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SUMMARY RECORD OF STRAND TWO MEETING - TUESDAY 27 JANUARY 1998 AT 1015 - LANCASTER HOUSE, LONDON

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

1. The Chairman convened the meeting at 1015 and told participants that they had in front of them the joint Government paper "Propositions on Heads of Agreement" that was circulated on 12 January 1998, and which had been referred to each of the three strands. They also had a joint paper entitled "North-South Co-operation, a Joint Paper by the British and Irish Governments" which had been circulated the previous day. Both of these documents provided the basis for today's discussions. The Chairman said he would begin with comments from the two Governments before moving on to the parties. He asked the Irish Government for its comments.

2. The Irish Government said it was pleased that the negotiations were now moving on to discussions of Strand Two issues in London. Perhaps everyone could take inspiration from the magnificent and historic setting, which had seen many negotiations of critical importance over the years. The Irish Government said it was grateful to the British Government for its hospitality and for the efficiency of the arrangements it had made. It looked

forward to reciprocating in Dublin next month - in what it believed to be a setting of equal splendour.

3. The Irish Government said that the issues everyone faced remained the same, whether in London, Dublin or Belfast; but at the same time the fresh surroundings ought to encourage the participants to engage in hard and constructive work, and to bring a new perspective to the tasks ahead. Following last week's initial debate on the "Propositions" paper, the parties had asked the two Governments to prepare a further paper on Strand Two issues to facilitate discussion. Work was still continuing on such a paper, which the Irish Government said it hoped to table very soon.

4. The Irish Government said that the two Governments had also presented, the previous day, a paper which described current co-operation between Departments and state agencies North and South, and which also set the scope for future co-operation. In its view, there were three documents which should now be regarded as establishing the broad parameters of debate on North/South structures: the Propositions on Heads of Agreement, the Framework Document, and the Joint Declaration. These documents described the principles which should underpin the creation of such structures, the broad purposes they should serve, and gave an indication of both Governments' best thinking on the shape of practical arrangements.

5. The Irish Government said, in particular, the Framework Document set out clearly, and in considerable detail, its thinking on the kinds of structures which it believed would both create a new framework for consultation, co-operation and common action between North and South and which, to quote paragraph 9 of the Framework Document, would "promote and establish agreement among the people of the island of Ireland". The Taoiseach and the Minister for Foreign Affairs had made abundantly clear that, for the Irish

Government, strong and meaningful North/South structures, with a clear institutional identity and purpose, must be a central part of any agreement. Indeed, it was apparent that, from the broad nationalist perspective, overall agreement on an accommodation would not be possible without the inclusion of those key elements.

6. The Irish Government said that it was important that everyone agree not just to the general concepts of a North/South Council, and of suitable implementation bodies and mechanisms in meaningful areas and at an all-island level, but that the settlement emerging from the talks should include a description of their agreed functions and mode of operation, which was at least as detailed as that of any other element of the package. In simple terms, the Irish Government said it wanted to know that, from day one of the implementation of a settlement, there would be North/South structures with specific responsibilities and the capacity to carry out those responsibilities.

7. The Irish Government said it believed that the North/South Council should have a broad remit, encompassing all matters of mutual interest within the competence of the administrations North and South. Certain of those matters were obviously particularly well-suited to designation from the outset as falling within the capacity of the Council to take decisions and agree policies, and to make arrangements for the implementation of those decisions and policies. In some cases, those decisions or policies might be implemented separately by the two administrations, North and South. In other meaningful areas, however, there should be established, based on agreement in the negotiations, functional subsidiary bodies to execute the decisions and policies of the Council on an all-island or cross-border basis. There would also need to be put in place appropriate arrangements for the administrative support of the Council and for its funding as a necessary public function.

8. The Irish Government said it was also important that no pre-ordained limit be set to the development of the Council and of its subsidiary bodies over time and by agreement. At the same time, it was important that some of the myths which had been allowed to develop as regards the Government's views and intentions should be dispelled. The Council would bring together those with executive responsibilities, North and South. It was clear, therefore, that, as the "Propositions" paper said, all decisions would be by agreement between the two sides. Indeed, it was impossible to imagine how they could operate otherwise. Likewise, it was clear that the representatives of North and South would have to operate within the arrangements for democratic accountability and collective responsibility in place in their respective systems. There could be no question of operating other than in an accountable way. On this issue too it was impossible to imagine how it could be otherwise.

