

RECORD OF A PLENARY SESSION HELD AT PARLIAMENT BUILDINGS
ON THE MORNING OF 7 MAY 1992

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Molyneaux
Mr Hanley	Mr Morrow	Mr Cunningham
PUS	Mr McBride	Mr Empey
Mr Fell		
Mr Thomas	Mrs Bell	Mrs Bradford
Mr Bell	Mr Ford	Mr Donaldson
Mr Maccabe		Mr Allen
Mr Hill		Mr Maginnis
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UDUP</u>
Mr Brooker	Mr Hume	Dr Paisley
Mr May	Mr Mallon	Mr Robinson
	Mr McGrady	Rev McCrea
<u>Also Present</u>	Mr Feeley	Miss Paisley
	Mrs Rogers	Mr McClure
Mr Fittall (Part)	Mr Haughey	Mr Gibson
Mr Fergusson (Part)	Mr Maginness	Mr Vitty
Mr Smith		
Mr Smyth		

The meeting began at 10.21 am and concluded at 11.20 pm.

2. The Government Team opened the discussion by thanking those who had spoken in the debate on the Address the previous day for their contribution. The Government Team recommended that the revised common principles paper which had been circulated following the previous Plenary meeting on Tuesday should be banked, rather than discussed further, and this was agreed by the Parties. The Government Team then suggested that each delegation make a presentation on the second part of the options for new political institutions paper, taking account of the SDLP paper tabled on Tuesday entitled "Agreeing the Nature of the Problem". In response to a request for clarification, the Government Team explained that the party delegations' papers on political structures were to be tabled on Monday, or before if convenient. Discussion of these papers might take place in Plenary on Monday, with a view to remitting work to one or two sub-committees on Tuesday and Wednesday next week. A further plenary to hear the report of the

I N C O N F I D E N C E

sub-Committee(s) would then take place on Friday. It was agreed that the composition of any sub-Committees and timetable for their meetings would need to be arranged before the end of the day's business. It was agreed that a Business Committee meeting would take place at lunchtime. The SDLP delegation asked whether it was wise to enter discussion of the second part of the options paper prior to the tabling of the individual party papers. They doubted whether real progress could be made before those individual party papers were tabled. The Alliance Party delegation suggested that some understanding of the approaches of the different parties would be useful prior to the tabling of papers, and the Government Team suggested that the debate be restricted to broad brush discussion in advance of papers being tabled.

3. The Alliance Party delegation spoke to a paper they circulated on options for an institutional framework. This is attached at Annex A. The main points made were that Northern Ireland could best be served by a single Province-wide Assembly elected by STV with both administrative and legislative responsibilities. The powers to be transferred should not be less than those transferred in 1973; most of those matters which fall into the reserved category should not initially be transferred. It might be appropriate for Westminster to retain a role, as an appeal court, for complaints raised by sections of the Assembly in response to legislation passed by Assembly. The Alliance paper recommended an important advisory role for the Assembly in respect of non-transferred matters. A Bill of Rights would be the most appropriate way to maintain and strengthen safeguards against discrimination. The Alliance Party would welcome early sight of Government papers on finance, the EC, security and human rights.

4. Turning to the broad approaches set out in paragraphs 29-33 of the Government paper, the Alliance delegation said that it found unacceptable arrangements which allocated set roles within the Government system to each of the two communities and those which suggested a federal approach to Government in Northern Ireland. The other broad approaches all contained elements which might be drawn on in further discussion.

I N C O N F I D E N C E

5. The SDLP delegation suggested that the approach in the Government paper seemed to be based on institutions which had failed in the past. The SDLP's approach had been to seek agreement on the nature of the problem before looking at institutions which might meet the needs identified. Distrust had been the basis of past failures and the SDLP believed that the relationship of Unionists with the inhabitants of the rest of the island of Ireland went to the heart of the problem. Any such relationship must be understood and accepted by all concerned, hence the Party's recommendation of a joint referendum to validate any outcome to the Talks.

6. The SDLP had sought to modernise the concept of Nationalism over the past 10 years, and had succeeded in changing it from one of territory to one of people. That approach was now widely accepted within the Nationalist tradition, as was the concept that coercion, whether violent or peaceful, could not provide a lasting solution. A new approach was required, building on agreed definitions of the two identities and respect for each. In the new world order, shared sovereignty was commonplace and this approach allowed the accommodation of both identities. The SDLP would table their proposals on Monday based on the common principles and common themes documents which the parties had already agreed in the Talks. The SDLP suggested that any Northern Ireland Assembly would need to be elected by proportional representation but declined to offer any view on the role or powers of such an Assembly until papers had been tabled.

