

Ulster Democratic Unionist Party
256 Ravenhill Road
Belfast BT6 8GJ

7th March 1995

Dr John Alderdice
Alliance Party Headquarters
88 University Street
Belfast BT7 1HE

Dear John

As you know, the Ulster Democratic Unionist Party has presented Her Majesty's Government with proposals which we believe offer a real prospect of a new, fair and operable negotiating process. The proposals were given to the Secretary of State for Northern Ireland on 10th January, 1995, and published on 20th February. As we say in our paper, the overriding issue for us is whether a Talks process can be established where no preconditions have been set by agreements to which some were not a party. A Talks process designed and structured to allow only one end product is, in our view, unacceptable. There must be a level playing field for everybody. I have enclosed a copy of our document of 10th January.

In order to take matters forward I would like to invite your Party to a meeting with mine to discuss our proposals and any proposals of your own.

I look forward to hearing from you.

Sincerely

Ian

Dr Ian RK Paisley MP MEP
Leader, Ulster Democratic Unionist Party

man

The DUP says

Yes! Yes! Yes!



A new Talks Process without
preconditions



A new Northern Ireland
Assembly



A new relationship with the Irish
Republic

Three policy documents submitted by the DUP form the basis of the party's submission to discussions being held with other Northern Ireland constitutional parties. The same documents have been submitted to the Prime Minister, John Major, and the Secretary of State, Sir Patrick Mayhew, by the DUP leadership. The Government has been informed of the party's willingness to discuss, with them, any aspect of those proposals.

A Better Way

A paper submitted by the Ulster Democratic Unionist Party 10 January 1995

THE LAST TALKS PROCESS

On 26 March 1991 the then Secretary of State, Peter Brooke, outlined to the House of Commons the basis for a Talks Process which had the agreement of all the leaders of the participating parties. This was the culmination of negotiations stretching over several years. The negotiations had begun as a result of the two unionist leaders seeking to secure satisfactory conditions in which dialogue could take place.

The principles that guided their endeavours are just as relevant in today's circumstances as they were then.

After the imposition of the Anglo Irish Agreement unionists were invited to talk. The game-plan of our opponents was obvious. They were attempting to set the parameters for future agreement within the confines of a Diktat to which unionists had not subscribed. The unionist goal was equally obvious. Unionists needed to ensure the Diktat was set to one side and was not permitted to form the basis for talks, and just as vital, other participating parties were not so bound to the Diktat that they were unable to consider and accept an alternative outcome.

In the 26 March 1991 "Rules for the Talks", the important sections for unionists were:-

"For their part, the two signatories of the Anglo Irish Agreement - the British and Irish Governments - have made it clear that they would be prepared to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned.

To allow an opportunity for such a wider political dialogue, the two Governments have agreed not to hold a meeting of the Anglo Irish Conference between two pre-specified dates. All the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

As the conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing conference meetings provided for in article 3 of the Agreement."

This section of the Brooke ground-rules met both the joint unionist conditions and the Talks

proceeded. When in November 1992 the Dublin Government for the second time insisted on a meeting of the Anglo Irish Ministerial Conference they were ipso facto insisting that this Talks Process be brought to a halt again - this time permanently. The Joint Talks Statement agreed by all the participating parties on 10 November 1992 clearly signified that the Talks Process was at an end. Phrases such as:-

"Talks delegations today held a plenary session at the end of a process that began in Strand 1 on 9 March, "

and more precisely by the paragraph:-

"The Talks have been held, as the statement of 26 March 1991 envisaged, during a period between meetings of the Anglo Irish Conference arranged for that purpose. Since the next meeting of the conference has been set by the two Governments for 16 November the present Talks now come to an end."

show beyond peradventure that the last Talks Process was wrecked by the Dublin Government with the acquiescence of HMG. That Talks process is therefore dead. Those who suggest that we should reconvene the Talks have made a faulty analysis of the situation. What needs to be considered is whether a new formula for negotiating can be found .