9. The Irish Government called on the participants to cast aside unfounded fears and face up to the realities of the situation. It urged that they move away from the theology of the situation and into a detailed and focused discussion of the practicalities. There was need to agree on the Council's composition and legal basis; on its role, functions, remit; on its mode of operation; on the areas in which there would be subsidiary bodies; and on a large number of other matters. These were the matters which it expected the joint paper would set out for the participants' consideration. It was in this spirit that the Irish Government welcomed the ideas of colleagues around the table. Some of the issues were, inevitably, more complex than others, and might be harder to resolve. But they were the issues which had to be addressed and agreed.

10. The Irish Government said that the paper the two Governments circulated the previous day on current North/South co-operation also included an annex listing areas for potential future co-operation. The wide range of matters identified showed just how much there was for everyone to do, working together, and how much real potential there was for the benefit of all the people of Ireland. That was one major reason why the structures which emerged from the negotiations had to be equal to the task. None of the participants expected to have achieved agreement by the end of the week. However the Irish Government urged that the participants use the opportunity of two days of serious work to make progress in seeing both what they did agree on, and defining more precisely what it was that remained to be resolved between them.

11. The British Government said it regretted the two Governments had not yet concluded their joint paper. This was because of a number of reasons, including the events of the previous day. They had, however, in front of them a valuable paper on North-South co-operation which outlined existing and potential areas of co-operation. The British Government said that Plenary had decided to pass the "Propositions" paper to the three strands because it recognised the importance of the three stranded approach. This document provided a useful basis for discussion and represented the best assessment of what might provide a generally acceptable outcome. There were also a number of other documents, such as the Framework Document and the Downing Street Declaration, as well as the participants' own papers. The British Government said that nothing was achievable except through agreement between the parties. It emphasised that there was no blueprint - it would support whatever agreement the parties came to. It said that in order to advance the discussions, should the participants wish to hold bilateral consultations, time might be set aside for this during the course of the day.

12. The SDLP said, as stated in its opening submission to Strand Two, that the New Ireland Forum led the way in redefining the basis to North-South relationships by stressing that any new settlement would have to accommodate together two sets of legitimate rights: - the rights of nationalists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life; and the right of unionists to political, symbolic and administrative expression of their identity, their ethos and their way of life. The party said it was its conviction that arrangements to be agreed in Strand Two must ensure such an accommodation and do so in a manner satisfactory to the representatives of both traditions.

13. The SDLP said agreed Strand Two arrangements aimed at achieving a just balance between these sets of rights would reflect the reality of diverse aspirations, reconcile as fully as possible both traditions and promote economic, social and cultural co-operation between them within an all-island context. Such arrangements must even-handedly afford both traditions parity of esteem and equality of treatment and must enhance and facilitate the development of a truly pluralist ethos throughout the island of Ireland. To do so such arrangements must command support and allegiance throughout the island.

14. Within the context of these aims, the SDLP believed that North-South arrangements should contain political structures which would provide the dynamic for a new partnership in Ireland. To achieve these aims the level of political representation from both parts of Ireland would have to be significant; the executive powers vested in them would also have to be significant so as to ensure their effectiveness in discharging their allotted roles and functions. These structures, with executive powers, should be characterised by a capacity to represent both the nationalist and unionist traditions in a manner which would attract support and allegiance throughout the island; a capacity

to address all matters of mutual concern and interest to the people of the whole island; a capacity to promote and achieve harmonious interaction between institutions and agencies throughout the island; a capacity to promote co-operation and co-ordination in social and economic developments as they affect the whole of the island; a capacity to provide for the administration of services on a mutually agreed basis; a capacity to represent common Irish interests to the European Union and other international agencies as appropriate; and a capacity to break down barriers of distrust which had led to past divisions and to promote agreement, accepting both diversity within Ireland and the unique relationships between the peoples of Ireland and Britain.

15. The SDLP said that the form and functions of North-South institutions must be carefully defined in terms of relationships with arrangements being negotiated for Strands One and Three. The party believed that in determining these relationships, North-South institutions should be characterised, as the 'Frameworks' document stated (Part II, paragraph 25), by a 'clear institutional identity' and by a degree of operational autonomy as will enable them to function effectively with respect to the above capacities. The institutions to be agreed should, therefore, have a clear set of purposes and an overall remit to deliver on the capacities outlined above.

