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1. At a meeting in Government Buildings in 14 August 1975, the Government was represented by Mr. B. Corish, T.D., Tánaiste & Minister for Health and Dr. G. FitzGerald, T.D., Minister for Foreign Affairs and the SDLP by Messrs. J. Hume and A. Currie. Mr. Seán Donlon of the Department of Foreign Affairs and Mr. W. Kirwan of the Department of the Taoiseach were also present.

2. Mr. Hume explained that the SDLP wished to inform the Government about the private talks they were having with the UUUC and in particular on the position which they were adopting in those talks. Their general approach was that the principles of power-sharing and an Irish dimension were non-negotiable but that they would look at the UUUC objections to these principles one by one and tease them out fully. Nothing of substance had in fact yet passed between the two sides but the general atmosphere at the two meetings was better than had been expected. Craig had, for instance, remarked on a number of occasions - each time using the same, apparently carefully worked out, form of wording - that if agreement could be reached on institutions of government for Northern Ireland, there would be no difficulty in freely negotiating between north and south the setting up of a body or bodies to deal with matters of common concern. Mr. Hume said that the first meeting between the two sides had been essentially preliminary in nature and the real discussion would commence at a series of meetings beginning on 19 August and continuing on a daily basis thereafter for about a fortnight. At the meeting on 19 August the two sides would exchange papers setting out their positions on the understanding that the papers would be returned at the end of the meeting. Mr. Currie said that agreement had been reached at the Convention Business Committee that day that the resumption of the Convention would be postponed until September, probably the 2nd or possibly the 9th.

3. Mr. Hume then outlined the objective of SDLP strategy which was to unite the people of Ireland behind and in support of the institutions of government in Ireland north and south. To achieve this the SDLP proposed that any settlement arrived at will have, as part of it, a referendum in the North and in the South asking the people to support the agreed institutions. This approach would clearly have consequences for the present Constitution of the Republic but in a new situation where the institutions North and South were agreed it should be possible to obtain the agreement of all parties in the Republic to a new Constitution which recognised the new reality in Ireland and which enshrined the philosophy of partnership. In these circumstances, the SDLP felt that a new constitution could be enacted, rather than amending the existing constitution. There would be an opportunity for creating an imaginative constitution to correspond to the new situation. However, the SDLP had not given any thought to the details of such a constitution. In reply to a question, the SDLP representatives indicated that they envisaged two separate stages in the process they had described as applied in the South. In the first stage, the people would vote on an identical proposal to that voted on in the North. In the second stage, assuming an affirmative vote at the first stage, the people of the Republic would vote on a new constitution. Mr. Currie said that they had already put their ideas before a Fianna Fáil delegation, comprised of Deputies Brugha and O'Kennedy, which they had met earlier that afternoon. Their initial reaction had been that if the SDLP could reach agreement with the UUUC, they did not see the ideas relating to the Republic as a major obstacle. The Fianna Fáil representatives had indicated that they would, of course, have to refer the matter for any decision to their front bench.

4. Mr. Hume indicated that they were proposing that as much power as possible should be devolved to a new agreed Northern administration. The devolved powers would have to include complete responsibility for

security affairs. They saw the main link with Britain as being a financial one. They could not envisage a situation in which any new agreed administration would have to call on the British army to provide security for the institutions of government in Northern Ireland. It would be preferable to have a native security force recruited locally, in addition to the local police. They envisaged a significant Irish dimension in relation to security. What they had in mind was that there would be a Standing Security Agreement between the two parts of the country which would be activated at a time of threat to the security of either part. They envisaged a joint Security Council representative of the two parts of the country. In discussion on the content of any security agreement, the SDLP representatives suggested that it might have to provide for extradition or for a common court or, alternatively, that the extra territorial jurisdiction for certain offences now before the Oireachtas could be accommodated within such an agreement. It might also deal with such matters as permission for pursuit across the border and emergency powers legislation in the two parts of the country. The SDLP representatives said they would appreciate any guidance which the Government might offer in relation to this aspect of their proposal.

5, The SDLP representatives indicated that they were seeking advice on a number of constitutional and technical problems relating to the proposals they had in mind. One thing that was worrying them was whether it would be constitutional to put a question before the people in the South which ^{would} have implicit or explicit in it the idea of dropping the existing Constitution and enacting a new one and they would like to hear the views of the Attorney General on this point. (After the meeting, the question was put to the Attorney General who expressed, as his preliminary opinion, that there would be no insuperable difficulties in this respect. He undertook to consider the matter further).

6. In relation to power-sharing, the immediate task facing the SDLP was to take a firm position on the form of power-sharing government which they should seek. Any technical assistance which could be provided in examining different possibilities would be appreciated. The form of government to which they were most attracted at the moment was an executive elected by a legislature by proportional representation. They were also giving consideration to some other ideas which had been put to them, for example, that there should be two electoral rolls, one for each community, the members of which would elect representatives of their own community. However, they were not at all in favour of this idea as it would run counter to the idea of providing for the evolution of agreement between the two sections of the community. Other potential difficulties which they saw and on which they wished for advice were

- how collective responsibility would operate in a situation where members of an executive were elected by the Assembly; and
- how to deal with the lack of any opposition in such an arrangement with the concomitant possibility of frustration on the part of back benchers.

They had given some preliminary consideration to a form of separation of powers on the American model, in relation to these potential difficulties.

7. Another matter they had been considering and ^{on} which they would also appreciate help was the actual nature of the formal declaration of support for the new agreed institutions of government which they envisaged would be made by them and by all other parties concerned. In particular they were considering whether or not it would be necessary or desirable to go beyond the terms of the 1973 Act.

