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SPEECH BY THE SECRETARY OF STATE FOR NORTHERN IRELAND
SIR PATRICK MAYHEW, QC, MP

TO THE PLENARY SESSION OF THE
BRITISH IRISH INTERPARLIAMENTARY BODY

BATH

WEDNESDAY 25 SEPTEMBER 1996

PLENARY SESSION OF THE BRITISH IRISH INTERPARLIAMENTARY BODY

SPEECH BY SIR PATRICK MAYHEW, SECRETARY OF STATE FOR NORTHERN IRELAND

Introduction

Mr Temple-Morris, Mr Bradford, members of the Body:

I am delighted that at last we have succeeded in arranging a meeting with your plenary which has actually happened. Our first attempt to get together in London in December 1993 was thwarted for the very best of reasons. The Government and the Irish Government were just completing the Joint Declaration. In 1994, both Michael Ancram I were ready to meet you all when the session was cancelled. Last year I had to go on an official visit to Australia.

I do not, however, appear before you today as a virgin visitor, because I enjoyed a question and answer session about 3 years ago with one of your committees, held in a rather cramped room beside Westminster Hall.

I am looking forward to the return match later this morning.

The Interparliamentary Body is unique, and is uniquely valuable, as I well know. The range and number of your questions tabled for answer today show very clearly that this is a good time for the Body to be meeting, and a good time for the Secretary of State to meet the Body.

A Review

Since you last convened in plenary the scene in Northern Ireland has changed quite radically. Foremost in your minds will be the respects in which it has changed for the worse. I shall not attempt to gloss over these. They are profoundly significant, and for that reason it is necessary to identify and learn from what they signify.

But there are also ways in which it has changed for the better, and

these are significant too. They are grounds for hope, and a foundation, for a way forward; for a viable alternative to violence as a means for political change.

So I shall spend at least as much time on these.

The Backward Steps:

Ceasefire Ended

When you last convened in plenary the Republican ceasefire was 13 months old, and the Loyalists' was coming up for its 1st anniversary. I think there were those who believed, on that occasion, that neither side could in practice ever go back to violence; that the public, having tasted peace or something like it after 25 years, would never permit a return to war.

It is hard to describe, and impossible to exaggerate, the dismay which so many people in Northern Ireland felt, akin to despair, when the Republican ceasefire was ended, and Canary Wharf attacked.

Even though the attack was in London, it was as though some kind of curse upon the Province and its people was perceived.

It resulted in a hardening and polarising of attitudes, and among those supporting the Union a tendency to revert to the feeling that they are under siege. It was a huge set back, albeit subsequently mitigated in part by the absence until now of any full scale return to Republican violence in Northern Ireland, and by the welcome retention of the CLMC ceasefire.

What was the cause? Immediately, it undoubtedly derived from a strengthening within the PIRA of those, always numerous, who had never wanted a ceasefire in the first place, and a relative weakening of those who had argued that the political road should be substituted for the military..

could that have been prevented, while sustaining the prospects for political talks? Illegally held weapons were the obstacle and the absence of any clear assertion that the ceasefire was permanent, and never to be abrogated.

The arguments about that will be long lived. I myself am in no doubt that to have taken a weaker line would have been inherently wrong. Moreover any talks that were ultimately convened would not have had the unionist parties at the table. We were not prepared to defeat the purpose of the process in that way, nor incidentally would we have been permitted by Parliament to have done so.

Instead, with our colleagues in the Irish Government we had committed ourselves in January to the principles of democracy and non-violence laid down in the Report of the International Body which we had jointly commissioned. Both Governments agreed that participation by Sinn Fein in the Talks would first require an unequivocal restoration of the ceasefire of August 1994.

Docklands was as much a brutal shock for its rejection of that, as it was for the murders and damage which it callously and randomly inflicted.

Drumcree

Now I must come to the events surrounding what will long be known as Drumcree.

From 9 February this year there hung over the gravely worsened situation the prospects of the marching season, and in particular the Orange march to Church at Drumcree and the return to Portadown by way of the Garvaghy Road and its now Catholic neighbourhood.

