

SUMMARY RECORD OF A MEETING OF THE STRUCTURES SUB-COMMITTEE
AT PARLIAMENT BUILDINGS ON THE MORNING OF 15 MAY

Those present:

Government Team

Mr Hanley
Mr Fell
Mr Bell
Mr Hill

Alliance Party

Mr McBride
Mr Morrow
Mr Neeson

UDUP

Mr Robinson
Mr Vitty
Mr Campbell

Talks Secretariat

Mr Whysall

Also present

Mr A Smyth

SDLP

Mr Farren
Mr Haughey
Mr Durkan

UUP

Mr Empey
Mr Cunningham
Mr Donaldson

The meeting began at 11.35 am and finished at 12.15 pm.

2. The Government Team apologised that, as recorded in SC/9, the sub-Committee's discussion on 13 May had had to be suspended because of time constraints. The party leaders had decided that they could not place the sub-Committee's provisional report in context until the discussions of the sub-Committee were concluded. The DUP delegation had wished to respond to a statement by the SDLP at the end of the last meeting.

3. The DUP delegation, on a preliminary point, raised the question of amendments to papers SC/6 to SC/9. It was agreed that the sub-Committee would resume 10 minutes after the end of the afternoon plenary for the purpose only of discussing amendments to those minutes, and to those of the present meeting. It was also agreed that re-issues of meetings incorporating amendments should make that fact clear on their face.

4. The DUP delegation said the SDLP had now defined the Irish identity in a new way. Previously it had been simply the idea of kinship with an entity with which one was associated; the DUP appreciated that. But it had now also taken on the meaning in the

SDLP approach, that those with whom one shared an identity should have a political role. The DUP repudiated that approach; indeed it was contrary to the Anglo-Irish Agreement, as it had been interpreted by both the British and Irish Governments, that is as saying that in the event of devolution, Dublin would have no role in respect of devolved matters. The SDLP had opened up a new agenda, and this thinking had moved away from that of the other parties, not closer to them.

5. The UUP delegation endorsed these comments. It added that the SDLP had asserted that the UUP disagreed with the principle of accommodating the Irish identity. In fact, the UUP supported this principle but felt it should be addressed in the talks process as a whole, not solely in the context of Strand I.

6. The SDLP had said that they acknowledged the position that Unionists wished Northern Ireland to remain part of the United Kingdom, and that that would be so until a majority favoured a change. But in saying that there should be an executive input by the Irish Government into political activity in Northern Ireland, they would in effect bring about a situation in which Northern Ireland was no longer part of the UK, as Unionists would define it. Involving Commissioners from outside the UK was impossible to reconcile with Northern Ireland's remaining within it. But the UUP emphasised they did not disagree with the principle of seeking to include the Irish Nationalist identity in the institutions it was proposed to create, taking account of the whole package to emerge from the talks.

7. The Alliance Party delegation said it had been disturbed by the SDLP's statement, although recognising that it was an attempt to clarify a problematic matter. Their understanding was that the SDLP's interpretation of identity had changed; the goal posts appeared to have moved. So also as respects the Anglo-Irish Agreement. The Alliance Party had gone along with that Agreement, but on the understanding that there was a commitment in it to seeking devolution, with the Irish Government role being reduced to the extent that devolution came about. The SDLP mechanism would seek to entrench the Agreement, but then go beyond it, giving the

Republic a right to veto even under devolution. The SDLP had spoken of the Irish Government having "rights" to involvement; though previously the idea had been of a "legitimate interest" on its part. The SDLP delegation had indicated that they were going further, and this should be in the minutes. The Government Team recalled that the SDLP had spoken on that occasion of what was involved being "stronger, but at a different level".

