

The creation of a framework for negotiations

Unionist concerns

Nigel Dodds

Nigel Dodds OBE is Minister for Social Development in the new Northern Ireland Executive. He was a DUP member of the Northern Ireland Assembly 1982–85 and represented the party in the 1991 Brooke talks and was a delegate to the multi-party talks 1996–97.

A number of attempts to reach an agreed basis for negotiations between the political parties in Northern Ireland were made in the early 1990s. Throughout this period the Democratic Unionist Party (DUP) was concerned that negotiations should take place on a level playing field and that to be involved parties must be fully committed to democracy and the pursuit of political objectives by exclusively peaceful means. It also emphasized the necessity to delineate carefully the respective roles and inputs of Her Majesty's government and the government of the Irish Republic. As far as the DUP was concerned the Dublin government could not be given any role in any negotiations about the internal administration of part of the United Kingdom. It was also emphatic that in any negotiations the parameters must permit an outcome acceptable to the unionist electorate.

The DUP was determined not to accede to a negotiating process that would inexorably and inevitably result in an outcome weighted against the unionist community. Unionists had not subscribed to the Anglo-Irish Agreement of 1985 and while it was still functioning were unwilling to enter into the talks proposed by Secretary of State Peter Brooke. Eventually, in 1991 after a prolonged interlude of 'talks about talks', the British government and unionists agreed that no inter-governmental meetings would take place under the Agreement for the period of the negotiations, effectively setting the Agreement to one side. Equally significantly other parties to negotiations were not so bound to the Agreement that they were unable to consider and accept an alternative.

Following the conditional IRA ceasefire of 1994, concerns were again raised by unionists about any new negotiating process. The Downing Street Declaration of December 1993 was a set of foundation principles that



Source: Crispin Rodwell

the governments believed would safeguard the vital interests of both sides of the community in Northern Ireland. The Framework Documents of February 1995 were intended to be the basis upon which agreement would be built but were universally rejected by unionism which could not allow its negotiating base to be limited or defined by the terms of any agreement reached behind its back without either consultation or consent. The overriding issue was whether it would be possible to establish a process for negotiations without pre-conditions, and without the approval of the DUP.

Unionist alternatives

In January 1995 the DUP presented the Prime Minister with an alternative which proposed an election to a Northern Ireland Convention charged with considering issues relevant to all three strands (internal Northern Ireland matters within Strand One; North–South issues within Strand Two; British–Irish issues within Strand Three). The Irish Republic would be consulted in relation to Strands Two and Three while the British government would of course be involved in relation to all three strands. The DUP made it clear that it would not sit down with the Dublin government unless and until the Republic removed its illegal and aggressive claim of jurisdiction over Northern Ireland from its constitution. This was consistent with the view that negotiations should take place between parties on equal terms. The UUP also supported the idea of elections.

The DUP focused on providing a forum for active politics to fill the political vacuum, while at the same time ensuring that representation at negotiations would reflect the actual balance of political views in the country. This was always a key consideration for the DUP in its

approach to the talks process. All parties would of course be free to stand for election and take their seats in the elected convention. The DUP has consistently maintained its opposition to negotiating with Sinn Féin given its inextricable links to IRA terrorism. The election process for a convention preserved that position while effectively creating an inclusive process in which others could negotiate with whoever they chose. The DUP believed that no arbitrary time limit should be imposed and that this proposal would permit steady progress to be made. In the end it was a variation of this proposal that the government adopted, although the modifications that were introduced created more problems for the process than they removed.

The weapons issue

Decommissioning or, as the DUP prefer to put it, the handing over of illegal terrorist weaponry, was not introduced as a last minute device or stalling tactic to stop Sinn Féin entry into talks as has sometimes been argued. Even before the first IRA ceasefire Dick Spring, the Deputy Prime Minister of the Irish Republic, stated in the Dáil that the issue of terrorist arms would have to be dealt with before Sinn Féin could enter talks. The DUP has never accepted that negotiations can be fair if around the table there is a party which has at its back a paramilitary terrorist organization with access to a massive stockpile of armaments. Negotiations on that basis are conducted with a gun metaphorically – and literally – pointed at the heads of the other parties who come armed only with their electoral mandates.

