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Summary of Committee Meeting. Friday 2nd October 1992

Afternoon Session

1. The afternoon session was devoted to the SDLP paper.
2. Dr. Alderdice sought a number of clarifications, and drew the conclusion that the practical structures proposed in the SDLP paper were very close to those proposed by Alliance, except for differences at the Northern end, arising essentially from Strand One. This was disputed by the SDLP, who said their paper assumed an executive role for North-South structures, whereas the Alliance structures were essentially consultative. Mr. Mavhew suggested Alliance should draw up a further paper clarifying this issue.
3. The UUP (Empoy) objected that the executive role for institutions in the SDLP paper could be an embryonic all-Ireland Government and would lack accountability and long-term viability. This was disputed by the SDLP.
4. Further clarifications by the SDLP were:
  - the institutions would be confined to areas of common interest in the fields listed. Other activities would continue to be discharged by the respective Departments, North and South;
  - the institutions would operate by consensus, and if there was no agreement there would be no joint action;
  - the proposals assumed agreement in Strand One, and an agreed framework for their operation. This agreed framework and budget would determine various questions of detail;
  - the paper also assumed such institutions, like the European ones, would operate in an orderly and carefully prepared way, so that one could rule out the more extravagant worries (e.g. sudden merger of IDA and IDB against the wishes of the majority of the Northern Ministers).

Report of Meeting of Strand Two Committee  
afternoon of Friday, 2nd October, 1992

1. The resumed meeting began discussion of the SDLP paper. Mr. Empey asked who the proposed Council of Ministers would be answerable to. Mr. Hume said the SDLP proposals were conditional on their being Northern Ministers. Their authority would derive from the fact that the Ministers were exercising fully devolved powers. The Irish Government was of course sovereign. The SDLP believed that such cooperation would be sensible even if there were no political problem. Both parts of the island were inter-dependent, as the British White Paper had recalled in 1973. There was no reason <sup>to</sup> fear the proposals. If the two Ministers did not agree, then nothing happened.
  
2. Mr. Empey asked what the source of funds would be and whether the institutions would be accountable to the source of funds for their stewardship. Mr. Hume said that if, say, two Ministers for Agriculture were meeting, each would have an agricultural budget. He agreed they would be accountable to the source of funds. Dr. Alderdice said that his understanding of the SDLP proposals in Strand One was that Ministers would not be elected. Mr. Hume recalled the separation of powers involved in the SDLP proposal in Strand One. Under that proposal the people who were elected were responsible directly to the electorate. A number of aspects of that proposal were open to further discussion, but that had not taken place.
  
3. Dr. Alderdice asked whether in accepting Europe as a model, the SDLP agreed there was a democratic deficit in Europe. Mr. Hume said he shared that view and the issue was a major concern for the Socialist group in the European Parliament. Parliaments had refused to cede power, but that power had already been ceded to the Council of Ministers. The SDLP

would be anxious to remove totally the democratic deficit whether in Europe or in Northern Ireland. Dr. Alderdice said they would be happy to return to discussions in Strand One on a concurrent basis. There was further business to be done before agreement could be reached. Dr. Alderdice asked whether the SDLP structures would ever involve a Northern or Southern veto on activities in the other jurisdiction. Mr. Hume said the purpose of the proposal was to develop common ground leading to agreement. If there was no agreement, there could be no common action, but he would hope the parties in such circumstances would apply their minds to reaching agreement, with the help of a Secretariat. He confirmed to Dr. Alderdice that in the event of failure to reach agreement, the task of Government in those circumstances would be carried on by the separate jurisdictions.

4. Dr. Alderdice asked whether the SDLP proposal would involve dealing with specific aspects of an individual portfolio, e.g. agriculture, or the pooling of all activities under such a portfolio. Would each jurisdiction do some things together and some things apart? Mr. Hume said the purpose was to work the common ground, Agriculture was an area where there was a virtual identity between North and South. (There followed a brief discussion as to whether this was or was not so). Dr. Alderdice asked whether the model was the Council of Ministers under the Sunningdale Agreement. Mr. Hume said their proposals were based strictly on the European model. There could be meetings of individual Ministers on individual topics as well as groups of Ministers on wider issues.
  
