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(KEN MAGINNIS ... 15TH AUGUST 1990)

IRELAND NORTH, SOUTH, BRITAIN AND EUROPE

It is generally recognised that we have reached a moment in history when the two political entities which make up the island of Ireland should be concentrating on how they can best adapt to those changes which are currently taking place in Europe. Forty-five years after World War Two, it appears, at least on the surface that we are at last part of a Europe where the prospect of war has receded and that we can now live free from fear and at peace with our neighbours.

Yet reality for many of us is that such an expectation is but a pipe-dream and that, for the foreseeable future, there are circumstances which will preclude us from realising the full potential of a single Europe, as it is intended it should develop.

Some of you may recall that when I last spoke to this assembly in the wake of the signing of the Anglo-Irish Agreement I referred to the difficulties which I believed would inevitably arise during the following months and years. It is little consolation to me that I have been proved to be right. Not only are peace, stability and reconciliation not yet with us ... their realisation seems to have become of secondary importance as the two signatories are pre-occupied with the struggle merely to justify the Agreement itself.

Despite the patronising way in which some republican politicians dismissed Unionists objections and forecast that we would soon weary of our opposition to the Diktat, I knew exactly how I felt, both about the conspiracy which had deprived me of my democratic rights and expectations and about those who had perpetrated that deceit. I predicted what would happen and I advised then that the entire Unionist people was at one on the issue.

In the light of how we felt and ... need I add ... how we still feel, does anyone really think that Northern Ireland has been offered a viable opportunity for progress within these islands or in Europe as we move towards 1992? I regret that I have to further warn that the prospect for any formal political break-through is in danger of becoming even more remote than I had, hopefully, believed it to be 5 years ago. I say this, not with any sense of defiance and certainly with no sense of satisfaction. In fact, the opposite is the case.

But at least I have been consistent. As I have advocated the concept of some sort of responsibility-sharing arrangement within Northern Ireland and as I recognised the need for some type of North/South liaison, in that I again and again clearly indicated that such developments will not be possible unless and until there is established some reasonable basis for trust, both within Northern Ireland and on the whole island.

It is with real sadness that I have to tell you that the events of the last five years, and especially those of 1990, have done absolutely nothing to reassure me that there is any real desire on the part of the Irish Republic to do other than maintain its aggressive attitude to Northern Ireland and especially to its Unionist people.

Now I know that there will be those who will come to me after this meeting, who will put their hand on my arm and assure me that I am mistaken and that they have no ill intent towards me or any other Ulster Unionist.

It would be churlish of me to doubt their individual sincerity, but I will tell you that I have been convinced, by both the words and the actions of many of the most influential politicians of this nation and by the highest courts within this country, that this Republic really believes that it cannot endure unless it maintains its single-minded adherence to narrow nationalism, as distinct from true democratic republicanism.

You may tell me, as individuals, that is not how you would wish to be seen or, indeed, that it is not how you feel, but I would have to ask you to examine the basis on which you expect me to co-exist on this island.

As a nation you happily place me under siege; you persecute me and defame me; you openly threaten me, through Articles 2 and 3 of your constitution. No longer can you tell me as you previously did that these are but a political aspiration ... a longing you have that one day the people of this island may wish to be united.

The Supreme Court, in the McGimpsey Case, has clearly overruled its own advice on the Criminal Law (Jurisdiction) Bill 1977 that, "this national claim to unity exists not in the legal but in the political order". It has removed your right to have such a political aspiration and has clearly stated that, "the reintegration of the national territory is a constitutional imperative". You no longer have any freedom of choice in the matter.

If tonight I fail to move outside the context of North and South in terms of this island and look merely at Europe from a distance rather than from within, then I chose to do so insofar as I believe that the apparently insoluble differences which are imposed upon our North/South relationship are the very antithesis of what a Single Europe is supposed to be about and will ultimately restrict us within that sphere.

Europe, if it is about anything, has to be about trust, mutual respect and the strict adherence to the spirit, as much as to the letter, of any agreements. Where differences arise they must be resolved by compromise based on these three elements. This is something which, despite all the platitudes, simply does not exist in terms of a London/Dublin relationship.

Looking at London and Dublin, and one would have to be both blind and deaf not to appreciate the extent to which they basically distrust each other; your respect for each other operates only on the basis of personalities, and as for agreements.... if the Anglo-Irish Agreement is anything to go by.... there are so many twists and turns and double-bluffs that no one knows what is really going on. But of one thing I can assure both London and Dublin.... their political and diplomatic machinations have only added to the hurt of the people of Northern Ireland, both Roman Catholic and Protestant.

Surely you must recognise how every treaty between London and Dublin since 1920 has been the basis of dispute. You only have to look at Article 1 of the 1985 Agreement to see what I mean:-

"The two governments (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland"

During the McGimpsey Case, Mr Fitzsimmons, Senior Counsel for the Irish Republic, was almost scathing when he spoke on the issue. Let me quote him.... "Now Mr O'Flaherty referred

to Article 1, my lord, headed "The Status of Northern Ireland". When one reads that article, one looks at the status of Northern Ireland, it is not defined at all. It is carefully not defined, my lord, carefully not defined".

Where Ulster Unionists were meant to believe that the status of Northern Ireland was the de facto position and where recently the Secretary of State, Peter Brooke, has said that despite the Supreme Court ruling that is the position, the Republic is bound by a judgement which, in reality, asserts that the Agreement has to be complementary to the "constitutional imperative" to achieve a united Ireland. Otherwise it would be illegal.

