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Meeting with SDLP on 7 October 1981Introduction

1. The Taoiseach accompanied by the Ministers for Fisheries and Forestry, Labour, Justice, the Minister-designate for Foreign Affairs and the Attorney-General met a delegation from the SDLP in Government Buildings on 7 October 1981. A list of the members of the delegation is set out in the joint statement issued after the meeting, a copy of which is attached to this report. Mr Alexis FitzGerald, Advisor to the Government, was also present for the meeting. Messrs Nally, Lillis and Murray of the Department of the Taoiseach and Neligan and Burke of the Department of Foreign Affairs were also present.

SDLP Policy Review

2. The Taoiseach opened the meeting by welcoming the SDLP delegation. Mr Hume said that the SDLP had had a major review of policy a few weeks ago and would now like to inform the Government of the outcome of that review. They had sought a meeting with the new Northern Ireland Secretary of State for the purpose of outlining their views on what the new Ireland which they sought should be. If the Secretary of State was unwilling to move in their direction the SDLP would then have to consider what action they should take. The timing of their proposed initiative would also require careful consideration.

3. The SDLP policy position was summarised by Mr. Hume in five points as follows:-

- (1) Nobody could ignore Northern Ireland any longer; There was need for a new North/South framework. The Anglo-Irish process should be put back on the road.

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- (2) No movement was possible while the British guarantee remained. The British should attempt to change the guarantee to allow real dialogue to take place. At the end of the current process, whatever would be agreed should be put to the people in Northern Ireland by way of a referendum. No agreement would be feasible unless the people in Northern Ireland were prepared to approve of its terms.

- (3) The two sovereign governments and the various political parties in Northern Ireland should sit down and discuss the whole situation in its entirety and produce a solution.

- (4) The SDLP would outline the sort of Ireland they consider would be reasonable. They would envisage a positive role for the majority community in the North. Their position would have to be protected. A unitary state would not be realisable in the near future. The SDLP would envisage some form of federal state. They believe that Northern Ireland as a unit would have to be retained. They, for their part, would accept majority rule in the North subject to certain conditions and safeguards. In the model they had in mind the North would have substantially the same powers as in the case under the old Stormont regime. This would involve acceptance of majority rule but the powers which were formerly reserved to Westminster should, they would envisage, be transferred to Dublin. Such an offer, in the view of the SDLP, would protect the Protestant dimension. An Anglo-Irish council could protect the matter of citizenship and might oversee the arrangements

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they were suggesting. The SDLP have a discussion document on the concept of an Anglo-Irish council in course of preparation. Overall they felt that the offer they were now proposing was generous. It took account of everybody's point of view and they would describe it as a form of Irish partnership.

- (5) Mr Hume envisaged that the proposal mentioned would be put to the people both in the North and in the South by way of a referendum. This would involve a new Constitution in the South.

Meeting with Secretary of State

4. Mr Hume said that the SDLP intended to put forward these conclusions, drawn up at their review conference three weeks ago, to the new Secretary of State. They realised that there were risks involved in what they were proposing but they felt that on balance their current proposals contained the least amount of risk. Mr Hume went on to say that the strategy he had outlined was an example of what the SDLP could live with. At the same he acknowledged that it was not perhaps the only such example.

British Policy

5. Basic British policy on the North was the guarantee to the Unionist section of the community. This was a cause of sectarianism in Northern Ireland. There would have to be a change in that policy. Different traditions would have to live together in harmony. There was a need to bring politics back on the stage in Northern Ireland.

