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SUMMARY RECORD OF STRAND TWO MEETING - TUESDAY 24 FEBRUARY 1998 AT 1417

CHAIRMEN:

Mr Holkeri
General de Chastelain

THOSE PRESENT:

British Government
Irish Government

Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Social Democratic and Labour Party
Ulster Democratic Party
Ulster Unionist Party

1. The Chairman (Mr Holkeri) convened the meeting at 1417 and asked for further comments from participants in relation to question (a) of the Governments' paper tabled in London on 27 January and the corresponding synthesised comments prepared by the Chairmen's staff and circulated to participants the previous day.

2. Labour said there had been a broad discussion on question (a) though it was unsure that any agreement had been reached prior to lunch. The party referred to the SDLP paper entitled "Economic consequences of partition in 1921". Labour said this excellent document had highlighted many problems. In relation to question (a) Labour considered that the SDLP paper represented a good starting point in terms of providing suitable answers as to the role of any North/South structures. The party, however, said it was probably better to get on and look at questions (b) and (c) and so on. The party said, in relation to both these responses, that any Council should be recognised in international law and implemented by legislation in each jurisdiction and it should be able to deal with any matters within the remit of either jurisdiction.

3. The Irish Government said it wished to come back to the issue of what was the motivation for such North/South structures. In response to the UUP's comments that each side would need to sell the merits of any agreement to its own people, the Irish Government said there was a strong political dimension to North/South bodies which were institutionalised and therefore provided an expression of Irish identity for northern nationalists. The Irish Government asked whether unionists could not sell the notion to their supporters that it was an essential political requirement for northern nationalists to have their allegiance validated by an institutionalised framework. If this wasn't possible then the process was faced with a fundamental problem.

4. The UUP said it was not opposed to the idea of having a relationship with the Republic of Ireland based on mutual respect and co-operation. There were clearly differences in thinking as to the nature and structure of such co-operation. It was also quite clear that many supporters of unionism didn't fully understand the political requirement referred to by the Irish Government. This was perhaps in part due to the fact that much of the debate had focused on the structures for such co-operation, as much if not more so than the actual responsibilities and format for taking forward that co-operation.

5. The UUP said, however, that there was a minority of unionists who believed that any North/South structure was simply a Trojan Horse for an eventual united Ireland. That was why the party had to be very careful to ensure that such structures were accountable. In other words, a free standing dynamic body, such as that put forward in the Framework Document, would not be acceptable to unionists and could not be sold to them. The UUP said it agreed that there was a need to be able to sell any package from the aspect that it needed to include the aspirations of northern nationalists, but there was a balance to be struck between this aspect and the

format of the structures themselves. The Irish Government intervened to say that the Framework Document had not envisaged a free standing North/South body but one which was accountable to the Oireachtas and the new Northern Ireland Assembly.

6. The UUP said this was all very well but if powers were devolved to a North/South body then this created a certain degree of free standing and was a step on the way to initiating an embryonic all Ireland Government. This would be a bridge too far for unionists. The SDLP said the discussion was beginning to inch ahead and this was encouraging. The party said that when the UUP was asked about the needs of nationalists it had outlined certain points. This had been helpful and interestingly these points were also some of the key factors which contributed to the unionist case to remain within the United Kingdom. This showed that there were emerging mirror images in both communities in respect of the political needs of one another.

7. The SDLP said that the process was moving around in uncharted waters. There hadn't been a North/South Council before. No-one had any experience of such a mechanism and it therefore required considerable clarification at a political level. The party said that earlier the UUP had talked about the difficulties of selling an agreed settlement to the unionist community but one also had to remember that there were many in the nationalist community who would see a North/South body as a sell out of their political beliefs. It was important therefore to recognise the mutuality in the language that was being used in the debate. Matters which the UUP wanted to begin to address in terms of a North/South body - such as "harmonisation", "executive" and "autonomy" had only limited degrees of meaning for nationalists. The SDLP wondered whether it was possible to achieve a common meaning from these terms; otherwise words like "executive" only generated fear in one community. The same point could be made about the word "dynamic" on the nationalist side. If a North/South body had no dynamic it would simply wither

and die. Perhaps finding common language and meaning could remove the fears and apprehensions of some and provide clarification for others.

