

**ULSTER  
DEMOCRATIC  
UNIONIST  
PARTY**

*Strand 2*

**RESPONSE  
PAPER**

# THE CONTEXT

In our response to the submissions made at these Strand 2 Talks we want first to underscore the fact that HMG, Alliance, UUP and ourselves the UDUP submitted their papers strictly in keeping with the basis on which these talks were called. The basis was and is that Northern Ireland is and will remain an integral part of the United Kingdom until the majority of the people of N.I. decides otherwise.

Any system of government resulting from these talks must be for a government of Northern Ireland within the United Kingdom.

The SDLP paper, however, envisages such institutions having for their aim and objective a capacity to "*lead to a unity of the people who inhabit the island.*"

## The capacity of such institutions would be:-

1. to address all matters of mutual concern and interest to the people of the whole island.
2. to promote and achieve harmonious action between institutions and agencies in both parts of Ireland;
3. to promote co-operation and uniformity in relation to matters affecting the whole of Ireland;
4. to provide for the administration of services on a mutually agreed basis;
5. to allow the breaking down of the barriers of distrust that have led to the divisions of the past and lead to a unity of the people who inhabit the island of Ireland based on agreement, on the acceptance of diversity and on the unique relationships that exist between the peoples of both islands.

They do not however at this time state that it is "*a United Ireland or nothing*". At question-time however they joined with the Dublin delegation in denouncing Northern Ireland as a failed political entity.

On the other hand the Dublin delegation's paper went right outside the remit and utterly and totally rejects Northern Ireland remaining within the United Kingdom.

The Ulster Democratic Unionist Party feel no need to make reference at this point to the Opening Statements of those delegations which are based upon acceptance of Northern Ireland's place within the United Kingdom. Moreover as the SDLP and Irish Republic's presentations were cast in the same mould and possessed the same faulty assumptions and contentions, we feel able to deal with them together.

The whole underlying thesis of the Irish Republic's paper after you clear away all the peace jargon and pious Irish baloney and blarney is that the only

solution is to wipe out the seventy years of Northern Ireland 's existence and bring about a unitary state in some form or another. In other words it is a call to implement the Forum Report.

## **THE UNLAWFUL CLAIM**

The unlawful claim over the United Kingdom territory of Northern Ireland is contained in the 1937 Constitution:-

### **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 Éireann and the like extra-territorial effect."

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.

Articles 2 and 3 (above) laid claim to all of the island of Ireland. The irredentist claim unilaterally altered British-Irish relations.

Dublin's 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. As one of the Government of the Irish Republic's delegation said in the Dail:-

"The plebiscite which approved them was carried by a narrow majority of voters who turned out to vote on the 1937

Constitution . Only 38.6 per cent of the electorate of the then Free State voted in favour; 29.6 per cent voted against and 31.8 per cent abstained or spoiled their votes. Nobody in Northern Ireland was consulted.

Yet this is the mandate offered for a claim of right made in the name of the people of Ireland to the entirety of the island".

As we have already said, Irish unification, 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 some of the Irish Government telling us that they could only alter or redefine Articles 2 and 3 by a Unionist pay-off. We, however agree with Mr O'Malley, one of the government of the Irish Republic's delegation, who said in the Dail:-

"Articles two and three should be revised because we, the citizens of the Irish Republic, want them changed to reflect our real aspirations as being peaceful in intent and to be achieved only by consent; **and not as some crude bartering exercise with the Unionist community of Northern Ireland.**"

The new Constitution had the effect of tearing up the "*Treaty*" of 1925. It caused alarm 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 that the end justifies any means to this goal. Even placed beside what the Irish Republic's Delegation claims to be in the Anglo Irish Agreement a recognition of Northern Ireland's status (although undefined), the Irish Supreme Court rejects the interpretation of the Agreement's

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."*

Cooperation can only be based upon mutual respect and that will only occur when the government of the Irish Republic unilaterally withdraws its territorial claim over Northern Ireland. Their recognition of Ulster's right to self-determination - its existence as an integral part of the United Kingdom both de facto and de jure is the primary prerequisite for any future mutual cooperation or recognition. Without that these talks cannot make progress. The Republic's claim over Northern Ireland must go.

The Irish Republic's stand is that they will consider giving up their claim to our territory if we give up our claim to it (by renouncing the 1920 Act); and also if we allow them such an involvement in our internal affairs as falls somewhat short of full governance.