8. The SDLP delegation said that in raising the issue, they had been concerned to explore matters further, as they had since the start of the talks. They saw the Irish identity as being something two dimensional. The other parties saw only one dimension, that is a section of the population of Northern Ireland wishing to have links with people outside. The SDLP saw it, not only as a link with the rest of the nation to which that section of the population belonged; but also as meaning that that nation, in its political embodiment, the Irish State, had a legitimate concern and a right to an input in Northern Ireland matters, not least because what happened here had significant implications for them. This was not moving the goal posts; the issue had been there since the exchanges between the Governments in the late 1960's and the early 1970's. Mr Lynch's attempts to express concern had been rebuffed by Mr Heath; but then matters had developed, cumulating in the Sunningdale Conference, where the Irish Government had been involved in determining the process by which Northern Ireland was governed.

9. The SDLP delegation noted that the Unionist delegations had said that the Irish identity could be fully catered for in Strands 2 and 3. This could not, in the nature of things, be known. The SDLP was proposing now a way in which the Irish nation, through its Government, could be involved in a new sort of government in Northern Ireland, a consensus government of the kind that had been shown to resolve disputes elsewhere in Europe.

10. The SDLP delegation moved on to other points. It made clear that it accepted the Unionist requirement to have the Unionist identity protected by membership of the UK. Its proposals had been represented as taking Northern Ireland out of the UK against the wishes of its people; it did not see this as the immediate effect.

The Anglo-Irish Agreement acknowledged the right of the Irish Government to be involved in the affairs of Northern Ireland. Article 4 modified aspects of the way in which that right might be respected; as they recalled, it did not remove it. The SDLP proposals for a Commission had been put forward as part of a possible alternative to the Agreement. It believed that the symbolism of the three external links embodied in the Commission would provide a significant impetus to reconciliation and co-operation. The three external representatives would be involved with the directly elected representatives of the people of Northern Ireland, and would obviously be influenced by the authority they derived from that position. The proposal would bring the whole process of discussing these links into a more open and democratic framework. The proposals merited careful consideration, and the SDLP believed that a discussion on them would permit positive moves forward.

11. The UUP delegation, referring to the text of Articles 2 and 4 of the Anglo-Irish Agreement, reiterated that the SDLP proposals involved movement to a new dimension.

12. The DUP delegation also registered again that new ground was being broken. Whether or not it had always been part of the SDLP aspiration to involve the Irish Government in the internal affairs of Northern Ireland, it had never been part of the Sunningdale Agreement or the Anglo-Irish Agreement. Now it was said to be a central issue, and it presumably followed that without it, the SDLP would not be able to agree anything. In the DUP view, the SDLP, sharing the Irish identity, would be the living expression of it in any structures in Northern Ireland. Unless it was claimed that people in the Republic were better Irishmen than them, there was no argument for the Republic itself being involved - unless that involvement was intended as a Trojan horse. That interpretation that might be supported by the SDLP's delegation's reference to it not being the "immediate effect" of the proposal that it would take Northern Ireland out of the UK, with the possible implication that it was intended to be the long term effect. In the DUP's delegation's view, the introduction of this new ground was an attempt to ensure that agreement could not be reached in the talks.

13. The SDLP delegation offered a clarification of the point about "immediate effect". It had used those words simply in reaction to a UUP statement that that would be the immediate effect. They had sought to stress that that would not be the effect.

14. The Government Team sought clarification of the UUP concern that appointment of people from outside Northern Ireland in the way proposed would by definition mean that Northern Ireland was no longer fully part of the UK: would this concern still be felt if those appointed in this way were from within Northern Ireland? The UUP delegation stressed that the supreme authority in Northern Ireland was the Queen in Parliament; if any Commissioners were appointed by any outside body, that, in the delegation's initial view, changed the constitutional status of Northern Ireland as a part of the UK. The key point was the appointing authority.

15. Drawing the meeting to a close, the Government Team conveyed the Secretary of State's thanks to the Committee for the way it had conducted itself earlier in the week; it deserved great recognition and credit for the way it had carried on after the distressing events of Tuesday night.

TALKS SECRETARIAT