

REVISED

REF: SC/7

SUMMARY RECORD OF A MEETING OF THE STRUCTURES SUB-COMMITTEE  
AT PARLIAMENT BUILDINGS ON THE MORNING OF 13 MAY

Those present:

Government Team

Mr Hanley  
Mr Fell  
Mr Bell  
Mr Hill

Alliance Party

Mr Morrow  
Mr Close  
Mr McBride

UDUP

Mr Robinson  
Mr Vitty  
Mr Campbell

Talks Secretariat

Mr Hallett

SDLP

Mr Haughey  
Mr Farren  
Mr Durkan

UUP

Mr Empey  
Mr Cunningham  
Mrs Bradford

Also present

Mr Smyth

The meeting began at 12.05 and ended at 13.05.

1. The Government Team opened the meeting by confirming that they were satisfied that the two plus one formula for party representation at the Sub-Committee had been adhered to on the previous afternoon.

2. The UUP delegation questioned an earlier reference by the SDLP delegation to 30% of the people of Northern Ireland regarding themselves as Irish. In fact 100% of the people of Northern Ireland can regard themselves as Irish if they so wish. The SDLP delegation said that they accepted that. The reference they had made was merely to those who saw themselves as Irish and not British, as opposed to others who saw themselves as both Irish and British.

3. The SDLP delegation said that other parties had criticised their proposals for failing to reflect views other than their own, but the opening of the UUP document failed to give any recognition to the Nationalist identity and reflected the old majoritarian, "Ulster is British" approach. This was a partial presentation and suggested that the UUP had not listened to SDLP arguments.

4. The UUP delegation argued that their document was factually correct and consistent with the Common Themes paper, though they accepted that others wished the situation were different. The UUP objective was simply to define institutions which could perform certain limited functions effectively. On that basis, there was a limit to what could be done to give recognition to the different identities, beyond ensuring that both had an input into decisions in proportion to their electoral strength.

5. The SDLP delegation asked whether the wish to avoid giving recognition to the Irish identity was the reason for proposing only a limited transfer of functions. The UUP delegation rejected that suggestion, arguing that they had proposed transferring only limited functions because initially none of those who would operate such structures had experience of Government. The issues of identity raised by the SDLP would be addressed in the subsequent Strands.

6. The SDLP delegation said that their paper had been criticised by the Unionist parties because of an alleged failure to give recognition to the British identity. The UUP paper could be criticised on the same grounds for failing to give recognition to the Irish identity.

7. The UUP delegation argued that the two cases were not parallel. The SDLP proposals would have the effect that Northern Ireland was no longer part of the UK. The UUP document, on the other hand, was concerned merely with the arrangements for a limited transfer of functions. Identities would be recognised by providing a proportionate role for the two traditions.

8. The SDLP delegation asked whether the UUP would be prepared to implement their proposals under Article 4 of the Anglo-Irish Agreement. The UUP delegation replied that they would not be prepared to work anything under the Anglo-Irish Agreement. The SDLP commented that it was clear from that that what was important to the UUP was the context rather than the content of their proposals. The UUP delegation replied that the question of context would be examined when relationships within the British Isles were addressed

in Strand 3, at which stage, the wrong done to the Unionist community by the Anglo-Irish Agreement would hopefully be repaired.

9. The SDLP delegation asked whether the UUP seriously expected them to recommend these proposals to their community. The UUP delegation replied that people would make up their minds on the package as a whole rather than on the outcome of any particular Strand. It was not possible to take one aspect in isolation and expect people to form a view on it.

10. The Alliance delegation said that they had examined the SDLP paper against the criteria set out in the Common Themes paper. They would do the same to the UUP paper. On this basis, the Alliance delegation asked whether the UUP honestly believed that their paper measured up to Item 2(b) in the Common Themes paper concerning the need for wide acceptability and giving a fair role to both traditions. The UUP delegation replied that they considered their paper met this test. Each tradition would be accorded a role in accordance with its proportionate strength. The substantive difference between their proposals and those of the Alliance concerned the provision of an Executive. The UUP paper was simply an outline to provide the basis for negotiation. It was not right to expect them to put their bottom line on all questions on the table at the outset. The Alliance delegation commented that it was a source of difficulty if the UUP merely said that points which were not addressed in their present paper were covered in other papers which were not yet available. The fact remained however that it was doubtful whether the UUP proposals offered a meaningful role for one of the Northern Ireland traditions, and they questioned whether the UUP could expect their proposal to be saleable.

11. The UUP delegation repeated that their proposal was simply an opening position. Its saleability could only be judged at the end of the process and it was not intended to stand on its own.

12. The SDLP delegation said that there was a degree of absurdity in putting forward a paper on governing Northern Ireland which

specifically excluded governing. The UUP replied that their paper addressed the governance of Northern Ireland even if it did not provide for the formation of a government.

13. The Alliance delegation reiterated their view that just as the SDLP paper was in their view unsaleable to one section of the community, the UUP document was unsaleable to another. The UUP delegation replied that they felt that their proposals were capable of being sold, but this could only be judged definitively at the end of the process. They believed that their proposal provided a basis for negotiation. It did not necessarily represent their final position. Their aim was to bring the communities together by giving each tradition an input into the process proportionate to their strength. They were prepared to discuss ways of overcoming the fear of majority domination. The Alliance delegation commented that the other 3 papers had addressed that question but the UUP paper did not. The UUP delegation replied that they were merely seeking to outline a possible administrative structure.

