

Office of the Independent Chairmen

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SUMMARY RECORD OF STRAND TWO MEETING - TUESDAY 20 JANUARY 1998 AT 1112

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 at 1112 and recalled that on 13 January the Plenary had decided on today's session being devoted to Strand Two issues. Before going further, the Chairman expressed, on behalf of the Independent Chairmen, Senator Mitchell, General de Chastelain and himself, their concern about the renewed cycle of violence within society and the tension in the communities in Northern Ireland. All three Chairmen condemned violence from all quarters without reservation and were deeply saddened by the loss of human life. The violence was directed in large measure against the talks. All three Chairmen believed that the participants would remain determined to work for peace, stability and reconciliation.

2. Moving on, the Chairman indicated that there were two sets of Strand Two minutes which had yet to be approved, namely 4 and 10 November. These had

been distributed to the participants so the Chairman sought approval. Hearing no objections, the Chairman declared these minutes approved as circulated.

3. The Chairman stated that, as had been agreed at the 13 January Plenary, Strand Two would now begin to discuss relevant items flowing from the joint Government document "Propositions on Heads of Agreement". The Chairman said his first intention was to ask both Governments for their comments and then to conduct a tour de table. This was agreed and the British Government opened this phase.

4. The British Government said it was sure all would agree with and echo the sentiments expressed by the Chairman. Such events should make the participants even more determined to go ahead as this was the only alternative to the acts of violence occurring outside. The British Government said it wished to repeat its comments made yesterday at the Strand One meeting. The "Propositions on Heads of Agreement" paper was not a blueprint. It was a means to an agenda for the negotiations. The document was of course an integral part of the three stranded approach and therefore could not to be viewed in isolation from any of this. It had to be remembered too that the Strands had to relate to one another. The British Government said it was not for the Governments to impose solutions on the participants. The document was not designed to do this but rather the participants should use it to come up with an agreement at the end of the day.

5. The British Government said it wished to talk about some of the Strand Two ideas in the document. The fundamental proposal, as far as Strand Two was concerned, was the creation of a new North/South Ministerial Council made up of those exercising authority in Northern Ireland and the Irish Government.

The British Government said such members would come together to consult, co-operate and take decisions on matters of mutual interest with the mandate of an Assembly and the Oireachtas. Members of the Council would be accountable to those two bodies. All decisions would be by agreement of the two sides. The Council would operate independently from the new intergovernmental Council envisaged as part of the Strand Three arrangements. The British Government said the Council would also have the authority, within its mandate, to establish bodies or other mechanisms to implement policy as determined by the Council, including on an all-Ireland basis. Where it made sense, for example on issues where harmonising on cross border action was appropriate, matters would be dealt with on that basis.

6. The British Government said that was the essence of the document in front of this Strand Two session. There were, of course, other issues such as the source of authority, legal status and constitution of the new structures; the Council's powers, functions and responsibilities and how it should operate; the range of issues it should deal with; what the supporting bodies might look like and what arrangements were needed to make them properly accountable. All these were issues of detail and the participants had to exercise their minds in the days ahead on all of this. In order to do so, the British Government said what was needed was to work out a schedule or workplan and give some thought to the timing of future meetings and whether or not working papers should be produced on a party basis to help this considerative process. The British Government said it was important that everyone got on with this so that the momentum could be exercised now to achieve the end goal which all wanted.

7. The Irish Government said it welcomed the opportunity to begin detailed negotiations on the Strand Two elements of a comprehensive political

settlement. It was tragic that everyone was obliged to meet against the background of a most brutal and primitive campaign of sectarian murders. Such killings had no place in modern Ireland. The Irish Government said it wished to echo the earlier comments from the Chair on this issue and added that everyone had to ensure that those who were determined to destroy the talks process, and to drag the island back to the violence which had plagued it for so long, should not be allowed to succeed.

8. The Irish Government said before the meeting moved on to the detail of the Strand Two elements of the negotiations, it wished to make a few general remarks about the context in which the "Propositions" paper should be viewed. While it was essential that everyone moved quickly now from general principles to the details of an overall settlement, no one should lose sight of the essence of what the process was about. The reality was that any new agreement must have as its fundamental basis the need for profound change. The brutal murders over the last few weeks were a grim reminder that everyone could not go on as they had. The settlement everyone sought must address the fundamental challenge facing the people of Ireland, North and South. Both Governments, together, accurately described this challenge in paragraph 1 of the Framework Document as being "to remove the causes of conflict, to overcome the legacy of history and to heal the divisions that have resulted".

