northern Ireland which returned to locally elected politicians wide powers and responsibilities, for which they would be accountable to the electorate. Clearly these institutions would need to provide a fair and appropriate role for representatives of both main parts of the community, so that each of these could feel identity reflected in institutions and feel that their representatives had a worthy and really effective function to perform.

41. New political institutions in Northern Ireland could be expected to provide better government, because they would be more directly accountable to the people. Improved relations between the two sides of the community could be expected, since all political representatives would need, in operating such institutions, to develop and sustain a working political relationship. As

politicians on both sides took responsibility for, and exercised influence over, a wider range of matters, greater support for government in Northern Ireland, and for all its agencies, should develop. As I have already suggested, this may well impact, too, on support for, and confidence in, the police and other security forces and in the administration of justice.

Relations with Westminster

42. The present arrangements for the parliamentary scrutiny of Northern Ireland's legislation, which many regard as inadequate would, of course, be transformed by what I have described. Although the existing Northern Ireland Committee of MPs can play a role in considering policy and proposals for legislation, it has no power to make amendments. Even in the event of a substantial transfer of power to local representatives there would be arguments for ensuring that there was Select Committee scrutiny of the residual responsibilities of the Secretary of State for Northern Ireland.

43. Such scrutiny could be a source of reassurance to all parts of the community in Northern Ireland. This, of course, is a matter for the House of Commons. But it may be that a general political accommodation would lead elected representatives from all parts of the community in Northern Ireland to support enhanced arrangements, perhaps through the establishment of a Select Committee dedicated to Northern Ireland matters.

Relations within the island of Ireland

44. It seems equally likely that any settlement will involve agreement on new arrangements for contact, co-operation and working together within the island of Ireland. There are many issues where greater contact and co-operation between the political institutions in the two parts of Ireland would create mutual benefit. They arise in all walks of life, from energy use to water management, from the reciprocal use of research facilities to ensuring complementary

transport policies. There are also areas where working together in trust and mutual esteem, and in a way which applied equally or reciprocally to both parts of Ireland, would make good sense. Examples could lie in areas such as tourism, health promotion, environmental protection or conservation, and animal health. I believe there is great potential for this.

45. While there were some very constructive discussions of the possibilities during the previous Talks, the parameters of what might be possible have not been settled. Subject to the need to carry the consent of all the Talks participants, a considerable range of possibilities remains to be addressed.

46. It is likely that any arrangements agreed would, in part, be given institutional expression. Any such institutional arrangements would of course need to be stable, durable and widely acceptable in both parts of Ireland. Indeed they might well be entrenched. Furthermore, it seems likely that any such institutions would need to have some capacity to develop and evolve, provided that this can be done on a basis of agreement by political representatives in both parts of the island.

Relations between the United Kingdom and Irish Governments

47. An outcome on these lines would therefore involve a substantial transfer of power to institutions within Northern Ireland and a framework for mutually beneficial co-operation between the two parts of Ireland. The Westminster Government would retain some significant powers and, as the sovereign power for Northern Ireland, would have ultimate responsibility for its government, peace and prosperity.

Relationships between the Governments

48. The relationship between the United Kingdom and Irish Governments naturally reflects the close ties of history, commerce

and family between the two countries. They work together closely as befits two fellow members of the European Community within the Single European Market. Our broad commonality of interest, in addition to our shared concerns about Northern Ireland which are reflected in the Anglo-Irish Agreement, is most unlikely to diminish. Thus it is the Government's view and, I believe, the expectation of all the participants in the talks, that any new settlement would need to include arrangements between the two Governments, and that these would need to be given institutional expression.

49. Some preliminary consideration was given to this during last year's Talks, including, on the basis of detailed proposals from some of the Northern Ireland parties. The Government hopes that it will be possible to take this further in future discussions. The two Governments, as co-signatories of the 1985 Agreement, are committed to giving careful consideration to any proposals for a new and more broadly-based agreement or structure which might emerge in direct discussion with all interested. In a recent speech, the Tanaiste, Mr Dick Spring, confirmed that in his view any such new agreement would need to have general support in both parts of Ireland; a view I fully share.

Conclusion

50. This outline of what might emerge from further Talks allows for many significant variations which could be negotiated. It is inherent in the process that all the participants must be involved and satisfied about the outcome. The outcome could, of course, involve more than I have outlined, providing that it could secure acceptance.

51. There are many issues yet to be resolved but a good deal of the work has already been done. In a statement on 10 November 1992 at the end of the last talks the Chairman Sir Ninian Stephen, said:

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"while at this time there is no basis to agree a settlement, they [the Talks participants] have identified and discussed most, if not all, of the elements which would comprise an eventual settlement: they have developed a clear understanding of each other's position; and established constructive dialogue on ways in which an accommodation might be reached on some of the key issues which divide them."

52. This represents very substantial progress, and a firm justification for further talks. The way ahead is not clearly laid out and we do not need to expect it to be precisely the same as we perceived last year. But the principles and the agenda outlined in the statement of 26 March 1991 remain valid. Within them there is plenty of scope for building on previous discussions and taking matters forward, perhaps in a more flexible format than before.

53. And so, I am continuing to urge the parties to grasp the opportunity that lies before them to re-engage in discussions, with the aim of reaching a lasting comprehensive political accommodation for the benefit of all the people in Northern Ireland, and indeed throughout these islands. The pieces are on the board but the end game has not yet begun. Only those who reject political and constitutional methods stand to lose. The interests of all the people of these islands call out for the political dialogue of recent years to be brought to a successful conclusion, and the time to take up that challenge is at hand.