16. The SDLP believed that in determining the details for North-South arrangements, the need for decision-making within them to be on a consensual basis was essential. Only such an approach would provide the necessary safeguards against fears that any section of those represented within them would be coerced by a majority. Reaching agreement on North-South institutions would, as the party had stated, be amongst the most difficult challenges facing all parties and both Governments in the negotiations. Healing the fractured political relationships between both parts

of Ireland would take time and require considerable courage, forbearance and commitment. Suspicion, apprehension and misunderstanding abounded on this issue. However, it was gratifying to note that these feelings were being countered by the considerable amount of goodwill towards enhanced North-South relationships evident throughout the country and by a deep desire that the healing process should begin. It was in recognition of these feelings and in a spirit of reconciliation that the SDLP wished to advance the case for North-South arrangements in this Strand of the negotiations.

17. Alliance thanked the British Government for its hospitality, and looked forward to that of the Irish Government in Dublin. It recalled the previous time Northern Ireland talks had been held in Lancaster House and the unsuccessful outcome of these. The party referred to difficulties the two Governments were experiencing in agreeing a joint paper. It said that such difficulties were often linked to the use of contentious terms. Referring to the "Propositions" paper Alliance said it wished to raise four issues. The party said that a North-South Ministerial Council, of which there was a successful model in the EU Council of Ministers, implied that there would be an administration with Ministers which meant that there would have to be further progress in Strand One. Ministers would have to be democratically accountable. Alliance said it believed areas of North-South co-operation, such as on agricultural issues, had become less contentious. It now wished to see details of how such a Council would function at summit level, such as who would attend. There were also practical issues such as funding.

18. Alliance that the word 'powers' rather than 'executive' was the problem with regard to implementation bodies. The party said it recognised that policy could be executed together if there was agreement. It contended that the word 'powers' implied that this could be done without accountability. Power rested with the people, North and South, through their elected

representatives; therefore 'executive agencies' was a more realistic description. It noted that nationalists would require a number (six or seven) of these agencies to be established at the time of an agreement, rather than simply provision for their future establishment, which it felt was not unreasonable. Alliance felt that it might not be necessary for all of these agencies to have an all-island nature.

19. Alliance said Northern Ireland representatives should be entitled to attend intergovernmental councils if Northern Ireland issues were on the agenda. It also wanted to know who would formally attend such conferences, and whether they would be officials or ministers. The party was critical of the brief reference in the "Propositions" paper to corresponding measures to protect human rights in the Republic. It hoped that the European Convention on Human Rights might also be adopted into Irish law and that a body similar to the Standing Advisory Committee on Human Rights be established in that jurisdiction.

20. The UUP said that the different arrangements envisaged in the "Propositions" paper were inter-related. Everyone had to determine how they would address all of these essential aspects in order to arrive at an agreement. Noting that most comments had been about the North/South Ministerial council, the UUP said it believed this tier to be dependent on the section dealing with the east-west intergovernmental council. It noted that some issues before them fell under Strand Three which was why it had insisted that such issues could be dealt with in Strand Two. The UUP said there was an over-emphasis on machinery and mechanisms without having determined what North-South bodies were intended to do. It referred to the paper agreed between the Taoiseach and the Prime Minister on East-West co-operation, which it felt should also be on the table. It said the existing extent of co-operation was remarkable and contended that relatively little

further co-operation was being proposed. The UUP said it had tried to get an idea of the purpose of North-South bodies in bilaterals with the SDLP and the Irish Government but was still unclear on this point. Referring to the joint body that ran the railways in the 1950s, prior to the establishment of North and South state transport companies, it contended that all of the practical ideas for co-operation had been put forward by unionists. It also referred to the 1925 agreement for joint cabinet meetings which it said the Irish Government had pulled out of.

21. The UUP said everyone must adopt a consensual approach to this subject. The party had asked the two Governments to prepare briefing papers on various options and models but these had not materialised. It said the EU council of ministers was not a good example as the process was not building a super-national structure nor creating a third centre of power in Ireland. It cited other European examples, such as the Benelux states, the Nordic Council and agreements between the Netherlands and Flanders. The party referred to a number of co-operation agreements across European borders and regions on the Arbeitsgemeinschaft model, not all of which were confined to the European Union. It said there was a remarkable insularity in discussion of this issue, and called on participants to look more broadly at the subject in terms of models which actually delivered co-operation.

22. Sinn Féin asked the two Governments when they hoped to table their paper on Strand Two. The Irish Government said the paper was almost ready. The British Government said they were having a good discussion, which would become more detailed when delegations had received the joint Governments' paper.