9. The Irish Government said the change which was required if this challenge was to be met must clearly cover all aspects of the problem on a comprehensive basis. In terms of the negotiations process, that meant that there would have to be change across all three Strands and across all the other areas identified in discussions. Such change would have to be charted on a balanced and inclusive basis, representing an accommodation between the positions of all

sides on the core issues. It was precisely because of the absence of such balance, such inclusivity and such an accommodation, that everyone was gathered together around the table.

10. The Irish Government said everyone now had an unprecedented opportunity to make a fresh start and put the past aside. The murders of recent weeks demonstrated again that there were those outside the process who were determined that it should fail. Everyone must or could not let them succeed. It was the political process which had to have primacy in determining the future of the island, as the SDLP Deputy Leader had said in the past. That was the challenge everyone had to take up in the critical weeks ahead. The Irish Government said that everyone should now engage fully in the detail of the negotiations, so that all could bring about the balanced and inclusive change that was so urgently needed. In sporting terms it was all to play for. In concluding its remarks, the Irish Government said it agreed with the British Government that it was the will of the participants as a whole to draw up proposals for taking forward the Strand Two discussions towards an agreement. It would play a full part in these and was of course also present to listen to what others had to say during the course of this meeting and beyond.

11. Alliance said it hoped the events of yesterday would not be repeated today. News of the murder in Dunmurry had reached the Strand One session late in the morning and news of the second murder had reached the participants as they headed for home. The party said it was clear that there were those who were more concerned with hate and destruction than peace. Not everybody wanted peace since there were those who would lose out if a settlement was reached. Alliance said the process would have to continue to struggle with those on the outside who wanted to see it fail and were doing their utmost to achieve

this. Within the process, the party said it welcomed the new stage of matters and the "Heads of Agreement" paper. It also welcomed the decision to take it in the strands. It said it wished to comment on a few aspects which were most relevant to the Strand Two business of today.

12. Alliance referred to its paper of 27 October, submitted to Strand Two on the issue of a new system of North/South relationships. The party said it had outlined a number of thoughts in this but had not put forward the idea of a Council of the Isles. That said, such a proposal had interesting possibilities. The fact that Parliaments would be established in Scotland and Wales was a significant development and pointed out that the fracture of relationships which had occurred in 1920 were not just on a North/South axis but also East/West, thereby encompassing all the component parts of the British Isles. The party said it was also struck by the fact that at present the Welsh, who along with Ireland had to deal with such issues as the pollution in the Irish Sea, could, under this new proposal, discuss such matters of mutual concern directly between Cardiff and Dublin rather than working through Westminster. There were other issues which fitted well into this approach so the party had no objections to this proposal.

13. In terms of the North/South Ministerial Council, the Implementation Bodies and the Inter Governmental machinery between the Irish and English Governments, Alliance said representatives of the Northern Ireland administration had to be involved in all of these when wider issues were discussed. This was very important. Recalling the 27 October paper further, Alliance said that it was going to be difficult for the process to sort out Strand Two when no one was sure what was yet going to happen in Strand One. The party referred to paragraph 2 of its paper to develop this theme and to say that

something needed to be plugged into Strand Two arrangements from the North. With regards to North/South structures themselves, the party said it had set down the areas of co-operation and the bodies which were needed to implement these. It had to be remembered, however, that it wasn't just about the Republic playing a role in the North but the North playing a role in the Republic. To illustrate this further, the party recalled a proposal from the 1991 talks whereby it put forward a case for North/South co-operation focusing on organised crime, drugs and terrorism since all three did not respect land borders. The proposal was based on a similar theme to those pertaining to customs arrangements whereby members of the Garda Siochana could work with the RUC and vice versa. Alliance said it saw no reason why such a model couldn't work both ways - despite potential problems regarding accountability etc.

14. Alliance said this was what it meant by mutuality and this point had to be taken seriously on the fundamental issues. The party said it was ready and prepared to look at those issues and their range but there wasn't a lot of time left to do this. The party said there was a view that Strand Two contained more work for the participants than Strand One. It was, however, Alliance's view that there were more complex issues in Strand One such as the setting up of structures and so on. Alliance said there was a lot of work to be done and it might therefore be necessary for sub groups to be convened to handle specific issues. But the important point was that there was no reason why all the participants couldn't work their way through all this to enable an agreement to be reached.

