

DÁIL ÉIREANN

Dé Máirt, 12 Samhain 1996.

Tuesday, 12 November 1996.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Céisteanna - Questions.**Oral Answers.**

2.40 p.m.

12 November 1995

Mr. B. Ahern: Would the Taoiseach agree that it is reasonable that, if the unequivocal decision requested by both Governments and all parties is to be declared by the IRA, that the British Government should set out its unequivocal position at this stage so that everyone would know what would happen? The Taoiseach has continuously stated that both Governments are in contact on this issue.

An Taoiseach: This is set out in large measure in that a talks process exists, and an indication has been given of the requirement which parties must fulfil for entry to the talks, namely, signing up to the Mitchell Principles. It is also mentioned in paragraph eight and nine of the Ground Rules Paper which sets out the criteria for eligibility to participate in the talks which would result in the making of a declaration of acceptance of the Mitchell Principles. I believe greater detail of what needs to be done and what will happen now exists than when the ceasefire was declared in August 1994. There is a talks process, for which the conditions for eligibility are set out in paragraphs eight and nine of the Ground Rules, and the Mitchell Principles exist and people know exactly what they mean, how existing they are and what they must do to make their commitment to them meaningful. There is a lot of information already.

The process of Joint Peace work, which the Deputy refers to as one of his

DÁIL ÉIREANN

2.40 p.m.

12 November 1996

Mr. B. Ahern: Would the Taoiseach agree that it is reasonable that, if the unequivocal ceasefire requested by both Governments and all parties is to be declared by the IRA, that the British Government should set out its unequivocal position at this stage so that everyone would know what would happen? The Taoiseach has continually stated that both Governments are in agreement on this issue.

An Taoiseach: This is set out in large measure in that a talks process exists, and an indication has been given of the requirement which parties must fulfil for entry to the talks, namely, signing up to the Mitchell Principles. It is also mentioned in paragraphs eight and nine of the Ground Rules Paper which sets out the criteria for eligibility to participate in the talks which would result in the making of a declaration of acceptance of the Mitchell Principles. I believe greater detail of what needs to be done and what will happen now exists than when the ceasefire was declared in August 1994. There is a talks process, for which the conditions for eligibility are set out in paragraphs eight and nine of the Ground Rules, and the Mitchell Principles exist and people know exactly what they mean, how exacting they are and what they must do to make their commitment to them meaningful. There is a lot of information already.

The purpose of John Hume's work, which the Deputy refers to in one of his

questions, is to assist in bridging any gaps of misunderstanding which may exist and to assist all parties in ensuring there is another ceasefire. The terms of any such ceasefire announcement are important. As I have often said in response to questions from the Deputy and others, it is important that those declaring the ceasefire seek to put themselves into the minds of those who have reason to fear their organisation, who have, perhaps, been hurt, wounded or have suffered at the hands of their organisation in the past, and to try and find words in the declaration of a ceasefire which will convince those people and past victims of the IRA that, this time, the ceasefire is for good. The best people to find the most convincing words to convey that conviction are the people making the declaration.

Mr. O'Malley: In his reply to Question No. 5, the Taoiseach referred at some length to the work of a subcommittee in the Forum and suggested that the Government would use that as the basis for what it would do. Has the Government any proposals of its own, independent of the Forum subcommittee, to deal with this important aspect of the Downing Street Declaration and one which will be carefully examined in Northern Ireland and, perhaps, in Britain and elsewhere?

An Taoiseach: Yes. As the Deputy will be aware, since the Downing Street Declaration, the Government enacted legislation to allow civil divorce in this jurisdiction. That complies with the terms of the declaration. It also has education legislation at an advanced stage of preparation which will put our

education system on a statutory footing for the first time and which will respect the pluralist nature of our society. The Minister for Equality and Law Reform is promoting legislation on equality across a range of areas where inequality might exist. That is also in line with the requirements to make this State fully consistent with the norms of a modern, democratic and pluralist society. The Government is continuing with its work on this matter and it has been active in implementing that aspect of the Downing Street Declaration.

