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RECORD OF A PLENARY MEETING HELD AT PARLIAMENT BUILDINGS ON 1 JULY

<u>Government Team</u>	<u>Alliance Party</u>	<u>UDUP</u>
Minister of State	Dr Alderdice	Dr Paisley
Mr Pilling	Mr Close	Mr McCrea
Mr Thomas	Mr Maguire	Mr Vitty
Mr McNeill	Mr McBride	Mr Wilson
	Mr Dickson	Mr Gibson
<u>Talks Secretariat</u>	Mrs Bell	
	Mr Morrow	<u>UUP</u>
Mr Hill		Mr Cunningham
Mr Pope	<u>SDLP</u>	Mr Empey
<u>Also present</u>	Mr Hume	Mr McGimpsey
	Mr Mallon	
Mrs Millar	Mr McGrady	Mr Allen
		Mr Donaldson
	Mr Haughey	
	Mr Farren	
	Mr Gallagher	
	Mr Feely	

A plenary meeting of Strand One of the Talks took place at Parliament Buildings between 1617 and 1725 on 1 July.

2. Discussion continued, from the previous session, on the constitutional status of Northern Ireland and, particularly, on paragraph 16 of the Government paper. The UDUP noted that they had placed a proposition that the constitutional status of Northern Ireland could best be defined by using the terminology in Section 1 of the Northern Ireland Constitution Act 1973, ending that section after the words "United Kingdom". Consideration of the constitutional status need not address the issue of self-determination but should concentrate on the present status of Northern Ireland and its possible status under any new agreement. The UDUP said that the fact that Northern Ireland was part of the United Kingdom reflected the wish of the majority - their analysis was that the SDLP aim was to take Northern Ireland out of the United Kingdom, while the aim of the Anglo-Irish Agreement had been to weaken the will of the majority. The UDUP had made their position clear and it was now for the other parties to set out their respective positions.

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3. The Alliance Party saw no difficulties in accepting the UDUP's suggestion - the remainder of Section 1 touched on the mechanism by which a change of status could be brought about and its omission made little difference to the de facto status of the Province.
4. The SDLP said that they had hoped that discussion would address the problems of Northern Ireland and possible solutions - the issue under debate was merely a rehearsal of a longstanding quarrel about the respective merits of Northern Ireland remaining part of the United Kingdom or becoming part of a united Ireland. The SDLP believed that the Government position on Northern Ireland's status had been realistic, sensible and simple, and contained no special difficulties for any one party. On the constitutional position, the SDLP continued to disagree with the principle while accepting the fact. At the same time, it should be made clear that that status had led to a situation of instability in Northern Ireland and discussion might best be directed at identifying new models to tackle that instability which arose directly from the constitutional position.
5. The UUP said that the constitutional position could be covered in one broad statement and discussion could then move on to more productive business. The UUP accepted the reality that Northern Ireland was part of the UK and were merely asking the SDLP to accept that as well in order that discussion could move on. The UDUP said that they wished to enter a caveat about self-determination - self-determination could not be limited to the special circumstances of a special sector of any community - any majority had the right to exercise it at any time.
6. The Government Team said that they believed the SDLP had demonstrated that they accepted Section 1 of the 1973 Act as a fair description of the de facto status of Northern Ireland.
7. The UUP demurred and noted that the SDLP had not replied to the Unionist proposition - were they able to, it would then be possible to move on to other business. Following an SDLP comment that the status of Northern Ireland had been defined in Article 1 of the

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Anglo-Irish Agreement, the UUP said that this Agreement had no relevance so far as the actual constitutional status of Northern Ireland was concerned. The UDUP agreed - it was important to achieve a definition of status before business could move on and the SDLP's comments were bringing discussion to the heart of the matter. The Government Team noted that it would be difficult to envisage any theoretical answer to the question of the status of Northern Ireland but stressed that the practical realities were that, since legislation for Northern Ireland was passed at Westminster; Northern Ireland representatives were sent to the Westminster Parliament and Northern Ireland Office Ministers were appointed by HMG, the de facto reality remained that Northern Ireland was part of the United Kingdom.

8. In further discussion, the UDUP claimed that there was divergence between the SDLP's view and the actual situation. It could not be said that the Anglo-Irish Agreement spelt out Northern Ireland's status and either the 1973 Constitution Act was accepted as the basis for that status or it was not. The SDLP reiterated their acceptance of the de facto position while noting that there were other issues which needed to be set out at the same time. While accepting the fact of Northern Ireland's present status, the SDLP did not support it.

9. The Government Team said that they believed that all parties had, by their actions, accepted the reality of the constitutional position and it ought to be possible for the parties to accept a statement of that fact, however much or little support each was able to give to the concept. The SDLP said that the 1973 Constitution Act did not reflect the SDLP's view of the position. The party accepted the de facto status of Northern Ireland but did not believe that this could be set out in isolation.