15. Labour began by asking whether there was a way out from the current violence. It said that everyone had to put the recent events out of their minds and get on with the job in hand. The party said it agreed with earlier PUP comments that the violence was extremely evil and calculated. Labour said all

had to decide now to go through with the exercise and come out the other end with an agreement. In terms of the North/South bodies, the party said those who had served on such bodies recognised that there could be a whole lot of issues progressed through them. It had to borne in mind, however, that such mechanisms would involve a sovereign Government and a region working together. The sovereign Government was bound by its constitution but then had to work with a region of the United Kingdom. The party said everyone had to exercise their minds on how such bodies could deliver the goods under these arrangements. One also had to think about the composition of such bodies and their functions as well as gaining a clear understanding of their responsibilities. There was no point having an airy fairy body with limited powers.

16. Labour reminded participants of the three issues which it believed should govern North/South bodies. They had to be open, transparent and accountable. There was no point in setting up cushy little structures away from the public view. Labour said the next issue for everyone was that they had to get down to working up a clear timetable of activity. The party said it supported the point made earlier by Alliance that there was little time left but a lot of work still had to be completed.

17. The NIWC said it agreed with the previous comments regarding the atrocities which were presently being carried out. The party said it was angry too that these incidents were occurring at a time when the process needed to show that it could move on and the time for grandstanding and delay was over. As the UDP had said in the Strand One meeting yesterday, everyone needed to move on across all the Strands. The alternative of walking away from the table and doing nothing was not on; it was time for each person to look and consider their responsibilities.

18. The NIWC said it wanted to see a North/South Ministerial Council along the lines of the European Union. It wanted to see strong and effective bodies taking decisions. The party said it also welcomed the rights and safeguards agenda in the Governments document but it did not see any North/South structures being under or subservient to any other body. It was the party's view that all bodies could and should work together; it couldn't understand the difficulties some people had with such structures. The NIWC said it was time to get down to the detail. The party had its reasoning prepared for the next phase. Now it was time to discuss the key issues in more forceful negotiations.

19. The PUP said it wished to be associated with the earlier comments on recent events and to the type of attitudes on display outside the process. The party said that when the original debate on Strand Two began it had asked two questions; would there be a Northern Ireland Assembly and would there be cross border relationships? The party said it needed answers to both these points in the affirmative. Those were the core questions. The party was present to negotiate. What was the position of the other participants?

20. Sinn Féin made a personal statement of thanks to all those who had offered condolences following the murder of Mr Enright. The party also thanked the Minister for Foreign Affairs for visiting the Enright family home. The party said it wished to extend its sympathy to both the UDP and PUP on the death of Mr Guiney. The party said it also supported the comments of the Chair and those of the other participants made earlier in the meeting.

21. The party said all around the table had a clear sense of responsibility to develop a political alternative to the current madness. It recognised that the talks

process was a difficult project to handle in this regard. Sinn Féin said it acknowledged the comments made by the two Governments regarding grasping the opportunity which was now presented to move rapidly ahead. The party said it was sure that parties would respond to that incentive. Sinn Féin said its position was set in the context of its preferred option which encompassed the issues of demilitarisation, sovereignty, the constitutional status and the equality agenda. The party's approach was based on a unitary, all Ireland state being established. It understood that it had the opportunity to listen to the case put forward by those who were diametrically opposed to this position. It also recognised what the PUP had said the previous day in terms of whether partition had resulted in progress or not. Those were the two sides which needed to be bridged within the negotiations.

22. Sinn Féin said it was time to move away from the status quo and generate a better future for every child. The party was present to negotiate, to advance the process of national reconciliation and to find a means of underpinning political democracy. The party said it had difficulties with the Governments' document in terms of its ability to bridge the two sides mentioned earlier. But it had to try and outline what these were. Everyone had to accept that there would be a diversity of opinion with regard to allegiance and so on, but it should still be possible to negotiate while recognising all of this. As had been stated the previous day, Sinn Féin said the true dynamic of the process was the interplay between the Strands. It said it hoped this could be reflected as the negotiations moved forward across the Strands. The party said there seemed to be some around the table who had difficulties with this but it hoped that it could be accepted by everyone. It would be listening to others to see whether they supported this concept or not.