The illegal claim must be repudiated, and not rewarded. The removal of the territorial claim is not a quid pro quo for involvement in some future package of agreement on the internal affairs of Northern Ireland. The removal must be without precondition on the basis of good will and respect for the self-determination of Northern Ireland.

We are, however, astounded and gravely disappointed to find that in the Irish Republic's Opening Statement no mention was made of the

territorial claim upon Northern Ireland contained in their Constitution. Whatever the reason is for the absence of any such reference, it certainly was not because they were unaware of the relevance of this issue to the process in which we are engaged. Furthermore in the responses of all the Republic's delegation there was a blank refusal to contemplate seriously the removal of these claims. In fact there was no acceptance that the Irish Constitution contained a territorial claim over Northern Ireland at all. Indeed it was contended that the Irish Constitution was:-

"a magnificent document in every respect - an outstanding document of its kind."

Instead, as foreshadowed by the Irish Republic's Foreign Minister's remarks on 27 April 1992, the

Republic's attitude was that Northern Ireland's constitutional place within the United Kingdom should be "*on the table*" and their Opening Statement was a lengthy and verbose attempt to argue for replacing the 1920 Settlement (internationally confirmed by the Irish Free State in 1925) by new and broader structures providing for Northern Ireland's ultimate absorption into the Irish Republic.

## **THE FAILED ENTITY LIE**

To the presenters of the Republic's paper, Northern Ireland as a separate state has utterly failed, must be wiped out as if it never existed and be annexed by, and subsumed within the Irish Republic. The Opening Statement is a demonstration of Ministers of the Republic carrying out their "*constitutional imperative*" as indicated

and encouraged in the Supreme Court finding and seeking to achieve the goal of that imperative - *"the reintegration of the National Territory."*

Unionists, however, see it otherwise. Northern Ireland has not failed. Nationalism has failed. Nationalists have failed to conquer the spirit of a people who refuse to give up the right to remain within the United Kingdom. Nationalists have refused to accept the settlement their representatives negotiated in the early part of this century and instead have sought either politically or militarily, to undermine the existence of Northern Ireland. They should, therefore, be the last to continually insult us by describing it as a failed political entity. They have refused to give their allegiance to Northern Ireland unlike those unionists left after the Settlement in the South who

accepted their lot. Nationalists have sought to make Northern Ireland fail believing that such failure would precipitate their political goal.

Their statement:-

"The problem is not external to Northern Ireland"

is untrue. If the campaign to break Northern Ireland had received no support whatsoever from the people of the Irish Republic, then the terrorist war would have scarcely been launched at all. Its launching pad has been the Irish Republic. The campaign to utterly slander the law abiding people of Northern Ireland has been waged by Dublin Government Ministers and politicians, no matter what the complexion of that Government. This is the one thing from which the Irish Republic cannot wash their blood-stained hands.



# DIVISION IN IRELAND

We need to correct the arrant nonsense and factual inaccuracy of the claim on Page 7: -

"The division of Ireland, first established by the Government of Ireland Act, gave each tradition in Ireland the opportunity, indeed the incentive, to ignore the reality of the other."

Leaving to one side the spurious contention that the first division of Ireland occurred in 1920 with the Government of Ireland Act, we refute the expedient attempt to rewrite history in such a way so as to excuse or conceal the failure of the Irish Free State to appoint representatives to the Council of Ireland. After all this was designed, under the Government of Ireland Act, to provide the very opportunity and incentive so that the two States on the island would not *"ignore the reality of the other."* The Government of Ireland Act expressly provided that opportunity and incentive.

It was the Irish Free State which turned its back on establishing friendly relations with its neighbours and instead, through its 1937 Constitution, arrogantly and unlawfully laid claim to their neighbour's territory.

## **NOT A NEW CAMPAIGN**

Let us also rebut the self-deluding claim by Mr Hume that unionist concerns about Articles 2 & 3 are of recent origin and that at the time the 1937 Constitution was drafted unionists made no expression of outrage. The Stormont Hansard and Unionist newspapers are peppered with unionist politicians airing concern about the territorial claim. These remarks started even before the Constitution formally became operative and have continued to this present day. The sense of anger and outrage is not new; it has

existed since 1937 and is very deep-rooted. It has become even more relevant with the signing of the Anglo Irish Agreement. That is why it is now of the greatest importance.