Mr. B. Ahern: Would the Taoiseach agree that the British Government wants to firmly tie down all matters before it finally commits? It would seem reasonable that it should also firmly tie down what its position would be if a ceasefire were declared. That is creating some difficulties. It would be very helpful if the British Government played the game fairly. It and the Taoiseach are correct to say that the wording of any ceasefire should be clear and unambiguous and I agree with that. However, I believe those who must deliver and stand over any ceasefire in future, something which is difficult in such organisations, must know what they are signing up to. The British Government should pay as much attention to that as to the argument the Taoiseach has put and with which I agree.

I am not personally convinced of the timescale argument so I will not argue that issue. I am not sure how there can be an agreed timescale on something so complex.

Does the Taoiseach have any information to show that the British Government is about to tie itself down on the important issues at stake?

An Taoiseach: I have been in the closest possible contact with the British Government on these matters. I have had a number of substantial conversations recently with the Prime Minister and a lengthy meeting with the Secretary of State. The Tánaiste is also in intensive contact with the British Government on all matters with a view to being able to give the best possible assurances that the talks process will be meaningful, inclusive and effective for all participants, including Sinn Féin if they are allowed to join them as a result of an IRA ceasefire.

I also wish to convey to the House that I have had recent discussions with John Hume about the same matter. The Government is doing everything it can to overcome any difficulties or misunderstandings which may arise and to give assurances to the best of its ability so that we have an early and unequivocal ceasefire. The opportunity, which took great effort to put in place, now exists and will not exist forever. As I said before to the Deputy, talk about setting up a new peace process is foolish. A peace process and talks process are already in place.

Section C follows

DÁIL ÉIREANN

2.50

12 November 1996

It has carefully drafted and hard-won safeguards such as independent chairpersons, ground rules for its operation, for example, the sufficient consensus rule, all of which are designed to ensure that no minority is in any way oppressed in the process and that every party is enabled to ensure that its views are heard and that no item is excluded from the agenda. It is very important, that opportunity being there, that it be seized. I do not know that it would be appropriate for me to go any further into detail about the work we are doing to give the assurances that are necessary, but the House can be assured that we are doing a great deal on this subject.

Mr. B. Ahern: Am I correct in saying that, if the communiqué of 28 February and the ground rules document, particularly the relevant paragraphs are adhered to, following a genuine ceasefire Sinn Fein should be requested by both Governments to sign the Mitchell principles which will allow them thereafter to take their seat at the all-party negotiations?

The Taoiseach: My understanding of the position is that the adherence to the Mitchell principles is not done *per se* in respect of the Governments but in respect of the other participants in the talks. Those who have adhered to the Mitchell principles in the talks up to now have not only adhered to the

principles in the talks but they have been questioned in the talks about that and have been subject to queries about the validity of their commitments. It is not simply a question of signing a piece of paper. It is a process being carried out in the talks themselves. To do that in that form the participants must be in the talks; to be in the talks they must be invited to the talks, and to be invited to the talks they must have complied with paragraphs 8 and 9 of the ground rules.

The issue in regard to paragraph 9 is comparatively simple. So far as paragraph 9 is concerned the issue is whether there is a ceasefire. As to paragraph 8 there are evaluations to be made about the validity of the ceasefire, the extent of the commitment and so forth. That is where the wording of any declaration of a ceasefire is particularly important. It is important in regard to showing that the commitment required in paragraph 8 of the ground rules is being met. A ceasefire that is purely tactical is not sufficient. It could be argued that a purely tactical ceasefire would comply with paragraph 9 but it plainly would not comply with paragraph 8 because paragraph 8 requires that people be satisfied as to its genuineness. That is the area where work is continuing and is being pursued most intensively.

I hope that is a helpful exposition of the matter. I am sure the Deputy is already well aware of most of what I said.

Mr. O'Malley: Assuming there is a ceasefire and that it is regarded as genuine and satisfactory to the various parties and that talks begin some time after that, would the Taoiseach give an indication of what might be regarded as an indicative timeframe for those talks? Would he not agree that that would be

desirable rather than having open ended talks which might run into the period in office of another British Government which might conceivably have a lesser degree of commitment to the whole process?

The Taoiseach: I dealt with this in some detail in the speech I made at the Centre for the Unemployed in Finglas earlier this year. There is already a timeframe of a year in the legislation establishing the talks, with the option of a second year. Such timeframe is liable to cross the date of a British general election. That was known from the outset. It is not a particular problem because in the House of Commons there is a good level of consensus that the talks process is the way forward and that we need to make it work.

