

STATEMENT BY KEN MAGINNIS MP
IN RESPONSE TO THAT BY SEAMUS MALLON MP on 30 SEPTEMBER, 1996

14 October, 1996.

INTRODUCTION.

I have not sought to respond to Seamus Mallon with any undue haste, fearing that that would be misunderstood and, inevitably, portrayed as mere kneejerk reaction. Rather, I have pondered his statement carefully, looking for any points of agreement on which it may yet be possible to construct some form of political dialogue and accommodation.

Seamus Mallon has not sought to develop his **DECOMMISSIONING** argument with his usual attention to the reason and logic for which he is often applauded by his political opponents as well as his political friends. On this occasion he has sought refuge in the careful use of euphemistic language to challenge (some might say "to dismiss") the Unionist position and in rhetorical questions to avoid debate which would draw out his own party's real negotiating position.

The SDLP Deputy Leader's case founders on the shifting sands of one false premiss built upon another. Nonetheless, rather than rejecting the whole paper on the grounds that it is fatally flawed, Ulster Unionism has a responsibility to deal thoughtfully and frankly with the points which have been raised.

FALSE PREMISS No 1.

"Unionist leaders have always competed to own the fears, rather than the hopes of their community (sic. tradition)".

While the different Unionist parties adhere to the same basic Unionist philosophy, they do speak with such significantly different emphases that there are times when each one may seem to be, and perhaps is, almost alien to the others.

Hence, when there is consensus it is all-too-frequently assumed and portrayed by Republicans as deriving from a dominance by the most militant, illogical and intractable element within Unionism. That is a perception with which Ulster Unionists have to live but which, in practice, is not borne out by facts.

The issue of Senator Mitchell's chairmanship is a case in point where my party refused to concede to the thinly veiled sectarian arguments being tendered at the commencement of the Talks Process by some other Unionists. Ulster Unionism took a principled stand.

Again, in 1992, when Jim Molyneaux lead an Ulster Unionist delegation to Dublin, we were obliged to go alone. It was a fruitful visit only insofar as it clearly demonstrated the irrelevance of John Hume's advice that, "If Unionists would only talk to Dublin (sic. the Irish Republic's government) they would discover how generous and accommodating it is prepared to be".

It is neither a matter of fact, record or polemics that delay in the current process is due to the position taken by the three Unionist parties. I will not presume to answer for the other two, but I would strongly assert that the Ulster Unionist position has been one of honest endeavour.

Ulster Unionists have tried to ensure success by:

- (a) Underwriting the opening of the Talks Process, accepting and endorsing the place and duties of Senator Mitchell, despite considerable opposition from two other Unionist parties.
- (b) Urging, despite every conceivable let and hindrance posed by both the Irish and United Kingdom governments aided and abetted by the SDLP, that the Talks Process must be under-pinned by adequate and unambivalent Rules of Procedure. The fact that Ulster Unionists were successful in achieving that objective is our vindication.
- (c) Pursuing, through bi-laterals with the SDLP, agreement on a practical Agenda for substantive negotiations and, through both bi-laterals and tri-laterals with both governments, a meaningful formula for **DECOMMISSIONING**.

The SDLP, and they are not alone in this, may wax eloquent about Principles. Ulster Unionists have sought to develop the Process through the establishment of best Practice!

Despite our efforts it appears that, as in 1992, the Republic's Department of Foreign Affairs in Dublin has come with the sole objective of allocating blame for failure, which it has clearly predetermined, rather than with any predisposition to reach accommodation with Unionists.

FALSE PREMISS No 2.

"The DECOMMISSIONING issue was honed to its full obstructive capacity to help elements of the British Establishment to check the momentum of the peace process".

In this context one has to be rather sceptical of an undefined "British establishment" that so conspires to inflict such wicked ill-fortune on the people of Northern Ireland! The MP for Newry and Armagh should tell us if it is Government, MI5, MI6 or, perhaps, some other institution to which he alludes?

Or is it merely a mythical creation, traditionally possessing evil and conspiratorial properties against which Pan-Nationalist prejudice and IRA violence can somehow be absolved. Is it the justification for the SDLP attitude which requires it to do nothing but to expect the UUP and others to concede all to its carping demands. Certainly Ulster Unionists feel that it is they who have their very right to exist called into question but who have still made the running on crucial issue like DISARMAMENT and VERIFICATION.

It was Ulster Unionists, not "the establishment" who pressed the latter issue in the certain knowledge that Provisional IRA/Sinn Fein has never deviated from its STRATEGIC OBJECTIVE and has no intention of voluntarily doing so or of accepting the parameters of constitutional democracy.