8. The SDLP said the same position arose with the word "autonomy". What did this mean? There was a need to invent some realistic meaning in all of this language. The SDLP said that Labour had earlier referred to its (the SDLP) paper on "Economic consequences of partition in 1921". The party said it was the living out of these positions which would be realised on an everyday basis. There was no point in being seen to be living in a narrow, exclusive world. Some of the members of the party came from North Antrim. Here people related to others in the region first before anyone else. There was of course a plurality of relationships beyond North Antrim and these could best be dealt with through North/South relationships. The SDLP said it was very useful to recall the submission made to the New Ireland Forum from groups on both sides of the border about making and developing relationships and connections with other groups and bodies in that region to encourage wider development etc. One couldn't develop an exclusivist position on North/South structures at the expense of others.

9. The PUP referred to the SDLP's comments on dynamism in any new North/South structures and its statement that if there wasn't any dynamism the structures would wither and die. The party asked who would kill such structures? The PUP added that it believed the Irish Government's earlier comments on the expression of Irishness to be very unhelpful. It was simply gilding the lily with these remarks. The party continued and said that it believed Alliance had got the issue right earlier on. The process had to deal with the practicalities and sort these out first in areas where there was agreement between the participants. The party said it was struggling to discover what was meant by giving an "expression of Irishness to northern nationalists". The party said it had thought that the session had started quite

well earlier but now everyone seemed to be getting into cloudier language by the hour.

10. The SDLP said it had been asked twice on the issue of "giving an expression of Irishness to northern nationalists" and had answered twice. It was not gilding the lily. The PUP reiterated its view that the Irish Government was doing this in its comments and the SDLP had similarly done this when talking about dynamism in North/South structures. The SDLP said it was not doing anything of the sort. The UUP had asked the question and the party had, it believed, answered it. In doing so it had made no reference to the expression of the PUP's Irishness since it would have been condescending to do so. Likewise the party was unable to define the PUP's Irishness. Participants could only talk about their own position in political and practical terms of what they wanted to see provided for them in any new structures or institutions. The Framework Document was available as was the "Propositions" paper. The party said the transparency that everyone sought would be lost if people actually did start to gild the lily. The party had no objections to going through the paper provided by the Chairmen's staff and presenting informed opinions on each aspect of it. But people had to remember that sooner or later the time was going to come when everybody would have to negotiate from their present positions.

11. Alliance asked the SDLP what it thought the PUP might need to help it sell the concept of North/South structures in Strand Two. The SDLP said if it was a unionist party it would be pointing out a number of features of an agreement which unionists could support. The SDLP said that set against these would be a North/South Council of Ministers - an institution which included Ministers from the North and which was accountable to any Northern Ireland Assembly! The party said that it would also point out to the unionist electorate that inherent in all of this, for the first time, was the fact that

permanent peace could be established. This would be peace in a political process, peace based on diversity and not just as a form of unionism or nationalism. Here was an opportunity to introduce a whole new ball game and to do things which had never been conceived before because of diversity etc.

12. The SDLP said the real tussle in any new arrangements would be between what was set up in Northern Ireland and how this structure wrestled power from the British and Irish Governments. That was the party's idea of dynamism, not something which was artificial but something organic and right at the heart of the process. The party said that if everyone told their own communities what they wanted to hear on a selective basis as opposed to informing them about the whole agreement then this would only devalue the process. Participants had to accept the parts of the agreement which they didn't like and tell their communities or constituents this. For example, the SDLP said it did not like the idea of changes to the Irish Constitution or the introduction of a Northern Ireland Assembly. But it had to swallow on these. People were going to have to accept each other's position - warts and all. The more honest people were with each other the easier it would be to sell any package of agreement.

13. The UUP returned to the SDLP's comments on dynamism and the party's use of the word "political" when it had earlier referred to an agreement. The party said the word implied "authority" and as such was a dangerous description. The UUP wondered whether an alternative word might be found. The SDLP said if people had to start denying that they were engaged in a political process aimed at an agreement which was then put to the electorate then this was a dangerous precedent. At the end of the day participants had to politically accept the basis for any agreement and this was something that everyone would have to live with. The party said if the word "political" was

changed so as not to imply authority this was not on, especially when a Council of Ministers would be formed by those people already sitting around the conference room who would in due course discover their own commonality in handling issues and concerns. The SDLP said that this was where the real dynamism of the process kicked in when people were going to have to come to terms with problems and find an agreed approach to their solution.

