

THE ANGLO-IRISH AGREEMENT - THE DANGERS

Summary of speech by Senator Mary Robinson S.C.

Clarence Hotel, 22 April 1986, 8.00 p.m.

After five months there is a real danger that the Anglo-Irish Agreement will fail, or be perceived to have failed. That stark comment merely expresses what many people now fear. There is an understandable concern that yet another failed initiative in relation to Northern Ireland would greatly increase tension and fear of violence because of the absence of an acceptable political framework. As one of the early critics of the Anglo Irish Agreement, who felt it necessary to resign from the Labour Party in order to draw attention to its shortcomings, I share very deeply the concern about the worsening political situation and increasing polarisation between the two communities in the North.

If a way forward is to be found, it must begin with a careful analysis of why - despite the good intentions of the drafters - the Anglo-Irish Agreement has not begun to create the conditions for peace, reconciliation and stability. Having reflected at some length on the text of the Agreement and ^{on} the political background in which it must be considered, and having had the benefit of several visits to Northern Ireland since it was adopted, I would summarise my views at this stage under the following five points:

- (i) The Agreement was an unbalanced one, although

considerable efforts had been made to achieve a political balance between the needs and aspirations of the two communities. The lack of balance stems from the following factors:

- The guarantee to the majority in Article 1 is ambiguous. It guarantees no change in their "status" without the consent of the majority, but that status itself is not defined, and the reality for Northern Unionists is that the Agreement itself changed in a fundamental way that status.
- Article 1 is of little reassurance to Unionists because no alteration or amendment has been made or proposed to Articles 2 and 3 of the 1937 Constitution. Furthermore, Unionists would have noted that although Mr. Haughey and the Fianna Fail Party opposed the Anglo Irish Agreement as being unconstitutional, this was not put to the test in the Irish courts, leading to the reasonable conclusion that the legal advice given to Fianna Fail was that Article 1 of the Anglo-Irish Agreement is fully compatible with the provisions of Articles 2 and 3 of the Constitution.
- In addition, Article 1(c) of the Agreement makes it clear for the first time in an international agreement that Britain has no interest of her own in the maintenance of the union, and that if a majority of the people of Northern Ireland wish in the future for a united Ireland this will be

facilitated by a British Act of Parliament to that effect.

Article 1 may have seemed to the legal and diplomatic experts who drafted it to contain clear guarantees to the majority community, but a close analysis shows this was not the case.

- (ii) That imbalance in the Agreement was clearly perceived from the very beginning. It is true that the fears and apprehensions of the majority community had been aggravated by the lack of any consultation or involvement in the negotiations of any of their political leaders. It was hardly surprising, therefore, that the text of Article 1, and indeed the ambiguity of the wording of other key provisions of the Agreement, failed to reassure them. However, the distrust and fears of Unionists appear to have been matched by the strong endorsement given to the Agreement in the Republic. The initial opinion poll figure showed 59% in favour, but this had increased to 69% in favour by February 1986. Moreover, an opinion poll conducted prior to the by-elections at the end of January showed that a third of Sinn Fein supporters backed the Agreement. Meanwhile, opinion in the majority community had hardened against the Agreement, and it was evident that no significant sector of unionist opinion was prepared to consider it. Is it not fair to infer that the two communities had read between the lines and come to a similar conclusion on what the Agreement meant, but with totally opposing attitudes towards it?

(iii) Another important factor to be taken into account is the evolution in British public opinion towards Northern Ireland. There has never been any great understanding of or even interest in Northern Ireland among the British public generally. Therefore, there has been very little sympathy for or understanding of objections to an Agreement which was promoted by the British and Irish Governments, and received very strong endorsement in both sovereign parliaments. Whatever sympathy there may have been was eroded by the violent demonstrations outside Maryfield, the language of hate directed against Mrs. Thatcher and her Government, and the recent attacks on the homes and person of serving police officers in Northern Ireland. Despite their protestations of loyalty, the Unionist politicians and their followers are projected on television as a very different people, who are estranged from-if not hostile to-the British Government, and who sound distinctly un-British in their bitterness, intolerance and religiosity.