In its own words IRA/Sinn Fein still:

- (i) Keeps to its United 32 County Democratic Socialist Republic philosophy.
- (ii) Insists that it does not expect this aspiration to come through the democratic process but can only be achieved through violence. its TACTICAL USE of ARMED STRUGGLE (TUAS).
- (iii) Looks to develop the Pan-Nationalist approach involving itself, Dublin, the SDLP and the emerging Irish American lobby.
- (iv) Lists the U.S. and the E.U. as areas where it believes it can gain international support for its political aims.
- (v) Seeks, in G.B., to propagate a perception that there is a difference between British Unionism and Ulster Loyalism.

Unionist fears which derive from this reality have to be taken seriously. While Seamus Mallon is wrong to suggest that Unionist politicians propagate these fears, they do, rightly and properly, reflect them. What are we expected to think of Dick Spring's and John Hume's not-so-subtle change of emphasis from "no guns at the table, under the table or outside the door" to their current "maybe sometime, probably never" attitude?

Unionists have been totally vindicated in respect of their scepticism over the IRA's 1994 ceasefire. Republican politicians may protest John Major's alleged intransigence but it is a matter of fact and record - and not of any polemics - that from the very first days of that ceasefire the IRA was vigorously putting in place its plans for the next violent phase of the campaign! We were right. John Major was right. But John Hume and Dublin were just so wrong...and they know it but believe they can ignore the facts!

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FALSE PREMISS No 3.

"A precondition enables you to do nothing but throw all the onus on somebody else. That is why preconditions are so beloved by the unionists".

DECOMMISSIONING is not and never has been a Unionist precondition in the same way, for example, as the Irish Republic makes it a precondition that there has to be a definitive "political solution" before it will give any practical consideration to removing from its Constitution its aggressive and irredentist territorial claim to Northern Ireland.

Neither is it a precondition in the sense that John Hume has ordained that no political solution in Northern Ireland can ever accommodate a regional administration...that our society can never play a participating role in determining its own day-to-day affairs.

Rather than being a precondition, **DECOMMISSIONING** is the logical outcome of a legitimate and internationally accepted principle that no group, large or small, can within a democracy be allowed to hold society to ransom by force of arms, and that arms and explosives used to terrorise a civilian population in order to promote political change against the wishes of society is the very negation of democracy.

FALSE PREMISS No 4.

"DECOMMISSIONING...is essentially a political issue and never part of any realistic security strategy".

There is, of course, a need to decommission "the mindset" of the terrorist, but insofar as illegal weapons have been used mainly against an unarmed and vulnerable civilian community they cannot be other than a priority within any security strategy. Seamus Mallon does appear to concede the legitimacy of this view elsewhere in his statement.

It has to be accepted that within a democratic system, terrorism can only be overcome by either (a) force of arms or (b) by a willingness on the part of the insurgents to cease their violence. Insurgency can either be dealt with by the security services or through some special arrangement which is clearly separated from any political consideration or process in which the legislature is directly involved.

To act otherwise (and here is the real weakness of both Seamus Mallon's argument and the Northern Ireland Office Talks Team's current Maryfield-dominated position) is to send a signal that any group bold enough to challenge society's wishes by armed insurrection will be ceded the right to negotiate political privilege and concession at the highest level, while retaining the option to be able to return to violence should its demands not be met.

5.

This is why Ulster Unionists, in the first place, proposed a Disarmament and Verification Commission comprised of invited persons of international standing. Governments should not diminish democracy by combining the political and disarmament processes.

It is the reason Ulster Unionists will not allow the disarmament issue to become a fourth strand of the current Political Talks Proceedings. At best, it can be a parallel process, concurrent but unconnected. There can be no question of ever trading political concessions for arms!

TESTS of REALITY?

Seamus Mallon lists four specific areas which he calls "tests of reality" in respect of DECOMMISSIONING. They are cumulatively too long to quote in their entirety, but I will try to summarize them fairly and address his argument.

- (a) **DECOMMISSIONING** is "essentially a political issue, and never part of any realistic security strategy".
- (b) **DECOMMISSIONING** can either be imposed or voluntary. Both courses are valid. The first is the domain of the security forces. The second, the Mitchell Report suggests, involves negotiation and persuasion of terrorists along the political path. Unionists confuse these two routes.
- (c) **DECOMMISSIONING** (voluntarily) "will never happen unless as a by-product of political progress".
- (d) **DECOMMISSIONING** will have to be on the basis of mutuality between both sets of terrorists. This requires "a fully inclusive negotiating process". Unionist demand a process which does not admit Sinn Fein.....hence, they do not really want decommissioning. The British Government (by imposing conditions of entry into Talks on parties with terrorist links) gave the IRA a veto over political engagement by Sinn Fein, and Unionists seek to stymie political negotiations as a whole.