If the Irish Republic is to seek or have a close relationship with Northern Ireland then their unlawful, divisive and unfriendly claim must, of necessity, be addressed and removed.

## **THINLY VEILED ATTACK**

To the uninitiated observer the Irish Republic's Opening Statement may appear merely as a flowery address, containing vague generalisations, metaphorical language about "*traditions*", "*identities*", personified "*communities*" and "*aspirations*" being accommodated, and accompanied by copious professions of goodwill. Careful analysis, however, shows that the

Statement was an attack on the 1920 Settlement (page 7) and that Irish nationalism will brook no "*external or arbitrary*" limits on its expression of identity - which includes the constitutional imperative of reintegrating Northern Ireland into the Republic as part of its national territory (Judgement of the Irish Supreme Court, 1 March 1990, p.15, per Finlay C.J.). In short, nationalists claim that the whole island of Ireland is theirs and they intend to possess every part of it. Their intent reiterated again in this paper is that they will have a shotgun wedding at any cost even if raping and killing the bride occurs in the process.

It is appropriate here to note the dismissive attitude of Irish Ministers towards their own Supreme Court and their own Constitution. Article 34.4.6. of the Irish Constitution stipulates that: -

"The decision of the Supreme Court shall in all cases be final and conclusive."

It is an evil portent for the future, and gives us every cause to mistrust Irish Ministerial assurances, when their response to our questions relating to the Supreme Court decisions about the effect of Articles 2 & 3 of the Republic's Constitution is to say,

"what was said in Court was for the Court - it had no political connotations"

and that their own governmental political position, as expressed in the Anglo Irish Agreement, was what really counted. With such attitudes of disrespect for their own law, any guarantees given by the Irish Republic's government will be valueless.

## **STATUS?**

We wish to place on record the failure of Irish

Ministers to be specific and to give any concrete responses to our queries about the present status of Northern Ireland. It was an unedifying spectacle to witness four mature politicians unwilling to speak the words - "***Northern Ireland is an integral part of the United Kingdom.***" The extent to which they found it necessary to take refuge in evasion, and their failure to give the least indication of a willingness to take steps to remove the offensive sections of the Republic's Constitution - in particular the Preamble and Articles 1, 2 & 3 - is a foreboding sign for the talks process.

In vain they struggled to point to Article 1 of the Anglo Irish Agreement as defining the status of Northern Ireland. In fact Article 1 of the Anglo Irish Agreement does not define the status of Northern

Ireland as an integral part of the United Kingdom.

As you no doubt have read, Sir Ninian, in one of the publications recommended to you by the two governments as background reading material:- (Hadden & Boyle's commentary on the Anglo Irish Agreement)

"In the first place, the concern of those who drafted the Article to avoid any potential conflict with Articles 2 and 3 of the Irish Constitution resulted in a weaker rather than a stronger form of guarantee to unionists. The result of the change was that no declaration at all was made as to what the status of Northern Ireland is, even by the British Government".

None of this need be so. It should be no quantum leap to remove a claim in the Irish Constitution that has been described in the Dail as "*make believe*" and "*a fiction*". This should be especially so when one of the Dublin delegation [Mr Andrews] was a member of the 1967 All-Party Dail Committee on

the Constitution that recommended changing Article 3 while another member of the delegation [Mr O'Malley] has, outside the present Talks process, shown the foresight and understanding to recommend the removal of the territorial claim recognising it to be unhelpful and absurd. In the December 1990 debate he said:-

"Articles 2 and 3 of the 1937 Constitution are clearly unhelpful and incompatible from a political point of view with the emergence of tolerance, peace and concord in Northern Ireland.

What right has this House at the level of common sense, morality or international law to exercise jurisdiction over Northern Ireland? Such jurisdiction as we have can only be exercised in accordance with the Constitution. What right have I, or we, to tell the people of Northern Ireland that they may not have divorce because 38.6 per cent of the electorate of the Irish Free State ordained it so in 1937? We have no such right, politically, historically or legally. The pretensions of Article 3 are as threadbare as they are absurd.

It is well known that Ireland withheld submission to the full compulsory jurisdiction of the International Court of Justice in the Hague precisely because the "claim of right" made in



1937 would have been exposed, to our embarrassment, as an international law nullity".

