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INTRODUCTION

Sir Patrick Mayhew has, over the past number of weeks, gone on record calling on Northern Ireland's elected representatives to involve themselves in a talks process. Government policy appears to be hypnotised by this catch phrase as if it is some magical process that will end the troubles and establish a new set of relationships between the two countries in the British Isles. Sir Patrick has the audacity to claim an "insight" into the minds of the vast majority of citizens in the province by his claims that he knows that they all desire a talks process.

The greater number of people want an end to the violence, they undoubtedly want the government to take action against the terrorists, and yes, they want to be listened to and be heard. But, that does not mean to say that they want a talks process as a substitute for effective government, with a proactive security policy.

If the Secretary of State and the NIO officials really listened to the people of Ulster they would not utter this policy of folly. All that the Secretary of State calls for, and all that is offered is a return to the wasteland of last year and the year before. The previous talks process has political debris which must first be swept away before any new political process can begin.

What is that debris? If one word could be written over the policy of this government and successive British governments who have dealt with Northern Ireland and attempted to form a policy to end the troubles, that word would be concessions. Government policy in the province

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has ignored the voice of the electorate. It, undoubtedly has heard them speak at election time, at the border poll, and through their elected representatives, but the Government has not listened. It has trampled upon the will of the people. Rather than implementing an effective policy the Government has embarked upon a merry-go-round of making concession after concession to the Dublin government, the SDLP and ultimately to IRA terrorists. This policy has led to the alienation of the Unionist majority in an ever increasing momentum.

It is profitable to cast our minds back over the past 21 years and consider this policy and its legacy. During the 50 years of the Northern Ireland Parliament (1921-1972) violence was at its lowest on both a daily and yearly comparative basis. In fact, throughout those 50 years there was less terrorist violence than there has been subsequently during particular weeks, or even days! With historical hindsight this is a breathtaking fact. When Northern Ireland was created it was the intention of both the British government and the Free State government, to starve it of oxygen and let it die.

Not only had the state to contend with political intrigue in London, but also with violence at home and beyond its border. The minority of nationalists in Northern Ireland were self-ghettoised and self-excluded from supporting the state. They were encouraged by their politicians and their Church to destroy the state. In return, and by contrast, the state held out its hand to this discontented minority. It made special provisions in law for them and encouraged them to play a meaningful role. In the Free State, the government embarked upon a vicious campaign to destroy

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the province. They set about a civil war of their own and attempted to make Northern Ireland part of that bloodletting. On failing, they embarked upon an anti-partition campaign which sanctioned state terror and economic boycott against Northern Ireland. Their own attempt to make Uister non viable almost resulted in self destruction. Such was their hatred.

In 1937 the Irish Free State reconstituted itself and in that Constitution made the question of the border and ultimately sovereignty, a constitutional issue. It illegally claimed the territory of Northern Ireland and what it could not control in fact it legislated for In fiction, "pending the reintegration of the island". Such a claim was a direct violation of international standards and In particular a violation of their treaty obligations.

Once the inter-war British government realised Northern Ireland could not be suffocated it left the province alone to get on with the day-to-day business of economic and political survival. Its ability to develop despite the great handicap of prejudice against it not only provided its people with the backbone to survive but made it an invaluable resource during World War 2. This was recognised in 1949 when in the Ireland Act the position of Northern Ireland was reaffirmed as follows:-

"It is hereby declared that Northern Ireland remains part of His Majesty's dominions and of the United Kingdom and it is hereby affirmed that in no event will Northern Ireland or any part thereof cease to be part of His Majesty's dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland." AL

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[It is worth noting that no Parliament has ever - or will ever - take the province out of the Union].

It was during the 1960s that the British government, after 30 years of virtually ignoring the Northern Ireland Parliament, embarked upon a policy of intervention. No unionist denies the sovereignty of the Westminster Parliament over Northern Ireland, then or now, but it was not the fact of intervention, but rather the way of intervention that mattered.