7. The UUP delegation opened by proposing that the floor might be thrown open to others within delegations to speak on this central issue if they so wished. This was agreed. The UUP delegation believed that the clear message emerging from the General Election was that the people on all sides wished to see an agreed administrative structure, to bring the people of Northern Ireland together and to allow the redress of grievances on a range of social issues. One Province-wide Assembly, with well defined relationships with the 26 District Councils, would be the most appropriate institutional framework. The UUP suggested that the electoral system should be based on the 17 Westminster constituencies with

I N C O N F I D E N C E

each electing 5 members. PR would need to be used for the first election at least, even though that seemed at odds with Government policy in other parts of the Kingdom. The proposed Boundary Commission would ensure that the electorates were re-aligned in due course to ensure parity.

8. A new Assembly would require clearly defined responsibilities for those areas for which it was to be accountable. It was important that clear lines of responsibility be defined for the Assembly and Secretary of State. Further discussion would be needed to clarify what was meant by offering an Assembly a role in security matters.

9. The UUP suggested that the discussion on reserved and excepted matters might prove thorny, particularly with regard to the Government's need to meet its international obligations. The Secretary of State should remain the formal link with Whitehall, with a Cabinet seat, and the remit to represent Northern Ireland's interests, especially on financial matters. The UUP delegation believed that the Northern Ireland Civil Service should be kept in tact; it had proved to be a very efficient administrative machine. It would be necessary to instigate more formal links between the Northern Ireland Civil Service and Whitehall officials than had existed prior to 1972, particularly to ensure consultation on legislation affecting the UK as a whole. The UUP also highlighted the need to avoid discrimination, and suggested an Assembly might go beyond current arrangements, especially in the equal opportunities field.

10. The UDUP delegation suggested a single Province-wide elected Assembly would be the most appropriate institution for Northern Ireland, with between 80 and 100 members. The issue of a second chamber would need further discussion, but the UDUP were unconvinced of its usefulness. The UDUP expressed their willingness to consider various electoral systems, accepting the principle that the various interests in Northern Ireland should be reasonably accurately reflected in any Assembly.

I N C O N F I D E N C E

11. The UDUP said they would like to see the widest possible range of powers devolved to an Assembly, including legislative responsibilities. The powers to be transferred to an Assembly would be similar to those transferred under the 1973 Act. Legislation on excepted and reserved matters, which would remain the responsibility of the Westminster Parliament should be subject to consultation with an Assembly, although some currently excepted matters should be moved into the reserved category. The UDUP said that as much responsibility for security matters as possible should rest with the new Northern Ireland Assembly, and any new arrangements should be capable of allowing the full transfer of security powers to take place at a later point.

12. The UDUP accepted the importance of arrangements to allow full consultation between the Secretary of State and the Northern Ireland Assembly especially on items such as public expenditure matters. The UDUP indicated that they had detailed proposals on how such arrangements might tie in with the requirement to consult with the Irish Government on excepted and reserved matters. The UDUP also indicated they would be prepared to submit papers on safeguards and remedies against discrimination, and on the role of departmental committees. The UDUP were not attracted to the broad principles outlined in paragraphs 29, 30, 32 and 33 of the Government paper, but would be prepared to contemplate a structure which might arise from an exploration of paragraph 31 which envisaged a system of checks and balances to ensure protection and participation for the main interests. The UDUP indicated their willingness to discuss further the illustrative models attached to the Government paper and any other proposals put forward.

13. The Government Team thanked the Party delegation for their submissions. It was agreed that there would be a meeting of Party leaders 10 minutes after the conclusion of the session.

TALKS SECRETARIAT

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

We are encouraged that many talks have achieved sufficient convergence that two useful papers outlining Central Themes, and Common Principles have now been agreed. This work should not be discontinued by the Minister, but as we have had to concentrate on preparing increasing efforts will be required to realise our joint objectives.

This response paper follows on from our comments on the first section of the Options Paper, and includes paragraphs 17-19. The comments are based on the views we have expressed in earlier papers.

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

(response to HMG Paper CPL1/NH/13025)

THE ALLIANCE RESPONSE

Page 19. We are strongly of the view that a single Provincial Assembly and Government is necessary to provide a common focus of identity, and an opportunity for the people and their elected representatives to work in partnership.

Like our previously stated view that part of the purpose of such an institution is to help provide a common challenge and identity, and given also that Northern Ireland is a distinct and geographically well defined entity, we are fully convinced that for all governmental purposes within the British Isles a single entity should be a single institution. Such an institution should be a single institution with a single deficit which would be the best post-McIntyre structure.

7 May 1992

We are of the view that the single institution will be a single institution to which the people of Northern Ireland should be loyal.

The single institution will be a single institution, and its role should be to provide a common focus of identity and an opportunity for the people and their elected representatives to work in partnership.

