

SUMMARY RECORD OF STRAND TWO MEETING - MONDAY 20 OCTOBER 1997 AT 11.30AM

CHAIRMEN: Mr Holkeri
General de Chastelain

THOSE PRESENT: British Government
Irish Government
Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Sinn Féin
Social Democratic and Labour Party
Ulster Democratic Party
Ulster Unionist Party

1. The Chairman (Mr Holkeri) convened the meeting and, following on from last week's session, proposed that participants approve the record of 7 October. He asked for comments. The UUP said there needed to be more consistency between the shorter Strand One minutes produced thus far and the lengthy records from Strand Two. The party said it believed the Strand Two minutes should be as short as possible. The SDLP said if all parties submitted their papers on time, the Strand Two record would probably be much shorter!

2. The Chairman said he would consider the points raised and asked if there were any objections to the minutes of 7 October. Hearing none the Chairman declared these approved as circulated. Referring to the minutes of 14 October, the Chairman said that these had only been distributed on Friday past and therefore he considered it best to defer approval of this record to the next Strand Two meeting.

3. The Chairman stated that the agreed business of the meeting was to consider item 2 - "Constitutional Issues". The Chairman reminded participants that Senator Mitchell had

asked for papers, from those parties who wished to produce them, to be submitted by the previous Friday at 14.00. Those papers which were submitted had been circulated on Friday and an additional one circulated after receipt this morning. The Chairman said participants could now express views on their introductory papers and add to these with further comments if they so wished. This was agreed. The Chairman then asked the British Government to begin the initial tour de table.

4. The British Government said to begin with it wished to make reference to the birth of Senator Mitchell's son and to send everyone's united good wishes to him. The Chairman said he would convey these to the Senator. The British Government said it wished to briefly outline its position on "Constitutional Issues". It said that the papers circulated raised questions of fundamental importance. They were, however, ones on which there was a large, though not universal, measure of agreement. The principle of consent was widely accepted among participants, as the papers showed. There was a recognition of the need for what it had called a balanced accommodation of the views of the two traditions. The British Government said it had sought to encapsulate, as best it could in its paper, these understandings.

5. On the question of constitutional status, the British Government said it believed it was essential that the democratic wish of a greater number of the people of Northern Ireland should be upheld on the question whether they preferred to support the union, or a sovereign united Ireland. Northern Ireland was currently part of the United Kingdom, by the wish of a majority of its inhabitants, and it must remain so until and unless a majority favoured a united Ireland. Without that, the British Government said it would be wrong to make any change in status. It said there must, however, be no impediment to the pursuit of change in status by democratic means. If a majority favoured it, that wish must be respected, and legislation brought forward and supported to give effect to it.

6. The British Government said it was an essential reflection of the principle of consent in another of its aspects that new arrangements for Northern Ireland had to fully respect and protect both communities and ensure the participation of both. Both Governments

were committed to reflecting these principles in constitutional legislation, as part of a settlement of the kind outlined. The British Government said it welcomed, in this context, the commitment of the Irish Government to introduce and support proposals for change in the Irish Constitution, reflecting the principle of consent.

7. The Irish Government said it wished to second the notion of best wishes to Senator Mitchell. It said that the item before everyone today was the most serious of all the issues under discussion in the negotiations. The Irish Government said “Constitutional Issues” went to the very core and origins of the divisions which the negotiations were seeking to overcome. They related to the partition of Ireland and the relationship of Northern Ireland with the rest of the island of Ireland and with Great Britain. They were central to the identity and aspirations of both nationalists and unionists.

8. The Irish Government said nobody could dispute that the present constitutional arrangements governing the island had been a cause of long-running dissension. While nationalists had refused their consent to those provisions of British constitutional legislation governing the status of Northern Ireland, unionists had made clear their rejection of Articles 2 and 3 of the Irish Constitution. It said it was against this background that the two Governments accepted in the Joint Framework Document that any overall settlement would need to include a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

9. The Irish Government said it continued to regard the approach set out in the Framework Document as the most likely means of achieving such an accommodation. It had therefore set out, in full, the relevant paragraphs of the Framework Document in the paper which had been submitted to the Chairman. The Irish Government said it was deeply sensitive to the profound importance of constitutional issues for both traditions in Ireland, in terms of identity, allegiance, aspiration and ethos. That was why it had stressed in its paper that whatever emerged from the negotiations in terms of constitutional change could not reflect, in any sense, the pre-eminence of one tradition over the other, but rather had to represent an honourable, balanced accommodation of the positions of both.

10. The Irish Government said there might be time only for a preliminary exchange of views today on these highly sensitive issues but hopefully if everyone continued to follow the constructive pattern of last week's exchanges, it believed all could look forward to a useful and detailed exchange of views at a later date.