For a very long time, at least since the beginning of the year, unprecedented efforts had been made by the Chief Constable and other Senior RUC Officers, by Church Leaders and by Ministers, to secure an accommodation. There was, after all, an alternative and

uncontentious return route available to the Orange Order from Portadown, in some part down the Garvaghy Road itself. Regrettably, a compromise was not forthcoming.

The Chief Constable foresaw a risk of serious public disorder if the parade went ahead.

In consequence the RUC had served a lawful notice on the Orange Order, which ordered the return stage of the Orange Order Parade at Portadown to be re-routed away from the Garvaghy Road.

Following that decision, which I fully support, there was shocking and disgraceful public disorder at both Drumcree and in many other parts of Northern Ireland for four days. While serious efforts were made on the ground to avert worse disorder, nevertheless there was on the part of some elements Province wide, a clear and reprehensible intention to over-stretch the capacity of the RUC to maintain public order. I have to say that those actions in certain areas and instances for a time succeeded. I publicly denounced the violence and disorder as abominable and inexcusable, and I have no hesitation in doing so again now.

Throughout that period there were continuing efforts to reach an agreement within Drumcree. They failed. In the light of all these circumstances, including his informed view that some 60,000-70,000 Orange Marchers would be invited to converge on Drumcree, the Chief Constable decided that his lines could not be held, and that a limited parade down the Garvaghy Road was the option most likely to prevent loss of life and minimise disorder. In reaching that conclusion he had in mind the advice of the GOC. In that decision, too, he has my full support.

The Chief Constable believed that the foreseeable consequences of an uncontrolled surge into the Garvaghy estate, including loss of life and destruction of dwellings, were too dire to be accepted. Sir Hugh Annesley was not prepared even to contemplate the opening of fire upon the crowds, and in my clear opinion he was right. I commend for study the long radio interview Sir Hugh Annesley gave on 11 July. Copies of the transcript are available here].

Marches Generally

The parade in Drumcree and the way it was handled has brought into prominence the doctrine and practice of the Chief Constable's operational independence, the role of the Secretary of State in the approval - or otherwise - of notified parades, and the attitude of the RUC towards parades, whether organised by unionists or nationalists. Let me deal with these issues at once.

In our constitutional arrangements we hold very firmly to maintaining the operational independence of the RUC. From the inception of the first regular police service over 160 years ago we have never allowed the police, in Great Britain or under direct rule in Northern Ireland, to be the tools of any Ministers. It is true that the specific power to impose a ban on public processions and open air meetings rests in law with the Secretary of State; but in practice such decisions are made on the basis of advice given by the Chief Constable, because the criterion is the operational one of the maintaining public order.

This independence was later exercised in the case of the Apprentice Boys' parade in Londonderry in August. The responsibility for evaluating a proposed parade against the statutory criteria rests with the Royal Ulster Constabulary. In making decisions as to whether a parade may follow a particular route, the RUC must decide whether the proposed route is likely to prompt serious disorder, serious disruption to the life of the community, or serious damage to property, or whether the purpose of the organisers is to intimidate others. If so, the RUC and they alone have the right to impose conditions on the parade.

Under a separate provision, parades may be banned if it appears that they would impose undue demands upon the police.

Do the RUC follow a different decision making process for parades organised by the Unionist or Nationalist community? I can say categorically they do not. Each parade is dealt with individually,

and the RUC apply the law to each situation as it arises. No two situations are identical and all decisions are taken in the light of circumstances on the ground.

The marches issue, perhaps more than any other, goes to the heart of the differences between the two main communities in Northern Ireland. On the Unionist side the inability to parade to and from a church service along routes long established by tradition is symbolic of a threat they perceive exists to their culture and sense of identity. By <u>their</u> interpretation of political developments since the signing of the Anglo Irish Agreement now nearly 11 years ago, the curtailment of the freedom to parade is evidence that the Government is following a 'pro-nationalist' agenda. They also feel that these changes are indicative of possible future attitudes to Protestant and Unionist culture should there be any change to the constitutional status of Northern Ireland.