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Taoiseach's Response

6. The Taoiseach thanked Mr Hume for his very clear presentation of SDLP policy. He congratulated him on the imaginative formula which he had proposed which he regarded as both courageous and generous. The SDLP plan showed genuineness as to the way forward. As regards timing a judgement would have to be made here. When it would be possible to get British policy on Northern Ireland to shift was the question. The SDLP proposals were very close to Government thinking on the ultimate shape of the structure of the State. The Taoiseach said he would have some reservations on restoring to Stormont the powers it had in the past. The Unionists for their part might not welcome its proposed restoration in the way now suggested for fear of that it might be abolished without their consent at a later date.
7. The Taoiseach went on to refer to the Fine Gael policy document launched in 1979 which suggested a confederal model. The exact form of confederal model had not been worked out and it would not be possible to decide on that matter just now. Having regard to Unionist fears a role for the Protestant majority in Northern Ireland was important.
8. As regard Anglo-Irish relations the Taoiseach said that the Government could have moved faster but on balance felt that his meeting with the British Prime Minister should not take place in the shadow of the hunger strike. He would expect to meet Mrs Thatcher in about a month's time. The hunger strike had resulted in a revision of strategy. If the meeting had taken place earlier it would have inevitably been overshadowed by the hunger strike situation.
9. The Taoiseach said he regarded the Anglo-Irish process as of very great importance. The approach itself had not been criticised by him. He would wish to see the process widened

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but there would be continuity with the policy pursued by the previous Government. There might in some instances be differences of emphasis but convergence of policy would be the norm because of the national interest. The Taoiseach said he was very concerned that the process should be successful. Personally he would wish to see preparation for the forthcoming heads of government meeting taking place at ministerial level. At civil service level the work of the joint study groups have been continued. This work contained elements of value but it did not provide anything that could be seen to represent a breakthrough. In the Taoiseach's view it would not be possible to rely on that process alone as preparation for the Heads of Government meeting.

Meeting with British Prime Minister

10. The Taoiseach recalled that he had met Mrs Thatcher on a number of occasions, in different circumstances, over the years 1975 to 1980. She was not the easiest person to come to terms with. He did not know her mind on the problem at present. Prior's appointment represented a new dimension and he would envisage contact at ministerial level before his meeting with Mrs Thatcher. Indeed he would like to meet Prior himself if it were possible. He would then have a clearer idea of what he might hope to see coming from his meeting with the Prime Minister. The Taoiseach said that he could not say at this stage whether the forthcoming meeting would result in any significant breakthrough in the area of Anglo-Irish relations. He would of course like a meeting to result in such a breakthrough but he recognised that this might not be possible on the occasion of his forthcoming meeting. The "big push" might have to wait for a later meeting. He was concerned that the forthcoming meeting should not be a failure while at the same time he was determined not to miss

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any opportunity provided. His predecessor had launched a process which provided a framework for progress. While in Opposition he (the Taoiseach) had criticised the degree of secrecy surrounding the process as in his view this feature enabled Paisley to rouse irrational fears. The sooner we could publish what has been agreed the earlier we could counteract these fears. At the same time the Unionists should not be given an opportunity to veto further progress. This was a complex matter and previous consultation at ministerial level would be necessary to get it right.

Defence Issue

11. Another criticism which he had made was the raising of the defence issue. The Taoiseach referred to the curious negative vote in the Dail in this regard. In his view the defence issue was not the card to play at the beginning of the process. It must be recognised that there were strong inhibitions in this State on this issue and that the Labour Party also had strong views on the matter. If one part of the country was involved in NATO and the other not obviously a problem would arise. The present Government however would not be approaching the matter in the same way as its predecessors.

Pressure on British

12. A question which arose was where or how we could put pressure on Britain. Where could we press for movement which would bring about a change from the present guarantee position to encouragement of productive dialogue. We needed to get the British Government to move towards the position of accepting that the two parts of Ireland should work out their future together. It had to be recognised that we did not have a lot of leverage.

This Week Interview

13. The Taoiseach went on to explain the rationale of his recent This Week interview on RTE radio. Its purpose was threefold.

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Firstly he explained that he had no notes with him for the purpose of the interview* and spoke *ex tempore* (contrary to some press reports). However he had worked out in advance what he would say in the course of that interview [as an aside the Taoiseach said that if he had had a script for the occasion he would have made no reference to the Mayo Library incident of 1931].