11. Alliance offered its congratulations to Senator Mitchell. The party said that constitutional issues represented a very difficult and central issue in the negotiations and as a result it was likely to be the last item to be fully agreed. Alliance said there was a large amount of consensus on the same basic issues such as the right of the people of Northern Ireland to decide their own future, which it believed was a cornerstone for the process. The party said Northern Ireland was part of the United Kingdom because the people themselves had chosen this. This was an important fact. Alliance said it could hardly be difficult to reach a consensus on this. It was a simple fact even for republicans to acknowledge.

12. The party said the people of Northern Ireland couldn't be dictated to by the rest of the island on this issue. There could be no imposition. Alliance again said that it should be possible to reach a conclusion to the issue on this basis though this might be a little difficult when one looked at the wording of the Framework Document. Alliance said it wished to see the principle of consent built into both constitutions, thereby replacing Articles 2 and 3.

13. The party said there were some other issues in its paper such as taking account of recent developments regarding the emerging schemes for devolution in Scotland and Wales. Another issue focused on the requirement for some mechanism to entrench the aspects of any settlement and the framework needed for the protection of human rights etc, but consent was uppermost in the party's mind.

14. Labour offered its congratulations to Senator Mitchell. It said it hadn't submitted a paper on "Constitutional Issues" but wished to rely on previous papers submitted in both Strands One and Two. The party said it had no strong views on the traditional constitutional issues but it would endeavour to ensure that discussions and agreements

reflected the desires and concerns of all traditions. The party said questions of identity had to be addressed openly and honestly and its objective had to be to establish a society where cultural pluralism was the norm and was cherished by all. Such pluralism should not threaten any but bind all in recognition of the different but interwoven history.

15. Labour said the central principle of all discussions had to be directed towards creating a genuine integrated society at peace with itself and to this end agreement had to include removing the barriers to integration. Fundamentally and crucially everyone had to aim to create not two communities treated equally but one community where everyone was treated equally. Labour said it felt that it was only possible at this point to put forward outlines and principles. When these were agreed it would make further proposals on how these principles could be carried out.

16. The NIWC congratulated Senator Mitchell and offered its best wishes to his family. It asked the Chairman if it could come back at a later stage in the meeting to convey its views since some technical difficulties had arisen with the production of the party's paper and it was not yet available. The Chairman agreed and said he would move on.

17. The PUP said it would be brief. It said that both Governments had recognised, in their opening remarks, that the current position of Northern Ireland within the United Kingdom should be accepted by all the participants. If this was the case perhaps real progress could be made. The party said, however, that the Irish Government couldn't simply say that it accepted the principle of consent when it continued to have Articles 2 and 3 in its constitution. The party said that if everyone was to move on in Strand Two, then they had to recognise that greater co-operation needed to be achieved not only between Northern Ireland and the Republic but also between Northern Ireland and Scotland, Wales and England. The party said it was therefore better to look at constitutional issues in a regional sense.

18. The PUP said the process needed to send a signal to the unionist people that they had nothing to fear from it. It also had to be remembered that in terms of Northern Ireland's

present constitutional position there were many Catholics who wished to stay within those arrangements. The party said it needed the Irish Government to do more on Articles 2 and 3. This was where the main difficulties lay. The process needed to build confidence based on the consent of the people of Northern Ireland. The PUP said this position had to be recognised if the process was to have a chance of achieving any success.

19. Sinn Féin said its aim in the negotiations was to begin a new era in the history of Ireland. The Irish political parties present were obliged to represent all their people. The people wanted progress. The process could make that progress and build a new Ireland on a constitutional basis. Sinn Féin said it was a republican party. It stood for the independence of its country. The challenge before everyone in the negotiations was to build a new and lasting relationship between the peoples of these islands. Those relationships had to be built on trust and justice. Sinn Féin said that on 22 October 1791, the Society of United Irishmen in their address to the English Society of Friends of the People put it in these terms: "As to the union between the two islands, believe us when we assert our union rests upon mutual independence. We shall love each other if we be left to ourselves. It is the union of mind which ought to bind these nations together".

20. Sinn Féin said this was the sentiment that linked these two pioneering democratic organisations, one Irish and one English. But mutual independence was not achieved and therefore the relationships of respect and trust between the two peoples could not occur. The party said that instead of the union of mind, came the Act of Union of 1800, the coercive inclusion of Ireland in the United Kingdom against the will of the Irish people. Sinn Féin said this Act of Union was but the latest chapter in the long history of conquest and domination of the Irish people by the ruling classes of England.