It needs to be accepted that while the Irish Constitution contains its phony "legal claim" to Northern Ireland, unionists will not have any friendly or close relationships with the Republic. Moreover the Government of the Irish Republic would simply not be competent to reach certain kinds of agreements with unionists.

Another member of the Dail posed a question in a debate on this subject in 1990. It has never been answered! He asked: -

"Let us suppose the United Kingdom had a written Constitution, and that it had in it an article which said that the national territory of the United Kingdom consisted of Great Britain and Ireland, its islands and territorial seas. Let us suppose that it had a further Article that said that pending the reintegration of this national territory, and without prejudice to the right of Westminster to pass laws for all of the island of

Ireland, its laws would apply only to Britain and Northern Ireland. Just imagine the sense of offence, outrage and indignation that this would provoke in this State. Let us suppose further that the Law Lords ruled that this was not just an aspiration but a "constitutional imperative", how would we react?"

How would you react? Placing oneself in *unionist mode* will perhaps bring an understanding of how the existence of this claim forms a barrier, without the removal of which, a good relationship can never be built.

It might be marginally easier for the Irish delegation to take it from Dail Deputy De Rossa than from us, in spite of the views which they expressed about his previous embodiment. As far as unionists are concerned such a background makes his ability to embrace such views all the more commendable. Nonetheless, we shall quote from his contribution to the Dail debate: -

"responsible politicians down here need to address Unionist alienation and **their** fears about their future.

These fears are not irrational or products of bigotry as far as the majority of Protestants are concerned. In large part they are the products of the most sophisticated terrorist organisation operating in the world at the moment, the Provisional IRA. Since the middle of the seventies the bulk of the victims of this organisation's campaign have been Ulster Protestants - ranging from the so-called "legitimate targets" to mill-workers, electricians, border farmers and their sons, and men, women and children who committed the crime of attending a Remembrance ceremony.

Down here the true enormity of what the Provisionals have been doing and are continuing to do to Ulster Protestants only comes home with one of their horror spectacles like Enniskillen. We need to remember that the slow drip-drip of almost daily murders goes on and has gone on for two decades.

Given this and the generalised Protestant feeling that the Hillsborough Agreement has been imposed on them, the degree of flexibility that Unionist leaders are prepared to show is quite remarkable. We need to acknowledge, strengthen and encourage that flexibility. We need to demonstrate to the Unionists that our priority is the accommodation of diversity on this island and that we are under no

"constitutional imperative" to pursue unification against their wishes.....

We need to end the doublethink in our political culture on the North so clearly embodied in Articles 2 and 3."

## AMENDMENT REQUIRED

Sir Ninian.

We require confirmation that the Irish Republic will accept, and amend its constitution where appropriate, to ensure: -

- (i) that the claim to Northern Ireland is removed;
- (ii) that Northern Ireland is not regarded as part of the territory of the Republic of Ireland;
- (iii) that the Republic does not seek the right to exercise jurisdiction over and in Northern Ireland;
- (iv) that there is recognition of the existence of such an entity as *"the people of Northern Ireland"*;

(v) that there is no claim that "*the people of Northern Ireland*" are part of "*the Irish nation*";

(vi) that the "*people of Northern Ireland*" have a right to self-determination; and

(vii) that Northern Ireland is in law part of the United Kingdom of Great Britain and Northern Ireland.

In short, there has been a total failure to indicate any willingness to take steps to renounce the unlawful claims made by the 1937 Constitution and reaffirmed by the Supreme Court as recently as March 1990.

We have seen no point of distinction between the positions of the Government of the Irish Republic and the SDLP in relation to the territorial claim.

As already indicated, the Irish Republic's delegation, in coded language, sought an end to

the status of Northern Ireland as a part of the United Kingdom as established by the 1920 Government of Ireland Act. Their arguments were put forward as they might have been in 1919, before the civil war, following which the South of Ireland seceded from the United Kingdom, and before the establishment of special governmental arrangements for Northern Ireland as an integral part of the United Kingdom of Great Britain and Ireland. It is as if there had never been the pre-1920 to 1925 settlements. Their Opening Statement (at page 13) refers to "*all the people of Ireland*" and "*Independence*"; it later (at p.20) poses the problem in terms of the very existence of Northern Ireland and not as a problem of governing Northern Ireland within the United Kingdom; and it reverts to the language of 1919

(at pp. 17 & 19), posing the problem in terms of whether unionists are a minority in the island as a whole and nationalists a minority within the confines of Northern Ireland, and whether each should not have self-determination.

