

Talking to One's Opponents

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The aim of this series of lectures is to address the fears, anxieties, hopes and aspirations of the 'other' community. It was indicated to me in the letter of invitation that Archbishop Tutu once said, "that it is important to the process of peace making to understand one's opponents." The Secretary of State, Peter Mandelson, said on Monday of this week that we need to see the other person's viewpoint in order to reach a compromise or else Northern Ireland will become a "bye-word for political failure." I would add that perhaps to work out anything, including very difficult personal relationships, it is important to understand what makes the other person 'tick'.

In a similar vein the Presbyterian Church, in a statement issued on 24 February 2000, made reference to what Nelson Mandela had said, as follows: "In discussion it never helps to take a morally superior tone to one's opponents. I never sought to undermine Mr. De Klerk, for the practical reason that the weaker he was, the weaker the negotiating process. To make peace with an enemy, one must work with that enemy, and that enemy becomes your partner." There is much said about the requirement for trust in Northern Ireland. For trust to occur however, I believe, there must first be tolerance. The critic Christopher Ricks aptly described tolerance: "The indispensability of tolerance, its social and human triumph, consists in disapproving, yet permitting." The developmental process is clear: from understanding should come tolerance; from tolerance should come trust; and from trust should come a stable normal society in Northern Ireland. The importance of understanding one's opponents is, I believe, clearly established.

A former senior member of the SDLP, Mr Austin Currie, now a member of Dail Eireann [ed.: Seanad Eireann], described our problem in Northern Ireland as follows: "Fundamentally the Northern Ireland conundrum is one of conflicting national identities between those who believe themselves Irish and those who believe themselves British. There are religious, social, cultural, political and other dimensions to the problem but they are only dimensions of that central issue." In addition, my opponents often define the problem in the context of 'rights' and 'equality'. Gerry Kelly, writing in *Sunday Life*, 20 February 2000, listed firstly that "inequality and discrimination in employment has not yet been resolved" Pat Doherty, writing in *Belfast Telegraph*, 25 February 2000, stated that: "Probably more significant is the lack of product on the human rights front. While the Human Rights Commission has been established, none of the many obligations in the Agreement has been honoured. We have yet to produce and ratify a Bill of Rights. We have yet to incorporate the European Convention of Human Rights into local law."

These are two of the latest quotes from Sinn Fein and I believe they represent a position constantly adopted by this party, namely an expressed concern regarding the 'rights' or perceived 'lack of rights' of the Nationalist, Republican community. I fully agree rights should be protected. The basic requirements for order in any democratic

society today are found within international human rights law. In the context of Northern Ireland there is no more important issue to be addressed than how we organise our society with respect to human rights. The protection of rights has a central part in the establishment and functioning of democracy. International standards of human rights go to the very heart of democratic values. Failure to abide by these universally accepted human rights standards within a State brings into question whether or not that State is democratic. The corpus of rights embraces a number of categories: civil, political, economic, social, religious and cultural. The question has been how can we manage the differences that exist in Northern Ireland in ways consistent with democratic values and human rights? This commitment to human rights is much more than a personal obligation on my part; it should be an obligation on all involved to subscribe to international human rights norms.

Let us look briefly at two other relevant aspects, the concept of a 'minority' and whether or not our problem is unique. In trying to understand one's opponent the word 'minority' is often used. Under the Belfast Agreement the Northern Ireland Human Rights Commission has been given the task of advising the Secretary of State on a new Bill of Rights for Northern Ireland to supplement the rights guaranteed by the European Convention on Human Rights. On 1 March 2000, the Commission launched its public consultation programme. In answering the question as to why a Bill of Rights is needed now that we have the European Convention on Human Rights it stated: "The European Convention is concerned essentially with individual rights. It is not designed to deal with the issues which typically arise in societies which are deeply divided along communal lines or in which there are clearly identifiable majority and minority communities."