23. Sinn Féin said it was uplifted by the discussion. It said everyone was supposed to be hearing the two Governments' positions; it could hear those

of the parties at any time. It wondered whether the UUP was the reason for the delay in agreeing the joint paper. The party said there was a sense of absurdity about the proceedings. They needed a serious discussion against the backdrop of the previous day's events and the fact that there had been another attack in Belfast. It suggested an adjournment to enable the two Governments to reach agreement on their paper. Sinn Féin said it believed there would be an adverse affect on public opinion if the process was to announce that all it had discussed was the level of co-operation in the 1950s when it was supposed to be discussing a paper by the two Governments.

24. Alliance asked Sinn Féin if everyone was supposed to say that they had adjourned without further discussion because the two Governments had been unable to agree a paper.

25. Responding to Alliance's comments, Sinn Féin said it wasn't trying to do anything else other than to suggest that it might be worth considering an adjournment until the Governments had produced their paper. Sinn Féin said much had already been mentioned about institutions in the papers produced so far and while this was important one also needed to look at what happened on the ground and how participatory democracy could be implemented under these institutions.

26. The British Government said it wished to clarify a few issues. The document from both Governments would be produced as soon as was practicable but there were already two papers in front of participants. Firstly there was the "Propositions" document which highlighted several key areas and formed a basis for negotiations in Strand Two. Secondly both Governments had produced a paper on cross-border co-operation, specifically those areas and functions where this presently occurred and pointing up potential future areas. The British Government said this was an

important and informative document for people to consider. It said it fully realised that this paper did not concentrate on institutions but such detail would follow in due course. The British Government confirmed that the participants had asked for a paper to be produced but the main aim of holding a Strand Two meeting when such a paper was tabled was to facilitate discussion among the participants to gauge the extent of common ground and what differences there was as opposed to the Governments determining what they wanted. Sinn Féin said it wished to have an agreed paper from the Governments on the issue. The British Government said both Governments would produce this. The point was it was unlikely that anyone would need a PhD to work out what the Governments' position would be in such a document. There was much material already in circulation and in the public domain but there was no point in the Governments being prescriptive with this. The process was concerned with reaching a settlement arrived at by the participants. This was a vital aspect to the negotiations since neither the British or Irish Government representatives had any electoral basis in Northern Ireland. The British Government said the purpose of the talks was for the participants to agree a settlement. The Government could impose a solution but the track record on previous attempts at this was poor so it had to be avoided. The key issue in all of this was that while the views of the participants on issues was a necessary part of the process, it was where the participants could agree on these issues which was the real test for the negotiations.

27. The PUP said that strangely enough it agreed with Sinn Fein's earlier comments on the governments' paper. The party said the process had already discussed the "Propositions" paper and had come to the meeting on the assumption that the Governments' further paper would be available. Since there were difficulties preventing its agreement release, the PUP said it was just as well there had been other business to transact yesterday. The

party said there was no point discussing the co-operation paper in this session. It said it thought the Governments would produce a further paper following the teasing out of certain points from the participants the previous week. However, there seemed to be a disagreement between the Governments on it so, if this was the case, why not go into bilaterals and let the Governments get on with attempting to reach an agreement? Concluding its remarks, the PUP again said it didn't see any point in entering into a discussion on the Governments co-operation paper now.

28. Labour expressed its gratitude to the British Government for the conference facilities and arrangements. The party said it had one or two comments to make. The party asked what was likely to be in the Governments' further paper? The Irish Government had given some indications in its earlier remarks but what was the broad outline of such a document? In terms of the paper prepared and distributed on "co-operation", Labour said this was a good document since it provided, in some detail, what was already being achieved. This presented an amazing level of co-operation which gave rise to questions such as what form of democratic institutions were required to take forward and expand on this - given that six Northern Ireland Departments were already being consulted and discussions held on issues which straddled the border. Labour said it wished to propose that, instead of adjourning, the meeting should hold a discussion on the paper to allow people around the table to fully appreciate, in detail, the contents of the document. The party said that furthermore it believed both Governments should provide detailed explanations from experts on each side as to how the level of co-operation was initiated and presently achieved.

29. The British Government said it envisaged that help for the participants in Strand Two would be in the form of looking at all these issues and questions and providing information on the functions, accountability and

financing etc of such North/South bodies which would formulate a North/South Ministerial Council. Such detail would be important. The British Government, in response to Labour's remarks, said it had an opening statement on the co-operation paper and it was fairly sure that the Irish Government would have something similar prepared. Labour said hearing this would be helpful.