In my speech in Finglas I said that perhaps the parties might agree on parcelling out the work within the timeframe, agreeing to deal with particular matters at particular times, perhaps not concluding any of them, not departing from the principle that nothing is agreed until everything is agreed, but at least having a programme of work that would show that all the items on the indicative agenda would be got through. That is a concept that would be worth considering. However, it is a matter for the parties themselves, and the parties are not just the two Governments but all of the parties that are present in the talks. It would not be appropriate or productive for the Governments to attempt to dictate or appear to dictate an agenda of that nature. Given how people react if they feel their democratic rights are being taken for granted or over ruled in any way, the reaction to too strong an attempt by the Governments to set that sort of timeframe could be negative.

Mr. O'Malley: Would the Taoiseach call it a guillotine?

The Taoiseach: I would not. That is not the way we should approach it. In a matter of this sensitivity it would be best to give the parties the maximum freedom to choose their own timeframe. I do not wish to be accused, as I sometimes am, of going on too long or repeating things I have said before, but it is important to make the point that this problem in Northern Ireland has existed for about 400 years. It has given rise to 25 years of violence which is not ended at this point. The idea that it could all be solved in some short timeframe set by people who are a little removed from the problem is unrealistic. That is not to say that it is not urgent that we should solve it. However, we must be realistic and give people space to come to terms with one another in a way that they have not done over 400 years.

Mr. B. Ahern: Teasing the issues out is helpful. Mr. John Hume is engaged in trying to clarify various matters and narrow down the areas of difference. Has the Taoiseach or the British Government suggested to him that perhaps they could draft whatever it is is sought to allow the IRA to declare a ceasefire and have no doubt about the move into all-party talks? Leaving aside the question of a timeframe - I have made my comments on that, as has the Taoiseach - there is still concern that there will be a trick somewhere along the way, that we will be down again to arguing with the British Government about a legal definition of the word "permanent", and there is nobody better than the legal

powers in the British Government, whether they are in Europe arguing about an "opt out" clause or in Northern Ireland arguing about an "opt in" clause, at finding ways to delay. That is a fact which has been responsible for much of the 400 years mentioned by the Taoiseach. Has the Taoiseach thought about trying to break that log jam and giving some certainty to the people engaged in trying to deliver an IRA ceasefire? That is the final straw. I am not saying it will be easy, but if that straw can be broken we could have a ceasefire in time for Christmas 1996.

Section D follows

D1

DÁIL ÉIREANN

3 p.m.

12 November 1996

3 o'clock,

If that logjam could be broken, and it will not be easy, there might be a ceasefire by Christmas 1996. If we do not break the logjam the situation will continue as it is and that will be dangerous; it need not necessarily be dangerous but it could be.

The Taoiseach: In any peace process every participant must make at least a minimal assumption of good faith on the part of every other relevant participant. It is not possible before the process commences to have either the outcome agreed or to have every conceivable question answered by the other side. It is necessary to make assumptions of good faith. The republican movement, given its history, has difficulty making assumptions of good faith about the British Government but the republican movement must also realise that it is just as difficult for the British Government to make assumptions about the good faith of the republican movement. If either side is to wait until it is satisfied beyond all doubt about the good faith of the other side, neither side will ever get started as far as the peace process is concerned.

While I understand the concern of parties to ask every question they can and seek the maximum degree of reassurance, it is important to reiterate that there must be a willingness to trust. One must take a risk. People speak about taking risks for peace. The ultimate risk one takes in a peace process is the risk involved in trusting

somebody whom one might not have reason to trust but whom one decides to trust because one believes it is the best way forward for peace. I urge all those involved in these discussions to take the risk of trusting people they might not usually be disposed to trust in the interests of peace. That is the best general approach.

With regard to the first part of Deputy Ahern's question, every possibility of bridging gaps of understanding is being explored and will continue to be explored. However, it still comes back to what I said in the first part of my answer.

An Ceann Comhairle: I remind Members the House must proceed to deal with other Questions at 3.15 p.m.

