

SUMMARY RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE MORNING OF 18 MAY 1992

Those Present:

| <u>Government Team</u> | <u>Alliance Party</u> | <u>UUP</u> |
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| Secretary of State | Dr Alderdice | Mr Molyneaux |
| Mr Hanley | Mr Close | Mr Empey |
| PUS | Mr Morrow | Mr Cunningham |
| Mr Fell | | |
| Mr Thomas | Mr Jones | Rev Smyth |
| Mr Bell | Mr McGarry | Mr Allen |
| Mr D Hill | Mrs Bell | Mrs Bradford |
| Mr Maccabe | Mr Dickson | Mr Donaldson |

| <u>Talks Secretariat</u> | <u>SDLP</u> | <u>UDUP</u> |
|--------------------------|-------------|-------------|
| Mr Brooker | Mr Hume | Dr Paisley |
| Mr May | Mr Mallon | Rev McCrea |
| | Mr McGrady | Mr Robinson |

Also Present

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| Mr Fittall | Mr Haughey | Mr Campbell |
| Mr Smith | Mr Feeley | Mr Dodds |
| Mr Smyth | Mr Farren | Mr Vitty |
| | Mr Maginness | Miss R Paisley |

The meeting began at 10.41 and concluded at 11.54 am.

2. The Government Team opened the meeting by explaining that the forthcoming plenary sessions were designed to enable the parties to address the principal issues identified by the Structures sub-Committee, in its helpful deliberations. The report of that sub-Committee was before the Plenary, and the Government Team proposed that each party leader address the Plenary session on the extent to which its party paper conformed to the Common Principles and Common Themes already agreed. Of the Common Principles, some seemed particularly relevant; these were that institutions should be based on democratic principles and have widespread support and that they should be widely acceptable, stable, durable and workable. The Government Team also highlighted the Common Theme which stated that Northern Ireland was de facto a part of the United Kingdom and would not change without the consent of a majority. The Government Team proposed that the SDLP open proceedings on this occasion, before taking contributions from other party leaders on their papers, and

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then allowing other members of delegations to comment on the proposals. The Government Team recognised that it was a critically important debate, which it hoped could be conducted frankly, and without ill feeling.

3. The SDLP delegation explained that their approach was based on understanding the nature of the problem, before then looking at solutions to fit that problem. They had developed their proposals in the light of the Common Themes and Common Principles papers which had already been agreed. They had tested and developed their proposals with that in mind, and stressed that any institutions must be effective in addressing the major problems facing Northern Ireland. They had proposed a new political framework, which all would sign up to both in Northern Ireland and the rest of the island of Ireland. They sought to avoid temporary expedience, and alienation, whilst proposing an overall solution. They had examined both internal and external factors, conscious that it would be necessary to harness them all in order to have the best prospects of success. The external factors were represented by the British and Irish Governments, and increasingly by the EC. The four parties around the table represented the internal factors.

4. Their proposals involved a directly elected Commission, which would avoid executive dependence on an Assembly. The sub-Committee had highlighted the problems that were likely to arise in scenarios which did not take account of this, such as power-sharing. The sub-Committee had also noted that all proposals would need some form of executive function. The three external appointed Commissioners would, in conjunction with the directly elected ones, work together to become a symbol of reconciliation. It would be a condition that all Commissioners accepted the status of Northern Ireland, and that guarantee would help the institutions to withstand the threats it would face. Each Commissioner would commit himself to a consensus seeking process. The directly elected members would have influence and some control over the appointees in seeking consensus, and decisions would be taken by agreement. The body would not be secret nor unaccountable. The Commission would be linked to the Assembly through six Ministers of State who would have charge of the day-to-day running of Departments. The Assembly itself would have strong scrutiny powers and a significant budgetary role. The SDLP's

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proposals were innovative and radical, and dealt with the relationships at the heart of the conflict. The SDLP had been encouraged by the interest their proposals had evoked.

5. The Alliance Party delegation, commenting on the SDLP's proposals, said it was not easy to know where to begin. They acknowledged that the SDLP had based their paper on their analysis of the problems, but the Alliance Party did not agree with that analysis. They had particular difficulty with the structure of the institutions. They noted that the executive would only partly be directly elected, and drew an analogy with the executive authority which ruled Ceylon prior to independence. The Alliance Party delegation expressed interest in the concept of a separation of powers between the executive and legislative branches, and did not find the principle objectionable. However, they did not understand how that separation would help to solve the problems facing Northern Ireland, and believed that the proposals from the SDLP did not involve a separation of power as the executive, administrative and legislative powers would all fall to the six Commissioners. The Assembly would only have a consultative role.