Instead of listening to the elected representatives the government ignored their advice and took soundings from world opinion and Dublin government opinion. A part of the Kingdom they had for so long forgotten, suddenly became of interest, not because of any genuine desire on its part to do something for Northern Ireland, but due to the clamour by outside opinion to make concessions to both republicans and the Dublin government. No matter how peculiar the province may have appeared to *Mainland* opinion it was foolish and dangerous to impose suddenly an agenda for radical change. Since then, concession followed concession and we must ask, to what avail?

In 1972 the Parliament of Northern Ireland was prorogued in an attempt to end the violence and impose what the government dreamt was normality. The violence rocketed and continued to climb. The last demand of the Northern Ireland government before it was suspended, was that it continue to exercise a meaningful role in security. Demands for special police powers and reinforcements were ignored. Today the troop levels are far beyond what

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could be called normality. With hindsight, would it not have been worthwhile listening to the majority?

Not content with the demise of the Parliament, Nationalists and Republicans demanded more concessions. up by the Dublin government the British government failed to learn the lesson of not listening. The Police were undermined. The B-Specials insulted and disbanded and all on the basis of unfounded allegations. The official historian of the IRA said it was the B-Specials "alone" who could stop the IRA seeping through the cracks. of defence was removed as a concession. establishment of the UDR, originally intended by Roy Hattersley as a concession to Nationalists, an "instrument of peace" became the target of selective abuse by those same Nationalists and a target for murder by Republicans. The déjà vu nature of the attack on the Regiment and the hardly disguised concession, last year, to disband, purge and merge them into the RIR, and all without proper parliamentary debate, cannot be denied.

Politically, the veto was taken from the electorate and passed to the SDLP. If the logiam in Northern Ireland is to be broken, the government must give the political veto back to the people. The SDLP has been able to act with impunity. They can pick and choose their sovereignty, but political progress cannot be made unless they are in absolute agreement and control of the form of "progress", and have the involvement of the Dublin government along with them.

HMG and the NIO must realise that the SDLP and Dublin want to destroy Northern Ireland. This may appear a

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harsh judgement but it is completely accurate. They are both on record as saying "Northern Ireland is a failed entity". They deny that they have played any part in the failure and claim it all results from partition and unionist intransigence. It has been the SDLP's intransigence which has led to the escalation of the conflict.

The government have accepted the SDLP-sponsored lie. Its acceptance has been marked by concessions. In 1985 the Government conceded the sovereignty of Northern Ireland by surrendering to Dublin and giving them a role in the internal affairs of the province. The Anglo Irish Agreement gave more real and effective political power to the Dublin administration than to Northern Ireland's own elected representatives. Mrs Thatcher practically admitted that the diktat was not for unionists but was a sop to the SDLP - a line of argument Garret Fitzgerald endorses in his memoirs. The unionists, she said, had the Assembly, and the SDLP had the Agreement. Today it is only right to ask "where is the Assembly?" It was broken up at the behest of Dublin and the SDLP - yet another concession.

It took six years for the government to realise that unionists would not accept the Anglo Irish Agreement. In entering talks, like it or not, all parties were accepting the failure of the diktat. It was accepted that the talks process was about finding an alternative to, and a replacement of, the '85 It was also about negotiating a new set of diktat. relationships.

The UDUP embarked upon the course of talks eagerly and in good faith. After all, it was our initiative and in our interest to do so, and genuinely. We were told Dublin Ministers

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were going to be generous in relation to their territorial claim to Northern Ireland. When we got into the talks proper, however, the Irish government defended their claim. They refused to budge on it. We expected that HMG would make a robust challenge to the illegal claim but it conceded that the claim which it once told Parliament was "illegal" was now only "unhelpful". It failed to discharge its duty of defending the integrity of the United Kingdom during these discussions.

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With this in mind, the UDUP is no longer convinced that the talks process, as previously constituted, is the best way to proceed. It is not helpful to address the issue of relationships, until the central issue of sovereignty has been adequately resolved. The three-stranded process, therefore, is not the way forward.

The UDUP refused to continue in a facade of negotiations. We refused to pursue something that had obviously become an illusion for democracy. The ultimate myopia in the talks process was not our refusal to talk in Dublin Castle - it is not a question of geography - but Dublin's refusal to negotiate on the crucial issue.