## **BRITISH RULE**

*"British rule in Ireland"* as it is quaintly called in the paper, means in reality that the *"nationalist tradition"* refuses to acknowledge the will, desire and right of the people of a state 70 years in existence to continue as part of the United Kingdom. They call it the continuation of British rule and refuse to understand it as the will of the people of Northern Ireland. As in every democratic country the will of the people is gauged by its vote. The wish of the majority becomes the

will of the country. All the assurances about the right of the majority in the "North" are to be subverted because Irish nationalism demands for itself a right and power never claimed by any other nationalism in any other country in this latter part of the 20th Century.

The Opening Statement is simply saying,

"Unionists can have a right to a say in the type of United Ireland they live in but they have no right whatsoever to stay out of a United Ireland. We will give you a right to shape a United Ireland but you can have no right whatsoever to keep yourself out of it.

You can choose the sort of wallpaper you would like to decorate the rooms in the house in which you will live but you will have no choice but to live in this house. Here we will force you to live. We make the choice of where you live".

Irish nationalism is in fact entirely obstructive of unionism whether it be called British rule or not.



# THE FORUM REPORT

That a united Ireland is being claimed is manifest to all who know the background to and contents of the *Forum Report*. That Report is described in the Opening Statement as "*the common point of reference for nationalist parties*" (p.12, heading). [In parenthesis, it needs noting that the headings are more illuminating than the verbose text: they reveal the Republic's real aims.]

The Forum began as a gimmick to buttress the position of the SDLP as against Sinn Fein - as did the Anglo Irish Agreement. It ended, not as a genuine examination of arrangements that could lead to reconciliation of all political groupings in the island, but as a party political Report, taking the stance favoured by Mr Haughey that there must be a united Ireland, which would be a unitary state.

In sum, it was a purely nationalist document, asserting nationalist imperialism, while professing some sympathy for members of groups with other traditions, who would be permitted to express their identity WITHIN the nationalist state. For all the rhetoric about the Forum Report providing the opportunity for nationalists to make -

"a sustained attempt to reassess its inherited attitudes and position in the light of the conflict in Northern Ireland"

- the product was the same old fashioned united Ireland that has been propagated for generations.

## **THE SECRET REPORT**

Although we have not mentioned it before now, we are aware that the proposals submitted by the SDLP in Strand 1 were not so new and innovative as the press and others made them out to be.

Indeed we watched with ill-disguised incredulity as Mr Wilson and his colleagues spoke of the SDLP proposal as if it had been visited upon them for the first time and was to them a novel idea. There was no admission that there might be any common ownership of the proposal.

We have discovered that a committee of the New Ireland Forum sat in secret in 1984 to consider a proposal for joint authority. Its Report was never formally published. However, its findings were leaked to a Dublin newspaper (*Irish Times* - 9 May 1984) [Yes, Sir Ninian, it seems leaking is not a pursuit to which the Dublin delegation is unaccustomed].

The details divulged show clearly that the SDLP proposal has its origin in this committee and is but

a derivation of its findings. The committee had amongst its members Mr John Hume and Mr John Wilson.

## THE DUBLIN AGENDA

The Opening Statement's insistence (at p.12) that the Forum Report is "*the common point of reference for nationalist parties*" and "*a departure point for **our** discussions*" posits a united Ireland and is wholly outside the terms of reference of Strand 2. None of the pro-Union parties agreed to depart from this position nor did they agree to participate in talks where such an outcome was an issue. It is absolutely unacceptable to all of us.

## RIGHTS OR DEMANDS

Another prominent characteristic of the Opening Statement is its plaintive attitude about treatment

allegedly afforded nationalists. While we could offer charge and counter-charge about equality of treatment we challenge anyone to consider the evidence in Annex A of the Strand 1 sub-Committee's Report on human rights (16 June 1992).