On the nationalist side, while the right of the Orange Order to march is fully recognised and accepted. This is qualified by an insistence that marches should not go through areas where they are not welcome and where offence could be caused by displays of triumphalism. Nationalists maintain that if they are to be citizens of Northern Ireland, they should be citizens of a Northern Ireland where their status is recognised and esteemed as being fully equal to that of Unionists. Such recognition in their eyes does not include being obliged to allow Orangemen to march in nationalist areas simply because they have always done so. Nationalists see the prevention or re-routing of traditional marches as an indicator of the extent to which things have moved on, while many unionists see it as an indicator of how much has to be regained.

<u>The Steps Forward:</u>

<u>The North Review</u>

The tragedy of Drumcree arose from a conflict between the exercise of mutually incompatible rights, which had come to be seen by each side and its supporters as an article of faith. Accordingly I have established an independent review of the current arrangements for

handling public processions and associated public order issues in Northern Ireland.

The review is being chaired by Dr Peter North; Vice Chancellor of Oxford University, assisted by Dr John Dunlop and Fr Oliver Crilly. The review has wide terms of reference which include examining current legislation and looking at the possibility of introducing codes of practice. This review will be independent. It is commissioning an extensive survey of public opinion, and I hope it will provide a thorough analysis of the issue by January. That deadline will allow time for legislation, - if that is an agreed option, - to be introduced in time for it to impact on next years marching season. It is our hope that this Review will formulate a set of principles which will provide guidance in this area.

<u>The talks process</u>

I believe that the atrocious events associated with and surrounding Drumcree served as a timely reminder to us all, of what Northern Ireland could become if all of the work to secure a peaceful accommodation in Northern Ireland fails. It has reminded us of just how essential the talks process is to the people of Northern Ireland and how vital it is for this process to continue. For it is only through the talks process that we will break through the impasse and reach an accommodation.

Let me examine with you where matters rest at present.

After the turbulence generated by the arrival of the opening day of the talks, they remain in active session.

Again, to outsiders not involved in the day to day process it seems that nothing has been achieved. It would be a very brave optimist to presume that several weeks of talks can overcome the aftermath of centuries. But it would be wrong to belittle the progress we all have made thus far. First, the talks were indeed duly convened on

10 June, as promised in the Draft Communique on 28 February. Whereas after only two days it appeared as if the whole process would founder on the question of how they were to be chaired, it was served at the eleventh hour. I must say that we have been served brilliantly and selflessly by Senator Mitchell, General de Chastelain and Mr Holkeri. It is also important to note that rules of procedure were agreed within 6 weeks - and this was <u>after</u> the events of Drumcree. The rules of procedure to be applied to the Talks in 1991 and 1992 took several months to develop. These new rules, after all, provide the comprehensive operative framework for the talks - a significant achievement in itself.

Inevitably, recent attention has focussed on the attempt by the DUP to remove the Ulster Democratic Party and the Progressive Unionist Party from the negotiations. Some even question why these two parties are remaining in the negotiations while Sinn Fein have not been invited to join.

In our joint communiqué issued on 28 February, we made it clear that the talks participants would be those political parties which achieve representation through an elective process, who establish a commitment to exclusively peaceful methods, and have shown that they abide by the democratic process. Sinn Fein were not asked to nominate a team for the negotiations on the grounds that there had not been an unequivocal restoration of the IRA ceasefire. On the loyalist side, the ceasefire declared by the combined Loyalist Military Command in October 1994 remained in place.

Following death threats inexcusably issued against two persons by the CLMC, the DUP served an indictment on the two loyalist parties asserting that each was in breach of the Mitchell principles of democracy and non violence, to which all participants in the talks have to commit themselves. These parties have since reaffirmed their commitment to the pursuit of political objectives through solely democratic and peaceful means, and rejected the furtherance of political aims by violence or threat of violence. The two Governments have determined the issue raised by the indictment, by

deciding that no action against the loyalist parties would be appropriate.

The Governments yesterday reached a similar conclusion in respect of complaints levelled by the Alliance Party against the UUP and the DUP. All these parties therefore remain participants in the Talks.