I remember very well during the talks process the first time that I mentioned 'minority rights'. I was abruptly told by Mark Durkan that, and I quote, "I don't ever again want to hear you use the word 'minority' in these Talks when you are referring to Nationalists." I have learned to understand the word 'minority' carries with it an implication of being somewhat less in importance. The Council has referred to a national minority as a group of persons within a State "who display distinctive ethnic, cultural, religious or linguistic characteristics" and are "motivated by a concern to preserve together that which constitutes their common identity." Such a national minority is to be "sufficiently representative, although smaller in number than the rest of the population of that State or a region of that State." This reflects more truly and sensitively my concept of a minority; merely smaller in number than other groupings within a State. The Austrian Ambassador to the Republic of Ireland gave a lecture in October 1998 at Queen's entitled 'Dealing with Minorities: A Challenge for Europe'. He was very clear on this point. While it is necessary, as a first element, that minorities are protected by the norms of international rules, a second and equally important element, requires the breaking down of psychological barriers: the sense of superiority/inferiority must be eliminated. The building of confidence and trust is required. I appreciate that Unionists must convince Nationalists and Republicans that there will be a fair deal for all within Northern Ireland, that they have a stake in Northern Ireland and can play an important role at each level of government. Equally Unionists must be convinced that all will work within the institutions of government in Northern Ireland in the context of a peaceful environment. This is where real confidence building is required.

I believe that part of the inherent difficulty in the way previous United Kingdom and Irish Governments approached a resolution to our divided society was based on a belief that they faced a unique problem. The assertion that the central problem in Northern Ireland is unique is not based on objective judgement: there are perhaps a hundred million people across Europe who consider themselves to be on the wrong side of a border. Whether it be: Russians in Estonia; Hungarians in Slovakia; Austrians in Italy; or for that matter Muslims in the Philippines - to name but some examples - the dynamics of community division are the same and thus subject equally to international human rights standards. Nor indeed does the presumed size of the Nationalist and Republican community in Northern Ireland make it unique. There are national minorities in some countries that constitute majorities in their own regions, such as the German speakers in the South Tyrol region of Italy.

Parity of esteem is deemed to be important. Yes we have to have rights to identity, ethos and equality; yes there are two identities; yes we have to address those by having equality with regards to rights for the minority and majority community. Incidentally, the Belfast Agreement reflects an aspiration of 'equality' for both communities. Page 1 of the Belfast Agreement indicates the following: "We firmly dedicate ourselves to the achievement of reconciliation, tolerance and mutual trust and to the protection and vindication of the human rights of all." A second quotation is: "We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands." Now, fine words, you might say, but these words must actually mean something in practical terms if we are actually to achieve lasting peace in Northern Ireland. Fine words have to be translated into something practical, something that can work, otherwise you are wasting your time.

To fully understand the hopes and aspirations of my opponents let us look briefly at what these words actually mean in the international human rights context. What are the rights of citizens? What are the obligations of states towards those citizens? What aspirations, fears and hopes must we address if rights and equality are to be at the centre? The Council of Europe is the foremost organisation regarding the implementation of human rights. Dr. Asbjorn Eide, a Norwegian leading international expert on human rights, writing for Dublin's Peace Forum commented on the European Convention on Human Rights as follows: "The Council of Europe has established what is the most effective contemporary international instrument ensuring compliance with human rights." The Council's latest relevant Convention, called the 'Framework Convention for the Protection of National Minorities', which became operable in May 1998, is in historical terms very recent. The Council of Europe describes this Convention as "the first ever legally binding multilateral instrument devoted to the protection of minorities..". Dr. Eide described it for the Dublin Forum as "the first multinational 'hard law' [legally binding on States that ratify] devoted in its entirety to the protection of minorities, and it contains much more detailed provisions on such protection than any other international instrument." It is advocating full economic, social cultural and political equality; freedom of religion, peaceful assembly association and expression; access to the media for national minorities in order to promote tolerance and to permit cultural pluralism; freedom to use personal names in the minority language; the right to display minority language signs of a private nature visible to the public; and the right to use freely and without interference his or her minority language, in private and in public (where there is a

need), orally or in writing; the right to street names in the minority language; equal opportunities for access to education at all levels; and where there are sufficient numbers, adequate opportunities to be taught in the minority language.