CONCERN

The Ulster Democratic Unionist Party believes that all parties should be acutely aware of the potential downside to starting new negotiations. Failure to reach agreement brings despair and damages the democratic process. We therefore wonder is agreement more likely today than it was in 1991/92? Is there anything in the attitude of participating parties that suggests agreement can now be achieved?

FURTHER OBSTACLES

Since the last Talks new obstacles have emerged. In the 1991 ground-rules a method of setting aside the Anglo Irish Agreement was negotiated by the joint unionist leaders and agreed by all the parties, this is still necessary but in addition the British and Dublin Governments have committed themselves to the Downing Street Declaration which contains articles which its signatories describe as "foundation principles". These same parties are in the act of agreeing a Framework Document which,

when it was first heralded, was, as its name suggests, to be the framework upon which agreement was to be constructed.

OUR GUIDING PRINCIPLES

All the participants in the 1991/92 Talks subscribed to the view that the principles agreed by two of the parties in the Anglo Irish Agreement should not be imposed on others and should be set aside during the Talks. The DUP still opposes the Anglo Irish Agreement and does not accept the cardinal principles contained in the Downing Street Declaration. Moreover, we do not intend to have our negotiating base limited or defined by the terms of any agreement reached behind our back.

We should not be constrained or steered by any agreement to which we have not been a party and we are not bound by any agreement which we have not freely signed. We need clarification from HMG in relation to a number of matters:-

- Will the talks be based on the principles contained in any of the three Dublin/London deals - the Anglo Irish Agreement, the Downing Street Declaration or the Framework Document?
- Is the DUP expected to accept the program or principles from any of the deals in order to participate in the process?
- Are any of the other participants so bound by these agreements that they are not prepared to consider or agree alternative outcomes - ones which do not contain these ingredients?
- Will the Anglo Irish Agreement be set aside as in 1991?
- Will HMG and the Dublin government publicly state that they are prepared to consider and agree alternative principles to those contained in the Downing Street Declaration?
- Will the two parties presently negotiating the "Framework Document" state that it is a guide which can be used or discarded as the participants wish?
- Does the "nothing is agreed until everything is agreed" maxim apply to the new Talks?
- Does a "nothing is agreed unless all parties agree" dictum apply, and if not what level of agreement constitutes sufficient consensus?
- Does the government still hold to its stated policy of refusing IRA/Sinn Fein entry to the Talks until it has given up all its weapons?

- In the event of the HMG commencing negotiations with Sinn Fein what will the government's attitude then be in the event of an IRA shooting or bombing?

Naturally, our publicly stated refusal to engage in negotiations with the mouthpieces of the IRA's murder-gangs still stands. Our willingness to enter discussions with the Dublin Government is predicated by their willingness to address the illegal territorial claim contained in their Constitution. We were, in the past, told by the Prime Minister, John Major, that this latter issue will be dealt with in the Framework Document. Time will tell.

The over-riding issue is whether we can establish a Talks Process where no pre-conditions have been set by agreements to which we were not a party. Equally, it must be clear that none of the key issues have been settled by some of the participants before the process has begun. A Talks process designed and structured to allow only one end product is not acceptable.

We will not be corralled in a process which does not give us the freedom to argue for an outcome satisfactory to those we represent. There must not be a pre-determined outcome. We seek a level playing-field.

A BETTER ALTERNATIVE

HMG faces a number of problems in launching a new Talks Process. We wish to tender an alternative that overcomes a number of these difficulties and, in addition, offers other benefits that might make it attractive to them.

We suggest a modification of the proposal we put to the Prime Minister in September 1993 in our document Breaking the Logjam. We propose that an election be held to a Northern Ireland Convention. The Convention would be charged with considering issues relevant to all three strands and would be empowered to consult with HMG in relation to matters relevant to all three Strands and with the government of the Irish Republic, where appropriate, in relation to Strands 2 and 3. The Convention would provide a forum for active politics in which every party would be represented according to its strength. This proposal places no time limit on negotiations, it fills the political vacuum, it engages Ulster politicians in positive and practical mode and permits them, in a less pressurised set-up, to make steady progress.

