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Title:	Copy note to the Secretary [Donal Ó Súilleabháin], Department of the Taoiseach from Walter Kirwan, Principal Officer, attaching a note of a meeting on 14 August 1975 between Ministers and a delegation from the SDLP [Social Democratic Labour Party] at which inter-party talks in Northern Ireland were discussed
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Rúnaí

I attach a note of yesterday's meeting between Ministers and an S.D.L.P. delegation. Following the meeting, Mr. Donlon and I entertained Messrs. Hume and Currie to dinner. At nine o'clock, we left to allow them to have a private discussion with Mr. Donal Barrington, S.C., whom they wish to engage as a legal adviser on constitutional matters. Subsequently, they joined us for drinks. The following are some reflections arising from the matters discussed. Over the whole evening and from reading the most recent reports by Messrs. Donlon and McColgan of their discussions with Northern figures.

The SDLP representatives feel that the Loyalists sincerely want to reach agreement. Hume and Currie were cautiously hopeful that an agreement could be reached. However, they have received no indication that the Loyalists would accept power-sharing as they (SDLP) understand it. Their hopes seem to stem from the generally cordial atmosphere of the brief talks so far and from a belief that, in return for SDLP support for agreed security forces, the Loyalists will gradually come round to a system of administration which will meet the SDLP position on power-sharing, in the same way that Unionists did in the discussions chaired by Whitelaw, when Faulkner was leader of the party, in which they had initially adopted a traditional stand. However, having regard to the UUUC manifesto for the Convention elections, to what Craig said to McColgan, to reports on Loyalist backbench feeling and finally to what happened to Faulkner and his colleagues in the Whitelaw talks, I cannot believe that the UUUC will accept SDLP Ministers inside the Executive or Cabinet. Equally, it is hard to see the SDLP being able to accept the form of committee system outlined in tentative form to McColgan by Craig. The SDLP have asked for the Government's advice on what form of power-sharing they should opt for. I think they should be urged to explore some variant of the UUUC proposal which would give greater power to the SDLP than seems to be envisaged by Craig and circumscribe the powers of the Executive more closely than Craig may envisage. Various possibilities suggest themselves, e.g.

- a movement to a Devlin-type structure with Aireachts and executive units, with some of the latter, especially in sensitive areas, headed by SDLP men and with improved arrangements for administrative justice on the lines recommended by the Devlin Group and

the Ó Dálaigh Committee;

- having the aggregate membership of all the Committees proportional to party strength in an assembly but giving the Opposition (minority? (SDLP?)) control of one or more Committees in sensitive areas, e.g., in relation to location of industry, housing;

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- ensuring the impartiality of appointments to posts in the central devolved administration and in local government;
- establishment of several regional authorities, some of which the SDLP could hope to control, invested with significant powers;
- enactment of a Bill of Rights.

Two crucial areas would be security and finance. They might explore whether the Loyalists would be prepared to have no Ministers for Home Affairs or Finance in the Executive but to have instead finance and security controlled by Committees with equal representation of the UUUC and the other parties jointly (one can see difficulties if the SDLP could be outvoted by representatives of other parties, especially in relation to security). It might be necessary to have some procedure to resolve deadlocks in such Committees.

These ideas are not worked out. The essential point is that it might be suggested to the SDLP that they may be wasting their time in pressing proposals for proportional Government and may even alienate the UUUC from the outset.

The SDLP may also need to be cautioned about what proposals they put forward in relation to the institutional form of the Irish dimension. I would interpret the reported readiness of the UUUC to meet them on this as relating to an informal type of co-operation, at least initially. When the UUUC referred to joint bodies, I consider they probably meant low profile bodies dealing with specific areas of joint interest, (such as might be exemplified by a drainage board or a joint committee on north-western development. If they were to meet the SDLP halfway on power-sharing, they could not, in my view, accept anything smacking of the Council of Ireland. I would refer, in this connection, to Craig's reported annoyance at Hume's interview on BBC Northern Ireland in which he called for the institutionalisation of the Irish dimension. The only area in which the Loyalists may accept a high profile institution, is in security and the joint Security Council being considered by the SDLP could help in reaching agreement.

It is a matter of some concern, then, that Hume, on page 2 of the attached and regrettably poor photo-copy, of a paper⁴ prepared for the SDLP and given to Mr. Donlon yesterday, seems to envisage an approach to this matter which may be envisaged purely as a first negotiating position, but could damage the prospects of success, given Craig's view already mentioned.

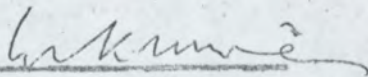
The Attorney-General is already aware of the matters on which his assistance is sought. However, I propose to write formally to him, listing them. I have already alerted Finance about the need for advice on the financial questions raised.

* This is obviously particularly confidential
in the SDLP party in the Convention had
not yet seen it.

Mr. L. Murphy of that Department will today complete a paper for Mr. F. O'Donoghue, the Finance representative on the IDU, who will be back from leave on Monday. It would fall to this Department and Foreign Affairs, possibly assisted by the Department of the Public Service, if thought advisable, to brief Ministers on the advice sought on forms of power-sharing. I fear that, unless the SDLP get sufficient professional help in this area, the agreement that just may be possible in the talks may elude them for lack of proposals that might bridge a gap that seems likely to emerge. Mr. Donlon agrees and is endeavouring to think of people who could advise as a matter of urgency.

Mr. Donlon considers that the SDLP do not expect a very quick comeback from the Government here on their ideas which involve us. His understanding is that, as he says happened at the time of the Whitelaw talks, they will put forward their ideas in the negotiations with the UUUC (subject only to advice that the ideas are technically feasible), on the understanding that, in the end, the whole package would have to be discussed with the Government here and any agreement requiring action on the part of the Government would be subject to its endorsement. He therefore sees no need for an early Government meeting. This view is supported by the fact that his Minister made no suggestion that a meeting be convened. As against this, the proposals have more far-reaching implications for the Constitution here than had those under the discussion prior to the establishment of the former Executive. At all events, this is a matter for the Taoiseach.

The Minister for Foreign Affairs said after the meeting that he had not known how to react to the request that Mr. Canavan be received for discussions on contingency plans. This matter would certainly need to be approached with caution, as Canavan may raise the role of the Irish Army in a doomsday situation. This indicates that it is desirable that the Government should give early consideration to the papers before them on Northern Ireland.


15th August, 1975.