In these circumstances the Agreement becomes, not unimportant to Unionists, but secondary in terms of the impact it has on our day to day lives. We are satisfied that our opposition to it was vindicated by the decision of the Supreme Court and can now be put in perspective. The primary threat is the 1937 Constitution and hence the Irish Republic itself. Here things had become blurred for some time but have now emerged with a new clarity.

The claim is real and it has been expressed in aggressive, uncompromising and strictly nationalistic language. The implications became alarmingly clear when Finucane and Clarke faced their extradition hearing. Prior to the McGimpsey judgement there had been the extradition of Kane and, later, of Russell albeit on a majority 3-2 decision. But now, in the cases on Finucane and Clarke, and later that of Carron, there was immediate resort to "political exemption" as enshrined in Section 50 of the 1965 Extradition Act.

Nor could it have been otherwise. The Republic's Supreme Court, having reaffirmed that "constitutional imperative" to achieve unity, and irrespective of how the Government interprets that imperative, can no longer justify extradition to a jurisdiction from which it is constitutionally obliged to withhold de jure recognition.

Mr Justice Walsh, supported by Justices Hederman and McCarthy, has ruled, "I am of the opinion that the courts cannot draw the inference that it was the intention of the Oireachtas that the provisions relating to the political exemption in the Act of 1965 should not apply to persons charged with politically motivated offences when the objective of such offences was to secure the ultimate unity of the country."

"The fact that the policy or activities followed by persons acting outside the jurisdiction of the state is opposed or contrary to the policy adopted by the Government of Ireland in relation to the unity of the country is not, in my view, sufficient to equate it to a policy to overthrow this state or to subvert the Constitution of this state".

While some may wish to minimise the significance of this by asserting that the IRA have not been too concerned with seeking justification for their actions, many will recognise that this is effectively their mandate to murder Unionists and others, like Ian Gow, whose political objective is to frustrate Irish unity.

Of those who would wish me to put all this in some sort of European context I simply have to ask if it is feasible for Unionists to forge any meaningful relationship with a neighbouring nation which has such a cavalier attitude to their very right to life.

Even when it comes to those things that could be of mutual benefit to both Northern Ireland and the Republic.... I can think, for example, of the INTERREG initiative which deals with trans-frontier development.... there has to be an awareness that the Republic can only be interested in co-operation if the project complements the "constitutional imperative".

We have certainly seen examples of this self-interest already. Despite its enthusiasm for things European and for the Single Market, the Government has not been slow to take steps to hinder cross-frontier trade which would benefit Northern Ireland, even when those measures are in violation of EEC rules. The illegal 48 Hour Rule being replaced by an equally dubious 36 Hour restriction could hardly be said to be in the spirit of European membership.

Moreover, in light of this 36 Hour Rule, it strikes me as rather illogical that some politicians here should be so vocal in their support for the reopening of minor cross-frontier roads which have been cratered for security reasons, on the basis that such measures inhibit trade. Equally illogical is the pressure which has been brought through the Maryfield Secretariat to achieve the closure of Lanark Way in Belfast in order to inhibit Loyalist terrorists from killing Roman Catholics, while the same Secretariat campaigns to prevent similar cross-frontier activity where the objective is to prevent Republican terrorists from killing Protestants. Lest anyone mistake me I support any lawful steps which may help to prevent murder, including closing Lanark Way if that is necessary.

What then is necessary if we are going to be able to find a basis on which a firm and mutually beneficial relationship can be built ? As a Unionist who has never sought to use any means other than the ballot box to express his constitutional preferences, I am not prepared to be intimidated out of the country into which I was born, which has had its existing boundaries for 70 years and where for generations the Maginnis's have lived with the O'Neills and the McDonnells.

I am not prepared to see Northern Ireland become the Irish Republic's Kuwait. Only when government here has the courage and the confidence to realise that the Irish Republic is a nation as it presently exists, and no longer needs some sort of blood sacrifice to purify it, will the full potential of its people be redeemed.

In Europe we are moving into the realm of the Helsinki and Vienna Agreements where nations are pledged to respect the existing frontiers of member states. The emphasis here has to be on the human dimension as distinct from traditional territorial priorities.

If Ireland, North and South, are to play their respective parts within the Conference on Security and co-operation in Europe they have, first of all, to break new ground and seek a common cause.

In the past 20 years we have seen some significant movement in Northern Ireland. It is no use telling me that the shift took place under protest.... it has happened and that is the important thing. What is more significant is that there has been absolutely no change in the attitude of the South.... and McGimpsey and McGimpsey -v- Ireland is proof positive of that.

The Irish Republic has now got to face up to its European role in a practical way. The policy of constantly denigrating Unionists in order to cloak the real injustices of the state-enshrined nationalist terrorism which presently prevails has got to cease, and the reality of what is an internationally unacceptable element within the constitution of this nation has to be reviewed.

Articles 2 & 3 ... indeed the constitution as a whole ... must be looked at and the appropriate steps taken to move us all away from the hurts and prejudices of 50, 60, 70, years ago and into the Europe of the year 2000 and beyond.

Only then will we be able to assist in the deliberations of recently independent nations where the same old narrow nationalism which has bedevilled us, is beginning to emerge. There is little doubt that we will, over the next couple of decades, look at emerging eastern European nations in turmoil and be tempted to sigh for the 45 years when two massive power blocks maintained a comparatively peaceful stand-off. This would be wrong for we should be in a position to help these nations. Will we still be constrained by our own political inadequacies, as we are today?

I have long held that Unionists had a major part to play in reconciling the two traditions on this island. Despite the difficulties caused by our comparative insecurity and by the ongoing terrorism we have had to endure, we have faced up to that challenge. Tonight I must confront the intransigence of the Irish Republic and ask when we, your fellow-Europeans can expect meaningful reciprocation?