We contend that a duplication of a failed process is not a route to progress.

A Sure Advance

A paper submitted by the Ulster Democratic Unionist Party 11 May 1992

REALITIES

The Democratic Unionist Party make these proposals in the context of a new British Irish Agreement to replace the Anglo Irish Agreement.

We are seized of the responsibility placed on each delegation to seek forward movement in the task of identifying a suitable framework to order democratic political activity in our divided province.

It is a historical reality that past political initiatives which have found acceptance with one section of the community but not the other have floundered. The further reality is that any proposed structure must be capable of gaining public support. It must be sufficiently innovative to ensure it is not similar to any past failed system and therefore summarily and instinctively rejected. Equally it necessarily should not be so revolutionary as to cause people to recoil.

We believe our proposals are capable of attracting widespread acceptance. As the structure is based upon proportionality, majority and minority alike have a real say, influence and part in the legislating, administering and decision making of the Province.

Each constitutional Party will have a role commensurate with its support in the community.

The participation of representatives from the nationalist tradition ensures their interests are not threatened while the unionist interests are safeguarded by their majority in the Assembly. In short it involves both identities in a very real way and at an equal level while guaranteeing their rights.

Unionists, who, have consistently expressed opposition to Executive power-sharing can work and support this system without loss of principle. For as there is no Executive there can be no Executive power-sharing. Yet the SDLP who have argued consistently that they should have the opportunity to represent their people at the very highest level can rightly say that this structure provides precisely such a role.

CONSISTENT WITH KEY PRINCIPLES

We contend our proposal is consistent with all the underlying principles we have endorsed. The institution is based on democratic principles, is capable of securing widespread acceptability, it has the potential to be stable and durable yet is capable of development. The arrangement is

workable, providing a role for all constitutional political parties at each level of responsibility while avoiding the entrenchment of community divisions.

The system would function effectively, efficiently and decisively and is innovative in the sense of learning from and not merely modelled on any previous arrangement.

The DUP envisage the structure developing relationships with UK institutions, the EEC and is competent to manage any relationship agreed in Strand 2 of the Talks for an alternative to and replacement of the Anglo Irish Agreement. Moreover it would be capable of developing a relationship with any devolved institutions in Great Britain.

The institution urges the delegation of the maximum possible authority and provides for the greatest possible degree of parliamentary scrutiny of and public accountability for the exercise of powers of government within Northern Ireland. Along with all these underlying principles - or more likely because of them - the proposed institution is capable of securing public endorsement.

The Assembly we suggest is consistent with the integrity of the United Kingdom and would be subordinate to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

MEMBERSHIP

The Assembly, elected by Proportional Representation, would comprise 85 or 102 members drawn from the 17 constituencies [5 or 6 seats per constituency]. The existing legislation resulting from the Boundary Commission's work has a section showing 5 representatives from each of the 17 constituencies.

An Assembly of 85 members would obviate the need for change. However there are two sound reasons why we should consider a higher figure. The system we are proposing will undoubtedly be a slower decision making system than Executive Devolution and consequently to ensure that the work of Departments does not get clogged up it will be necessary to distribute the present functions exercised by the six Departments into perhaps nine or ten. To have sufficient members to work the committees and avoid the '82 Assembly's problem with quorum numbers a larger Assembly will be needed.

SPEAKER

The Assembly at its first sitting shall elect a Speaker who will chair plenary sessions. Three

Assistant Speakers shall be elected. The Speaker shall take no part in the Assembly politics following the example of the Speaker of the House of Commons.