6. The Alliance Party delegation also drew attention to the perceived democratic deficit in the European Community institutions, and to the desire of many to ensure that the European Parliament had more control over the Commission. This sat oddly with the SDLP proposals for an Assembly which, although elected to represent the people, had little real power. The concept of executive partnership, especially in a divided community, was an issue the Alliance Party had considered thoroughly. The SDLP's proposals envisaged decision-taking by consensus rather than majority voting but the Alliance Party found it difficult to see how locally and externally appointed Commissioners could achieve unanimity. The Alliance Party had proposed power-sharing, but had not insisted on 100% agreement, nor that non-elected representatives should have to agree with elected ones. The Alliance Party believed that the appointment of a Commissioner from Dublin would deepen the divisions, rather than helping to resolve them.

7. The Alliance Party said they had found the Anglo-Irish

Agreement a difficult issue, especially as it had been introduced without consultation. The SDLP's current proposals went further, and seemed to suggest a step-by-step move towards unity. They had no problem with the emphasis placed on innovation, but believed the proposals stepped outside the fundamental principles of acceptability and democratic sanction. The Anglo-Irish Agreement had restricted the role of the Irish Government to that of consultation, with final decisions left to the UK Government. An important factor in the Alliance Party's view of the Agreement was the proposals for devolution in Northern Ireland within the United Kingdom under Article 4. Without that Article, the Alliance Party would not be able to go any way towards accepting the Agreement. Both British and Irish Ministers at the time, had emphasised that the Irish Government's role in Northern Ireland would be diminished were devolution to take place. The Alliance Party also commented on the way that, immediately after the signing of the Agreement, there had been an expectation on the part of the two Governments that constitutional nationalists would strive for progress on devolution in line with Article 4 of the Agreement.

8. An EC appointee was an innovative idea. The Alliance Party were uncertain about the legal position regarding such an appointment, and how the appointment might be made. They also suggested that events such as those in Yugoslavia might make the EC wary of involvement. The Alliance Party, however, did not rule out that proposal, which they saw as different from an appointment by a foreign government, which fell outside the constitutional arrangements agreed and seemed to lead towards unity. The Alliance Party noted that the Anglo-Irish Agreement had not created a bond across the communal divide. They would welcome any response from the SDLP, conscious that criticisms were often seen as attacks, but seeking to further their understanding of the proposals. As things stood, provided there were no such misunderstandings, the Alliance Party had fundamental objections to the SDLP's proposals.

9. The Ulster Unionist Party delegation opened by referring to the way that successive Secretaries of State had gone on record about the status of Northern Ireland within the United Kingdom. British Ministers, and the then Prime Minister had made clear, around the

time of the signing of the Agreement, that the constitutional guarantee was not under threat, and would not be undermined by any agreement. The UUP delegation agreed with the Alliance Party point about the apparent emphasis in the Agreement on devolution of power within Northern Ireland. At the time of the Agreement the Government had promised full and frank information to parties in the aftermath of Intergovernmental Conferences, but this had not been forthcoming. The communiqués were always very similar, and offered little by way of explanation. The UUP, UDUP and Alliance parties had not been consulted in the run-up to the Agreement. Lord Armstrong had said that they were not invited because they would not have agreed with the proposals. Similar arrangements had been made at Sunningdale. This demonstrated the undemocratic nature of such proposals. The SDLP's proposals went beyond the Anglo-Irish Agreement. The fact that the UUP had not been consulted meant that they could not now be expected to take the Agreement as a legitimate basis for discussion.

10. When the UUP had endorsed the three-stranded approach in March 1991, they had understood that Strand 1 would concentrate on the structure of devolved government for Northern Ireland. The UUP, UDUP and Alliance parties had formulated proposals with that purpose in mind, in the belief that the UK Parliament would then be asked to devolve powers to those elected to an Assembly, if agreement was reached by the constitutional parties of Northern Ireland. Strand II would be devoted to relationships between the new devolved structure and the Irish Government. The Unionists had envisaged a devolved government reverting to the practice of the Stormont Parliament whereby meetings between relevant sets of Ministers in Northern Ireland and the Republic would take place as necessary. There was no agreement that a particular strand would require the participants to negotiate a role for the Irish Government in the internal arrangements of Northern Ireland. The proposed role for the Irish Government and European Community in Strand I was a further step towards joint or triple authority. The SDLP's proposals were an insult to the Unionist community, and the concept of a presidency as an inducement was bogus.

11. The UUP noted that the SDLP's proposals went beyond the

Anglo-Irish Agreement. The true intent of both the Irish Government and SDLP was becoming clearer. This was reinforced by the SDLP responses to sub-Committee questioning. The UUP themselves had suggested caution and modest steps towards devolution which would not involve the loss of face at any point. The SDLP proposals did not allow that, and ran counter to the thinking behind the basis of the talks. The then Secretary of State, at his Bangor speech in January 1990, had said sufficient common ground existed to warrant inter-party discussions. This followed earlier bilaterals with the two Unionist leaders, and the UUP had responded positively and quickly to Mr Brooke's speech. The UUP delegation wondered whether they should have been more caution in agreeing to embark on this process, given the confrontation now being faced. In retrospect the slow progress towards an agreed text on which the talks might be started, and the difficulties with consultation involving all parties had indicated that something was amiss. The UUP had not imagined that the differences would be so stark. The SDLP's proposals could only mean that the greater number of Northern Ireland citizens, both Protestant and Roman Catholic, would cease to be British citizens. The authors of the proposals had left themselves scope for flexibility but the concept was so flawed that no amendment would undo the damage.