21. Sinn Féin said the primary aim of Irish republicanism was to dispense, once and for all, with the legacy of that unjust and coerced union and to replace it with a new relationship of trust between independent nations. Mutual independence and a new union of mind had to be its goal in the negotiations. For Ireland that meant the right to national self determination. Sinn Féin said partition had threatened the full achievement of Irish

independence. It had led to greater divisions within Ireland and had embittered further the relationships between Ireland and its nearest neighbour. Most tragic of all was the division of the Irish people.

22. Sinn Féin said it didn't underestimate the challenge presented to everyone by that division, still so deep to this day. Everyone had a monumental task to overcome the fears and suspicions which inhibited political progress. But everyone also had to work tirelessly until success was achieved in that task. Sinn Féin said it offered the hand of friendship to its unionist brothers and sisters. It looked forward to joining with them in building a new Ireland where political relationships were based on respect for the rights of each individual citizen within the nation, and of each section of the nation.

23. The party said it represented a section of the Irish nation which had suffered discrimination and repression for many decades. It had a vested interest in ensuring that in a new Ireland the rights of minorities were protected by the soundest of constitutional guarantees. The constitutional and political status quo it had had to live for the past 75 years had manifestly failed. The root of the failure was the constitutional connection with England. As an Irish republican party Sinn Féin said that that connection had to be broken. It asserted the independence of its country. It wished to replace the denomination Catholic, Protestant and Dissenter with the common name of Irishmen and Irishwomen.

24. Sinn Féin said it believed that it was possible for all on the island to move together to a new political and constitutional dispensation. Everyone had the right and the ability to determine their future. The party said the core of the conflict in Ireland came from the issue of sovereignty - the power to enact domestic legislation and make international treaties and the power to influence and to affect the every day lives of the people of this island. Sinn Féin said this was what lay as the core of the tangle of issues which the negotiations would address. The negotiation of a lasting political settlement had to address this with a view to finding agreement. The constitutional status of the six counties was at the centre of this process of negotiations.

25. Sinn Féin said that negotiations had to address, with a view to finding agreement, not just the issue of constitutional change but the issue of sovereignty. This involved the Act of Union 1800, the Government of Ireland Act 1920, and the Northern Ireland Constitution Act 1973. Sinn Féin said Britain's policy in relation to the exercise of sovereignty in the North and maintaining partition not only lay as the core of the conflict but brought a critical influence to bear on the negotiations themselves. Britain's policy in these regards clearly influenced the entire process, in every sense; the parameters, the conduct, the progress and the outcomes.

26. Sinn Féin said what was required was a level playing field which created a situation where it was the people of Ireland alone who determined the necessary agreements which a durable peace and stability demanded, a situation in which the British Government's role was to encourage, facilitate and enable. In the approach to this Sinn Féin said it would be folly for the British Government to incorporate policy in Ireland into its policy of devolution in Scotland and Wales. There was no equivalence in these situations. All of the historic and contemporary evidence pointed to the contrary. In Ireland this had consistently been an issue of sovereignty. The people of Scotland and Wales would take their own counsel on this issue.

27. The party said, however, the preferred option of the overwhelming majority of the population of Ireland was for a unitary, independent, sovereign all-Ireland state embracing the whole island of Ireland and providing irrevocable guarantees for the protection for the rights and liberties of every citizen on the island. This was the preferred option of the parties who participated in the New Ireland Forum. It was also the position of Sinn Féin. The party said it was, however, a matter for the people of Ireland as a whole to make manifest their preferences in relation to this in a clear, open, democratic and unambiguous way. That was through the free exercise of the right to self-determination without external impediment or interference. In that way the preferences of all sections of the population could be openly, freely and democratically expressed and measured. On that democratic premise progress was not only possible but contained an inherent democratic dynamic.

28. Sinn Féin said unionist participation and agreement was essential in devising the outcome to the negotiations and in formulating the guarantees they required. The party said it held that an agreement needed to address and resolve the issues of:-

- sovereignty;
- the constitutional status of the northern statelet and the constitutional legislation which underpinned it;
- Britain's policy on this core issue;
- unionist involvement, participation and agreement; and
- the exercise of self-determination by the people of Ireland.

29. The SDLP said its submission was itself rooted in a historical context. Beginning with partition, this had not effectively solved the problems for which it was intended but instead was unfair and unjust to a large section of the people in Northern Ireland. Apart from this, the party said that the Government of Ireland Act was also a totally unjust violation of the ability of the people of Ireland to self determine their future. The Act had ignored the wishes of the nationalist community in the North and had ignored the identity and sense of allegiance of that community as well. On top of this the Boundary Commission and what it set out to accomplish became a farce.