OPTIONS FOR AN INSTITUTIONAL FRAMEWORK

We are encouraged that these talks have achieved sufficient convergence that two useful papers outlining Common Themes, and Common Principles have now been agreed. This encouragement should not be diminished by the knowledge that as we move now to structural proposals, increasing efforts will be required to replicate our joint achievements.

This response paper follows on from our comments on the first section of the Options Paper, and considers paragraphs 17-39. The comments are based on the views we have expressed in earlier papers.

Para 17 The Options Paper does provide a useful checklist of the elements of a new institutional framework. We will very soon find ourselves, however at the point where we will wish to see the Government papers on Finance, the EC, Human Rights, and Security, to which reference has previously been made.

Para 18 We are strongly of the view that a single Provincial Assembly and Government is necessary to provide a common focus of identity, and an opportunity for the people and their elected representatives to share in self-government.

Give our previously stated view that part of the purpose of such an institution is to help promote a common allegiance and identity, and given also that Northern Ireland is a geographically and numerically small community, we are fully convinced that for all governmental purposes above the District Council level there should be a single institution. Such an institution is essential to repair the democratic deficit which has existed for so long in the post-Macrory structure.

We see no good reasons why the single transferable vote system of proportional representation which is now familiar to the people of Northern Ireland, should be changed (para 19).

Given that this requires multi-member constituencies, and to avoid confusion it would also be wise to retain the previous practice of

using the same boundaries as those used for elections to Westminster, with each of the (at present) seventeen areas, returning five members.

Finally, in respect of para 18, a second chamber seems unnecessary, though at such an early stage in our deliberations we could not rule it out entirely.

Para 12 We believe that the powers transferred should certainly not be less than those transferred in 1973.

Para 21 We have previously expressed the view, and it remains our position that most of those powers which have been described in the legislation as 'excepted' and 'reserved' should not at this point be transferred to a new Northern Ireland Assembly.

Security is the most relevant of these issues and is a matter of such complexity that Alliance regards any suggestion of transfer with great caution. We do however believe that a significant input into security policy is entirely necessary for the self-respect, and community respect of a regional administration.

Many aspects of the administration of justice, (for example prisons, probation service, law reform etc), could usefully be considered in a regional context and we would wish to fully explore the possibilities. More detailed discussion of all these issues would be facilitated by the HMG paper on Security referred to in para 17.

Para 22 We accept that such links as are described in this paragraph are necessary and appropriate, but would like to discuss further and with greater precision how such links would function, in respect of both transferred and non-transferred matters. For this reason we would welcome, at an early stage the papers on Finance and the EC, which we understand the Government has prepared.

Para 23 In respect of non-transferred matters we take the view that there ought to be an important advisory role for a relevant corpus within the Assembly. The precise machinery for this will depend on the detailed construction of the Assembly. A separate Advisory

Council may not be necessary if this function can be subsumed under the functions of another instrument within the Assembly, for example a senior inter-party committee.

As far as relevant mechanisms for the conduct of consultations with the Irish Government are concerned, this is a matter for negotiation in Strands 2 and 3.

Para 24 If a Northern Ireland Assembly did not have the power to legislate there would be such a diminution of the stature of the institution, that it could not satisfactorily fulfil the purposes which we have outlined elsewhere; there would be confusion in the operation of Northern Ireland Departments; and there would be a serious breach with the historical tradition of Northern Ireland governance.

There may however be a case for retaining for Westminster a role in transferred legislation, as a court of appeal, in the event of justifiable complaint by a significant portion of the Assembly.

Conversely an advisory role for the Assembly in non-transferred matters would be a mutually useful device (see para 23).

There may be implications for Boards and District Councils, but these issues are best decided after an Assembly has been in operation for some time, when similarly consensual negotiations could most appropriately be conducted.

Para 25 We agree.

Para 26 Existing safeguards against discrimination on religious and political grounds must be maintained and strengthened. The best machinery would be the establishment, entrenchment and enforcement of a Bill of Rights, justiciable through our own courts. Further essential components may include a political right of appeal (see para 24). We would be interested to see the Government paper on Human Rights.

Para 27 We agree.

Paras 28-33 These paragraphs describe a series of approaches to addressing the central issue of how to share responsibility, and govern with consent. We find the proposals in paras 29 and 32 unacceptable.

Para 29 This model would run contrary to para 2.f of the Common Principles paper by worsening polarization and deepening our worst division.

Para 32 This model would run contrary to what we have already stated in our comments on para 18. It would fragment the Northern Ireland community rather than draw our people together.

Paras 30, 31 and 33 There is nothing mutually exclusive about these models, and indeed in our view elements from all three will be necessary to construct a satisfactory, agreeable and workable arrangement for the exercise of executive responsibilities.

Paras 34-39 These paragraphs describe a series of models, which we have examined with some interest, however rather than waste time on illustrative models we would wish to move on as soon as possible to the presentation and discussion of proposals from all the four parties.