14. The primary purpose of the interview was to offer to the people in Northern Ireland, a significant minority of whom look towards a united Ireland as the only solution, something positive. He wished to indicate a willingness to respect the fears of the majority community in Northern Ireland (they were of course the minority on the island as a whole). He recognised that that community were given to paranoia. Anything that would make Northern Protestants consider their situation in an open and objective way would be helpful. We could not wait until they were begging to get to the negotiating table. It was necessary to show a willingness to be responsive and to be prepared to take an initiative on this account for its own sake.
15. The Taoiseach said he believed that the present Constitution contained obstacles to progress: it was not open to sharing institutions with another state - under Article 3 the laws enacted by the Oireachtas have the like area and extent of application as the laws of the Free State. The Constitution did not bind us from moving to all-Ireland institutions but did in a sense look like this. There was a need to provide a mechanism by which we could move towards the concept of joint states. The Constitution, as it stood at present, was a barrier to progress in this regard. We would have to face the fact that this was the position; as drafted the Constitution was a barrier rather than a means to progress.

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16. The third reason for the recent broadcast was the fact that the Irish Government were not well placed at present in any bargaining situation with Britain. The Taoiseach said that if he took the initiative at this time he would have a certain advantage. He could say that he had stuck his neck out and was prepared to accept the consequences if he failed. He would say to the British that "you owe it to me to make a move to continue this progress". It would not be easy to start again if the current initiative were to fail. He hoped to put it up to the British to deliver more than they might have thought of up to now. He would have to see what response would be forthcoming.

Consultations with SDLP

17. The present meeting with the SDLP was timely. Both sides were presenting new policy positions and were moving on converging lines. There was a need for both sides to remain in close contact. There was also a need for confidential discussions and the Taoiseach said it would be his intention to have these on a regular basis.

Constitutional Change: Timing

18. Mr Hume in response said that the present was a period of great opportunity. There were of course certain dangers involved. He asked whether the Taoiseach proposed to move to change the Constitution before he received a response from the British. In reply the Taoiseach said no; he had no intention of committing political suicide. Mr Hume suggested that the Taoiseach should say to the British that he had expressed his willingness to examine the confessional aspects of this State and ask what they were going to do about the Northern Ireland confessional state. The matter could be approached on the basis that the Irish Government were willing to do so much if the British were prepared to move forward likewise. The guarantee to the Unionists was the

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basic problem. Both the guarantee and the Constitution should be "on the table" at the same time. The Taoiseach in response agreed with this approach.

19. The Minister-designate for Foreign Affairs said that the Government had started a process of review and where it would end depended on the British. Mr Hume in a reference to the meeting which the SDLP had had earlier that afternoon with members of the Opposition Front Bench said that from what he had heard a "bruising debate" was about to start here. He did not relish that prospect. Both the British and the Northern Ireland Unionists would stand back from such a debate and in the end nobody would win. It was extremely important that any move to change the Constitution did not take place before there was similar movement from the British. In response the Taoiseach said that he thought the answer to that was self evident. He could not conceive of seeking support for changes here if no movement was forthcoming from the British.
20. Mr Austin Currie thanked the Taoiseach for his elucidation which he said was worthwhile. The discussion which the Taoiseach had started gave rise to controversy in the North as well. The fact that there was a subject of debate other than the hunger strike was good in itself. He said that the new situation was going to require closer communication between the Government and the SDLP; there was a need for private discussion in this regard. A "bruising debate" in the South would not be welcomed by the SDLP. The debate could develop in that way and there was a need to prevent this happening. Timing, he said, was of the essence - what the Government would say to the British, to the Unionists and

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to Fianna Fail. With regard to the secrecy aspect of the Anglo-Irish discussion Mr Currie said that one of the difficulties was the ^{time at which} /Northerners might be brought into this process. If for example the Unionists were brought in too early this could abort the process. In relation to talking in terms of amending the present Constitution the SDLP would suggest that what was required was a new Constitution, much shorter than the present model.