30. The SDLP said that not until the 1970's was another attempt made to address this situation. The party said that the 1949 Ireland Act contained the only constitutional statement of that intervening period. The SDLP said that the historical perspective was that the only constitutional position outlined in that Act ignored the fundamental rights of nationalists living in Northern Ireland. The party referred to paragraph 12 of its submission and the "experience of the nationalist community in the North has been one of political, social, economic and cultural disadvantage". The party added "even the provision in the

Government of Ireland Act for election by proportional representation, a radical departure from the British tradition for 1920, and one clearly designed to provide for adequate minority representative, was abolished as soon as the power to do so was given to the Stormont Parliament". The SDLP said there might be those who would just say that this was raking over the past but it was, nevertheless, a historical fact.

31. The SDLP said that in a State explicitly conceived and designed as "a Protestant State for a Protestant people" 40% of the population were left out of this description and were also left without any meaningful participation in the political structures that ruled their lives. The party said that paragraph 18 of the Framework Document recognised this fact and that this also had to be considered by the process as another statement of fact. The SDLP said it always recognised that the historical fact of 75 years of partition had created a few realities. The party wasn't pretending that it was negotiating in a pre 1970 context; the only way to bring about a united Ireland was by consent. This statement, however, didn't imply that the party should consent to the status quo. This was not going to happen but it did, nevertheless, bring back into focus the whole issue of the principle of consent. The party said it wished to solve the problems of the past but not by going back to them. The SDLP quoted paragraph 19 of the Framework Document which it stated that both Governments "agree that future arrangements relating to Northern Ireland and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of the identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there". The party said there was a need to identify future arrangements but these had to be new ones to take account of the Framework Document language.

32. The SDLP referred to paragraph 20 of its submission and to the position accepted by successive Irish Governments "that in the event of a comprehensive agreed settlement in Northern Ireland, the Government would propose to the people and support changes in the constitution to reflect the commitments in the Joint Declaration, including the requirement of consent of a majority of the people in Northern Ireland". The party said this asserted that the people of Ireland could determine what amendments should be made to the Irish Constitution but that such amendments needed to be part of a overall settlement

from the negotiations which did not ignore the nationalist identity and commanded nationalist consent. The SDLP said that the Constitution of Ireland was the fundamental political statement of the Irish people. Nationalists would not object to changes to it designed to remove any perceived threats to the identity of the unionist community, but would expect that their right to be part of the Irish nation would be unimpaired and fully expressed in political terms.

33. The UDP asked that the words "relating to the Republic of Ireland" be inserted in the first line of its submission after the word "nature". The party said it had read some of the papers and believed that a historical analysis was helpful so long as one was aware of the complexities of the situation at that time. The UDP said the people it represented viewed the constitutional position of Northern Ireland as sacrosanct. The vast majority of the people in Northern Ireland hoped that it would stay that way. The party said it would be pursuing the issue of Articles 2 and 3 and other Articles in the Republic's Constitution with the Irish Government. So long as these Articles remained in place, they continued to be an impediment towards developing good relations between Northern Ireland and the Republic.

34. The UUP extended congratulations to Senator Mitchell. The party said much had been spoken about history during the discussion. In the midst of all of this some hard facts had emerged but the UUP said that many of the remarks were on the green side and were therefore, to those of a British allegiance, not recognisable. The UUP said no one should be dwelling on history. In the historical context of Ireland, it really depended on what date you started and when one did select a date it was then relatively easy to build a case from this point which suited one's own political ends.

35. The UUP said that it had been the Irish who had invaded the island to begin with, driving out many of those originally from Scotia in the process. The presence of the Irish in Ireland had been a problem ever since and an Irish minority and a British majority in Northern Ireland was at the heart of this ongoing problem. The UUP said that as regards the British Isles, there were two sovereign states; the United Kingdom and the Republic of Ireland. In international law there ought to be no constitutional issues between them.

36. The UUP said it began its remarks in this Strand by making it clear that the Framework Document was not a basis for the party's approach to the negotiations. Nevertheless it welcomed statements from other participants regarding the principle of consent vis a vis Northern Ireland. The party said it looked forward to working to achieve better co-operation within the island and between the islands and it looked to see better conditions in which to get on with this. The UUP said that Articles 2 and 3 were seen as a major obstacle to the creation of better relationships and it was this issue which was most likely to unlock the other issues in this Strand. The Chairman asked for other comments.

37. The NIWC said in its approach to constitutional issues it had prioritised aspects that (a) brought benefit and positive progress to the peoples of the island and (b) promoted co-operation and interdependence among people at the level of Ireland, the islands and the European Union. The party said to this end it accepted the importance of thinking in terms of east/west as well as north/south co-operation while recognising the structural synergies which were possible to achieve in the island of Ireland. In developing this theme further, the party said it wished to highlight co-operation in the area of economic issues, identity and citizenship.

