

STRAND 2

SDLP COMMENTS ON THE PAPER SUBMITTED BY THE BRITISH
GOVERNMENT (9 October 1992) ON "ISSUES ARISING FROM THE
DISCUSSION OF POSSIBLE INSTITUTIONAL ARRANGEMENTS"

1. The main aim of the SDLP in these negotiations has been to define new institutions of government which would accommodate together two sets of legitimate rights:

'- the right of Nationalists to effective political, symbolic and administrative expression of their identity; and

- the right of Unionists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life." (NIF Report, 4.15)

This has been our chief consideration in both Strand 1 and Strand 2 of the Talks.

2. Paragraph 9 of the paper submitted by the British Government delegation lists possible areas of agreement or common ground, between parties in respect of new North-South institutional arrangements. The SDLP will seek in negotiations to expand the areas of agreement so that any new North-South institutions would have:

- a capacity to represent both the nationalist and unionist identities in a manner which would attract the support of people in both parts of Ireland;

- a capacity to address all matters of mutual concern and interest to the people of the whole island;

- a capacity to promote and achieve harmonious action between institutions and agencies in both parts of Ireland;

- a capacity to promote cooperation and uniformity in relation to matters affecting the whole of Ireland;

- a capacity to provide for the administration of services on a mutually agreed basis.

- a capacity to break down barriers of distrust which led to past divisions and to lead to a unity, based on agreement, of the

people who inhabit the island of Ireland, accepting both diversity within Ireland and the unique relationships between the peoples of Ireland and Britain. 3. In order to ensure that new North-South institutions should have "the capacity to address all matters of mutual concern and interest to the people of the whole island". the SDLP will regard as essential that this includes security and legal affairs, including matters relating to human, civil and communal rights.

What follows are the SDLP's initial responses to the specific questions set out in the British Government's paper:

3 (par11). Subject to these reservations, ie that this is not to suggest that this common ground provides a sufficient basis in itself for N/S institutions, can Talks participants agree that this represents common ground between them as far as N/S institutions are concerned ?

Yes, but the SDLP would emphasise that the common ground so far identified is quite definitely not a sufficient basis in itself for N/S institutions. The SDLP would stress a requirement for new N/S institutions to have an executive role as indicated in the set of capacities listed in our submission on new N/S arrangements.

4 (par20). Can participants agree that N/S institutions should be able to address any issue of concern to either party, but should only directly sponsor action on those matters which are within the responsibilities of the parties to the relationships ?

This question contains a number of assumptions which would need to be explored more fully. First, what is meant by the phrase "within the responsibilities of the parties to the relationships" ? Second, what is meant by the phrase "should only directly sponsor action" ?

It would be the SDLP's view that in establishing any new N/S institution the functional responsibilities to be allocated to it would be clearly specified in the legal instruments setting it up and that any action recommended could be directly taken by the institution, preferably through a Council of Ministers of the kind proposed by the SDLP. This should not preclude members discussing other issues and recommending such action as they would see fit.

5 (par23). Can participants agree that N/S institutions should promote direct contact and active co-operation between those exercising political authority over departments in NI and the Republic ?

In terms of the SDLP proposals the answer to this question is that the Council of Ministers would be the channel for such contacts and, in that case, such contacts and any active co-operation resulting therefrom would be a consequence of the establishment of the Council.

6 (par26) Can participants agree that it should be possible to vary the format of meetings within N/S institutions, according to the subject under discussion ?

The Council of Ministers as proposed by the SDLP would involve different political principals according to the subject (s)/issue(s) under consideration.

7 (par27). Would it be desirable to build in regular opportunities for N/S institutions to review the overall level of activity and proposals for enhancing it ?

The simple answer to this question is 'yes'. However, the question of who would be involved in such review and the nature of their responsibilities would be matters for careful consideration.

8 (par30) Can participants agree that further consideration should be given to a forum in which representatives from NI and the Republic of Ireland, other than those exercising executive responsibilities, could meet ?

The SDLP has proposed a parliamentary dimension to its Council of Ministers. It follows that the SDLP would be willing to give "consideration to a forum in which representatives from NI and the Republic of Ireland, other than those exercising executive responsibilities, could meet".

9 (par34). Can participants agree that N/S institutions should be one element in arrangements flowing from the Talks process as a whole which would address the totality of relations within these islands ?

The SDLP accepts that all relationships both within the island of Ireland and between Ireland and Britain have to be addressed. Interaction between the various structures which may be created to give expression to the different relationships must be provided for. However, new N/S institutions must be clearly defined and free-standing, so as to give expression to the particularity of relationships within this island. It follows that new arrangements for N/S relations would form only part of the set of arrangements necessary to "address the totality of relations within these islands.

10 (par38). What are the views of other participants on what, if any, role the British government should play in N/S institutions ? As far as the SDLP is concerned the British role with respect to relationships between the people of Ireland should be to assist the healing process necessary to remove the bitter legacy of suspicion, mistrust and division which has persisted for so long and to support the coming together of the people of Ireland in a spirit which accepts both diversity within the island and the unique relationship between the people of Ireland and Britain. The British role would, therefore, essentially be a supportive one, the details of which should be determined in the context of the wider relationships between the governments of Ireland and Britain which form the essential business of Strand 3.

11 (par41). Can participants agree that those involved in N/S institutions would participate in them according to their roles and authority in the political institutions they represented ?
If this question is referring to the involvement of Heads of Departments/Ministers from both North and South in a Council of Ministers of the type proposed by the SDLP then the answer must be 'yes'; secondly, if the involvement of other representatives from parliamentary institutions North and South is also intended then again the answer must be 'yes'.

12 (par44) Can participants agree that a secretariat should be established which would service N/S institutions, and carry out functions required by those institutions ?

The SDLP would regard the establishment of such a secretariat as essential provided it would be seen as a secretariat serving the needs of N/S insitutions exclusively.

14 (par48). Can all participants agree that such arrangements, outlined in par47, within N/S institutions should be feasible and would be desirable ?

The type of arrangements outlined in par47 provides a very minimalist model of N/S institutions and would not meet the requirements as understood by the SDLP since any institutions set up to operate as outlined would be mere debating chambers whose recommendations would be completely subject to endorsement from the authorities in Belfast and Dublin.

15 (par53) Can participants agree that the administration of some services by other joint bodies might in principle be of mutual benefit ? If so, are there suitable services which can be identified now ?

The SDLP has proposed the establishment of joint bodies to deliver services on a mutually agreed basis. Provided such bodies operated under the authority of the N/S institutions as envisaged within the terms of a new agreement the answer is 'yes'. If there is an implication that such joint bodies would function autonomously in some way, the SDLP would not find such a proposal acceptable.

16 (par 52). Can participants agree that N/S institutions should provide a forum in which agreement can be reached to establish such joint bodies through, for example, legislation in each jurisdiction ?

Where legislation would be required the SDLP would not object. However, the SDLP would also propose to provide N/S institutions with enabling powers which would allow for initiatives not requiring legislation and which could lead to the establishment of certain kinds of joint bodies.

17 (par55) Can participants agree that the desirability and practicability of such arrangements should be considered further ?
The answer is 'yes'.