5. Dr. Alderdice enquired what would happen if someone from Northern Ireland refused to operate these structures or, for example, to attend a meeting in Dublin. Mr. Hume said that he felt it was inconceivable that someone elected to be a

Minister in such circumstances would take that position. Dr. Alderdice suggested that someone might seek election on a platform specifically to oppose these institutions, rather as some MEPs had been elected on an anti-European platform. Mr. Hume said that any institution could be made unworkable if a sufficient number of people opposed it. There were three strands in the negotiations. If agreement were reached, he felt it would deal with that problem.

6. Dr. Alderdice then asked whether Mr. Hume could point out the differences between the SDLP paper and the Alliance paper. Mr. Hume felt the fundamental difference was that the SDLP paper regarded relations between North and South as the central issue, whereas the Alliance paper did not. Dr. Alderdice pressed the SDLP to define the differences between the structures proposed in both papers. There followed a long and on occasion, somewhat sharp exchange between Alliance and the SDLP on this issue. The SDLP insisted that their document was based on new institutions with executive powers, whereas the Alliance document had envisaged essentially consultative institutions. Dr. Alderdice suggested that the Alliance party had not limited new institutions to a consultative role and envisaged executive functions developing by agreement. The difference between the two proposals was not in terms of North-South structures but of the Northern Ireland structures which plugged into these, in short, that these related to Strand One. Sir Patrick Mayhew intervened to say that since there was a possibility of agreement beginning to burgeon in this area, he felt it would be helpful if Alliance submitted a further paper amplifying their position and taking account of the points made in the SDLP paper and in the discussions. Dr. Alderdice agreed to reflect on this.
7. Mr. Empey asked about the reference to "uniformity" in the SDLP paper. He asked what purpose would be served by

uniformity. The SDLP assured him that this applied only to areas, such as environmental threats or security, where a uniform approach was clearly necessary or of advantage. They were not suggesting uniformity for its own sake. The SDLP was the party of diversity.

8. Mr. Empey objected that neither the Irish Government nor the SDLP had given a clear explanation of what executive meant. Depending of the scope of the issues involved, a body taking decisions for the island of Ireland on all activities in a particular sector would appear to be an embryonic all-Ireland Government. He asked the SDLP if they saw it as such. Mr. Hume recalled the nature of the problem. Northern Ireland was not a natural entity. Both parts of the island suffered from the division. The bad effects of the division had to be healed. The SDLP wanted to see people living in harmony in an agreed Ireland, but they accepted that would need time. Mr. Mallon referred to the last criteria in their paper for such structures, that they should break down barriers and lead to unity based on agreement. Surely such agreement would be a good thing? Their paper was not a blueprint for a devious takeover. The SDLP were in an impossible position, if everything they put forward was seen as trundling unionists into a united Ireland.
  
9. Mr. Maginnis asked whether the North-South structure entitled the "Council of Ministers" was made up in equal numbers from the Oireachtas and from whatever Northern Ireland institution was agreed. Mr. Hume confirmed that it was, and that it would have power to make definitive decisions. In response to further queries from Mr. Maginnis, he said that matters could be referred to such structures by the Northern Ireland Assembly or the UK Government as appropriate on the British side and by the Irish Government on the South. The mandate for such



structures would include a definition of the powers given to it by the Governments. It would be set up by both Governments in agreement with the parties around the table. That would define both its role and its participants. Mr. Maginnis said that assuming such a body could be established (which he did not believe), composed of, say, six Ministers on each side, would they reach a decision by agreement among twelve Ministers or among two Ministers dealing with a specific item. Mr. Hume referred him to paragraph 14 of the SDLP text, indicating that membership would change depending on the topic under discussion. Mr. Maginnis asked who would pick up the pieces in the event of an irreconcilable difference of interests. Mr. Hume said if there was no agreement there could be no common approach. He referred again to the European model where decisions were prepared and areas of agreement were sought out.

10. There followed a discussion of what would happen in such a body in the event of strong dissent within the Northern Ireland component. Sir Ninian said the question was in essence whether in a North-South body of six persons, four could outvote two. Mr. Hume said that in order to underline the need for agreement, they proposed that such a body should act by consensus. Mr. Maginnis said that if a body had to act by consensus it strengthened the case for keeping such institutions as close as possible to the grass roots. It would be wrong to start with a "super quango". Mr. Hume asked how a North-South Council of Ministers could ever be considered a quango. Mr. Maginnis retorted that under the SDLP proposals in Strand One these Ministers would be appointed by the Commissioners. He objected also to a reference in page 3 of the SDLP proposal which seemed to imply that Northern Ireland was being separated from Great Britain. Mr. Hume said they were in a hopeless position if every proposal was interpreted as containing a hidden agenda. The name of the state was the United Kingdom of

Great Britain and Northern Ireland. If these two bodies could be separated in the very name of the state, why could not the SDLP paper do likewise. The paper stressed that no single relationship could be taken in isolation.