23. The SDLP also joined in supporting the comments of others around the room on the latest upsurge in violence. The party said the reality of the situation was that it was either them or us - "them" being the people who were killing throughout the North of Ireland and "us" being the legitimate political process representing the vast majority of people. The SDLP said there was an enormous responsibility on those in the room to ensure that the "them" didn't win and the "us" could get a settlement to the problem. The party said it was also time to challenge the broad concept that whatever was good for unionists was automatically bad for nationalists or vice versa. This had to be challenged in the Strand negotiations. The party said the opportunity was before everyone to operate mechanisms which would be to the benefit of the people throughout Ireland. This was not an ideological position but a practical reality since it made sense to maximise the political potential of all who lived on the island.

24. The SDLP said Strand Two couldn't simply be viewed as an add on to keep the mix happy. It was a lot more than this. Neither could it be reduced or cranked up in certain circumstances. The Strand was a fundamental part of the political being of everyone. If participants were to view it any other way, then the sting could be taken out of the negotiations. At the end of the day the party said all around the table were going to have to accept compromise and this had to be achieved in Strand Two as much as anywhere else. The party said it recalled earlier UUP comments that Strand Two was a "stepping stone to a United Ireland". The party also recalled asking the UUP that if it (the SDLP) said the Strand wasn't this would the UUP view it any differently. The answer had been no. The SDLP said there was a more general realisation growing that each generation would write its own history and if participants were going to continue to live by the past then they wouldn't get to see the potential of any of the proposed structures in the Governments' document.

25. The SDLP said it did have probing questions on the Governments' paper. There were a number of statements which it wished to clarify. But the basis of the "Heads of Agreement" document should provide everyone with a starting point. On the issue of a Council of Ministers, the party said the main question here was the role to be played by possibly six Ministers in one Council. In relation to Implementation Bodies and Executive Bodies, the party said it couldn't see a great deal of difference between these. The party made the point that if those bodies were both exercising and implementing decisions from a North/South Council of Ministers on decisions made by Ministers then surely this would be fulfilling the requirement of maximising its part in an all Ireland context? The party said it also wished to ask questions on the role, format etc of the Secretariat which would be needed to service such a Council.

26. The SDLP said it didn't have any ideological problems with the proposal for a Council of the Isles. It saw benefits in this approach. In a broad sense nationalists would be defending their own position while trying to twist the arms of everyone else to get what they wanted. The party said there seemed to be few problems with this. What was important, however, was that any North/South arrangements could not be subservient to the Council of the Isles. The party also said it saw benefit in an inter-parliamentary body and had no great problem with enshrining the totality of relationships concept in that if such an approach was adopted. The party said it noted that the standing intergovernmental machinery would remain but it wished to explore some of this a little further. Realistically, the party said everyone was looking at around six weeks of activity remaining. The party looked forward to detailed debate on this and would be looking for reassurances in the responses to the fundamental questions which it would be putting forward during those debates.

27. The UDP joined the voices of others concerning the recent murders. The necessary transition in thinking had obviously not yet occurred in some elements. This was not surprising: it was not a matter of flicking a switch. Our job is to try to ensure that the killings do not continue. The party viewed that Propositions document as a basis for negotiation. It represented the broad character of what a settlement may look like. It contained difficulties, but also hope. It described more accurately than the Framework Document the totality of relationships to be addressed, which involved more than just Northern Ireland and the republic. The UDP had no problem in developing practical relationships between a Northern Ireland Assembly and the Government of Ireland.

28. The UDP welcomed the opportunity to explore the issues raised in the document. It was necessary to devise a workplan, as had been attempted in Strand One yesterday. The remaining time needed to be used as productively as possible or the process would be run into the ground, and leave the Governments to impose arrangements on us without any accountability. The party had supported the Governments' providing a propellant last week, but now it was up to the parties to move the process on.

29 The UUP joined in condemning sectarian violence, which both communities were suffering, and extended personal sympathy to all those round the table who knew or were related to victims. The Propositions paper from the Governments, which many delegations had asked for was before the participants. The UUP did not subscribe to this paper, which contained elements the party didn't like and some obvious omissions, the most blatant of which was the question of Articles 2 and 3 of the Irish Constitution. A reference to these would have been an important signal, and this needed to be rectified. The most

important questions for the UUP were the acceptance of the principle of consent of the people of Northern Ireland and the importance of the totality of relationships in these islands.