10. The UDUP then claimed that there appeared to be a lack of general support for any statement of Northern Ireland's status while the UUP again said that their aim was to seek a statement with which all could live - there was no point in going forward with discussion without agreement on the reality of the situation. The Alliance Party believed that the fact of Northern Ireland's constitutional

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status was summed up in Section 1 of the 1973 Constitution Act. That wording had not reflected, and did not reflect, a Unionist preference and it ought, therefore, to be possible for all, including the SDLP, to live with that formula. If this were not possible, an alternative formula might read on the lines of "the status quo so far as Northern Ireland is concerned is set out in Section 1 of the 1973 Constitution Act". The Alliance Party believed that no party need find difficulty with that formula since all it did was to reflect reality. The UDUP disagreed - redrafting could not achieve agreement since each party would continue to interpret any formula to suit its own purposes. There was a need for clarity before business could move forward.

11. The Government Team said that their aim was to delineate and define the generally accepted position. Both the UUP and SDLP position papers had recognised the legitimacy of Nationalist aspirations for a united Ireland and the Government Team had interpreted the SDLP position as one an acceptance of the reality of the status set out in the 1973 Constitution Act, while maintaining an aspiration to change that status. The fact remained that all parties lived and operated under the arrangement set out in the 1973 Act. Was it not possible that the parties could sign up to a principle noting that the reality was that Northern Ireland was part of the UK? The UDUP said that this was not the case - other parties would seek to qualify this for their own purposes. Unionists had been bluffed, at the time of the Sunningdale Agreement, into believing that Nationalists had accepted the constitutional position of Northern Ireland. This had not been true then and it was not true now and the Government Team should not continue to try to bluff Unionists.

12. The Government Team again stressed that their aim was to seek a statement which reflected all positions and to arrive at an affirmation which could receive general agreement. The UDUP said, however, that there appeared to be no coming together of minds on the issue. There was an unbridgeable gap between Unionism and Nationalism so far as Northern Ireland's status was concerned and Paragraph 16 of the Government Team paper could did not reflect

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that, nor could it be re-worded to bridge that gap. The UDUP rejected an Alliance Party suggestion that paragraph 16 might be redrafted to omit the words "the proposition" and noted that they were not taking party in the Talks process merely to affirm their acceptance of the fact of Northern Ireland's constitutional status, but to maintain that status.

13. The Alliance Party noted that, since discussion had now addressed the basis of the problem, there seemed to be only two options. The first was to take work forward by discussing structures which all could interpret according to their own requirements, or to continue to discuss and debate principles. The Alliance Party said that, if agreement on the latter were to be reached at all, then it could only be by means of acceptance of a lowest common demoninator. Equally, if it were not possible to deal with the principles quickly, then it would be necessary to change the workplan. The Alliance Party believed, however, that it would be impossible for agreement to be reached on principles and that the time was now right to move on to structures. The UDUP agreed, and reminded the meeting that this was the position that they had adopted in the Business Committee earlier that day. There was no point in aiming for a lowest common denominator and even if the principle set out in paragraph 16 was successfully tackled, that set out in paragraph 17 posed a far greater obstacle. When asked by the Government Team for a definition of "structures", the UDUP said that this reflected their belief that discussion should revolve around a future Northern Ireland Assembly, its relationships with the UK, the Republic of Ireland and Europe, means by which it might enact legislation and the extent of executive power. If discussion were to concentrate on this, matters of principle could be dealt with as they arose.

14. The Government Team said that this approach would pose difficulties. Their reading of the parties' position papers had suggested that there was some convergence and the Government Team had formed the conclusion that there was some meeting of minds on principle. If this was not so, then the issues ought to be aired before the question of structures could be approached, since it

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would be wrong to move on to such discussion while the two key questions of aspirations and identity remained unresolved. The UDUP disagreed - the question of principles was irreconcilable and unless the process turned its attention to structures, it would merely become bogged down. The UDUP suggested that the Government Team might produce, on the lines of the paper produced over the weekend, another one incorporating submissions from the four parties setting out how they proposed to deal with the question of local institutions and structures. The UDUP and UUP agreed with this suggestion, with the latter entering the caveat that time would be needed to digest the content of the Government paper. The SDLP agreed that this would be so, noting that it would be a more effective use of time if parties could first discuss the details themselves and then offer a basic view on each paragraph of any Government paper. The Alliance Party concurred while restating their belief that agreement on principles could not be reached unless the principles were drafted very broadly. They believed that parties had common ground on certain practical issues but that the discussion that afternoon had shown that there was no common ground so far as underlying principles were concerned. The Government Team should be prepared to accept the general wish of the parties to move on to discuss structures.

15. Discussion concluded at 1725 with agreement that the next plenary session should begin at 1830.

TALKS SECRETARIAT

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