We could not elicit any response from the Irish Government delegation on our challenge to them to detail what rights currently enjoyed by any minority in the Irish Republic were denied to a similar minority in Northern Ireland. By their extravagant claim that the party they belong to never at any time discriminated against Protestants but were fully committed to the philosophy of "*Wolfe Tone republicanism*" embracing "*Catholic, Protestant and dissenter alike*" we make but one

comment. In a letter issued by the R.C. Bishops in October 1922 it is stated:-

"The present state of Ireland, is a sorrow and humiliation to its friends all over the world. A section of the community, refusing to acknowledge the Government set up by the nation, have chosen to attack their own country as if she were a foreign power.... They have caused more damage to Ireland in three months than could be laid to the charge of British rule in so many decades..... Side by side with its woeful destruction of life and property there is running a campaign of plunder, raiding banks and private houses, seizing the lands and properties of others, burning mansions and country houses, destroying demesnes, and slaying cattle".

Most of the mansions and country houses referred to belonged to members of the Church of Ireland. Those responsible for the slaughter of these Protestants and the devastation of their property were the founding fathers of the party of most of the Irish delegates.

Encouraged by the government of the Republic, ever increasing new demands and complaints are made by nationalists in Northern Ireland. What began as a claim for civil rights and individual equality, became a demand for participation in government and recognition of "*the Irish dimension.*" These claims were followed by demands for a formal governmental role by the government of the Irish Republic in the affairs of Northern Ireland, an integral part of the United Kingdom and exclusively within its domestic jurisdiction. That was improperly accorded by the Anglo Irish Agreement, which was agreed over the heads of the people of Northern Ireland and their public representatives. Indeed, the people of Northern Ireland have been denied self-government since 1974 and denied democracy, in contravention of the principles of the Helsinki Final Act to which both HMG and the Irish Republic profess to subscribe. There is no

recognition by the Irish Government or the SDLP of the total exclusion of unionists from any say in the running of Northern Ireland under the Anglo Irish Agreement. Now that the Irish Republic's government has a formal role in relation to Northern Ireland and what their paper describes as *"gains.....in the relationships between the two governments"* (p.21), the Republic is seeking a broader agreement, incorporating all the Anglo Irish Agreement's potential, functions and elements in full measure (pp.21 - 22). It is now interested in "a new and more broadly based structure" (p.20) "new arrangements" which will "transcend the context which was designed to prevent the realisation of the aspirations of one tradition" (p.22) and which will give *"parity of esteem and equivalence of treatment in a practical sense"* to the nationalist aspiration.

This verbal smoke-screen in reality means:-



- (i) that the 1920 Settlement should be set aside;
- (ii) that there should be joint sovereignty by the Republic and the United Kingdom over Northern Ireland; and
- (iii) that, failing joint sovereignty, there should be joint authority with full involvement of the Republic in all Northern Ireland's affairs.

## **PEACEFUL CHANGE**

It is important, for the record, to point to the disservice done to clear thought by the use of metaphorical language, loose characterisation of groups as reflecting traditions, simplistic stereotyping of groups as monolithic communities, and identification of political groupings as communities with traditions.

Continuous bleating that communities cannot express their identities and aspirations, and that institutions must be created to allow

"accommodation" has led to such folly as the signing of the Anglo Irish Agreement. It has also mislead naive observers and foreign governments, unaware of nationalist irredentism, into thinking that nationalists have been denied any opportunity to effect democratic change in Northern Ireland's position within the United Kingdom.

In reality, ever since the Border Poll of 1973 a mechanism has been created to give the opportunity of achieving their aspirations peacefully in a border poll. What the Irish Republic's government really wants is for the United Kingdom government to make a decisive break with the Unionist community *"to enable them to come to terms quickly with Irish unity"* (p.16) and, as long as that is not done, it justifies its intervention in Northern Ireland affairs and support of nationalists in Northern Ireland.

According to Helsinki principles, it is the duty of the government of the Republic to refrain from encouraging border revisionism and it is reprehensible that they decline to honour these principles.

## DEFINITIONS

The loose attribution of "*identities*", characterised in a fashion convenient to the proponents, leads to grave error, particularly in relation to the so-called "*unionist*" identity or tradition. The Irish government does not seem to realise or at least does not acknowledge that it is inherent in unionism, not merely that Northern Ireland remain an integral part of the state of the United Kingdom of Great Britain and Northern Ireland (from which the Republic - in the style of the Irish Free State - seceded), but that the people of Northern Ireland,

as established in 1920, should at no time be governed by the Republic of Ireland, either directly or indirectly.