How does the Council of Europe define this word 'identity'? Article 5 of the Minorities Convention describes 'identity' as one's "religion, language, traditions and cultural heritage." I make one simple comment, it is very simple, but I believe it to be true. As a Unionist I believe that those rights have been largely in place. Consequently, the thing that is largely missing in Northern Ireland is a government, institutions of government that all could have an allegiance to and all could have an affinity with. Therefore there is, I believe, a clear need, in trying to understand the opposition, that there is an inclusive government. It is *needs*, not wants that must be satisfied. All of us could list a lot of wants, I want this, I want that, and I want the other. Wants will not get a solution. Recognising the needs of the two communities, understanding the needs of each other's opposition, just may get a solution. So it is needs.

However to fully address my opponents' concerns, we do need to look at political institutions. Trying to understand one's opponents during the talks process, the most difficult part was how to deal with the North-South relationship, the cross-border aspect. The only reference in international human rights law dealing with cross-border links is found in the Framework Convention for the Protection of national Minorities. It is worth quoting Article 17 of that Framework Convention. "The parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or common cultural heritage."

This does not prescribe political *institutions* across borders; it is personal contacts.

I agree totally that borders have ceased to be as important as they were. John Hume was right: the only border in this island of Ireland is quite often in one's mind. Traditional bonds of sovereignty regarding borders are not what they were. The North-South aspect of the Belfast Agreement extends that principle and establishes political institutions within the island of Ireland. Well, I wish to see more. That is, I wish to see general practical co-operation extended to include all the United Kingdom's regions and the Republic of Ireland, on the basis of mutual benefit, because there is much to commend the British Irish Council in the Belfast Agreement. Why? Because there is much more in common between the people of these islands than there is in the regions that divide us. I passionately believe the Belfast Agreement offers the best way forward for all in Northern Ireland.

Now regarding the political equality which the opposition wishes, I have to say that the inclusive executive Unionists, Nationalists and Republicans, I believe demonstrates the principles of that Minorities Convention. In trying to understand the opposition, I want to try and also understand the opposition's perspective of me. In order to understand what the opposition wants, I want to understand how the opposition perceives me. The party I represent did give an absolute commitment to create an inclusive government, Unionist, Nationalist and Republicans. Unionism's

commitment needs to have been matched by a commitment from the Republican movement, regarding a complete end to all violence. They both must be there.

This unprecedented commitment for inclusivity, which I believe has not been generally and fully acknowledged, was built into the Belfast Agreement. Yet I believe that my opposition, in trying to understand its view of me, has not matched the commitment concerning the end of violence. Indeed there seems little understanding in some quarters that matching commitments on both sides are needed. I recognise just as there is a need for inclusive government so also there is a need to know, and demonstrate, that the war is over. Both matching and balanced commitments are needed.

In conclusion, I want to be positive. The Northern Ireland problem is not insoluble. Real progress is truly possible, but progress must be based on internationally accepted standards of democracy. As long as all sides subscribe to those principles, I firmly believe that we can navigate a path through the present political impasse. Here in Northern Ireland, most people do wish to live in peace with their neighbours and at the same time recognising the right of those neighbours to be different from a cultural, linguistic, educational or religious perspective.

Unionists who I represent, and I do not represent all unionists, accept the international norms that should be applied in a divided society. Indeed we have interpreted them in a maximalist fashion, going further to accommodate diversity than in any other divided society. While we have moved to the centreline of international best practice and beyond it, the Republican movement still remains short of this centreline. I feel that the Republican movement has to help us by moving further. My position is not one that makes more demands upon Republicanism than are made upon Unionism. We both must subscribe to the norms of the European Union. I believe the vast majority of people in Northern Ireland wish to see a real and honourable accommodation based on the Belfast Agreement.

That is the future that the vast majority of Unionists and Nationalists in Northern Ireland want. If there is tolerance, trust and balanced commitments, then perhaps, just perhaps, we will finally put to rest this long out-dated little quarrel of ours.

Dermot Nesbitt