11. Mr. Maginnis again objected that there would be a lack of uniformity and symmetry since the Ministers from the South would have gone through a long process from election to Cabinet selection, whereas the Ministers on the Northern side might be appointed and not necessarily elected or from the Assembly. Mr. Hume said the SDLP paper assumed there was agreement in Strand One. He stressed again that consensus was at the very heart of the proposal for the North-South structures and therefore Mr. Maginnis' fears were groundless. The meeting then adjourned for a coffee break.

(After Coffee Break)

12. When the meeting resumed (in the absence of both the British Ministers) Dr. Alderdice enquired whether the proposals envisaged six departments only, or more than six. The SDLP confirmed that they were not rigid on this point. The Tánaiste enquired whether other areas of cooperation could be considered, in addition to those listed, for example health. The SDLP confirmed that health was in fact included. Mr. Fell enquired whether, if it was found desirable to add further competences subsequently. These could be decided between North and South or had to involve the two sovereign Governments. Mr. Hume said he assumed the initial structures would be agreed by both Governments and the parties around the table. If afterwards it was desired to add a further function, which was within the competence of the Northern administration, he felt this could be added simply by mutual agreement between North and South.



13. Dr. Alderdice pointed out that in this model, unlike the Sunningdale model, Ministers could meet on an individual basis. In such circumstances, Ministers from North and South might decide, for example, to merge the IDA and the IDB, even though such a proposal might not have majority support in the Northern Cabinet. Dr. Alderdice illustrated the point further by suggesting that, in the absence of collective Cabinet responsibility, a North-South Ministerial meeting might decide to rationalise the hospital services by closing Newry hospital. Minister O' Malley pointed to the experience of the European Council. Meetings were carefully prepared. Agreement on three or four items from an agenda of fifteen or twenty was a reasonable average. The process of discussion went on until agreement was reached. Mr. Hume said that any responsible Northern Minister would get the opinion of his colleagues before attending such a meeting. Northern Ireland would have to be administered by agreement.
  
14. Mr. Empey referred to the list of items in paragraph 13 of the SDLP paper coming under the remit of North-South institutions. If such an extensive range of matters came within that remit, what was there left to be done by the Northern Ireland Assembly except pay for them? Mr. Hume drew a distinction between matters which affected both parts of Ireland and those which did not: running a hospital in Derry was not for the whole island, the Dublin-Belfast road or rail links were. The SDLP paper did not propose total control in the areas listed but rather the joint administration of aspects which affected both parts of Ireland.
  
15. Mr. Empey said the negotiators must design a system which outlasted them and provided stability for generations. That required accountability, which could never be divorced from a chain of responsibility to those who provided the money. The broad brush system was fine in theory but the structures

had to be capable of surviving in the long term. The SDLP pointed out that their structures were intended to be "capable of developing". They did not want to set things in concrete. Mr. Fell enquired whether two Ministers from North and South would be equally bound by collective responsibility. Referring back to the example of merging the IDA and the IDB, he asked whether, even if both Ministers agreed on such a merger, it would not still require legislation, thereby giving the Assembly the final say. Mr. Hume indicated that where legislation was necessary that would clearly be so. Even if it was accepted that an entire area came within the ambit of North-South institutions, that did not mean that the two departments ceased to exist. They would work the common ground but their other activities would also continue.

16. At this point Sir Ninian drew the discussion of this item to a close. He concluded with a number of "housekeeping" announcements: The "Mini-Committee" of two people per delegation would meet at 10.00 am on Wednesday to consider a draft which the Chair would prepare over the weekend and would circulate before the meeting. The work of this Committee would be ad referendum to the full Committee which would meet at 10.30 on Thursday. The Committee would meet again at 10.00 am on Friday to continue its work. There would be a Business Committee at 9.15 on Friday.
17. Mr. Hume asked how a report could be drawn up if not all parties had put forward proposals. Sir Ninian said the report would deal with the positions as they had been reached. He urged all parties to table papers. The Tánaiste enquired whether a plenary meeting was envisaged for Friday. The Chairman said that there could be a plenary on Friday if parties felt progress justified it. He

suggested that a decision on this issue be deferred until Thursday. The meeting then concluded.

Seán O hUiginn  
5 October, 1992