14. The Government Team said that they recognised that the UUP were merely providing an outline structure but this did not appear to indicate how representatives of the minority community could avoid always being overruled.

15. The UUP delegation said that this problem would be to some extent overcome by the fact that Committee Chairmen would in principle be elected for the whole of the term of the Assembly and each would be the Head of the Department with responsibility for day to day management of that Department. They would not need to secure approval for every decision from the Assembly as a whole and would have considerable scope for policy making.

16. The Government Team asked whether Committee Chairmen would be able to act without referring everything to the Committee as a whole and whether, under the UUP proposals, it would be appropriate to see Committee Chairmen as an analogous to managing directors of private companies. The UUP delegation agreed that this was an appropriate comparison. With regard to decision taking, the UUP said that any

institution had to enable a majority of its members to take a decision, but what was necessary in the Northern Ireland context was to find a mechanism other than unfettered majority rule.

17. The Alliance delegation asked about the arrangements for co-ordinating the activities of the various Committees. The UUP delegation replied that some co-ordination of Committee activity would be essential but they had not formed definitive views as to how this could be achieved. The UUP did not rule out an eventual legislative role for the Assembly and paragraph 8 of their paper set out 3 different ways in which the Committees could have an input into the legislative process. The UUP had an open mind as to which of these might be adopted.

18. The Alliance delegation asked how the UUP paper met the criterion of innovativeness. The UUP delegation replied that all previous models had failed primarily over the question of forming an Executive. An attempt to force politicians from different traditions into what would be, in effect, a coalition, imposed strains and gave rise to instability. It was for that reason that the UUP had looked for an alternative. A "Government" had to be a cohesive body and it was difficult to see how this could be achieved by bringing together parties with widely different views. The Alliance delegation asked whether the UUP accepted, nevertheless, that there was a need for some form of co-ordinating committee. The UUP delegation agreed that there had to be a mechanism for co-ordination and were flexible about how this could be arranged. They had not yet formed a definitive view.

19. The SDLP delegation said that the UUP proposals were open to the charge that they were designed to avoid the appearance of an Executive, whereas the Chairmen of the Committees would in practice be a form of Executive. The UUP delegation rejected that suggestion. The proposed co-ordinating arrangements between Chairmen would not amount to an Executive.

20. The SDLP delegation referred to the designation of the Committees in the UUP proposals as Executive Committees and asked what were the main roles or tasks of the Committees covered by that designation. In their response the UUP indicated that the Committees would have both legislative and administrative roles.

21. The SDLP delegation asked about the function of the proposed Committee for relations with the Republic of Ireland and the EC. In a case such as animal health, would it be that Committee rather than the Agricultural Committee which negotiated with its Irish and EC counterparts?

22. The UUP delegation replied that the external relations Committee would be concerned with the overall relationship, but the relevant Chairmen of the functional Committees would be directly involved. Their proposal had merely set out a basic idea. The details would be subject to negotiation.

23. The Government Team commented that on a matter such as animal health direct contact between adjacent states was essential and it was desirable to avoid any arrangements which complicated that process. The UUP delegation agreed.

24. The Government Team invited the DUP to comment on the UUP paper. The DUP delegation replied that the purpose of the session was clarification and they felt that they already had a clear understanding of the UUP proposals.

25. The Government Team invited the SDLP to indicate what safeguards for the minority community they would like to see in any new system. The SDLP delegation replied that this was an invitation to negotiate, whereas the purpose of the current discussion was clarification. The SDLP made clear however that whatever safeguards they sought, the current UUP proposals would fail to meet them.

26. The Government Team asked the UUP for clarification of how the new system would interact with Westminster during its initial phase. How would the Northern Ireland Civil Service operate with what would be in effect two sets of masters. The UUP delegation replied that they envisaged a running-in period of 6-months or more during which the new procedures would operate along side the existing ones. The precise details would be subject to negotiation and the UUP were open-minded as to how this might best be achieved. The Government Team commented that the UUP proposals would nevertheless appear to require the break-up of the unitary Civil Service. The UUP delegation commented that they certainly did not wish to do that.

27. The SDLP delegation asked whether it was intended that the Committee would operate on the basis of collective responsibility. The UUP delegation replied that Committees never operated in this way. The UUP were attempting to find practical ways in which minority views would not automatically be overridden. The SDLP asked nevertheless whether it was envisaged that Committee members would be bound by majority decisions once they had been taken. The UUP delegation replied that it would not be fair to bind Committee members in that way. No institution imposed collective responsibility at Committee level.

28. The SDLP delegation sought clarification of the arrangements for co-ordination. Would this be by a Committee of Chairmen and Deputy Chairmen? Would representatives from the individual Committees be bound to represent the majority views of their Committee on the co-ordinating body? The UUP delegation indicated that these were matters for negotiation and they did not have firm views at this stage. The functional Committees would, however, be foolish to send representatives to the co-ordinating body who would not reflect decisions taken by the Committee as a whole. The SDLP delegation commented that this was an important matter. In their view, this was where the UUP proposals for co-ordination began to unravel.