COMMITTEES

There shall be a committee appointed to run each of the Departments over which the Assembly has delegated power. The range of subjects to be transferred should be broadly similar to those transferred under the 1973 Act. Membership of the committees shall reflect the strength of the constitutional parties elected to the Assembly. Chairmanships and Deputy Chairmanships shall also be allocated on a proportionate basis. The D'Hondt Rule would be employed to determine which Party provides the Chairmen and Deputy Chairmen for each Department. The committees shall be responsible for administering the Department and processing legislation. The Chairmen will be answerable to the committees for overseeing the day to day administration.

We will work with the parties and with the government to shape a system that encourages those who respect the democratic process to play a full part but will prevent those who seek to effect change through support for terrorism from corrupting the structure.

The Committees would be empowered to require the attendance of individuals and the production of papers and documents. As a safeguard, the authority to send for persons and papers could be made subject to the approval of the Assembly.

Each Committee would regularly report its decisions to the Assembly. The Assembly would have the authority to require a Committee to reconsider, amend or revoke any decision. The Chairman would be subject to questioning upon the Committee Report and if he dissented from any item he would be entitled to record his opposition. If a Chairman was to stand down for any reason his party would be invited to nominate a successor. If the party failed or refused to do so then the party next in line under the D'Hondt Rule allocation would be entitled to fill the vacancy.

All Committee appointments would be for the term of the Assembly though members would be permitted to change committees if places were available. As the Chairmanships are allocated upon a Party basis a Party may change its nominee during the course of an Assembly term.

A chairman or Deputy Chairman could only be dismissed from his post if he (1) lost his party's whip or, (2) lost a vote of confidence in his committee and could not demonstrate he had retained the support of at least one third of the Members of the full Assembly.

CHAIRMEN

The Chairman of each Committee shall effect the day to day running of the Department within the policy and decisions agreed by the Committee. He shall at all times be accountable to the Committee and the Committee answerable to the Assembly.

DEPUTY CHAIRMEN

There shall be a First Deputy Chairman and a Second Deputy Chairman assigned to each Committee. The Deputy Chairmen may assist the Chairman both in the conduct of the Department's business and with the running of the Committee if and when the Chairman requests them.

LEGISLATION

In Northern Ireland there is a practice of adopting much of the relevant UK legislation though perhaps with some necessary variation for local reasons. This was the custom and practice even during the lifetime of the Pre-1972 Parliament. As the Assembly would clearly be subordinate in legislative terms a categorisation of legislation would be necessary to protect the Sovereign Parliament's right to legislate for all parts of the Kingdom.

The categories might be (1) legislation that would remain the responsibility of Westminster, (2) legislation that the British Government require enacted though it is amendable to provide for local circumstances and characteristics, and (3) legislation that is the prerogative of the Assembly.

Legislation would be presented in draft form to the Committee either by the Secretary of State, in the case of "parity-plus legislation", (Category 2), or by the Department, in the case of "Committee initiated legislation", (Category 3). The Committee would be consulted by HMG about all "excluded legislation", (Category 1), it would later be notified, for information purposes, when the legislation is introduced in the House of Commons, and informed for administrative purposes when the legislation is enacted.

The first and second reading of Category 3 Bills would take place in the Assembly. The Committee may hold public or private hearings upon the Bill when it returns for the Committee stage. The Report stage would occur at a plenary sitting of the Assembly. The Committee responsible for Finance and Personnel would be required to satisfy itself that any financial implications contained in new legislation were capable of resolution within the relevant Department's budget or that the Secretary of State's approval had been given for additional finance.

Parity-plus legislation would follow a different procedure. Upon receipt of the Draft Order the Committee would consider and make recommendations for improvements to the legislation and Report to the Assembly. The Report, as amended, would be sent to the Secretary of State and dealt with in the same manner as during the 1982 Assembly.

LEGISLATION AT WESTMINSTER

The great reduction in Northern Ireland measures being processed through Westminster as a result of the Assembly exercising its legislative function would enable all Ulster laws to be made by the normal Parliamentary Process rather than by Orders in Council.