8. They recognised that the Provisional IRA would be likely to oppose the emergence of agreed institutions. In this case, they envisaged that the forces of the entire island would be harnessed to confront the Provisionals in physical terms. In reply to a question, the SDLP representatives indicated that the standing of the

Provisional IRA among the minority community was at present very low. They referred, in this connection, to the strong condemnatory statement which had been issued by the party on the previous day. In regard to the Protestant para-militaries, Messrs. Hume and Currie felt that UUUC politicians were losing whatever influence they had over them. In reply to a question, they indicated that the agreed solution they hoped for would be within the context of Northern Ireland continuing as part of the United Kingdom for the time being. They could see certain attractions in the area having a status similar to that of the Isle of Man or the Channel Islands. However, there was the difficulty that if the talks were unsuccessful in the end, it was probable that the Loyalists would opt for an independence solution and if the SDLP, had during the talks, gone along with a form of autonomy, *their attitude to any independence solution would be undermined,* their position in opposing any independence movement would be undermined.

9. The final matter on which they wished for some advice was in relation to the financial relationships between a new Northern Ireland administration and the British Government. In financial matters, they would wish to have the greatest possible degree of freedom while at the same time having a guarantee of parity between British and NI services, particularly in the areas of social security and health. The Minister for Foreign Affairs suggested that this was a matter which Mr. Brendan Dowling of his office and officials of the Department of Finance might discuss with a view to providing advice.

10. In reply to a number of questions, the SDLP representative indicated that the talks between their party and the UUUC would probably be concluded within a fortnight from Tuesday, 19th August, 1975. They had not yet raised with the UUUC the matters involving the South which they had mentioned at the meeting. It was clear that the UUUC wished to settle and it was possible that agreement could be pulled off. In the event of failure to agree, it had been agreed that each side could revert to its manifesto position. In

this case it would be a matter for each side to reveal how far they or the other side had gone. The UUUC had been having parallel meetings with Mr. Faulkner's UPNI and with the Alliance Party. The SDLP had indicated that they also would be talking to the Alliance Party but at an appropriate stage. They did not wish Alliance to steal their ideas at this stage and publish them as their own!

11. They said that they proposed to brief two constitutional advisers for their talks with the UUUC, one with a British background and one with an Irish background. Mr. Rory O'Hanlon had already done some work for a committee of the party. The Attorney General had arranged for Mr. O'Hanlon's assistance. They felt, however, that Mr. O'Hanlon would be identified to some of the UUUC with the Government here, in view of his involvement in the Strasbourg case. For this reason and in order to assist in obtaining Fianna Fáil support for their ideas, they envisaged employing Mr. Donal Barrington rather than Mr. O'Hanlon as their constitutional adviser with an Irish background. However, they wished to avoid any embarrassment which might be involved in not continuing to employ Mr. O'Hanlon and would like to meet the Attorney General to explain this to him. (This matter was discussed after the meeting and the Attorney General said that, as a matter of courtesy, he would inform Mr. O'Hanlon - whose work for the SDLP committee was now complete - that the party proposed to brief Mr. Barrington as the constitutional adviser).

12. In further discussion on their ideas, the SDLP representatives said that all they wished for from the British was firstly, money and secondly, that the British Army would have a residual responsibility for security, as a last resort. In reply to a question for the Minister for Foreign Affairs, as to whether the SDLP had a fall-back position, if proportional government was not acceptable to the UUUC, Mr. Hume indicated that the SDLP had ^{as yet} no fixed position on this matter. They had given some thought to a system whereby the Executive and the legislature would be elected in

separate elections. No proposals had yet been put to them by the Loyalists, about two-tier government, committees, autonomous municipal bodies or anything of the sort. Mr. Currie said that from a conversation he had with Professor Richard Rose of the University of Strathclyde, following discussions between the Professor and the Loyalists, he had the impression that the Loyalists might be contemplating offering the SDLP such positions as Director of the Housing Executive, on the basis that posts such as these were in some cases more powerful than those of the Ministers under whose Departments bodies such as the Housing Executive fell. The Minister for Foreign Affairs asked the SDLP representatives whether they had any indication as to how reliable the British Army would be in carrying out its orders to maintain security in a situation where agreement was not secured and public order deteriorated in the North. Mr. Hume indicated that the SDLP had no basis for answering this question. Anything they say would be pure conjecture.

13. The Ministers indicated that they would report to their colleagues in the Government that it was tentatively agreed that a further meeting between representatives of the Government and of the SDLP would be held in the near future. The SDLP representatives indicated that they wished for advice on the various questions they had mentioned and it was agreed that any assistance given to them in these questions would be on a purely technical level and in particular would not be a statement of the Government's views on the matters. On the matters where the Republic was directly involved viz. the referendum, the constitution, and the standing security arrangement, they would, however, need to have an indication of what was, from the point of view of the Government, technically feasible.

14. On a separate matter, Messrs. Hume and Currie explained that ^(they had) a committee, under the chairmanship of Mr. Michael Canavan, working out what the SDLP's position would be in the event that agreement would not be secured and the situation in the North would deteriorate

rapidly. Because of the nature of this subject they did not want any public reference to the committee or its work but they wished that Mr. Canavan would be received here privately in the very near future for discussions on these matters. In reply to a question, they indicated that the remit of this committee covered both the relief of distress aspect and also the political aspect of what might happen in the event of the Convention failing.