New Constitution

21. In response the Taoiseach confirmed that what he had in mind was a new Constitution. Mr Currie welcomed that reply and suggested that there was a need to spell out what the Taoiseach had in mind, with due regard to timing. The Taoiseach in reply said that one thing he could not do without causing damage was to make it explicit that this was part of a bargaining process. He hoped he could succeed in bringing people with him. If however he misjudged the situation and failed he would have to take the consequences. Mr Hume said that the Taoiseach, in his view, could not put proposals to the country unless he had achieved progress in discussions with the British. The Taoiseach, in response, said yes but that he could not say this explicitly. The strategy he had put forward would only succeed if the British agreed to move. If they were prepared to concede movement we could agree to make certain changes here but only on that basis.

22. Mr Hume asked, with reference to the British, what they would do in the meantime if there was a divisive debate here? Could the Taoiseach head off the Opposition? The Taoiseach, in response, said that he could not disclose the full process which he had explained. He would, however, endeavour to defuse this issue as much as possible. What he had said

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in regard to the Constitution, was the same as what former leaders of Fianna Fail had said. He could not go the whole way, however, because that would involve disclosing his strategy with the British. At this point the Minister-designate for Foreign Affairs intervened to suggest that as regards the forthcoming Seanad debate perhaps neither the motion nor the amendment might be put to a vote on the conclusion of the debate. In his view it was dangerous to have Fianna Fail voting that Articles 2 and 3 remain unalterable [reference to amendment to Government motion put down by Senator Eoin Ryan for the Seanad debate on the Constitution].

23. Mr Hugh Logue said that a party political debate on Articles 2 and 3 of the Constitution following on immediately after the conclusion of the hunger strike could become in itself a partitionist act. With reference to the guarantee Mr Logue said that as long as the position of the Unionists within the United Kingdom was guaranteed they would not think about joining a united Ireland. Neither the SDLP nor the Irish Government had anything to thank the British Government for. They, for their part, had allowed the power sharing executive to fall; they had done nothing to help the SDLP and the SDLP in turn owed nothing to the British. In addition/^{the} British had talked to the IRA at various times. There was a need to be wary of the British. British action could, however, come very quickly through the joint studies process. The Taoiseach, in reply, said that Prior's appointment had offered a possibility of a shift in British policy.
24. Mr Hume referred to the question of terminology used in the earlier part of the discussion. The Government here, he suggested, might say that they were not asking any Unionist to join this State. Together North and South could work

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out new constitutional arrangements. This was different from saying that the Government were not asking the Unionists to join this State as it stood but that they were prepared to make constitutional changes. The Minister-designate for Foreign Affairs said the Government were not offering a blueprint but a process. The blueprint would come at a later stage. Mr Hume said that the SDLP did not regard this State as a sectarian one but rather as a confessional state. There was no way people here could not get jobs or houses because of their religious persuasion.

Impression created by recent broadcast

25. Mr Canavan said that after the broadcast and the attendant publicity which it received the impression had come across that the Government here were going to change the Constitution unconditionally. The sooner they could send out appropriate signals on this the better. The Taoiseach said it was a question of tactics as to whether the Government should try to twist the British arm on this or convince people here. Mr Canavan said that the British would take advantage of every weakness if they saw a divisive debate going on here. The Taoiseach, in response, said that the Government would have to take the flak now. Mr Canavan went on to say that it was necessary to put the cards on the table with the British. They should be told of the Government's policy as quickly as possible. The present was the most opportune time for this.

Attitude of Opposition

26. Mr McGrady referred to moves on Northern Ireland policy at grass roots level in the various British parties, in particular the Labour Party. Mr Prior would have to achieve something. If there was a very heated debate in the Republic, however, this would not help and Mr Prior would be diverted to an inward looking process. The Taoiseach said that he saw his

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present strategy as the best way to put pressure on the British. If he had not stuck his head out there would have been no pressure forthcoming. Mrs Brid Rogers said that the Opposition party was not at all happy with the Taoiseach's recent statements. It seemed as if there would be a clash between the Government and Opposition and this would not be helpful to the current process.