38. On the economic side the party said it was clear that both Northern Ireland and the Republic were small open economies that shared many common challenges such as dealing with long term unemployment, low levels of research and development and heavy reliance on the agricultural sector. Equally while there was twice as many people employed in manufacturing in the Republic of Ireland as in Northern Ireland, both sectors were relatively small. The party said that structures of co-operation and cross-border decision-making mechanisms should be put in place to facilitate economic strategic planning on a cross-border basis. These should address the promotion of economic development and inward investment. The party said the present competition between the IDA and the IDB should be changed to one of complementary strategies, which did not allow multinational investors to play one region of the island off against the other. Economic infrastructure, eg transportation, energy, R&D activity, should be developed on

an all-island basis; and strong industrial clusters straddling the border should be developed.

39. The party added that the benefits of island wide strategies with regard to tourism, agriculture, environmental controls, water management and trade promotion were also self-evident. To achieve this in practice, however, cross-border institutions with delegated decision making powers were required to drive integrated approaches forward. The party said it also agreed with the statement contained in the Common Chapter of the National Development Plan of the Republic of Ireland and the Single Programming Document for Northern Ireland that “both Governments recognise the need for economic regeneration to proceed in harmony with the principles of equity and equality of opportunity and the need to secure social cohesion”.

40. The NIWC said that in line with a focus on the beneficial impact of planning for an all-island economy, there was also a need to take steps towards the creation of a single labour market, with the specific aim of creating one of high quality. There was a need to develop coherence in employment services, labour market policy, social security policy and taxation policy. An agreed minimum wage policy could also prevent the emergence of distorted differential development. The party added that given the importance of the active participation of many sectors of society in the development of these cross-border frameworks, it was crucial that multi-sectoral alliances and fora should be actively encouraged on a cross-border basis, to complement the decision-making mechanisms.

41. The NIWC said it wished to see an integrated approach to the use of a minimum allocation of EU Structural Funds in the 2000-2005 Plan for an integrated all-island approach, with a strengthened Single Chapter policy and implementation approach. It recognised the sensitivities of all Ireland institutions as underlined previously by the PUP that impacted on issues related to citizenship, identity and allegiance, within the communities of Northern Ireland.

42. In terms of citizenship the NIWC said it had to be possible for people within Northern Ireland to opt for British, or Irish citizenship or both. The right to vote in appropriate elections and to carry passports must be agreed and guaranteed to the peoples of Northern Ireland. If Articles 2 and 3 were to be amended, they would need to be replaced with legislation which would guarantee those people of Northern Ireland who so chose to carry an Irish passport; potentially have a direct vote in Irish Presidential elections, and a possible recognition of the right of District Councils to make nominations for the Presidency on the same basis as County Councils'; and to have a more inclusive and active involvement in the various sectoral representations in the Seanad Eireann.

43. In other words, the NIWC said that, in place of the territorial claim, it would seek to see a more active effort by the Republic of Ireland to include those people of Northern Ireland - who chose to exercise the right - in a more active Irish citizenship. The party said that rights attached to British citizenship must also be guaranteed by the United Kingdom Government, for so long as the people of Northern Ireland chose to avail of them, whether on an individual and/or on a collective basis. The party said there must also be a sense of security for the people of Northern Ireland in both their British and Irish citizenship. This did not require cross-border institutions with executive functions, to underpin it, but it would require the agreement of the two Governments under Strand Three.

44. In terms of identity, the NIWC said it recognised the importance of people within Northern Ireland being Irish and British; or Ulster and British; or Ulster and Irish, as the case might be. A purist sense of either "Irishness" or "Britishness" could not be taken as the sine que non of political credibility or of acceptable political allegiance. It seemed clear that both north/south networks and east/west networks were required to underpin this complexity of chosen identities.

45. The NIWC said it welcomed the statement by the British Government the previous week that its role in Strand Two was to: "encourage, facilitate and enable the achievement of a comprehensive agreement based on full respect for the rights and identities of both traditions". Equally, the party welcomed the recognition by the Irish Government that "a

new political dispensation is required representing an honourable, democratic accommodation between the two major traditions with which both can live, and which is based on consent, and on full respect for the concerns, rights and identities of all”.