30. The paper covered a wide range of subjects. The Council of the Isles was interesting to the UUP because they attached much greater importance to links with the rest of the UK than any other link. The party would be alert to any backtracking by the Governments from their commitments in this paper. On the issue of mutuality mentioned by Alliance, the party was glad to see the reference to human rights protection in both parts in Ireland. The UUP was interested in North/South co-operation, and felt there was great scope for developing this, especially in the context of the EU. Articles 2 and 3 were the primary obstacles to greater co-operation. The Governments' paper gave some kind of heads of agreement: most would disagree with some elements of it, but a work program was now needed to address the details. It was clear that the agreement would not be a united Ireland, and would probably include a Northern Ireland Assembly. It was difficult to proceed very far with considering North/South structures until further progress in devising Northern Ireland structures was made.

31. The Chairman noted that it had been proposed by the British Government and others that the practicalities of future work be looked at. The meeting in London had been fixed, and the Business Committee would meet later today to discuss certain details. The format for the London talks had been agreed in Plenary, with limits on delegation numbers. He invited proposals from participants for future work. The British Government said that the Propositions paper gave an idea of the topics which needed to be discussed in detail. The third paragraph and indents indicated an agenda. Perhaps the Chairman's office could extract an agenda from that and from contributions here, to be put to the

first meeting next week. Some guidance from participants would be helpful - eg do they need guiding papers from the Governments on individual items?

32. The SDLP suggested a similar arrangement to that decided upon yesterday in Strand One, where the British Government (as Strand Chair) was to present a paper as a starting point. The party suggested that the two Governments through the Chair should present a paper to facilitate and inform the discussion. It was best to avoid another process of the parties firing papers around. At the question of the Chairman, the two Governments indicated they would be prepared to produce such a paper. Further exchanges confirmed that the paper would be a discussion paper, and not prescriptive. It would also incorporate suggested means of discussion - an agenda and perhaps suggested work program. In response to the parties' expressed hope that they would have time to digest the paper before the meeting in London, the Governments undertook to produce the paper as soon as possible, although the time available was not great. On the question of a work program, Alliance said that the four indents in the Propositions paper, and the following paragraph, indicated five broad topics to be addressed. The party suggested therefore a work program for London, giving half a day to each of these headings, which would ensure all were covered and avoid ranking them in priority, and leave a half day to see where we had got to.

33. The UDP said it would also be helpful if the two Governments provided a paper giving details of existing cross-border co-operation and suggesting potential areas for further co-operation. Both Governments agreed this would be useful, and undertook to work on such a paper. The UUP said the discussion paper from the Governments was a good idea, but the idea brought back the question of whether there was to be an Assembly: how could a paper be

prepared if this was not yet accepted? The PUP noted that the Strand One paper was being prepared on the basis that there would be an Assembly, so there seemed no problem preparing a Strand Two paper on that assumption. The British Government recalled the principle that nothing was agreed until everything was agreed: parties will have the opportunity to make clear their attitude to Northern Ireland structures. The PUP agreed it was possible to proceed on this basis - it could also be said nothing was disagreed until everything was disagreed.

34. The SDLP said it had consistently raised cross-Strand issues. Participants had to come to a decision on how these were to be dealt with. The NIWC and the UDP agreed with this. The UDP suggested the Business Committee be asked to look at this question, as envisaged in Rule 13 of the Rules of Procedure. The Chairman of the Business Committee said the Plenary had asked the Business Committee to look at this question: it had been on the agenda for the last meeting but had not been reached. He would raise it at the meeting that afternoon.

35. The Chairman concluded by noting the unanimous wish of the meeting for the Governments to produce a discussion paper to guide the future work, if possible by Friday 23 January. Alliance said it was surprised, in view of the urgency that all parties had expressed about moving on, that the meeting was to adjourn after less than two hours, and suggested reconvening in the afternoon. Other parties responded that they were not averse to doing so, but that there was probably little that could be usefully done in advance of receiving the Governments' discussion paper. There was also a Business Committee meeting in the afternoon, and many parties were planning bilateral sessions. The

Chairman adjourned the meeting at 1354, to reconvene on Monday 26 January at 1000 at Lancaster House in London.

**Independent Chairmen Notetakers
23 January 1998**