

Report from the sub-Committee established on 11 May

1. Acknowledging that other issues besides institutional arrangements may arise in Strand I of the Talks and that the issues addressed in Strand I, both those agreed and those deferred, will ultimately need to be assessed alongside the outcome of the other Strands of discussion in the Talks process, the members of the sub-Committee set up on 11 May to consider the papers tabled that morning by each of the four Parties have considered possible ingredients in a new institutional framework for Northern Ireland. This paper represents the sub-Committee's provisional report back to Plenary.

2. The members of the sub-Committee explored in some depth the institutional arrangements at the heart of each Party's papers tabled on 11 May, and tested each of those proposals against the Common Themes and Common Principles documents agreed in Plenary on 4 May and 5 May respectively.

3. Each team of Party representatives on the sub-Committee had the opportunity to explain their Party's proposals, to clarify points of detail in response to questions from other members of the sub-Committee and to defend their proposals against points made by other members of the sub-Committee. Each set of proposals was subjected to a sustained and measured critique. Each team of Party representatives had full opportunities to explain why they believed aspects of the other Parties' proposals were inadequate when measured against the Common Principles. A fuller record of the discussions is provided by the minutes of the sub-Committee meetings.

4. The members of the sub-Committee noted that, in general terms, it was agreed by all the Parties that any new political institutions for Northern Ireland should involve:

(a) a body with Province-wide executive responsibilities;

(b) a single Assembly of about 85 members elected for a fixed 4 or 5 year term (though the DUP sees a case for increasing the number of members to about 100);

- (c) elections to that Assembly by a form of proportional representation;
- (d) the executive authority having responsibility for at least all "transferred" matters in Northern Ireland, as defined in the Northern Ireland Constitution Act 1973, leaving open the option of moving some currently "reserved" matters into the "transferred" category; and
- (e) legislative as well as executive/administrative powers.

5. The members of the sub-Committee also noted other areas where, although there was broad agreement in principle (some reflected in the Common Themes paper), further detailed consideration would be necessary once the broad shape of the key institutional arrangements was clear. These included:

- (a) an acknowledgement, consistent with paragraph 2 of the Common Themes paper, that the United Kingdom Government and Parliament would continue to have sovereign responsibility for all matters for which responsibility was not transferred to any new political institutions in Northern Ireland;
- (b) an acknowledgement that the Secretary of State would continue to be wholly accountable to Parliament at Westminster for the exercise of any powers and responsibilities which he would retain, coupled with a general concern (expressed in particular by the UUP and DUP) to ensure appropriate Parliamentary scrutiny of and accountability for the exercise by the Secretary of State of those powers and responsibilities;
- (c) the need to make arrangements to secure a local political input to the exercise of those powers and responsibilities, especially in respect of security matters (if they continued to be the responsibility of HMG);

- (d) the need to define a clear relationship between any new political institutions in Northern Ireland and EC institutions;
- (e) what should be the precise nature and role of the Assembly and any Committees thereof, including in respect of legislation;
- (f) a requirement for arrangements for determining expenditure levels in Northern Ireland, allocating resources and ensuring a strong role for the Assembly in the scrutiny of budgetary proposals, together with a consideration of the extent, if any, to which any new political institutions might have revenue-raising powers; and
- (g) machinery to deal with and correct grievances and to entrench individual and community rights, including the possibility of a Bill of Rights.

6. The members of the sub-Committee noted that each Party, and the Government Team had papers to table or more detailed proposals to make in several of these areas.

7. The sub-Committee was not charged with resolving the differences between the key institutional elements of the Parties' proposals and invites the Plenary to consider how that matter should be taken forward.

8. It may, however, be helpful to the Plenary to indicate that:

- (a) there was support from the DUP, the SDLP and the UUP for the view that there were grave difficulties inherent in any model in which a "Cabinet-style" Executive was dependent for its existence on securing widespread support within any Assembly. This has led the UUP and DUP to propose systems in which power was vested in Departmentally-related Committees of the Assembly, the chairmanship and membership of which were distributed on a proportional basis; and the SDLP to propose a system in

which there was a separation of powers between an Executive Commission and Parliamentary Assembly, albeit with the latter having a powerful role in scrutinising executive actions, budgetary proposals and draft legislation;

(b) while there was general support for the proposition that any new political institutions should be such as to give expression to the identity and validity of each main tradition, there was a difference of view on the question of whether this required any new political institution to have features reflecting the wider context. The SDLP's proposals recommend such features. The representatives of the other Parties suggested that these features, in the manner proposed, were undemocratic and would prove unacceptable. Instead, they pointed to the extent to which their proposals incorporated measures to ensure that representatives of both main traditions were represented on an equitable basis at the highest level and indicated that they would have proposals to make in relation to Strand II of the Talks which would further acknowledge and accommodate the identity of the main minority tradition in Northern Ireland. The DUP further argued that the SDLP proposals would be unworkable, unstable, did not provide all constitutional parties with an opportunity to achieve a role at each level and did not provide adequate public accountability;

(c) the UUP and DUP expressed the belief that the establishment of Assembly Committees on a proportional basis with chairmanships also distributed in proportion to party strengths would provide representatives of the minority community with influence proportionate to their electoral support. The Alliance Party and the SDLP argued that the proposals, as presented, provided insufficient assurance that the interests of minority parties would not be consistently overridden; and the SDLP further argued that they were unworkable, not least in that they would not provide for the effective discharge of executive

responsibility and did not enable an adequate expression of the Irish identity of the nationalist community;

- (d) three parties (Alliance, DUP and UUP) made proposals for excluding those who condone terrorism from various levels of the structures which they had proposed.