46. The NIWC said one of the rights it accepted was the right of people within Northern Ireland to aspire to either the re-unification of the peoples of the island of Ireland, or for Northern Ireland to remain part of the United Kingdom. However, it also accepted that neither aspiration could be enforced, or resisted by violent methods, and every opportunity had to be afforded to allow the development of other aspirations through discussions, structural synergies for the benefit of all, and the examination of stereo-types and fears. The NIWC said it supported the position outlined in paragraph 30 of Sinn Féin's paper on “Principles and Requirements” in Strand Two. The party also felt, as the UUP had stated, that such mutual understanding should occur on an east/west basis (with the regions of the United Kingdom) as well as on a north/south basis. It was clear, however, that any such network of arrangements could only be consultative and advisory in nature. This was not to undermine their importance, but to recognise that there must be a co-operative approach for the issue of mutual understanding to be progressed on a productive basis. The NIWC said that a consultative Council of the regions of the two islands might be considered to take forward these issues.

47. The NIWC added that it accepted there was a requirement to put in place firm safeguards to underpin both individual and collective rights in both Northern Ireland and the Republic of Ireland. It supported the incorporation of the European Convention on Human Rights and Fundamental Freedoms and the enactment of a comprehensive Bill of Rights. Furthermore, given the realities of the divided society in Northern Ireland, it acknowledged a role for the Government of the Republic of Ireland in being a joint guarantor of such rights, with the British Government. In terms of human rights the party said it also placed a strong emphasis on the issue of the rights of women, and of minority ethnic communities, as well as those pertaining to the two main traditions on the island of Ireland.

48. The NIWC said it envisaged the institutionalisation of its web of relationships and arrangements in the following manner: An acceptance of a number of areas of joint responsibility for the Governments of Britain and the Republic of Ireland in terms of citizenship and the protection of individual and collective rights, and an east/west, as well as north/south Council of the Regions to consider - on an advisory and consultative basis - issues of cultural identity and common interest and a formal north/south body to take forward the structural synergies around economic and certain social issues, rooted in a clear criteria that any such synergies were in the mutual socio-economic interest of the peoples of the island.

49. The NIWC said it envisaged that such an institution would need to be composed of a number of elected delegates from a Northern Ireland Assembly and the Dail (proportionate to the strength of the respective parties in each), which would have certain limited decision-making powers, operating on the basis of a sufficiency of consensus principle, to progress the structural synergies. In conclusion the NIWC said it wished to re-assert its aspiration for a development of the recognised interdependence and mutuality between the peoples of these islands, rather than any narrow concentration on territorial claims. It said it accepted the limitations and contradictions surrounding the concept of the nation-state and nationalism and, rather than this, a sense of mutuality, pluralism and respect around principles of human rights, equity and inclusion, underpinned by equitable social and economic progress, should be built.

50. Alliance said that it had stuck to specifically constitutional issues in its paper, but others had raised historical matters which the party now wished to address. Following on from a point made by Sinn Féin, Alliance referred to the involvement of Presbyterians such as Dr Drennan from Belfast in the united Ireland movement. However, in a similar way to what had happened in the French Revolution shortly before, liberal Presbyterians had withdrawn quite rapidly from the movement as it became more socialist and, in particular, more violent. It had to be asked why dissenters in the 1790's favoured Irish independence but in the 1890's were supporters of the Union. Alliance said that one reason was the development in the 1800's of nationalist political power based on a specifically catholic and

Gaelic outlook, so that Irish independence came to represent a threat of domination by this ethos. What unionists saw in southern Ireland after 1922 only confirmed to them that they had been right.

51. Alliance said that it was inaccurate to call the 1937 Constitution the settled will of the Irish people, as a significant portion of that people had had no opportunity to vote on it. It was also difficult to say, as the SDLP had, that the 1949 Ireland Act gave no recognition to the nationalist viewpoint, as it contained provisions that citizens of the Republic should not be regarded as foreigners in the UK. The party said that the 1937 Constitution was a deceptive Constitution, in which De Valera had pretended to hold to his Civil war principles while ignoring the nationalists in the North. Alliance said that history could be used to prove any viewpoint; the need now was to understand why we are so divided. On the specific suggestion by the NIWC about people in Northern Ireland having voting rights in the Republic, Alliance said this would actually take away from the rights of people in the Republic. The NIWC clarified its earlier comment by confirming that it had referred to voting in the Presidential election rather than for political parties.

52. The SDLP said it had tried in its submission to use allusions to the historical context, not to engage in point scoring or blame, but to show that all the efforts in the past to resolve the situation had failed to provide peace and stability. That much was surely self evident. A series of constitutional arrangements - the 1920 Government of Ireland Act, the boundary settlement, the 1937 Constitution, the 1949 Act etc, had all been inadequate in significant ways with respect to one or other section of the community. The party had tried to point out how those failures had led to the present situation, and it had a responsibility also to the people it represented to show how they had suffered as a result of these events. It would surely be difficult for any party to argue that these events had taken adequate account of the wishes, aspirations and identity of people in the nationalist community in Northern Ireland. Despite the statement by Alliance, what the 1949 Act had to say about people from the Republic was irrelevant with regard to northern nationalists.