It will not have gone unnoticed that Seamus Mallon deals with DECOMMISSIONING as though the SDLP ^{is} somehow detached from that aspect of the current process...perhaps that is indeed the case. Very much in the John Hume mode Seamus appears to imply that it is all too, too tedious of Unionists to introduce the mudane and practical side of the problem.

In case we would misunderstand, however, he does reassure us that the SDLP is not "making light of all the human suffering due to these guns"; it "really want(s) to see them all removed from the political process" and it has always been opposed to the use of "physical force". I am happy to accept his word on that. It is, nonetheless, something which is more apparent in the passive than in the active sense.

However, unlike Seamus, I don't subscribe to the simplistic approach that, if the rest of us have honourable intentions, it will be sufficient and effective to address the problem merely at a philosophical level. Has he forgotten that what he calls the "searching questions" and the "valid and genuine debate" of which he speaks have already occupied a year at the Dublin Forum for Peace and Reconciliation?

Did that result in Sinn Fein/IRA accepting or rejecting the "Principle of Consent"? And since that Forum was mainly a Pan-Nationalist affair does Seamus honestly expect a change in SinnFein/IRA attitudes if it chooses to enter the current process?

Ironically, it appears to Unionists that the only change effected by the Dublin operation was to stiffen the resolution of the IRA to continue its existing strategy and, worse, to cause Albert Reynolds and other constitutional Nationalists to squirm away from the accepted concept of "Consent" as it is enshrined in the Downing Street Declaration.

Point (a) above has been specifically addressed under FALSE PREMISS NO 4.

Point (b). Unionists are not confused...merely caught in the proverbial cleft stick!

One one hand it is necessary for us to try to put in place an opportunity for Sinn Fein to voluntarily disarm and to enter the democratic process. In the light of all we know about the IRA's strategy this will be a futile exercise **even if it is done properly**. But if we fail to make the attempt the Pan-Nationalist propaganda machine will seek to work havoc as it did over John Major's sensible, pragmatic and evidently justified approach to the IRA's 1994 tactical ceasefire.

On the other hand it will be a disaster for which more people will pay with their lives **if it is done badly**. Having sat with the Irish Republic's government delegation I am aware that it will be content with mere window dressing and believes that Unionists can be fobbed off with a piece of Draft Legislation which won't really test IRA/Sinn Fein.

Dublin's Department of Foreign Affairs virtually admits that persuasion will not succeed but at the same time expects Unionists to ignore the obvious and to allow promised Enabling Legislation to be tucked away in some pigeonhole rather than to herald the commencement of a DECOMMISSIONING process.

Ulster Unionists could do nothing to prevent the disastrous complacency which, despite our warnings, overwhelmed the security services during the 17-month IRA ceasefire. We do not want to contribute to the creation of yet another false dawn. Ultimately, when the persuasion fails, as Seamus Mallon, the SDLP and Dublin believe it will, we have to be prepared to battle on with the imposed solution.

Point (c) is Seamus at his honest best...not as blunt as usual but honest nonetheless! Voluntary disarmament he believes has to be bought at the price of political concessions to IRA/Sinn Fein. I've already explained why this cannot happen with a democracy.

At (d) above we have, initially, two veritable and important statements with which Ulster Unionists would agree. Thereafter we have nonsense... Unionists have made it clear that Sinn Fein cannot be prevented from entering the Talks Process unless they exclude themselves. The British "Conditions of Entry to Talks" are exactly the same sensible arrangement as the Republic specified. One only wonders who is trying to persuade who to abandon, abate or abrogate that clear understanding.

WATERING DOWN MITCHELL

The SDLP Deputy Leader is liberal with his selective references to the Mitchell Report. He sets out what he calls "key points" in a way which infers that Mitchell and his colleagues somehow concluded that DECOMMISSIONING criteria were solely dependant on how the constitutional parties could accommodate Sinn Fein/IRA's expectations.

But Mitchell, Holkeri and de Chastelain did no such thing. They recognised the intransigence of the IRA. It wasn't, they stated, that the IRA couldn't but that it wouldn't disarm. It was in the light of these circumstances that Washington 3 was deemed not to be achievable.

But, surprisingly Seamus Mallon's reference to Washington 3 goes far beyond that when he states that it is "notorious"... so let him tell us what was discreditable about seeking to start the DECOMMISSIONING Process before political talks, which could include Sinn Fein? What bargaining card would that have denied the SDLP?

It should be remembered that Ulster Unionists have already been persuaded to move from total disarmament before access to political talks, to Washington 3 and now on to Mitchell's Parallel and concurrent processes.

Is Seamus Mallon really implying that he wants a further watering down of the DECOMMISSIONING requirement and if so... why?