These concessions need never have been made. The government always had an alternative. Obviously this government can only be held responsible for its own mistakes. They failed to challenge Dublin on the crucial issue of sovereignty. The concessions have gone so far and for so long that it is now an embarrassing hook to remove.

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The talks, which the Secretary of State is so keen to restart, need not have ended in the first place. Their abrupt closure, on two occasions, resulted from the joint governmental decision to have an "all important" Anglo Irish Conference meeting. [Another concession]. If the governments were genuine about talks they should have continued with the talks process without interruption. The premature end of the talks process was really a Dublin government sponsored abortion; the baby wasn't wanted because it would mean facing up to certain unpalatable responsibilities.

Calls to restart the talks process have now become a concession to pressure from Dublin, the Roman Catholic Church leaders, and the SDLP. Dublin wants to get involved in Northern Ireland's internal affairs, and if not, then force the USA to involve itself. These calls for talks are, in a perverse way, a concession to the IRA, as they cloud the need for effective counter-terrorist measures by turning the spotlight of blame onto politicians for not talking. Such talks will not stop the violence.

For all the concessions, democracy in Northern Ireland has had nothing in return. Ulster's political process is in a logiam as a result. The electorate has been excluded from a real say in their own governance. It is time to break the logiam.

This is a solemn issue. It is not a matter of highlighting the government's failure and then walking away. Any failure now will affect Northern Ireland's future. The UDUP in this paper puts forward a viable alternative that can breathe new life into the democratic process and break the logjam.

Will the government be positive in response? Will it listen? It is hoped for the sake of our people, that they will.

THE LIFE AND DEATH PRIORITY

The defeat of terrorism must be the number one priority of the government. No issue can be of greater importance than the elimination of the suffering which the people of Ulster have had to endure for 25 years. People must have confidence that the authorities have the will and the strategy to defeat the IRA and, as the Chief Constable has said, the defeat of the IRA would bring about an end to all other terrorism as well. The recent declaration from the Security Minister, however, that the IRA was "already defeated" confirmed what Ulster men and women have believed for many years - that the British government is completely out of touch with reality and has no idea how to deal with terrorism in Northern Ireland.

Complacency and drift, have been the hallmarks of so-called "security policy" over the years. It is a reactive policy of "holding the ring". It is a "sit and walt" policy of containment. It is a failed and flawed policy and it will continue to fail in the future. The price which is being paid in blood on the streets of Ulster for the government's criminal negligence in falling to destroy the cancer of terrorism, has been great and terrible. Over 3,000 people have been murdered, and over 30,000 have been maimed and injured, as well as hundreds of millions of pounds worth of damage to property, and an economy reeling from the effects of terrorism.

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The present situation in the Province is grim. The Chief Constable has warned of the massive threat posed by the IRA, and its ready access to arms and explosives imported into the Irish Republic. At the same time paramilitaries on the other side of the community have become more ruthless and lethal. The responsibility for the dire situation in which the Ulster people find themselves, rests squarely with successive British governments. Rather than throw off the woefully inadequate policy which has brought us to this point, the same old failed policy is being pursued.

As elected representatives of the people of Northern Ireland, we have no power to effect the much needed changes, except to continue, at every turn, to Impress upon the government the very great anger and frustration felt by all right-thinking people in the province at the escalating spiral of violence, and to spell out what action is needed to bring that violence to an end. Our warnings and advice have gone unheeded. The government has permitted the carnage to reach this crisis point and, alas, worse could be ahead.

Right across the community In Northern Ireland, the fear and frustration at the government's failure to halt the slaughter, is palpable. Surely now, more than ever, with all sides in the community experiencing the fear of rampant terrorism, the government will find it easier to overcome resistance to the Implementation of the measures which are necessary and essential. The government must be prepared to break loose from the constraints imposed by Dublin, and the fear of antagonising sectional interests in the USA and Europe. The conditions are right for the introduction of a new strategy almed at pursuing, rather

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than reacting to, the enemy. But fundamental to victory is the possession of the will to win the war against terrorism. Such a will has been glaringly absent for the past 21 years. Now it is needed more than ever.