Furthermore, unionism insists that the people of Northern Ireland, who together with the peoples of England, Wales and Scotland comprise the people of the United Kingdom, are entitled to self-determination and are not part of the people of the Republic of Ireland. [The latter people having exercised their right of self-determination in a different fashion to create the Free State, later the Republic.] The free will of the people of Northern Ireland to exercise their self-determined right to remain within the United Kingdom was manifested in the Border Poll conducted in 1973. The poll, on 8 March 1973, produced the following result: -

Do you want Northern Ireland to  
remain part of the UK?      591,820

Do you want Northern Ireland to be  
joined with the Republic of Ireland  
outside the UK?                      6,463

Indeed, if the choice were to be forced upon them, unionists, as part of "*the people of Northern Ireland*", are likely to ensure that the Northern Ireland people's right of self-determination is exercised to create a British independent state of Northern Ireland, rather than approving entry into the non-British Republic of Ireland.

## **IRRECONCILABLE?**

Some people do not like the harsh truth to be bluntly expressed, but it is too dangerous to allow loose language and verbal goodwill to obscure enduring realities. The truth is that as political philosophies Ulster unionism and Irish nationalism

are irreconcilable. **Unionists cannot have their cake and let the Irish Republic eat it.** The Irish Republic received its share of the cake in 1921/1922 and confirmed its acceptance, legally, formally and internationally in 1925.

The island was shared out in the early 1920's and the future should be about good neighbourliness and cooperation and not about upsetting the nearly 70 year-old settlement by absorbing unionists into the Republic or under the Republic's jurisdiction, direct or indirect. That latter course is denying the unionist tradition rather than respecting it, which the Opening Statement professes to do.

## **SELF-DETERMINATION**

In this connection it is important once and for all to dispose of the misguided notion that "*communities*" have rights of self-determination. Communities are merely elements that comprise a people.

Accordingly, to talk about,

"the nationalist community in Northern Ireland having self-determination"

is a fundamental misconception. Only "*peoples*" have the right to self-determination, and since 1920 there has been a "*people of Northern Ireland*".

In Northern Ireland the *Unionist community* is not on the same plane as the *Nationalist community*. To state otherwise is a fallacy. What would nationalists have said if unionists in the South had argued such a proposition when the South broke away from the UK? The argument would have run like this:-

*"There is no argument for the self-determination of the Nationalists of the South that cannot be applied to the Unionists in the South with at least equal force."*

Southern Nationalists would have said that such a proposition was sheer lunacy.

## **TERRORISM**

Having had to be blunt about the realities and misconceptions, there is yet one more important truth that needs voicing. Chickens do come home to roost. At pp.16 - 17 of the Opening Statement the Irish Republic refers to tragic deaths, costs and losses in the Republic. No people are better placed than unionists to understand and sympathise with those who suffer loss through terrorism. Had earlier Irish Republic governments especially from 1969 to 1972 [and again in relation to prevention of preparatory terrorist activities in the Republic], been willing to take really firm measures, the monster of IRA terrorism would not



have grown to the extent it has. Naturally the Republic has also suffered.

We cannot but agree with one contention in the Irish Republic's Opening Statement concerning the outcome of the process, namely that: -

"Failure would not be a neutral development which left things as they were."

The substantial increase in so-called "*loyalist*" killings since 1985 is evidence of the violence of despair. The Chief Constable's Report, just published, shows that from comprising only 20% of terrorist killings ten years ago loyalists last year killed 46% of those murdered in terrorist related deaths. Such killings we unreservedly condemn as we have always done and would abhor any suggestion that these should be used to support a

political argument. Yet our fear is that this substantial increase will continue in the atmosphere created by the belief that democratic politics cannot bring change. Nobody should be in any doubt that our sincere conviction is to work to avoid such a condition. It should be stated however that failure to remove the territorial claim will continue to act as a spur to IRA violence.

## **THE EUROPEAN CONTEXT**

The Irish Government paper argues that we are all going to be one anyway in the Super State of Europe, "the Europe of the Regions" referred to by Mr Hume. If that is so then according to this paper the object of Irish nationalism will be attained. In that case why all the trouble? Let Northern Ireland stay as part of the United Kingdom, for the United Kingdom is in the EC along with the Irish Republic and as we go on, with all borders disappearing, we

will all be one. Are they arguing that they will be back in the United Kingdom as well? The truth is, the EC will not give Irish nationalists their goal. That is why they make the arrogant and insulting demands contained in their paper.