Dr. McDaid: The Taoiseach has used the word "unequivocal" frequently but he has created a great deal of ambiguity about its meaning. He tried to explain paragraph 8 of the ground rules. Does that paragraph not deserve a better explanation? Is it the Taoiseach's impression that Sinn Féin is the main barrier to peace in Northern Ireland?

The Taoiseach: I do not wish to suggest that anybody is the main barrier to peace in Northern Ireland. To make any such suggestion, which the Deputy invites me to make, would not be helpful and I do not understand why the Deputy makes it.

The ground rules document is clear and I have quoted it, not interpreted it. The words are in the document and I have quoted them extensively in this House. The ground rules are there to be met and I have simply drawn attention to them.

Mr. Harte: The key word appears to be "trust". Rather than have an academic

argument about what is included in documents 1 and 2, the jargon should be pushed aside and the Taoiseach's word on trust be accepted. Who would decide the question of trust? Instead of waiting for the IRA to declare a ceasefire, could we not assume that there are people in the IRA who want a ceasefire and take that on trust? If we use the word "trust" who decides that we should or should not trust? Would it be the Prime Minister and the Taoiseach? If so, I ask the Taoiseach to accept his own analysis, accept this on trust and move on to a new position.

The Taoiseach: As I have said on a number of occasions, the final analysis is paragraph 8 of the ground rules document which requires people to demonstrate their commitment to peaceful methods. The interpretation of paragraph 8 is a matter of belief.

Dr. McDaid: Who determines it?

The Taoiseach: Until there is a ceasefire declaration we do not have a statement we can believe or otherwise. The first prerequisite is a ceasefire declaration. As long as there is no ceasefire there is no question that anybody involved in the republican movement could sign up to the Mitchell principles. Including them in the talks in the absence of a ceasefire would make no sense because even if they were admitted to the talks in such circumstances they could not sign up to the Mitchell principles. There must first be a ceasefire and the terms of the ceasefire must be interpreted in light of the requirements of paragraphs 8 and 9. We have been working hard to get a basis for a ceasefire that will be durable and understood by all to be durable. We want that to happen soon but there must be a modicum of willingness to trust on

each side.

Mr. R. Burke: Will the Taoiseach assure the House that Deputy Harte's proposal that the IRA should be allowed to the table without a ceasefire is not Government or Fine Gael policy? As far as this side of the House is concerned, there is no question of Sinn Féin being at the negotiating table without a ceasefire.

The Taoiseach: The Government's position is as it was declared in the communiqué of 28 February and in the ground rules document. There cannot be participation by Sinn Féin until there is a ceasefire-----

Mr. R. Burke: Rightly so.

The Taoiseach: -----and until the requirements of paragraphs 8 and 9 of the ground rules have been fulfilled. Sinn Féin can only proceed to the talks in a negotiating sense after full acceptance of the Mitchell principles. That is Government policy.

Deputy Harte was asking a question of an academic nature-----

Mr. R. Burke: If it had come from this side of the House it would have been seen as more than academic.

The Taoiseach: -----and I have sought to answer it in the best possible way.

Mr. Harte: Deputy Burke is trying to be mischievous or has misunderstood my

DS

position. The record shows that I have never been ambivalent in speaking out against the IRA. My theory is that in waiting so many months for the IRA to deliver a ceasefire we are giving it a veto to hold everybody else back. Is it possible to assume that there is a ceasefire because there has been no violence for so long and to move to the next stage or move in that direction? That is not breaking with Government policy; it is facing the reality that the IRA has a veto on everything if it does not declare a ceasefire.

Mr. B. Ahern: It is a dangerous reality.

Mr. Harte: I would like the IRA to declare a ceasefire and be manly about the problem.

The Taoiseach: The IRA does not have a veto and the Tánaiste and I have made it clear that if there is no IRA ceasefire-----

Mr. R. Burke: So has Fianna Fáil.

Section E follows

DÁIL ÉIREANN

3.10

12 November 1996

The Taoiseach: Allow me to say my piece in my own way.

Mr. D. Ahern: The lines are crossed.

Mr. R. Burke: I take it there is unity in the House on this subject.