At the end of 1994 the IRA had failed to declare a permanent ceasefire and unionists were justifiably concerned to see evidence of a real change of heart. Their

scepticism proved to be justified when the IRA returned to violence at London's Canary Wharf in early 1996. The issue of decommissioning has never been properly dealt with at any stage leading up to the talks or since. It has been fudged and pushed down the line at every juncture of the negotiating process. Initially the requirement of the British government was that a substantial amount of illegal guns and explosives had to be handed in before Sinn Féin could enter talks. This was changed to a requirement for a token beginning to decommissioning in a speech given by the Secretary of State Sir Patrick Mayhew in Washington on 7 March 1997. The setting up of an International Decommissioning Body under George Mitchell to examine the issue was announced in an Anglo-Irish communiqué of 28 November 1995, but it resulted in yet further concessions to the republican movement. This represented a major internationalization of the process. The idea for such a body had initially come from the UUP. It was gladly seized upon by nationalists and the Irish government who, along with Sinn Féin, were enthusiastic about increasing the influence of a US administration which had clear sympathies with the broad pan-nationalist position and which itself was being pushed hard by the Irish-American lobby to become more active in the search for a 'solution' to the problems of Northern Ireland.

Following the Mitchell Commission's report in January 1996, the new position of the British government became a requirement for parallel decommissioning by the IRA alongside talks at which Sinn Féin would be present.

The elections process and its outcome

At the same time the government called elections to the Northern Ireland Forum for Political Dialogue from which delegates would be chosen to participate in a talks process. However the procedures adopted confirmed the concerns of the DUP. Firstly, the election system was manipulated to ensure that those parties with links to paramilitary organizations would qualify even if they would not gain sufficient votes to be elected under the normal system of proportional representation. The ten parties with the highest total vote would be entitled to two seats. It meant that the smallest parties at the talks had fewer votes across the whole of Northern Ireland than the bigger parties had in one constituency. Secondly the elected Forum was boycotted by nationalists and republicans precisely because, in the view of the unionists who remained, it did reflect the political balance in the community. It was left as a talking shop and a smaller group was selected to carry out the negotiations. To make matters more unfair all the parties, regardless of size, were given two, and at most three, seats at this negotiating table in a clear negation of the democratic process. The parties were equally represented

regardless of size or electoral strength. The election as proposed by the DUP had been designed to allow parties to obtain a mandate from the electorate for the strategy they would pursue – including the selection of parties they would deal with directly and those they would avoid as illegitimate. However, that possibility was not realized because the talks format meant all the parties sitting together, and so the DUP withdrew at the prospect of the entry of Sinn Féin.

The DUP, in line with its consistent view that any negotiating process must have the capacity to produce an outcome acceptable to unionism, rejected the attempt by the British and Irish governments to impose upon talks participants their own set of ground rules and procedural guidelines for the conduct of the substantive talks. This was clearly an attempt to dictate the course of the talks. Similarly the pre-selection of the American chairman without consultation with talks participants indicated that ownership of the process was not to be given into the hands of the delegates if the governments could possibly avoid it. This resulted in a protracted period of discussion over the basis of the talks. Misrepresented as procedural wrangling by opponents, it was in fact an assertion of the fundamental principle that primacy and control must rest with the parties in the talks process themselves.

The election in May 1997 of the new Labour government produced a major shift in British government policy on the issue of decommissioning. Sinn Féin remained barred from talks because it had not fulfilled the requirement of a commitment to exclusively peaceful means and to the democratic process. All unionists at the talks united to adopt a series of proposals in the early summer of 1997 that would have required the IRA to hand in weapons before entering talks. Prime Minister Blair and Secretary of State Mo Mowlam simply ignored this and announced that by the start of September substantive talks would commence with Sinn Féin present, provided there was a restoration of the previous conditional IRA ceasefire. The Trimble-led UUP reversed its position and agreed to enter talks with Sinn Féin-IRA. The people of Northern Ireland were told that the Mitchell Report (January 1996), which favoured the requirement for parallel decommissioning by the IRA and other paramilitaries, still stood and that Sinn Féin should be put to the test. The scepticism of the DUP was subsequently justified when at the conclusion of the talks the IRA had still not commenced decommissioning.

With the decision of the DUP and the United Kingdom Unionist Party, which together represented almost half the unionist electorate, to stand by their election pledges not to negotiate with Sinn Féin and to remove themselves from the talks, the government had failed to ensure an inclusive process.