27. The Taoiseach said that for over ten years now there had been no progress made towards resolving the Northern Ireland problem. The Opposition were unwilling to make a move on the Constitution until such time as the Unionists would come to the negotiating table. The reality was that the Unionists would not come to the table/^{"as things are"}and this ensured that there would never be any progress in this area. It was inevitable that there would be some element of controversy here. The Seanad debate, however, would be less partisan than his remarks in the course of the radio interview. The procedural suggestion put forward by the Minister-designate for Foreign Affairs commended itself in this regard. Mr Logue said he was in favour of the Taoiseach's approach but he saw that it could become sabotaged. In response to a question from the Taoiseach as to why this might happen Mr Logue said that the British had not moved in the past. How could we be certain that they would do so now?

Attitude of Unionists

28. Mr Feeley said that people had the impression that the Taoiseach intended to do what he had said in any event with a view to rationalising fears. The Unionists, however, were not interested in rational debate. If they thought that the Government here would make changes in the Constitution then they would sit back and let the Government proceed and

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make no move themselves. There would be no shift on their part from the guarantee position. So far as the talks with the British were concerned the Unionists would try to wreck any such discussions. The Taoiseach in response agreed that if the Unionists were brought in at the wrong moment they would destroy the process. He had no illusions in this respect. Mr Feeley said that the security aspect was a good bargaining power for the Government here. In addition both the Labour Party and the SDP in Britain were now disposed to unity. There was pressure building up for a major conference to deal with the guarantee problem. As he saw it the guarantee should be withdrawn first/^{and} then a new Constitution might be brought in.

29. The Taoiseach in reply said that things had to be taken stage by stage. There was a British position and a Unionist position. It was important to soften Unionist attitudes to allow the British to change their course. He would wish to say to them that we had done our part, now you do yours. The question of when to change the Constitution would have to be considered. If there was no movement on the part of the British then the situation would be entirely different. At the same time he would not rule out proposing certain amendments to the Constitution for our own purposes. Whether these might be made before or after a conference was a matter for judgement. If Unionist fears were reduced it would make it easier to get them to the conference table and to eventual agreement on a new Ireland. We were concerned with the first stage of that process now.

30. Mr Currie referred to the importance of timing in relation to bringing in the Unionists. The Taoiseach agreed that if they were brought in too early then the process might well be ditched. The Government were fully aware of this as were

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the British. Both Governments did not wish to fall into that trap. All should move together. A conference at the end of the day was our aim.

Need for movement by Unionists

31. Mr Currie, continuing, said that everything depended on the willingness of the British to play ball. The Unionists at present had their position guaranteed and were not prepared to move. If however the British were themselves to move, other things would come into play. Mr Hume said both sides were agreed on the need for movement. The Irish side would have to encourage the Unionists to move. The SDLP for their part had also to encourage movement on the part of the Unionists. Whether the Government offered its constitutional changes unconditionally was the issue in question. The SDLP were not going on a head-on collision course with the Government. They would like to be able to say to their grass roots that they were aware of the thinking behind the Government strategy. The SDLP would stand by the Taoiseach in this matter. Mr Hume for his part was not going to say on television what precisely the Government's strategy was.
32. The Taoiseach said he was willing to take certain risks but ^{was} / not prepared to move until he had a prospect of success. The question was what the Government should try to get the British to do now.
33. Mr Hugh Logue said that both the SDLP and the Government could synchronise their approach. Both needed to take account of the Unionist and British positions.

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Need for Constitutional Change (other than in N.I. context)

34. The Minister for Fisheries and Forestry, referring to the Constitution, said that in a number of respects change was badly needed. He instanced the position in relation to annulment of marriage, the state of the law in regard to inheritance, which he said was in chaos, and the problems arising from the Supreme Court's interpretation of the right to bail. He had long felt that in reality Articles 2 and 3 were meaningless. Mr Hume interjected that what was involved was verbal republicanism. This means a lot to some. The Taoiseach said that an amendment to the Constitution might be needed to deal with the question of profits arising from development of land. There were strong reasons for seeking changes in the Constitution. As he saw it we were hamstrung by Articles 2 and 3. We could not change them (in the absence of movement on the political front) and we could not re-enact them in a new Constitution. The Minister for Fisheries and Forestry thought that part of the difficulty was that Articles 2 and 3 had been put over in a particular way. Mr Hume asked what aspiration might be put in their place. The Attorney General intervened to say with regard to the question of review of the Constitution that the presentation and timing of this review was in our own hands. The matter was not controlled by any outside body.