53. The SDLP acknowledged that unionists saw Articles 2 and 3 in a certain way, and found them offensive. But at the same time the UUP had shown a very dismissive attitude, exhibiting no understanding, except in passing, that there was an Irish problem at all. The party's submission tried to learn from the past, not to undo it. The future lay in addressing the totality of the issues, including an acknowledgement of the problems which the constitutional position created for the nationalist tradition. Accepting the principle of consent, as the party did, did not mean an end to the discussion of problems related to constitutional issues. The UUP submission, and those of the PUP and UDP, seemed to show an unwillingness to address some of these concerns. When a significant proportion of the population withheld their consent in any political unit, that unit had serious problems. That these problems could go unacknowledged by some parties indicated a failure to address the key issues.

54. Sinn Féin referred to the UUP statement that it was the arrival of the Irish which had given rise to the problems in Ireland, and noted that the Government to which the UUP gave allegiance seemed to fundamentally disagree with this analysis. The party said the key requirement was an arrangement obtaining the consent of both unionists and nationalists. Nationalist consent had never been given, and would not be obtained without significant constitutional and political change. Consent could not be a veto. The party said that the submitting of papers was a useful first step, to help understand the position of others, but there was little point of getting into the business of asking adversarial questions. The sooner these papers are submitted real negotiations begun and the better. Sinn Féin also said that progress would require parties to recognise that Sinn Féin, which represented 43% or more of the nationalist community, would have to be a party to the negotiations.

55. The UUP said it wished to put brief questions to some participants. For its own part, the party would address anyone's concerns, and would be proceeding on the basis of enhancing co-operation between North and South and East and West. The UUP asked the NIWC it accepted that there was co-operation between the two tourist boards, without the need for any all-Ireland body with executive powers. The NIWC agreed that the tourist

bodies were co-operating productively, and said that there were areas where co-operation did not require executive powers, while other areas might. The UUP asked the British Government if it still agreed with the Prime Minister's Balmoral speech in May in which he said that constitutional change in the Republic in advance of a settlement would be helpful in building confidence. The British Government agreed that, as stated in its submission on this item, it saw constitutional change in the Republic as an essential element of an overall settlement and, in answer to the specific question from the UUP, agreed that it would be helpful if this were done in advance.

56. The UUP asked the Irish Government whether it was going to make constitutional changes in advance of a settlement. The Irish Government said that the Constitution was a very important document which had stood the test of time. The British Government had spoken from its own perspective on change to the Constitution and the Irish Government would do the same. The Irish Government said it wished to make it clear that there would be no tinkering with the Irish Constitution in advance of substantive negotiations. It was committed, in the context of substantive talks, to look at Articles 2 and 3, but one didn't set out one's stall in advance. The process was about dialogue and negotiation. It had come to the talks in peace and for peace and to try to solve the very complex problems which faced everyone.

57. The UUP said the Irish Government's reply was atrocious. Articles 2 and 3 were the obstacle to real co-operation as it obtained elsewhere in the EU. The party said that the British Government had said it would be helpful to address this issue in advance, but now the Irish Government said this would only happen at the end. The party said it would now have to withdraw and reflect on this. The Irish Government said that it was very conscious of the sincerely held views of unionists about Articles 2 and 3, but the Government could not engage in discussions on the Articles prior to negotiations. The UUP was not satisfied, and withdrew from the meeting.

58. Sinn Féin expressed disappointment with the performance of the UUP, and was concerned this might continue throughout the negotiations. The party called on the PUP

and UDP to detach themselves from the UUP strategy at the talks, and disputed the UUP contention that Articles 2 and 3 were the heart of the problem. It was not because of these Articles that nationalists had been unjustly treated throughout the history of the Northern Ireland state. The PUP said it should surprise no-one that the three unionist parties submitted similar papers, as they were at one on the constitutional position of Northern Ireland. The party was disappointed with the response of the Irish Government. The party regarded Articles 2 and 3 as illegal and said they should be removed, and had asked that this be given serious consideration as a confidence building measure.

59. The Irish Government said that it had given a commitment that, as part of an overall agreement, it would introduce and support proposals for constitutional change. It would be inappropriate however to do so in advance of such a settlement. The Articles in question were as valued by the nationalist community as they were offensive to the unionist community. It was important also to remember that the Constitution could not be changed except by referendum, and the people would not support such a change other than in the context of an overall settlement, accepted by both traditions. As regards illegality, the McGimpsey case had made clear that Articles 2 and 3 had to be interpreted in accordance with Article 29, which committed the State to the peaceful settlement of disputes. The Irish Government stressed that it had accepted that the Constitution would need to be made consistent with an overall agreement. The British Government asked for confirmation, arising out of these remarks, that the Irish Government was ready to discuss and consider the nature of constitutional change alongside substantive discussions. The Irish Government confirmed this.