PRIVATE MEMBERS BILLS

Private Members Bills would be confined to Category 3 legislation. The relevant Committee would examine the Bill and the Chairman give its opinion during the Assembly debate thereon.

PROTECTION OF MINORITIES

If a section of the Assembly finds that in their view a piece of legislation passing through the Assembly is, in whole or in part, discriminatory it may by a vote of 30% in the Assembly have it referred to the Secretary of State for adjudication. The Secretary of State shall have authority to block or require amendment to such legislation as in his judgement is discriminatory.

DEVELOPMENT

A trigger mechanism could be included in the legislation setting up the system so that if at a later date a given percentage of the assembly agree on how the structure can be modified the process of change can be simplified.

SECURITY COMMITTEE

The greatest possible role in security matters should be given to the Assembly and exercised through a Security Committee which would have the right to consult with Security Chiefs. The

Chairman should be entitled to attend the weekly Security Meetings with the Secretary of State and the Committee should at least have the functions of the Police Authority.

EXTERNAL AFFAIRS COMMITTEE

This non-departmental committee drawn from the Assembly shall monitor and consider affairs external to Northern Ireland and make appropriate representations when necessary.

HOUSE COMMITTEE

A Committee shall be appointed with responsibility for the arrangement of Business in the Assembly and matters pertaining to the administration of the Departmental Committees. It shall incorporate the role of a House Services Committee. The Chairman of this Committee while performing his duties in the Assembly shall be known as the Leader of the Assembly. While the initial allocation of Chairmanships shall be conducted through the "usual channels", as soon as the Speaker has announced the appointment of the Leader of the Assembly he shall administer the process for all remaining Assembly appointments.

FURTHER MATTERS

The DUP have prepared papers which complement the structure outlined in this document. These papers include those relating to, [1] safeguards, override powers and a Bill of Rights; [2] financial matters and [3] external relationships.

REFERENDUM

The people of Northern Ireland must be given the opportunity to express their view on whether they want a particular arrangement. Any proposed institution therefore must be put to the people of Northern Ireland in a referendum.

CONCLUSION

We commend the proposal to other delegations and remain willing to respond as positively as is possible to any queries or suggested improvements.

A New Start

A paper submitted by the Ulster Democratic Unionist Party 28 August 1992

THE REAL THING

The past few months must have told us all that we are unlikely to agree a common version of history but in spite of our own angle of historical vision we can at least agree that the fears, suspicions, uncertainties, convictions and perceptions expressed by "the other tradition" are genuinely felt and experienced.

THE KEY ISSUE

We must therefore ask you to accept that Unionists see the great obstacle to good relations between Northern Ireland and the Irish Republic as being the existence of the territorial claim to Northern Ireland contained in the Irish Constitution. It hardly needs to be explained how unionists consider a territorial claim to the land of their birth as an unfriendly act, and one that stands in the way of the construction of a good relationship.

If our two countries were to sit side-by-side, in continuing hostility, then unionists would condemn the territorial claim but they would not require it to be removed. If, on the other hand, we are to establish a proper neighbourly relationship between Northern Ireland and the Irish Republic, as we earnestly wish, then the removal of that claim is not just a matter for consideration but an imperative.

REMOVING THE WALL

It would be a positive starting point for our deliberations if the government of the Irish Republic expressed a commitment to remove the territorial claim which offends us so deeply. We can only say that the removal of this obstacle would bring about a completely new atmosphere which would transform relationships between us. In those circumstances, arrangements would be possible which we could not at present contemplate or negotiate.

POLITICAL REALITIES

However, if, having weighed-up the politics of the issue as it appears to them, the Dublin Government feels this is not a course they can at this time follow, then it would be better that we knew it now and avoided a further deepening of the animosity that has for so many years existed between our two countries. We will have to accept their judgement in the matter as they deem

it to affect their position, but we cannot say more clearly that no unionist can proceed any further without such a change. The UDUP delegation will not make the mistake of unionists in the past. Any proposals which do not flow from the abolition of the territorial claim no unionist leader could retail to his people even if he wanted to.