## **TREATMENT OF MINORITIES**

Another development which the unionist community is prepared to go along with, is the elaboration and implementation of standards for treatment of minorities, whether in a UN, a Council of Europe or a C.S.C.E. (Conference on Security and Cooperation in Europe) context.

We believe that, if our Strand 1 proposals are adopted, both the political majority and the political minority in Northern Ireland will be able, as the people of Northern Ireland, freely to express their

identities and aspirations and enjoy the benefits of revived self-government in transferred matters. That is what the Irish Republic's government should be encouraging, so as to conform to international law. Their professions of acceptance of the Helsinki principles and their declared desire for good neighbourliness between the two peoples that share the island of Ireland would acquire a practical significance. We further believe that minorities in the Irish Republic would benefit by similar treatment.

## **STRAND PRIORITIES**

We do not accept the SDLP thesis that these Strand 2 talks are:-

"the most important of all the discussions that are taking place in these talks."

Implicit in this dictum of the SDLP is their belief that Strand 2 discussion can result in an alteration in the Constitutional Status of Northern Ireland. Such a belief could conceivably justify what is otherwise a patently outlandish statement.

Moreover, we do not believe the relationship with the Irish Republic, important though it may be, is, or can be, more important than the relationship between the two sections of the community in Northern Ireland. Nor is it more important than the continuing relationship with the rest of the United Kingdom.

## **THE CAUSE OF FAILURE**

It is not surprising that each delegation at this table has a different historical perspective. We cannot, however, leave the SDLP account unanswered.

First they seek to place the situation on a different setting from that which exists. They claim:-

"the arrangements to date for sharing the island among the two traditions have manifestly failed to bring peace and stability."

The reality is that the island is not divided between two traditions. It is divided into two States each with a right of self-determination. It is bogus and indeed dishonest to refuse to accept the validity of the Northern Ireland State, work for its destruction and then claim it has failed to bring stability. Such thinking is just as jaundiced as the IRA carrying out a campaign of terror and claiming that the existence of Northern Ireland has not brought peace.

The SDLP then attempt to speak on behalf of the unionist people.

"A major factor in this failure has been Unionist distrust of the rest of the people of the island. This was the reason why they rejected Home Rule with all the consequences of that rejection."

The SDLP suggestion that unionist rejection of everything from Home Rule to the Anglo Irish Agreement is due to distrust of the people of the Republic is glaringly false. Unionists reject anything that endangers their position within the UK. We are not undiscovered Irish nationalists. We are unionists by conviction not just because we do not trust the people of the Republic. It might be more acceptable to the SDLP if it were not so but in truth we are unionists in heart and mind and we are unionists to stay. The SDLP paper ends with the same type of gross inaccuracy that pervades it. It reads:-

"Our quarrel began in the 1690's. Let us at least end it in the 1990's."

We will leave it for others to conclude why the massacre of tens of thousands of Protestants in the 1640's was not considered to be the starting point of "our quarrel".

## **THE REALITY**

Northern Ireland is a 70 year-old State. Its existence is as much a fact as is the existence of the Irish Republic. Instead of trying to find a way to destroy Northern Ireland the way forward is surely to see that proper good neighbourly relations are established between both States with the Irish Republic ceasing to annex Northern Ireland or lay any claim to jurisdiction over it.

The Opening Statement suggests: -

"The poles of the problem are between those who resent the very existence of Northern Ireland..."



Here is the basic difference between unionists and nationalists. Unionists do not resent the very existence of the Republic. They recognise it and wish it well as every proper neighbour should. They do not wish to annex it or claim its territory. Nationalists, however, are different on their own confession. They resent Northern Ireland being a part of anything other than the Republic. By every natural or nefarious means they seek to annex it and rule it.

## **GENEROSITY TO COME**

Even the most cursory analysis of this paper from the government of the Irish Republic leads us to conclude that the "*generosity*" unionists were promised by the former and present leaders of Fianna Fail is still in front of us. We look forward to having it demonstrated.

# CONCLUSION

This process can provide a new starting point of mutual recognition, respect and esteem. It can encourage the two separate States on this island to live side by side in peace and harmony - each being an aid to the other - cooperating on all those matters that joint action can promote.