Let no one be in any doubt that any political initiative, short of surrender to the IRA's demands for a 32 county all-Ireland Republic, will cause the IRA to go away. Those who believe that talking around a table will stop the terrorism in our midst, are fooling themselves and seeking to fool the Ulster people. Even if there were to be political agreement, Ulster would still be faced with the scourge of terrorism. This is the reality and it must be acknowledged. The IRA will never be defeated by political measures alone. There must be the military defeat of terrorism, and no effort should be spared to bring about that defeat at the earliest opportunity. The UDUP has already spelled out in detail some of the measures which need to be taken. We commend these proposals once again to the government.

BRINGING THE UNION ALIVE

As stated in the introduction, "it is not helpful to address the issue of relationships until the central issue of sovereignty has been adequately resolved." The UDUP is convinced that until Northern Ireland's constitutional position is fully recognised and accepted, without ambiguity, then progress cannot be made.

The Union between GB and NI has been under severe attack. It has been undermined by government policy and by its rejection of the democratic process in Northern Ireland. Northern Ireland's place in the Union is

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imperative, and it is up to the government to enhance its place as a partnership for good. At present the people of Northern Ireland are convinced that the Union, as far as the government is concerned, has a *shelf date*. Such an approach creates constitutional uncertainty, motivates political machinations, and inspires terrorism. Enough political uncertainty is generated by the current ambiguous position, thus ensuring that a political solution cannot be found. It is the government's responsibility to implement a policy which encourages the Union to flourish for the positive betterment of all the citizens of Northern Ireland.

The government must express a deep consciousness of the cultural, social, democratic and historical importance of the Union to Northern Ireland, and Northern Ireland to the Union. Northern Ireland's constitutional position has been permitted to drift. This has in turn destroyed the democratic process and smothered political development. There is no security of tenure of the Union as far as the government is concerned. The government does not discharge its responsibility to Northern Ireland in the same way as it does in any other region of the UK. In Northern Ireland the government has, at best, become a facilitator of constitutional change in a certain and predisposed direction. It is not reinforcing and underwriting the Union but taking soundings on possible changes in the distant, or not so distant, future.

The government must maintain and strengthen the Union of Great Britain and Northern Ireland. A robust and dynamic implementation of the Union will be able to:

(1) absorb the political differences in Northern Ireland;

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(2) sustain the region economically; and

(3) transcend, by the strength of the cultural identity, indigenous divisions.

Moreover, it is the overwhelming desire of the people of Northern Ireland that such a partnership is permitted to exist and evolve.

At present the constitutional guarantee states:

"It is hereby declared that Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom, and it is hereby affirmed that in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of a majority of the people of Northern Ireland voting in a poll held for the purpose of this section and in accordance with Schedule 1 of this Act. (Northern Ireland Constitution Act 1973.)"

The government emphasise the latter part of this guarantee to the extent that it no longer appears to be a guarantee at all, but rather a way of destroying the Union. Hence, in the Anglo Irish Agreement 1985 HMG along with Dublin declared,

"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 their respective Parliaments legislation to give effect to that wish."

Government statements expressing "no selfish, strategic or economic interest in Northern Ireland", and the Secretary of

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State's offhand yet candid revelation to a German news magazine that he would "with pleasure" release Northern Ireland from the United Kingdom, are seen as a deliberate attempt to break the covenant of people's loyalty to the United Kingdom.

One independent academic authority has observed:

"Northern Ireland's current status as a conditional part of the United Kingdom is seen as anomalous in an international context. The conditional nature of Northern Ireland's membership of the United Kingdom is reflected in the fact that British governments acknowledge Northern Ireland's right to secede from the United Kingdom. This is simply the logical obverse of the constitutional guarantee that Northern Ireland shall not cease to be part of the United Kingdom without the consent of a majority of the people of the province. makes Northern Ireland's position different from that of every other part of the United Kingdom, but comparable to that of Britain's remaining colonies. They too remain bound to Britain only by the consent of their Inhabitants. In effect, the province enjoys a status somewhat above that of a colony but below that of, say Scotland. Northern Ireland's position is unusual, even in a British context. It would be quite unthinkable in most other countries that part of the national territory should be regarded as, in principle, detachable."