14. The SDLP said that if one assumed everything was agreed in a number of weeks time and that agreement was able to remain in place through the events of the summer and the likelihood that unionism would be battered stiff, there would then be elections to the new bodies and people would then have to start taking decisions and the power to sustain the political process would commence. But it also had to be remembered that that body of people would have to make decisions based on consensus. There may be quite significant decisions facing such a body, like returning the power of policing to unionists as well as day to day problems and hence it was likely that the process might need some extended time to bed in and sustain itself properly. The SDLP said if one measured all of this against the price of a North/South Council of Ministers and the benefits of a North/South Council, the lip biting of unionists might stop. It was however, about a warts and all policy and people would have to accept this.

15. The Irish Government said it didn't believe that a North/South Council of Ministers could simply be represented as a vehicle for co-operation. It had to be represented for what it was. After all, the Irish Government was going to have to persuade Sinn Féin about the merits of a new Northern Ireland Assembly and the fact that it would not be a return to the bad old ways but that safeguards would be built in as well. The Irish Government said it had a job to do on this. If one was to look at the responses to (a) there appeared to be broad agreement that new North/South structures would be valuable and important in promoting co-operation. Some participants also recognised that

North/South structures would allow nationalists in Northern Ireland an institutional expression of their identity. The Irish Government said one of the most fundamental questions was the extent of power and when these would be given to any North/South structures. Would powers be given at the beginning or at some later date? The Irish Government said it recognised that the UUP had difficulties with certain aspects of this but it would nevertheless be helpful and positive if the participants could agree on what powers were to be given to such structures.

16. The UUP said it considered that the SDLP had covered most of the "selling points" for unionism in its earlier remarks. However one important aspect which had been overlooked, though not deliberately in its view, was the whole East/West dimension. The party said the Framework Document focused almost exclusively on the island of Ireland for a resolution of the problems. The party however viewed any resolution as being enshrined in a wider series of different relationships throughout the British Isles. It was vital that nationalists understood this perspective. In terms of any new agreement on structures, the party viewed the relationships between East and West as more than just looking towards the Westminster government and that was why it supported the Council of the Isles concept. That concept was in place to recognise the totality of relationships under which an agreement could take shape. Such a concept gave a political expression to that aspect of totality which was important for unionists. This was a different position to that in the Framework Document which did not recognise that East/West relationships were just as important to unionists as relationships between North and South.

17. The UUP said that Articles 2 & 3 were an impediment to a relationship based on mutual respect. However, opponents would say that it was only a piece of paper, and that the party was exchanging a piece of paper for a physical North/South structure, which would be represented as an embryonic all-Ireland Government, with powers devolved to it. The electorate would not focus on the fact that their representatives would be on the body, and that it

would make decisions by consensus. The SDLP pointed out that the UUP had been dining out for years on the importance of Articles 2 & 3. Either it was an issue or it was not. Any devolution of power to a North/South Council of Ministers would be by decision of the parties here in a settlement. It was important to be up front and tell the electorate clearly what was and was not involved. The UUP said it still came down to where power lay, devolved or not. The party was being asked to agree to hand over powers *ab initio*, before the Assembly had ever exercised them itself, to an autonomous body, and it could not do so. There was a difficulty for nationalists in selling an agreement to the Sinn Féin element in their community, but unionism had a mirror image of that with the DUP, albeit that party was non violent. There was a broader question here. To what extent was the process going to try to get everyone on board before going to the people. Would it be full consensus or sufficient consensus? Whichever one, it had to be the same in both communities. The ability of others on the unionist side to wreck things should not be underestimated.