Meanwhile Sinn Fein know what is required of them, by both Governments, before they can come to the negotiating table. It is no more than has been required of an provided by all other participants, namely, an unequivocal restoration of the ceasefire, absolute commitment to th Mitchell Principles, and then an addressing to the issue of decommissioning. As Congressman Morrison put it two days ago on the radio in Northern Ireland, the restoration of the ceasefire must be 'dependable'.

Here let me say that the evidence uncovered this week in London of PIRA's preparations for more attacks is in massive contrast with their talk of peace. As the Irish Times put it yesterday, 'It is abundantly clear that the Provisionals still appear intent on waging war - of inflicting death, injury and destruction - even as they talk of peace".

"In the words of the Prime Minister, "It remains impossible to reconcile Sinn Fein's rhetoric for peace with the IRA's preparations for murder." He added "The British Government remain fully committed to the Belfast negotiations aimed at a comprehensive political settlement in Northern Ireland. Northern Ireland's future will be settled by democratic, peaceful discussion, not by violence or threats of violence. It is time Sinn Fein and the IRA learned that lesson once and for all."

Looking forward from here, I hope that we can build on the achievements of the 1991/92 talks, and the agreements we reached then. Notably that any settlement needs to address the three key relationships: those within Northern Ireland; those between Northern Ireland and the Republic of Ireland and those between the two

Governments including their relationship with any new institutions in Northern Ireland. It is also agreed that if any settlement is going to work, it must be freely and widely supported right across the community. This is the objective of the current talks. That objective is shared by the two Governments. Both the Governments are agreed that there is no prospect of this happening through a one sided outcome leaving one side of the community with a sense of grievance.

This is why there is no predetermined outcome to the talks; but the principles on which a settlement will be based are already agreed by the overwhelming majority of the parties as well as the two Governments.

Difficult issues still present obstacles to the talks getting into the substantive discussion of the strands. At the forefront is the issue of decommissioning illegally held arms. Here we base ourselves four square on the Mitchell Report. I am sure it is possible to find a practicable and acceptable answer to the tough question, sufficient to permit the progress in this vital process that we all seek.

Forum

Running alongside but distinct from the Talks process, we have the Forum, which was established under the Northern Ireland (Entry to Negotiations, etc) Act 1996 "for the discussion of issues relevant to promoting dialogue and understanding in Northern Ireland".

The Forum has had mixed fortunes since its inaugural meeting on 14 June. For example, the decision by the SDLP to withdraw its members from the Forum following the events at Drumcree is very much regretted.

Despite this set-back, the Forum has undertaken some constructive work, having agreed its Rules of Procedure and, in addition to the creation of a Business Committee, having established Committees to

consider matters relating to health, education, agriculture and parades. Useful debates have also taken place on issues such as the education administration review, healthcare and BSE.

The Forum is not a substitute for, or a competitor against, the quite separate Political Talks. In my opinion its potential for promoting valuable public debate is substantial, and for that reason welcome.

Anglo Irish Relations

I should like now to speak about the wider relationship between the two Governments. When he spoke to you in Cardiff last year, Michael Ancram said that he thought the time was right for an enhancement of the overall relationship within these Islands. It is worth noting the real progress that we have made since then.

In 1994, our Ambassador in Dublin was obliged to report that, apart from a short visit by the then Foreign Secretary, Douglas Hurd, no British Cabinet Ministers had visited Dublin, except on Northern Ireland business, for some years. The present picture, even ignoring all those visits which are a result of the Irish Presidency of the European Union, is very different.

The lead was taken by our two Heads of Government. In December 1995, the Prime Minister and the Taoiseach agreed a programme of co-operation intended to strengthen and broaden the bilateral relationship. I do not wish to give you a catalogue, but it is worth noting just some of the developments which have flowed from that initiative.

The Prime Minister himself, was deeply touched by the warmth and friendliness with which he was received during his short visit to Dublin last December. But other visitors too have found that, in many areas of Governmental activity, we have a lot in common, have a lot to learn from each other. We can do business with each other

with an ease and naturalness which I suspect neither of us encounters in dealing with other countries within Europe or beyond.