Government Ministers have, by their pronouncements on the Union, become soothsayers and prophets. They claim to foretell what will or will not be the democratic will of the people in 50 years time. These prophesies confuse the present and have transformed Northern Ireland into a constitutional oddlty. Clearly a redefinition of the

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constitutional position as a "partnership for good" would bring the Union alive. It would clear the air on this centra issue and leave Dublin in no doubt about Ulster's sovereignty. The British government must demand the retraction of the Republic's territorial claim over

Constitutional certainty would contribute in various ways to improving how Northern Ireland is governed. It would strengthen Northern Ireland's place in the Kingdom and destroy the resolve of those terrorists who have sought to break the Union. We contend, it would further prevent an escalation in reactionary terror.

As a first step it is a must for the Government to put renewed emphasis on the fact that the Union matters, not just to Northern Ireland, but to the whole of the Kingdom. To quote the government's white paper entitled Scotland in the Union - "account must be taken of the Union by all government departments, at all times." celebration of the bi-centenary of the Act of Union of 1800 A national should be prepared for. A Fund should be established, the purpose of which would be to foster the sense of union and importance of unity by supporting major projects in all parts of Northern Ireland and throughout the United Kingdom. concerted recognition of Northern Ireland's status is necessary.

Pride in the distinction of Northern Ireland's contribution to the United Kingdom must be promoted. For example, the variety of religious identities, the cultural mixture, the quality of its schools, universities and industries.

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Parliament at Westminster is the Parliament of the whole of the United Kingdom. That Parliament must begin to reflect the diversity of all the constituent parts of the Kingdom. Having pressed for so long for a Select Committee of the House of Commons for Northern Ireland, we trust that the informed indication that it might be set up in the Autumn will be realised. though we recognise, as does the Government, that this is no substitution for real devolution, nor is it a solution of Northern Ireland's problems. We further contend that improvements should be made in the process to abolish the Order in Council legislative procedure and cease treating Northern Ireland as a second-class member of the Kingdom. HMG's own "think tank", SACHR, have proffered this same advice to the Secretary of State for Northern Ireland. No hesitation should prevent the creation of new bodies and institutions to take account of the distinctive identity shared with Northern Ireland.

The Union is currently not being promoted with the goal of emphasising the identity of Northern Ireland within. The government has permitted the diminution of the Union. This is reprehensible and has had serious and profound consequences. The government needs to recognise Ulster's needs and respond sensitively to them.

Government accountability in Northern Ireland has become invisible. The quality of the Union is vanishing. The above proposals are designed to improve the visibility of the Union in Northern Ireland.

Belfast should be the venue for more national activity. Belfast is a capital city within the United Kingdom, and as

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such is an eminently suitable venue for a range of national activities. There is no reason why Belfast should not have hosted a meeting of the European Council in the same way that Edinburgh did in December 1992 European summit. This would put Belfast on the world stage as an Internationally recognised capital city - for all the right reasons. Other important state and national events should be planned for Belfast and throughout Northern Ireland.

The Union is a partnership of peoples from Northern Ireland, Scotland, Wales and England. It is a partnership that has evolved over time, an enduring and adaptable partnership which has stood Northern Ireland in good stead. It should be strengthened.

It is now the government's responsibility to commence the process of improvement. This paper challenges the government to demonstrate how the Union is good for Northern Ireland and Northern Ireland is good for the Union. It is a partnership that has endured and matured. Above all, it is a partnership for good.

THE ACHIEVABLE ALTERNATIVE

The last Talks process which sadly failed due to SDLP and Dublin intransigence, had several inborn weaknesses. First, a high profile event billed as capable of solving all our countries ills, was soon to become a media circus. The "goldfish bowl" setting both raised expectations in the community and put unnecessary pressure on participants. The nature of the build-up made failure all the more dangerous, the feeling of hopelessness making the political vacuum more pronounced.

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The second difficulty flowed directly from the agreement reached by all the parties in the ground rules for the talks, which determined that "nothing is agreed until everything is agreed". This principle, inserted as a protection to each party, in practice ensured that nothing was agreed. In the end all progress was stymied because of this principle. It can no longer hold.