60. The UDP said it regretted that the Irish Government had not completed its initial reply to the UUP after that party walked out, as there were other delegations present who would have wished to hear it. The party also wished to make clear that it was not attached to the UUP, and was pursuing its own strategy at the talks. Labour said it disagreed with the attitude displayed by the UUP. All parties were supposed to be acting in good faith, but the UUP's attitude to Sinn Féin did not meet the requirement for genuine negotiations. Every party could ask questions designed to disrupt the discussions, if they wished, and

the process would go nowhere. Labour deplored the action of the UUP in walking out over disagreement on one issue, and wondered if it was just an excuse not to enter into discussions. The party commended the UDP and PUP, who held similar views on Articles 2 and 3, but stayed to talk.

61. Sinn Féin wondered if the UUP were now making the removal of Articles 2 and 3 the new precondition for negotiations. Summary demands were inappropriate in this process. Parties had to work on the basis that nothing was agreed until everything was agreed. The SDLP said it had spoken earlier of its disappointment with the attitude already shown by the UUP in the talks, and this had now been reinforced by the walkout. Points made by other parties that the UUP might have been expected to address had been given no consideration by that party. The meeting was looking at issues at the very heart of the problem, and it was very childish to walk out because answers in the first preliminary round of questioning were not to their satisfaction. It would be difficult to make progress if this position was maintained.

62. Following consultation by the Chairman, it was agreed to adjourn the meeting to 15.00. At that time, the meeting would briefly reconvene to see if the position of the UUP had become clearer, as well as looking ahead to the next meeting. The scheduling of the next meeting would, however, be decided by the Business Committee on 22 October, but the Chairman said he expected it would be at 10.00am on Tuesday 28 October. The Chairman then adjourned the meeting at 13.29 until 15.00. At 15.08 the Chairman called the meeting to order and said the Irish Government had asked for the floor. The Irish Government said it wished to set out its position on Articles 2 and 3. As the negotiations progressed, the Government would discuss proposals for change in the Irish Constitution as part both of balanced constitutional change and of an overall agreement. This shared position had been set out by the two Governments in the Joint Framework Document. All items, including balanced constitutional change, were on the table and open for discussion. The overall agreement, including its balanced constitutional dimension, would be put to the people in referendums at the same time.

63. The Irish Government repeated that it was deeply aware of the views of unionists on Articles 2 and 3, and was listening carefully to what they had said about this issue. The Irish Government said it was also aware, however, of the deep significance of these Articles for the identity of the nationalist community. An honourable agreement must address both of these realities together, and ensure equality of allegiance. This was not an easy problem, but the Irish Government for its part would not be found wanting in meeting this challenge.

64. The Chairman noted that this concluded the discussion at this stage on agenda item two, and asked participants for their views on two questions raised by the Chair at the previous meeting: whether the Strand should continue to discuss agenda items one per week as at present, or combine remaining items; and whether parties should still be asked, on an optional basis, to continue submitting papers on each item. The UUP said it would be happy to take agenda items 3 and 4 together, but the SDLP felt item 4 - involving the relationship of new structures with Governments and others - could not be taken at the same time as the discussion in Item 3 on what those structures should be. The SDLP also said that it found it quite onerous to have to produce one or two papers each week, and suspected this was also difficult for the smaller parties.

65. The PUP and Labour agreed with the SDLP that paper writing was causing difficulties, and looked forward to the talks moving beyond this initial stage of submitting papers. Both parties also expressed doubts that the papers were being read very closely by other parties. Alliance felt strongly, however, that items 3 and 4 in particular called for written submissions, as the subject matter was now moving from the general and nebulous into the specific and concrete. Parties would need to begin putting specific models and details forward.

66. The Chairman concluded that it seemed best for the moment to proceed with items singly. He recalled that a discussion on scheduling at the previous Strand Two meeting had suggested a return to the original pattern of Strand One on Monday and Strand Two on Tuesday, and this had been conveyed to the Chairman of the Business Committee, which

would meet on Wednesday 22 October. Subject to the deliberations of the Business Committee, the Chairman anticipated that the next meeting of the Strand would take place on Tuesday 28 October at 10.00am, and on that basis called on participants who wished to do so to submit papers on item three - Nature and Extent of New Arrangements - by 10.00am on Monday 27 October. The Chairman then adjourned the meeting to the call of the Chair at 15.26.

**Independent Chairmen Notetakers
23 October 1997**