

ULSTER DEMOCRATIC UNIONIST PARTY STATEMENT TO STRAND THREE
PRELIMINARY MEETING

On behalf of the Ulster Democratic Unionist Party I must protest in the strongest possible manner to the way this meeting has been convened.

We have had promises and confirmation of the same, we have had both governments saying different things, we have had "envisaged meetings" and commitments, breached and broken and the actual official invitation to this meeting we have not yet received.

If these talks are so important in the eyes of both governments, as they would have us to believe, surely after two weeks since the decision to have such a meeting was decided upon, it is strange to say the least, that this meeting has at last happened. The affirmation of Mr Reynolds that it could have taken place earlier flies in the face of the hard facts. The Unionists have not been responsible for any of these delays.

Firstly, Mr Reynolds states "This is an historical break-through. It hasn't happened for 70 years." The reasons why it has not happened are not the responsibility of the Unionists of Northern Ireland.

British-Irish history is littered with Dublin's repudiation of solemn obligations and treaties.

The Repudiation of Treaties

British-Irish history has a long record of mistrust and mutual contempt. This contempt is well amplified by the consistent repudiation of treaties between Ireland and Britain. Such repudiation has had an adverse affect on the relationship between Northern Ireland and the South which has suffered as a result of the ill-will and mutual recrimination.

Taking as a starting point the 1920 Government of Ireland Act that partitioned Ireland between the Unionist and Nationalist indigenous populations, the compromise settlement of two Home Rule parliaments on the Island, it was hoped, would be an ultimate conciliation. The idea behind the measure was the provision of a sound basis whereby Irish people could quickly gain experience in self-government and provide opportunities of settling their differences. As time worked out these differences instead became increasingly pronounced.

The 1920 Act was accepted in Ulster. It was not greeted with enthusiasm but accepted as a fair compromise. The North demonstrated a willingness to accept it and work it. However, in Southern Ireland Sinn Fein repudiated the settlement and any conciliation contained therein and demanded the complete withdrawal of Britain from Ireland. Since this Act, British-Irish relations have been marred by the failure of successive Irish governments to recognise this settlement.

The document embodying the settlement was officially entitled the Articles of Agreement, but in the Irish Free State, it was always called, "the Treaty", in order to stress the concept of two foreign powers. A theme that still persists today.

As Sinn Fein and the irregulars plummeted the South into civil war Northern Ireland attempted to establish itself as a new state. During these troubled times the Free State's government gradually established itself. The boundary dispute, that had helped fuel the civil unrest was gradually settled in 1925. Baldwin's government held a conference between the three heads of government and in December 1925 the Tripartite Agreement was signed. The agreement was signed in an atmosphere of cordiality. The three governments were, "Resolved mutually to aid one another in a spirit of neighbourly comradeship."

The Council of Ireland proposed in the 1920 Act, to which Northern Ireland appointed its members and the South did not, was abolished but the governments of the Free State and Northern Ireland agreed to meet "together as and when necessary for the purpose of considering matters of common interest." The closing of 1925 witnessed the stabilisation of relationships.

The Cosgrave government struggled to survive amid an atmosphere and background of hatred and animosity. The unsettled nature of Southern Irish politics encouraged the development of de Valera's Fianna Fail. By 1927 his party had 44 seats in the Dail. All members refused to take their seats because of the Oath of Fidelity to the British Monarch. In August 1927 de Valera U-turned on this matter of principle by taking the oath and permitting his party to enter the Dail. He claimed the oath was only a formality. (If so why had he waged a civil war?) Cosgrave had failed the spirit of 1920 and 1925 agreements by letting the oath become a matter of formality. The moral agreement of 1920 was first broken on this issue.

In September 1930 the British government and the Commonwealth governments continued to demonstrate favour to the Free State by permitting it a non-permanent seat in the League of Nations despite Australia's right to the position.

In 1932 de Valera's first government was elected on a manifesto promising radical changes to the constitutional arrangements. In office de Valera demonstrated his contempt for mutual respect by repudiating all agreements between the United Kingdom and the Free State. This process began in 1932 when the Free State defaulted in payments to Great Britain that were established by.