The third problem area surrounded, not for the first time, the length of the suspension of Conference meetings and the related work of the Secretariat. The Dublin Government insisted on pressing ahead with Conference meetings - HMG meekly obliged - and as all parties had agreed that the life of the Talks process was limited to the period between Conference meetings, the process was thereby ended on two occasions.

From the UDUP's angle of vision, the necessary sense of reality has not yet dawned on the nationalist participants, and nothing that they have said or done since their stubbornness brought the last process to an end, would suggest that new Talks on the same basis as before would succeed. The unthinking repetition of calls for politicians to sit down and talk, does not take into account the very high cost of further failure. No agreement can be reached without Dublin removing from their Constitution the territorial claim to Northern Ireland.

This week Conor Cruise O'Brien emphasised this point:

"It was different, however, during the Anglo-Irish negotiations, Garret Fitzgerald gave Margaret Thatcher to understand, with the backing of Dublin's legal

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advisers, that Article 3 of the Irish constitution suspending implementation of Article 2 - cancelled out
the territorial claim. This was blown out of the water by
the Supreme Court in 1990, when it said Irish unity is a
constitutional imperative. I can't see how any
consequential unionist can reach an agreement with
Dublin, with those articles and that Interpretation in force......
Now he has it, nothing will be done. Fianna Fail's
formula is that once the Unionists get down to serious
discussions they will be addressed. That is to say that
when the Unionists agree to a united Ireland, there won't
be any need for Articles 2 and 3!"

Movement on this was promised before the last Talks. The prospect of unionists being surprised at the generosity of Dublin Ministers was tantalisingly dangled in front of us but it amounted to nothing when the Talks took place. The Dublin delegation told us that the writing of the Republic's offensive constitution was, "the best day's work that De Valera had ever done." It was described as "a tremendous document" by their spokesman.

This hardly lived up to the generous response we were promised, and we are entitled to conclude that their defence of the illegal claim to our territory and their total refusal to make the least change in their constitution indicates that Dublin is not yet ready to step into the twentieth century and take its place as a friendly neighbour.

Everyone must face reality and recognise that failure would be the certain result of any attempt to reach a new relationship until Dublin grasps this nettle. LANA BARRES

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Why should the people of Northern Ireland be imprisoned in Constitutional uncertainty because Dublin cannot make the necessary changes to behave in a neighbourly manner? The government now has a duty to find the best form of government for Northern Ireland as part of the United Kingdom. This issue is capable of resolution.

This is a matter for HMG, the Parliament of the United Kingdom and the people of Northern Ireland. The Irish Republic would be excluded as they were In Strand 1 of the previous Talks. It should be urgently entered upon. It also appears that it is the most achievable area of agreement.

We suggest that an election should be held under existing legislation to a Northern Ireland Assembly, but with the right to put to Parliament any proposal on the Government of Northern Ireland which gains the support of 60% of the Assembly.

The Assembly would be charged with the task of agreeing a form of Government for the Province, firmly within the United Kingdom, and should start with the provisional agreement reached by all four constitutional parties, including the SDLP, In Strand 1 of the Talks on 1st June 1992. Regrettably, the next day, the SDLP representatives, on the instructions of Mr John Hume, took this provisional agreement off the table.

HMG is already on record as saying they would have no difficulty in legislating for and supporting such a formula. Any agreement about the Government of Northern Ireland arrived at by the Assembly and supported by the United Kingdom Parliament must be put to the people of the Province - and them alone. As during the last Talks

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process, Dublin would, rightly, be excluded from these negotiations.

If and when these negotiations are brought to a successful conclusion, and Dublin has removed from its constitution the territorial claim, the Assembly should then be charged with the responsibility of negotiating the relationship it wants to have with the Irish Republic to bring about an alternative to and replacement of the Anglo Irish Agreement. In the event of this stage being reached, the Anglo Irish Agreement would have to be suspended for the period of these negotiations.

This structure 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 progress one step at a time.

We realise that other parties will not endorse all our views on the historical past. Each will hold to their own account, but we maintain that most of the Northern Ireland community sees the situation from this same perspective. The UDUP seeks to dispel the simple notion that only through a duplication of the failed talks process can progress be made. We say there is a better, available and more achievable alternative.