The Princess Royal visited Dublin in January. She opened the new British Embassy, and attended a rugby match whose result will have pleased her, as a supporter of Scotland, rather more than her hosts. At Government level, our Attorney General and the Chancellor of the Duchy of Lancaster have visited Dublin for discussions with their counterparts. The Secretary of State for Social Security had very useful discussions there recently, and the Economic Secretary from the Treasury likewise. Irish Ministers of the Environment and of Health have been among the visitors in the other direction. The Minister for the Armed Forces visited Dublin earlier this month for discussions on European security issues and peacekeeping. And the Royal Navy warship, HMS Manchester, visited Cork as part of the celebration of 50 years of the Irish Naval Service.

Only last week the Government's International Drugs Co-ordinator, Derek Plumbly, visited Dublin to discuss ways in which we might enhance co-operation in the battle against a problem which plagues us throughout these Islands. I hope that further practical steps to improve our efforts to combat this problem will emerge. I understand that members of this Body may also be giving consideration to a study of the question of drugs. I am sure that that would be a helpful area to examine.

All this amounts to a very welcome trend. But the value of visits at any level, of course, lies not so much in the fact of their taking place, though that can have real or symbolic importance. It lies in the quality of the business that is done and in whether our co-operation can be sustained. It is therefore encouraging that in a number of areas, including finance, health and social security, there is a constructive exchange about concluding Memoranda of Understanding or other forms of agreement, which would provide a basis for continuing co-operation in specific areas.

Good relations are not an end in themselves. But if the exchanges I have mentioned bear fruit, then the Irish health service may secure better value for money in the procurement of goods and services; the British social security system may be better able to combat fraud; and we may both be more effective in reducing the number of young people who fall victim to those who peddle drugs.

And we must not forget that it is not only at the Governmental level that relationships between the people of these Islands can be enhanced. Links between cities, between universities and cultural exchanges of every form all contribute to a better understanding. Many of these developments do not receive much publicity. But it is worth mentioning, for example, the ambitious programme of co-operation between the Universities of Strathclyde, Aberdeen and Trinity College Dublin, known as the Scottish-Irish Academic Initiative. And there is a whole series of exchanges of artists, musicians, teachers and academics organised by the British Council, who not only bring cultural performances from Britain to the Republic but also help certain Irish groups who wish to visit the UK.

The British Council, I know, have been very grateful for the support they have received from President Robinson. She graciously accepted an invitation to visit British Council Headquarters during her official visit to Britain in June. That visit was an enormous step forward. It is sad to reflect that this was the first official visit in either direction by a Head of State from either country. But instead of looking back in regret, that visit encourages us to look forward with hope and with determination. At her meetings with the Queen and other members of the Royal Family, with the Prime Minister, in a major speech at the Guildhall and during her visit to York, at which she attended a special ecumenical service, President Robinson conveyed the sense of an open, confident Ireland. Her visit, and the spirit it engendered, encourages us to seek out the best in each other, and to build on what we have in common, rather than to suspect the worst and perpetuate division.

I know that in the past there were some in the Republic who believed that any proposal by London to develop the relationship outside the question of Northern Ireland represented any attempt to avoid tackling that central issue in our relationship. The way in which both Governments have acted over the past year surely puts that suspicion to rest. Our determination to pursue a lasting, freely negotiated settlement, based upon consent, is firm. And we believe that it makes sense, while these efforts continue, to seek also to overcome past inhibitions and to develop a broader, more open relationship in an imaginative and flexible manner. Both processes must continue: that certainly is the intention of the British Government, and this Body is well placed to make its own unique and positive contribution.

Conclusion

The scene is therefore one both of darkness and of light.

On the darkside, in addition to the tensions I have dwelt on, there are foul punishment beatings. There are death threats, expulsions, and murder perpetrated under spurious cover. There is the threat of war. There is boycotting of businesses on sectarian grounds, and the intimidation of people seeking only to go to Sunday church.

All of this is abominable, and it will be met with resolution.

But on the other side is a much wider understanding. The talks heralded by Inter-Governmental agreements are still in session, and not without prospect of further real progress. The process is firmly founded on a shared commitment to peaceful and democratic methods. Each Government and all the principal parties recognise there is no other game in town. Many of us have worked long and hard for this. The people of Northern Ireland have yearned for what it can yield. It is a process we are determined to cherish, foster and sustain.

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