1. The 1923 Financial Agreement.
2. The 1926 Ultimate Financial Settlement.

The Commonwealth nations wrote to de Valera expressing concern. Ireland ignored these telegrams and further refused to go to arbitration on the matter. As a result the trade war began placing Ireland in financial hardship.

In May 1933 the oath was abolished following the resignation of the Governor General James McNeil. These developments were both seen as calculated insults to Ireland's neighbour. Also the seemingly clandestine interference by the executive in judicial matters relating to IRA cases caused grave concern in Northern Ireland.

This animosity and hatred developed between North and South by de Valera was instrumental in reopening the wounds of the civil war in his own country. His opponents felt it necessary to establish their own protection force in order to counter-balance the IRA. The Army Comrades Association or Blue Shirts were suppressed while the IRA remained in existence, relatively unmolested until 1939.

The 1937 Constitution was to be de Valera's crown in Irish politics. It unilaterally broke the spirit of the 1921 and 1925 arrangements. The Constitution stultified the possibility of cooperation.

These years demonstrated Ireland was faithless to the pledged word, mendacious, cynically unreliable and emotionally unstable. Her governments' leading figures were seen as gunmen in suits who demonstrated an over zealous eagerness to interfere in Northern Ireland's affairs.

The 1937 Ports Agreement was a last effort to reach an agreement with the Free State. Once again Ireland turned her back on Britain by declaring neutrality.

In 1948, by the Republic of Ireland Act, Ireland left the Commonwealth forcing Britain to enact the 1949 Ireland Act reassuring the people of Northern Ireland of their British status.

So much for blaming the Unionist for no so-called historic breakthroughs.

Secondly, Mr Reynolds stated of this meeting "Hopefully we might be able to get a break-through that will stop the violence that has engulfed both societies up there for the past 23 years."

These talks meet under a very dark shadow.

It is a fact, however unpalatable it may be to some members of the general public or even members of the delegations around these tables, that even if these talks attain political agreement, our war torn, and carnage ridden province will not be rid of its greatest

scourge - the scourge of IRA terrorism, and other terrorism resulting, nor can these talks give to the people of Ulster its greatest goal - the goal of peace. We would do well as we enter these proceedings to keep those stern truths firmly to the forefront of our minds.

Political agreement at these talks will not cause the IRA to go away, as Dublin seems so loud in denying.

It is the view of the overwhelming mass of the people which we represent and for whom I speak, that the IRA cannot be defeated by political measures alone. There must be a military defeat of terrorism. The gunman is not interested in a political settlement. He is interested in armed revolution. Terrorism must be defeated. It must not be tolerated. It must be eradicated, not accommodated. Southern politicians should know that from their own history. This is not a peace conference - the belligerents in the terrorist conflict are not at the table, and if they were, we would not be here.

Statement on Security

The Ulster people as they have marked the past years of violence with tombstones as milestones are appalled at the failure of the Dublin authorities to come to grips with the question of extradition. As long as the Republic is a safe haven for those wanted for murder, bombings and other terrorist crimes the IRA will continue its campaign of bloody carnage.

In 50% of those extradition cases where the British government have been successful in extraditing a suspect the accused has been acquitted thus invalidating the Irish Supreme Court's claim that those extradited to Northern Ireland for political offences will not receive a fair trial.

The campaign of vilification mounted prior to almost every Anglo-Irish Conference meeting against the security forces the RUC, the Army and especially the Ulster Defence Regiment is sweet music in the ears of the IRA and a justification for them to continue their thirst for blood.

At his party's conference in November 1988 Mr Hume of the SDLP said:

"In the last 20 years republicans have killed more than twice as many Catholics as the security forces and in the last 10 years have killed more than the loyalists. Some defenders! And I haven't even mentioned their mistakes!"

What then are the purposes of these talks in their various strands. The overall objective has been stated over and over again to seek an alternative to and a replacement of the Anglo-Irish Agreement.

It was agreed that the talks were in the context of Northern Ireland remaining an integral part of the United Kingdom.