18. The UDP said the Irish Government had spoken of the need to sell to Sinn Féin supporters and this made the party, like the UUP, think of the DUP, who were just as unrealistic as Sinn Féin. One had to look at what was achievable on North/South relations in the Unionist community. The problem with dynamism was that it was felt to mean that a North/South body would be a catalyst for political change. If it was not enough for the North/South arrangement to be concerned solely with practical matters, then any additional dimension had to be spelled out so that it was clear what it meant, and was not what those outside feared. There needed to be transparency among the negotiators on this. If there was to be a North/South body, and nationalists were saying there had to be a political dynamic, the exact meaning of that needed to be explicit. Unionism was being very pragmatic about an Assembly, as regards ensuring there would be no abuse of the minority community. Similarly, it must be clear to unionists that North/South arrangements did not involve coercion, and were not a tow-rope to a united

Ireland. The UDP said that the Assembly was the vessel for political change, if it was to take place. Unionism was concerned at the possibility of a North/South relationship which would itself become a source of power, power which was being taken out of the hands of the people of Northern Ireland. It was for unionism to assure nationalists that they had nothing to fear in an Assembly, and for nationalists to reassure Unionists that there would be nothing to fear in North/South bodies - especially a dynamic to enforce change above the heads of the people. The Irish Government clarified that by "dynamic" it meant only that a North/South body would have the capacity to evolve *by agreement*, not that it would be itself the engine. The Irish Government understood the concern being expressed by the unionist parties. Alliance said this concern was exaggerated, since unionists on the North/South body would not agree to it evolving in this way, and decisions would be by agreement. The UUP said once the parties were working together around the table in the new systems, and establishing trust, things would be different. The real dynamic for stability would be in the Assembly.

19. The SDLP said that the discussion was now covering the other Strands as well, illustrating the interlocking and comprehensive nature of the subjects. Unionist comments were mirroring the concerns of nationalists re the Assembly and Strand Three, and underlined the need for safeguards. There was a need to pursue this discussion in a rounded way, in terms of the balance required between the elements. The cross-Strand meeting next week would be a chance to begin this. The SDLP said the UUP had seemed to suggest that Strand Two would have to start with an empty house, and that powers would only be transferred to it as and when the Assembly developed and evolved. This would cause immense problems for the SDLP, and basically be unacceptable, and the party asked for clarification. The UUP said it did not foresee difficulty in designating the areas where co-operation would take place, but could not agree to a pre-cooked package (such as an all-Ireland tourist agency) before co-operation had begun. An agreement could set out the menu, the agenda, and agree to examine suitable

implementing bodies as co-operation flowed, to be implemented in a variety of ways.

20. The SDLP said this was very close to an empty house. This was not a new concept being put forward here, and it was not imaginable that parties in these negotiations could not identify areas which could be dealt with by a North/South Council. If the institutions were not invested with a degree of credibility, it would be impossible in the climate of Northern Ireland to give the overall agreement much credibility. The UUP said it remained to be convinced that nationalists would reject an agreement because it did not contain five or six preordained all-Ireland implementation bodies. The Assembly could as one of its first priorities look at its own preferences for co-operation, the Irish Government could look at its priorities, and the two could begin the process of putting their ideas together in a North/South Council. This did not mean only the bare structure would be in Strand Two. The party would be happy to examine the possible remit of a Council, areas for co-operation and how to take this co-operation forward. There was a practical difficulty with furnishing the house in advance.

21. On a broader note, the UUP said there was a lot to be examined in the Chairmen's paper. There had been a good initial discussion on the overall questions, but today was too soon to go through the items in the paper in detail. Labour said there had been a good discussion, and it was convinced that with good will on all sides there was the possibility of reaching an amicable solution. The NIWC agreed that parties needed a little time to examine the paper, but only a little could be spared. Alliance felt there should be at least one day the following week for this, and perhaps the Wednesday should be used as well. The Chairman clarified that what was intended was an open discussion on the items in the paper, not making decisions. He would convey to Senator Mitchell the desire of participants to intensify their work. The PUP suggested extending the working week. Three days a week was ridiculous if the process was serious. The British Government said today

had been very fruitful, and noted the desire of participants to move as quickly and intensively as possible. Next week should have Strands One and Two as well as the cross-Strand meeting. Some meetings could run simultaneously.

The Chairman of the Business Committee suggested that the Business Committee meet the following day to discuss scheduling, and this was agreed. The Chairman adjourned the meeting at 1610, to the call of the Chair.

**Independent Chairmen Notetakers
11 March 1998**