30. Alliance said it didn't believe there were any surprises in the co-operation paper for anyone. The information contained in it was well known and probably took minimal time to collate. The party said Labour's suggestion of holding a discussion on the paper in this session was bizarre. Alliance had been involved in much of what the paper detailed so there seemed no point in pursuing this issue now. The PUP said it had thought the co-operation paper had been suggested in terms of providing background information. It was not meant to be a discussion paper. Labour said that despite its lengthy involvement in public life in Northern Ireland, there was much information in the document which was new to it. There were contacts outlined in the paper at various levels and the party was still keen to hear how these matters were taken forward on an operational basis, rather than worrying at this stage about the technical detail.

31. Sinn Féin said it was disappointed that there were differences between the Governments on the further joint paper. The party said it had advised both Governments that the process needed to be taken by the neck and moved forward. Sinn Féin said the publication of the "Propositions" document had caused considerable debate in the north of Ireland and throughout the rest of Ireland. There were very few around the table who were now unaware of how the document was received in the nationalist and republican community. Sinn Féin said that, in relation to the British Government's earlier remarks that there was plenty to be getting on with and that the parties should

be leading on this issue, it did not see the point of operating on this basis until the Governments themselves provided some direction. Furthermore the suggestion of bilaterals only served to flag up one of the most difficult aspects of the process - the fact that the UUP wouldn't talk to it. Sinn Féin said that, on the previous day, it had approached the UUP, against the recent background of violence which had left 11 people dead on both sides, to see whether some meaningful engagement to move the process forward might take place.

32. Sinn Féin said the problem with a discussion of this type was that the UUP automatically went on the defence mode and the best means of defence was to attack all its "baggage"" over the last 30 years. While it understood such a position being taken, Sinn Féin said it did feel that some in the UUP were serious about engaging with it, though it recognised that others in the party (the UUP) wanted to run away from this. The UUP Leader seemed to be one of those who wanted to engage. The party said when it did meet the UUP briefly it had tried to get across the sense of anger and frustration being felt in the nationalist community with regard to recent events. The party, moving on, also added that it believed many around the table who had witnessed the events of Monday and the exclusion of the UDP were genuinely sorry that this had occurred. The UDP leadership had worked hard but had been pressurised by others such as the LVF which had been born out of Drumcree, the Orange Order and the UUP. It had grown to such a extent that it now challenged the UDA, UFF and UVF. Sinn Fein said many people who saw the UDP walk away from the process on Monday were asking whose responsibility was it on the unionist side to lead and assist in brokering a settlement. There were questions about the UUP leader's leadership. Sinn Fein said the UUP leader had started very capably had shown a positive side and appeared to be moving in the right direction in terms of working towards a settlement. But then he had came under pressure from others and had

abdicated responsibility. Consequently the UUP had lost its way in the process.

33. Sinn Féin said it appreciated the UUP's difficulties but by the same token the UUP had to appreciate the problems facing Sinn Féin. At the end of the day there was a shared responsibility on all the participants to move the process forward against the current background of killings. Sinn Féin said it wished to appeal to the UUP that it was time for that party to move on from its tactical approach to the process. Such a change of approach would send a positive message to the communities in Northern Ireland and those who were against the process. Sinn Féin said it believed, from its own observations, that people were losing faith in the process. In this situation the responsibility was for the Governments to get it back on track and for the UUP to fully engage. The party said it recognised there was an internal battle within the UUP over the issues of engaging with Sinn Féin. Such a battle was similar to that raging within the British military establishment over what to do about Bloody Sunday. Sinn Féin said it hoped it had focused on what was required to make the process work. It was up to the two Governments to deliver to the communities and for the UUP to face up to its responsibilities, engage and treat with respect the electorate which Sinn Féin represented.

34. In concluding remarks Sinn Féin asked how was it possible to undertake what the British Government had suggested when the UUP wouldn't engage with it. If the UUP persisted in its current approach then it was doing a great disservice to all the people in Northern Ireland. Furthermore, if such a position was maintained and the current process failed to achieve then a massive historical fall out would occur. Sinn Féin said it hoped the UUP leader could use his positive side again to overcome his negative attitude and engage directly with the party.

35. The Chairman asked for further comment. Hearing none he adjourned the meeting at 1130 subject to the call of the Chair.

Independent Chairmen Notetakers
2 February 1998