On April 27, the Secretary of State for Northern Ireland, after a meeting with Mr Andrews said:

"The government would rise from the table still reaffirming that Northern Ireland would remain part of the United Kingdom as long as the majority living there wished it."

The union is not negotiable and is not up for discussion in these talks. Strand One from which the Dublin authorities were rightly excluded was between Her Majesty's Government and the Northern Ireland constitutional parties to seek institutions of government in Northern Ireland in keeping with Northern Ireland's position within the United Kingdom.

Strand Two was to take place when sufficient agreement and progress was made in Strand One so that relationships between the agreed institutions of government in Northern Ireland and Dublin could be dealt with in a replacement and alternative to the Anglo-Irish Agreement.

Strand Three was to take place between the two governments on relationships between them and the way to implement the agreement reached in Strand Two.

Mr Reynolds assertion that this meeting today can move the talks from Strand One to Strand Two is a blatant falsehood. It is an attempt to change the goal posts in the middle of the game and a breach of the agreements arrived at by all parties before the talks began, namely that when the Secretary of State was satisfied that sufficient progress had been made in Strand One he would, after consultation, propose the transition to Strand Two.

That consultation has not taken place for the fact is that progress towards agreement in Strand One has not been achieved. Three parties have a basic agreement but the SDLP's position is poles apart from that agreement.

Any attempt at this juncture to try and change the agreed basis of the various strands of these talks can only mark their demise. Further, both governments have got once more to consider the time scale, for valuable time has been fiddled away, for example, like the loss of the past two weeks.

Any attempt to intrude an Anglo-Irish Conference meeting in a manipulated break in the talks will place the responsibility on both governments for bringing the talks to an end. Such a course of action by the two governments they better understand will not so easily be remedied a second time. The first talks were broken up by such a meeting, a meeting which achieved for Dublin absolutely nothing.

I must put on record again what was put on record by my colleagues at the Agenda Setting Meeting for Strand Two the other day. I read from my letter to the Secretary of State of June 15.

"I must put on record that the only reason for the proposal to have an informal meeting to seek to suggest the agenda for talks in Strand Two was on the request of Mr Hume. He stated that if on the agenda of Strand Two there was to be an opportunity for him to ascertain whether he would be able to deal with his problems of identity then he would be able to withdraw his reservations on the document that the other parties agreed for institutions of government within Northern Ireland. In the discussions with him the

Unionists said that they would tell him honestly if agenda items he wanted could be negotiated in a way to meet his objections or not. Then he would be in a position to withdraw his reservations or continue to oppose the general agreement of the other three parties. On the other hand the Unionists were keen to have Strand Three commence so that for their part they could see clearly demonstrated the attitude of Her Majesty's Government to Articles 2 and 3 of the Republic's Constitution and the South's intention to try and destroy the union as set out in the Government of Ireland Act 1920. These matters were clearly stated before you and agreed by all the party leaders."

On Monday, April 27 after the conclusion of the Anglo Irish Conference meeting Mr Andrews claimed that both governments could enter the talks with different agendas after insisting that Northern Ireland's constitutional place in the United Kingdom would have to be on the table. He said:

"We come with our agenda, they come with their agenda and we discuss both agendas and will try to arrive at some accommodation and compromise in relation to both."

He further argued that the legal basis of Northern Ireland's constitutional position within the United Kingdom, namely the Government of Ireland Act was on a par with what Unionists hold are the illegal, immoral and criminal claims of Articles 2 and 3 of the Republic's Constitution. This claim by Dublin's Foreign Minister and co-Chairman of the Anglo-Irish Conference is both malevolent and insulting and is entirely different from what Mr Brooke said on January 9, 1989 at the Bangor Chamber of Trade that the talks would,

"... be without dilution of United Kingdom sovereignty on the status of Northern Ireland as part of the United Kingdom."

Mr Andrews' statement also contradicts the Secretary of State's own comment after the same meeting.

I come now to the territorial claim of the Republic's Constitution over Northern Ireland.