Serious questions have begun to surface in the media about the huge subsidy paid from the British exchequer to Northern Ireland, and M.Ps of all parties refer to an emerging grassroots support for "pulling out" of Ireland altogether.

(iv) The pattern of violence in recent weeks is particularly worrying. A concerted attempt is being made to

frighten and intimidate a sufficient number of members of the RUC to undermine their willingness

to be

"caught in the middle". Parallel with this, there is the emergence of a new rash of sectarian violence and increasingly overt threats that this violence will be carried across the Border to the South. If this violence were to escalate, and be combined with a campaign of civil disobedience, it could challenge in a fundamental way the social fabric of Northern Ireland society. Once violence has taken hold in polarised communities it is extremely difficult to curtail and eliminate. Those who made the assessment that some violence was inevitable, and that the unionist majority must be "faced down" or be allowed to "let off steam" during the marching season, with a view to serious talks commencing in September-October, are taking a very big risk indeed.

- (v) Meanwhile, on the nationalist side there is increasing impatience with the lack of progress on reforms through the Anglo-Irish Conference. No tangible benefits have yet accrued, and instead the nationalists are seeing longer and longer gaps between formal meetings of the Conference, and less specific content in the agreed communiques released afterwards. The main support for the Anglo-Irish Agreement continues to be the clear discomfiture which it has caused the unionist population, rather than any positive benefits on the ground.

Is progress possible?

The most urgent problem must surely be to create the conditions for political dialogue between all the parties concerned. Again, it may be helpful to note certain factors which could enable enough space for that purpose to be created:

- (i) The greatest strength of the Anglo-Irish Agreement stems from the very fact that it represents an agreement between the two sovereign Governments concerned. Working together the two Governments have considerable room to manoeuvre. However, if either Government ^{alone} appears to bow to pressure this would represent a weakness which would be liable to be exploited by those whose avowed aim is to wreck the Anglo-Irish Agreement.

- (ii) The establishment of a physical location for the secretariat at Maryfield is not part of the Anglo-Irish Agreement. Article 3 simply states:
"A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions as set out in this Agreement." The Secretariat could be based either in London or Dublin, or indeed does not need to have any defined physical location.
Therefore, to scrap Maryfield would not in any way breach the terms of the Anglo-Irish Conference.

It is not a step which should be taken in isolation, but it is a proposal which warrants serious thought. At present the fortified bunker at Maryfield is a focus of unionist fears and aversion, and probably a hindrance to genuine progress in reforming the administration of justice in Northern Ireland.

(iii) If serious consideration were to be given to dismantling Maryfield and either relocating the Secretariat or giving it a flexibility and mobility which did not require a specific location, the appropriate balancing step would be for the two Governments to improve the rate of progress for considering reforms through the Anglo-Irish Conference. This should be achieved in an open manner, which made it clear that the input of views expressed by the Irish Government was only one of several inputs, which would include the representations and views expressed by the political leadership of the unionist parties in Northern Ireland.

(iv) Finally, an essential component in redressing the imbalance of the present Agreement would be to incorporate it in the constitutional framework of both Governments. In other words, the guarantee in Article 1 of the Anglo-Irish Agreement should be carried through by the Irish Government in proposing specific a/constitutional amendment of Articles 2 and 3 to incorporate that guarantee. Similarly the United Kingdom Government should amend the Northern

Ireland Constitution Act 1973 to represent accurately the guarantee in Article 1. Concerted action by both Governments would do much to allay the very real fear of the majority community in Northern Ireland. / In seeking to do this the Irish Government should draw courage from the strong endorsement of the Agreement reflected in the 69% who favoured it in an opinion poll in February 1986. If 69% of the population supports the Anglo-Irish Agreement, it should not be difficult to incorporate the relevant wording in the Constitution by way of referendum to that effect. We have looked for and obtained a role in Northern Ireland. As yet we have not paid the price. If we are unwilling to consider paying that price (in conditions of greater political stability in this part of Ireland) can we wonder that the Agreement is considered to be flawed and unbalanced by the majority in Northern Ireland