Divorce

35. Mr Currie referred to the question of divorce. He asked whether this might have to be tackled immediately. He advised that "we should not allow our enthusiasm to run away with us". There would be a conservative approach to this issue amongst the Roman Catholic community both North and South.

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Implications of Guarantee

36. Mr Canavan said that what the British should be asked for was important. The Taoiseach replied saying that it was necessary to get agreement with them on a formula. There had been a willingness at civil service level to go so far but the question was what should be said to Mrs. Thatcher at his forthcoming meeting. Mr. Canavan suggested the need for a revision of guarantees. The Taoiseach in response expressed reservations about verbal guarantees. As he saw it the British should open up discussion and negotiation on a new structure between North and South. Referenda in this regard should be held in the North and in the South on one day. There could be no stronger guarantee than that.
37. Mr Hume suggested that the Government should point out to the British that the guarantee to the Unionists had failed to produce peace and stability. The Minister for Fisheries and Forestry said that what the Government should aim for was an agreement between all the interests concerned which would be put to the people North and South by way of referenda.
38. Mr Logue said that the Unionists in Northern Ireland would not be prepared to consider any form of new state as long as they had the guarantee. They had a secure position at present, irrespective of their behaviour. The Taoiseach said it would be necessary to get the British to commit themselves to a process which would encourage both parts of Ireland to come together in agreement. The statements made by George V in 1920, and in the Sunningdale agreement had all been abandoned by the British for some years. They should now move to a position where they ^{would} want to see both North and South working together. The Government did not wish to see the British launch an initiative that would be aborted by the Unionists.

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39. Mr Currie said in this regard that terminology was important. What should be said to the Unionists was that their tradition on this island would be guaranteed. This did not mean that they should ^{have} a veto over political developments. The Unionists had extended the guarantee in that way. It needed to be put in more positive terms. The Taoiseach said his aim would be to get out of the British a positive formula that would help. He would sound them as to what their reaction was and he suggested that the SDLP might do the same at their level. Both sides should keep in close touch. Mr Canavan said it was difficult for them to find out what the British attitude might be. In his view it was up to the British now to make a generous response to the Taoiseach's offer.

Shift in British Policies

40. The Taoiseach said he would wish to get the maximum offer possible from the British. There was a shift in British policy at present. The new Secretary of State was in a different position as compared with his predecessor. He was of the view that Mrs Thatcher was also "getting the message". The other British Parties were also seriously concerned about the situation. The Taoiseach said he was not thinking in terms of advisory councils. The question was how we could maximise British willingness to move at this stage. There was a need to share information on this aspect.
41. Mr Feeley stated that on every occasion the SDLP had put forward reasonable policy proposals they had been vetoed. In his view the British government were coming around to abolishing the guarantee. He drew attention to its most recent wording (as long as the majority in Northern Ireland and the majority in parliament etc.) which suggested a change in emphasis. The Taoiseach agreed that the inclusion of the reference to a majority in parliament represented a new element.

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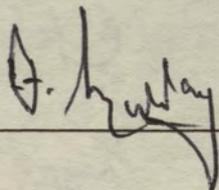
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Timing of SDLP Approach

42. The Minister-designate for Foreign Affairs asked about the timing of the new SDLP approach. Mr Hume said that they proposed to go to the British first privately with a view to encouraging them to move. The Minister-designate asked if the SDLP could get itself into a position where they had abandoned power sharing and accepted majority rule without any reciprocal move. Mr Logue said in response that the new relationship arose because of the complexity of the new sovereign situation which they envisaged in their proposals. Mr Hume added that in their view power sharing was "not on" any more in Northern Ireland. Both the Government and the SDLP were in agreement on the need to encourage the Unionists to move from their present position.

Conclusion

43. At the conclusion of the meeting, which lasted for two hours, there was a discussion on the form of press release which might be issued. Agreement on a brief joint statement as attached was recorded.



9 October 1981