At a meeting in Downing Street attended by the four leaders from Northern Ireland Mr Hume maintained that "the territorial quarrel" between the Republic and the United Kingdom had been settled. In a straight question to the Prime Minister, Mr Major, I demanded to know did he think that the territorial quarrel had been settled when Articles 2 and 3 of the Republic's Constitution remained. The Prime Minister admitted it had not been settled.

Article 2: "The National Territory consists of the whole Island of Ireland, its Islands and the territorial seas."

Article 3: "Pending the reintegration of the National territory, and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Eireann and the like extra-territorial effect."

HISTORICAL BACKGROUND

On July 1, 1937 the people of the Free State went to the polls to vote on two issues. Firstly, to elect a government under the aegis of the Government of Ireland Act. Secondly, to accept or repudiate a new Constitution.

The 1937 Constitution was, as far as de Valera was concerned, a natural progression towards true independence from Britain. The fact that it significantly undermined any prospect of co-operation between the two states sharing the "national territory" seemed of abstract importance to its architect.

The Constitution itself sought to restore to Ireland its "Gaelic civilisation". A civilisation viewed by Ulster and the United Kingdom as backward and negative. Its preamble made it clear that it was based on the moral theology of Rome, thus alienating the Protestant North.

Articles 2 and 3 (above) laid claim to all of the island of Ireland. The irredentist claim brought anger and contempt from Ulster. It unilaterally altered British-Irish relations from a position of constitutional evolution based upon conciliation, to the converse of that founded upon confrontation and alienation of those it professed to represent.

Dublin's irredentist claim of jurisdiction over the whole of Ireland swept aside any hope or prospect of cordial relationships between North and South. In one movement it undermined in its entirety the internationally binding legal status of both the Irish Free State and Northern Ireland and disrupted the evolution of democratic development both North and South - especially in the former.

The Constitution was passed by a small majority considering it was drafted to accommodate the interests of 93% of the population of the Free State, the vote is astonishing. The Constitution was approved by 685,105 voters and rejected by 526,945, 56% in favour of the Constitution. Conjecture about a Northern vote, against the Constitution being added to the "no" vote could, possibly, have dislodged it with a slim majority. De Valera's own party failed in the same election to secure a majority and relied upon Labour Party support.

Irish unity, if it were to come, would be upon the basis of Northern Ireland's submission and subjection to the ethos enshrined in the 1937 Constitution. In correspondence with Chamberlain on July 4, 1940 de Valera stated: "Our present Constitution represents the limits to which we believe our people are prepared to go to meet the sentiments of the Northern Unionists." In other words, Unionists would have no right to have a say about the ethos. A position which still exists today with the Irish Government telling us that they could only alter or redefine Articles 2 and 3 by a Unionist pay-off.

The fundamental feature of the new Constitution was that of tearing up the "Treaty" of 1925. The Constitution caused alarm and rejection and anger in Northern Ireland. It swept aside the concept that agreement between Northern and Southern Ireland was to be a matter of friendly and generous negotiation between two neighbours. It asserted Northern Ireland was to be coerced.

The existence of Articles 2 and 3 has and continues to inspire republican violence in Northern Ireland. In 1990 the Irish Supreme Court ruled in McGimpsey vs Ireland that Articles 2 and 3 were a "Constitutional imperative" to Irish unity. In other words any ends justify any means to this goal. Even placed beside what appears to be in the Anglo Irish Agreement a recognition of Northern Ireland's status (although undefined), the Irish Supreme Court reject the interpretation of the "Agreements" recognition of Northern Ireland. It (the Anglo Irish Agreement) constitutes a recognition of the de facto situation in Northern Ireland but it does so, without abandoning, its Constitutional claim of jurisdiction or "reintegration of the national territory."

Co-operation can never be based upon mutual respect until the government of the Irish Republic unilaterally withdraws Articles 2 and 3, thus dismantling entirely their unilateral declaration of jurisdiction over Northern Ireland. Their recognition of Ulster's right to self-determination, its existence as a region of the United Kingdom both de facto and de jure is the primary prerequisite for any future mutual co-operation or recognition.