The Taoiseach: This is a matter which requires care in the way we formulate what we say. I would like to say what I have to say without being interrupted. So far as the position posed in the first part of Deputy Harte's question is concerned, the IRA has no veto whatever in this area. The Tánaiste, myself and, indeed, Fianna Fáil have made it clear repeatedly that the talks can proceed and will proceed with the other parties in the absence of Sinn Féin in the absence of an IRA ceasefire. Let us not forget that the parties already at the talks represent 85 per cent of the electorate in Northern Ireland, they represent a majority of both communities in Northern Ireland. It would be profoundly undemocratic to suggest that those people cannot do business with one another just because a violent organisation is continuing a campaign of violence.

I would not accept for one moment the fact that the IRA has not reinstated its ceasefire but is not actually killing people this week would be a sufficient entry requirement to the talks. I will never accept such a position and I am surprised

at Deputy Harte putting such a proposition forward because it has no basis in reality. If the organisation is unwilling to declare a ceasefire it is retaining the option of violence. An unwillingness to declare a ceasefire represents a retention of the option of violence which is entirely contrary to the Mitchell principles. I invite Deputy Harte to read the Mitchell principles.

Mr. R. Burke: As far back as 15 February last in a face to face meeting with Sinn Féin, the Fianna Fáil Party leader together with members of his Front Bench made it clear to Sinn Féin it could not have a veto and that it could not re-enter talks unless and until there was a ceasefire and the Mitchell principles were adhered to. The question does not arise of the participation of Sinn Féin in talks until there is an IRA ceasefire. That is the clear policy of the main Opposition party as it is of the Government.

Mr. Harte: That is taking it a bit further.

The Taoiseach: I accept entirely what Deputy Burke has just said.

Mr. B. Ahern: On Question No. 3 will the Taoiseach outline to the House, following President Clinton's re-election, the details of the Euro Summit and whether it will take place in Dublin as originally planned or in America? Will he also mention some of the main items on the agenda?

The Taoiseach: The summit will take place on 16 December in Washington

which is the Monday after the summit in Dublin of the EU heads of Government. It will deal with all the issues on the transatlantic agenda, obviously trade will be a major issue. We will be looking at recognition of standards. A number of those questions I discussed when I met President Clinton in September will be more formally dealt with in the agenda for the summit which will take place on 16 December. I hope to avail of the opportunity to discuss Irish US relations and, in particular, the peace process with President Clinton when I meet him in Washington on Monday 16 December. The President's schedule did not make it possible for him to come to Europe to have the summit. The Americans have suggested that, in future because all elections in the United States tend to take place in the second half of the year, the US-Europe Summit would take place in the United States in the second half of the year and where it is due to take place in the first half of the year it will take place in Europe. That is the pattern they wish to establish for the future. It seems to be a common sense pattern because of the fixed election dates in November every two years in the United States.

Mr. R. Burke: Unfortunately in recent years the election timeframe seems to run in November in Ireland as well. On the preparatory work for the summit, will the Taoiseach, as a matter of urgency, raise with the US authorities the issue of Zaire and the human tragedy unfolding there? In view of our Presidency of the EU I ask the Taoiseach to take immediate action to indicate to the UN and the US that we are prepared and should participate as an Irish Government in the provision of troops within our resources to whatever peace mission is being

established at UN level which we hope will be sooner rather than later to tackle this humanitarian problem? Will the Taoiseach examine participation of Irish troops at this stage in a UN peacekeeping mission and discuss this matter with the US authorities?

The Taoiseach: This is a very important subject and I would like to do justice to it. It does not arise under this question. The only question that relates in any way to the United States is the content of my message to President Clinton congratulating him on his re-election. I did not mention the Zaire situation in that letter. The letter was concerned solely with personal congratulations to somebody whom I know quite well at this stage. So far as the matter to which the Deputy referred is concerned he will be aware that Deputy David Andrews has asked for a debate on this subject. I indicated we would have such a debate; it was planned to have it this week and we may yet have it this week. If not we will have it as soon as possible because I agree with the Deputy it is an important issue but it is a sufficiently important issue for me not to give answers to the Deputy's questions without further study.

Mr. R. Burke: Please take note that it is the view of this side that we should participate.

An Ceann Comhairle: That is the end of questions to the Taoiseach for today. We now proceed to deal with questions nominated for priority.