Ultimately such a constitutional change must be the decision of the government and people of the Irish Republic, so the delegation from Dublin has the key to progress. They can continue to live the fiction that they have jurisdiction over Northern Ireland or they can open the door to a new chapter in relations between our two peoples. We trust that they can meet this challenge. Unionists stand ready to respond in the new mood that would be created. When the government of the Irish Republic unilaterally indicates its willingness to sponsor the necessary legislation to remove the territorial claim, unionists will gladly and freely respond by supporting an agreement which embraces the new and friendly relationship that would then develop.

A BRITISH IRISH AGREEMENT

In the expectation of a positive response it might be helpful if we were to confirm the view we expressed in Plenary that unionists see a new relationship being on an all-encompassing British-Irish axis, albeit compartmentalised to satisfactorily deal with matters which could be more appropriately considered in that way.

Such a relationship would involve HMG, the leading representatives of a new Northern Ireland Assembly (probably through the External Relations Committee) and the government of the Irish Republic.

IDENTITIES

In the Strand 1 talks the DUP argued that the identities of the two main traditions in Ulster "reach out beyond the confines of Northern Ireland itself". The British-Irish umbrella provides a covering under which each of our identities can find security. If we are seriously attempting to find a basis under which we can form a relationship which does not exclude either identity and is built on mutual respect, reciprocity and good-will, then we contend that it should be upon a British-Irish basis. The unionist community's identity is not catered for by the term Anglo-Irish.

POSITIVE FUNCTIONS

It seems to us that the terms of reference of the new arrangements need not be expressly prescribed in advance and should permit natural development. As a general rule, the purpose should be to encourage, promote and develop improved relations between the interests represented. It would provide a basis for consultation with a view to advancing co-operation for the mutual benefit of the parties to such a new agreement. Needless to say, we are keen that arrangements can be made to ensure no part of the British Isles is a safe-haven for terrorists.

The relationship would be based upon reciprocity, and agreements reached through its auspices would be implemented through the respective governments. Unlike any previous arrangement, unionists would participate within this British Irish frame-work. We contend that such a body must be of practical benefit and neither be, or be seen to be, solely political. In addition all decisions must be unanimous

A NEW START

Our hope is that the removal of the territorial claim and the creation of contact consistent with a

normalising of neighbourly relations, would develop a new spirit of cordial co-operation and friendship, bringing a united effort for the common good. Such a process must inevitably tend to remove prejudices and allay anxieties and to promote better understanding.

The divisions between the two traditions in Northern Ireland are very deep and we cannot estimate to what extent, if any, such new understandings as we have mooted might valuably assist in reducing or eliminating the distrust that has flowed from this division. However, we were asked by the SDLP to consider how we might provide for an outlet within which they might express their identity. It seems to us that this represents the limit that can be reached, consistent with the constitutional reality which every delegation has acknowledged. We contend that such a development has the potential of being a turning point in Irish history, and we stand ready to make a sincere and generous contribution to the ongoing co-operation.

We desire that we might live as two countries on this island at peace and in friendship, respecting each others right to exist and co-operating to our mutual advantage.

DUP

formula for

Political Progress

The need and advantages of a new, fair and operable negotiating process

10 January 1995

Policy Document

THE LAST TALKS PROCESS

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The principles that guided their endeavours are just as relevant in today's circumstances as they were then.

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They were attempting to set the parameters for future agreement within the confines of a Diktat to which unionists had not subscribed. The unionist goal was equally obvious. Unionists needed to ensure the Diktat was set to one side and was not permitted to form the basis for talks, and just as vital, other participating parties were not so bound to the Diktat that they were unable to consider and accept an alternative outcome.

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