The equation put about by the government of the Irish Republic that Articles 2 and 3 are in some way alterable if either, to change the 1920 Act or as a lever in order to involve directly successive governments of the Irish Republic in the internal affairs of Northern Ireland is untenable and erroneous. It is the Dublin Government's responsibility to repudiate those offensive Articles in their Constitution, and demonstrate the Irish people control their Constitution and that it does not control them!

An illegal claim must be dealt with, and not rewarded. It is an Irish mess which must be cleared up by them. The prospect of amendments to Articles 2 and 3 is not a quid pro quo to involvement in some future package of agreement on the internal affairs of Northern Ireland. Amendments to Articles 2 and 3 must be without precondition on the basis of good will and respect for the self-determination of Northern Ireland.

For a thief to demand compensation for returning his ill-gotten gain is the height of lunacy.

Her Majesty's Government has not spoken with either urgency or clarity. Mr Brooke in the House of Commons on July 5, 1990, said:

"Although the Constitutional question has often seemed central to matters in Northern Ireland, I turn to it now in the hope of putting it to one side. We regard the position as clear. Northern Ireland is part of the United Kingdom in National and International law. It is part of the United Kingdom because that is the clear wish of the majority of the people of Northern Ireland. There will be no change in the status of Northern Ireland unless or until a majority of people there want it. That seems unlikely for the foreseeable future. I believe that most in this House, and I number myself among them, would wish to see the Union continue, but the principles of democracy and self-determination mean that the people of Northern Ireland must themselves be the final arbiters.

"By virtue of its Constitution, the Republic of Ireland since 1937, also claimed sovereignty over Northern Ireland. We do not accept or recognise that claim, which has no basis in our law, or equally important, in International law. That claim is, I know, seen by some in Northern Ireland as a stumbling block to the development of constructive relationships. I do not regard it as helpful. Nor, however, do I believe that it should be a major preoccupation."

The time is come for Her Majesty's Government to declare to the Northern Ireland people whether they will see to it that this illegal claim to part of Her Majesty's Kingdom is removed or else declare openly that they are prepared to sell the Ulster people and give in to this illegality.

In any replacement of an alternative to the Anglo-Irish Agreement the matter of Article 1 of that Agreement must be changed.

Article 1

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;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective parliaments legislation to give effect to that wish.

The Article does not define the status of Northern Ireland as an integral part of the United Kingdom.

Neither does it define what size of a majority can put Northern Ireland forever under Dublin Rule.

Nor does it balance in terms of equality the power of say the Protestant majority if it were to seek a new arrangement for the position of Northern Ireland.

It discriminates in favour of a Roman Catholic majority only and promises both governments haste to give in to their wishes.

This is undemocratic, unfair and unsafe and indicates bias against the majority because of its religious beliefs.

It states a principle which has been guiding the conduct of Northern Ireland affairs under the Anglo Irish Agreement. What's good for a Roman Catholic majority is not good for a Protestant majority.

Of course we have seen what has happened in practical terms in the South where 80% of the Protestant population have gone since partition. In contrast the Roman Catholic population much persecuted as it is asserted, is increasing in Northern Ireland.

The Anglo Irish Agreement is a travesty of democracy. It was intended to sell the Ulster people like cattle on the hoof to their traditional enemies. It was done without any consultation with the majority population. An act of treachery which was accompanied by the exhortations of the SDLP to face down the Unionists. In the name of the majority population, and I have a mandate to speak for them, having obtained in the three European elections the largest number of votes recorded for any candidate, I tell the Ministers of both governments that they will never break the spirit of the loyalist and Unionist community, that spirit in unconquerable.

The Agreement claims to bring about peace, stability and reconciliation. The graves of Ulster honoured dead, the sobs of widows and orphans and the continuing agony of the maimed cry out, "It is a lie."

Neither government here today can Pilate-like wash their hands. The blood is on both their both hands.

They can however, and we ourselves can help them, make a new beginning - a beginning of the application of basic democratic principles, the beginning of the will to win the war against the terrorists and the beginning of the freedom of both parts of Ireland to develop as good neighbours with neither part threatening the other nor claiming jurisdiction over it.

These should be the goals of any new agreement.