AN "INCLUSIVE" RED HERRING

Seamus Mallon makes much of the word "inclusive", but in a way that does not seem to concur with its use within the Mitchell Report. He poses, again and again, questions about Unionist willingness to participate in "an inclusive process". In the context of DECOMMISSIONING there is potential for confusion if, like the Irish Tanaiste, the SDLP envisages that process should become a fourth strand of the Talks.

The International Body's proposal has clearly been for parallel processes and not a single inclusive process. Unionists work on that basis.

Any reference which the Mitchell Report makes to an "inclusive process of negotiations" relates to what is called "legitimate concerns of their (sic. Unionist and Nationalist) traditions and the need for new political arrangements with which all can identify". No question of guns at the political table was envisaged. Though the International Body made one significant error of judgment insofar as they asserted that Sinn Fein was

serious about a Peace Process they did not fall into the trap previously set by the Tanaiste and now, it appears, by Seamus Mallon and the SDLP.

While the Mitchell Commission couldn't have known that, at the very moment the Report was being published, the Canary Wharf bomb was already sanctioned and the ceasefire was doomed, the same cannot be said for either Spring or Mallon in terms of their current judgment.

ANSWERING THE QUESTIONS

- Q1 "Do Unionists accept the way forward is to implement all aspects of the Mitchell report, or is theirs an a la carte approach to salvage the unreal preconditions which Mitchell sought to overcome"?
- A1 I recognise a "Have you stopped beating your wife" question ...and there is no yes or no answer to this! The Mitchell Report examined a problem and drew up a set of conclusions and suggestions. It is not, nor was it intended to be a definitive set of solutions...if it had been, we wouldn't need the Talks Process.
- Q2 Will Unionists explain to their own public the difference between imposed decommissioning, which is for the security forces, and the Mitchell goal of voluntary disarmament, which would flow from political progress and negotiations?
- A2 Many will resent Seamus Mallon's inference that the average Unionist is a fool? The best reply to an arrogant question is that the former works inadequately while the latter is unlikely to work at all.
- Q3 Do they accept that such decommissioning requires an inclusive process, and if so, what are they doing to advance this necessary condition for their goal of DECOMMISSIONING.
- A3 In Seamus Mallon's interpretation of "inclusive"....No! DECOMMISSIONING has to be a detached and parallel process.
- Q4 What are they doing to advance the other Mitchell criterion that a meaningful and inclusive process of negotiations is genuinely being offered?
- A4 A great deal more than the SDLP, I suspect. David Trimble, the Ulster Unionist leader is nearly always present whereas we seldom catch sight of John Hume.

Besides, the UUP has sought to use the complementary Forum for Political Dialogue constructively and in the public interest. The SDLP has, by its boycott, shown that while it is prepared to preach at or about Unionists it is unprepared to accept the challenge of talking to them.

Is it not quite incongruous, under the circumstances, for Seamus to write, "If I have said harsh things about present unionist postures, it is in the hope that by speaking frankly to each other(!) and our respective publics, we can even at this late stage join to breathe new life into the negotiating process....."?

Q5 Will they accept that all conceivable interpretations of the Mitchell report involve a process of negotiations on this issue (sic. DECOMMISSIONING), and are they willing to engage in good faith on this, in parallel with the political negotiations.

A5 "All conceivable interpretations"...you must be joking! Otherwise the answer in YES.

GOING OVER UNIONIST HEADS

Mr Mallon concludes his statement with a rather pompous lecture and a thinly veiled caution to both Governments that, on the pretence that Unionists are being intransigent.....

one assumes that means being:

- (i) Unwilling to accept a United Ireland;
- (ii) Unwilling to agree to continuing or increased Dublin interference in Northern Ireland's affairs;
- (iii) Unwilling to concede ~~the~~ those who are terrorists or to those who ride, however uncomfortably, on the backs of terrorists;
- (iv) Unwilling to accept a mere reinstatement of the IRA's 1994 tactical ceasefire as a guarantee that its terrorism has ended;

.....they will bring the process to an end and expect the two governments to go over our heads.

That implied threat is worth pondering. It denotes the basis on which the SDLP and Dublin have approached the negotiating table!

Perhaps, as in 1992, the advice from Dublin's Department of Foreign Affairs is that Nationalists don't need to talk to Unionists and that a "dirty deal" can be effected as soon as a Labour government comes to power in the U.K.

Overall the Mallon statement is quite depressing. It is out of character in that it lacks both subtlety and logic. It reeks of self-righteous arrogance. It adopts the attitude that only Unionists have to make concessions and had better do so in double quick time. It panders, by implication, to the needs of Sinn Fein/IRA without, for a moment, appearing to consider the needs of the greater number of people within the community.

It sounds for all the world like Seamus Mallon as guest conductor with John Hume, Dick Spring and Sean o'hUigin singing in (Irish) unison!