12. The UUP agreed with the Government Team that a crossroads had been reached. They had hoped for a progression involving devolution, perhaps with modest beginnings, to allow the politicians to come together on practical matters and build up confidence and trust in one another. This would provide a solid foundation for further political advance. The SDLP's proposals took the community in the opposite direction, suggesting two irreconcilable communities which their proposals would perpetuate. The European approach was flawed, as most believed the structures there needed amendment. The UUP delegation encouraged all the parties to think again about the course ahead. The track record of the Unionists was that they would work constructively with the other side of the community, and once they had given their word, would adhere to it.

13. The UDUP delegation opened by quoting at length from the Belfast Telegraph editorial of 13 May 1992. The editorial made it

clear the SDLP's proposals could not be acceptable or workable. The proposals were described as anti-democratic and unrepresentative of the people of Northern Ireland. The institutions proposed were alien, and could lead Unionists into a minority situation on the commission.

14. The Belfast Telegraph was a liberal unionist paper, and its views reflected the overall attitude of all unionists. The UDUP were not prepared to destroy Northern Ireland's position within the United Kingdom or to allow it to be taken step-by-step outside the UK. The SDLP's proposals exposed their ultimate strategy. Northern Ireland was not to be a democracy or to operate through the will of the majority, but rather to give the minority control, through a most blatant piece of gerrymandering. The external relationship took precedence over the will of the Ulster people. The offer of a presidency was an insult.

15. The will of the people was supreme and not that of any other body. The people of Northern Ireland needed a decisive say in their own future, and failure to provide that democratic right would provoke confrontation. The SDLP's proposals would provoke a confrontation and conflagration such as to make the current terrorist campaign seem insignificant. The SDLP paper did not accept the sovereignty of the Northern Ireland people, and sought to submerge the people of Northern Ireland within the Republic which claimed jurisdiction over Northern Ireland. Northern Ireland would be left in a state of limbo. The Anglo-Irish Agreement had placed Northern Ireland's status within the union on the window ledge, and the SDLP proposal would bring about the fall. The records of sub-Committee discussions had made it clear that the SDLP were determined to involve the Government of the Republic of Ireland in the internal government of Northern Ireland. This was unacceptable to Unionists.

16. The SDLP proposals were modelled on EC institutions, which were currently under attack for not being democratic. The form of Government in the EC was not accountable to the people of Europe, and the UDUP could not see why it should be used as a model for Northern Ireland's institutions. The Government of the day had

supported the UK's entry into the Common Market on the basis that the British Government would always have a veto, but this had since been shown not to be the case. There were unanswered questions on how the EC would appoint a Commissioner for Northern Ireland. The European Parliament's confusion during the Gulf war showed how difficult it would be to appoint a Commissioner. How would it be decided where he should come from and what would his views be on Northern Ireland? The Commissioner from the Republic of Ireland could even be a Minister of their Cabinet. The proposed institutions suggested that consensus would be forthcoming, but this was impossible. It was not possible to believe in the workability or durability of the proposals put forward by the SDLP.

17. It was not clear how the six Ministers of State would operate. The Assembly had very few powers, essentially being confined to a consultative role. These proposals were not for the benefit of the people of Northern Ireland, but a step along the road to a united Ireland. In the sub-Committee discussions, the SDLP had said they did not see it as an immediate effect that Northern Ireland would leave the United Kingdom. They clearly saw it as a long term effect. The SDLP, at this point, sought to clarify their position as expressed in the record of the sub-Committee. The UDUP delegation did not accept their clarification.

18. The UDUP delegation asked how it was possible that the Government of Northern Ireland would be equivalent to any other part of the United Kingdom when there would be a Minister appointed from a foreign power and from the EC. The SDLP delegation, in their opening remarks, had said the two external Commissioners would have to recognise the status of Northern Ireland. This lay at the heart of the Anglo-Irish Agreement controversy, which had not spelled out the status of Northern Ireland. British Ministers involved in the Intergovernmental Conference still maintained that the constitution of the Republic of Ireland was legal and that their claim to Northern Ireland was also legal. The UDUP delegation did not accept that Commissioners appointed by the Irish Government would be converted to accept the status of Northern Ireland simply because they were part of that executive. The Government of Ireland Act was the cornerstone of Northern Ireland's constitutional position as a

part of the United Kingdom, and this would be destroyed by the legislation needed to introduce the SDLP proposals. The UDUP delegation said that both Unionist parties rejected the SDLP document, and did not believe that any amendment could alter the thrust of the document which was an attack on the status of Northern Ireland within the United Kingdom and on democratic structures.

19. The Government Team suggested a break for coffee, before giving the SDLP the opportunity to respond to the points that had been made. After that other members of delegations would be able to comment on the SDLP paper or the contributions heard thus far.

Talks Secretariat