

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

Those Present:

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Molyneaux
Mr Hanley	Mr Close	Mr Empey
PUS	Mr Morrow	Mr Cunningham
Mr Fell		
Mr Thomas	Mr McBride	Rev Smyth
Mr Bell	Mr Ford	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 Whysall	Mr Hume	Dr Paisley
	Mr Mallon	Rev McCrea
	Mr McGrady	Mr Vitty
<u>Also Present</u>		
Mr Fittall	Mr Hendron	Mr Campbell
	Mr Haughey	Mr Dodds
	Mr Farren	Mr McClure
Mr Smyth	Mr Gallagher	Miss R Paisley

The meeting began at 2.20pm and finished at 3.55pm.

1. On a preliminary point, the UUP delegation expressed its concern at the circulation to people outside the talks of records of meetings, a fact which had come to the delegation's attention by accident. They were particularly worried in this case because there were passages in the document concerned, reflecting on one member of the UUP delegation. The other delegations agreed it did an injustice to the member concerned. The UDUP delegation added that the record so circulated was, moreover, unrevised: a revised one had been circulated later. The Government Team took note, and undertook to make enquiries.

2. The Government Team suggested the helpful discussion of the morning should be continued, without any constraints on timescale for the moment.

3. The DUP delegation commented on the SDLP paper. It had been said that the proposals drew on European experience, and that in Europe matters had been resolved by agreement, without winners. But in fact the basis for the Franco-German Agreement was that Germany had lost the war, had given back disputed territory, and had been obliged to give up all its claims on other territories. The SDLP should be advising Dublin to give up its illegal claims. The boundaries of Northern Ireland had been approved by the Dail, by the Northern Ireland Parliament, by the United Kingdom Parliament and registered at the League of Nations. There was another dispute current in Europe in Gibraltar, where there was a Spanish claim. There was no suggestion that that should be solved as was now proposed in Northern Ireland. The SDLP delegation replied that the United Kingdom and Spain worked together over Gibraltar. In the Northern Ireland context, these questions were on the table for Strand II. Some would argue that it was Britain that was claiming a part of Ireland illegally. But the quarrel was out of date. It turned on out-of-date conceptions of sovereignty. The institutions of Northern Ireland had never had the loyalty of its whole community. The SDLP proposals were directed towards inculcating such loyalties. "Majority rule" was not a sufficient definition of democracy; there also had to be broad consent for the institutions.

4. The UDUP delegation observed that the 1937 Constitution had been approved only narrowly by a majority in a referendum, and would not have been had the referendum taken place also in the North. It was not something in the view of Unionist people to be negotiated: it was an illegal claim, and now fastened on to by the IRA in justification of their activities. The SDLP delegation replied that the people of the whole island had never been asked together to give their consent to anything, and that was the root of the problem of less than full loyalty. Articles 2 and 3 were clearly a worry to Unionist people, and had to be on the table. As to the IRA they did not recognise the 1937 Constitution. The Government Team said the exchange was valuable, but suggested it should now focus on the compatibility of the SDLP paper with the Common Principles.

5. The UDUP delegation was however anxious to reply to a point made earlier by the SDLP to the effect that the authority of the UK Parliament had in effect been overcome in 1912 by threats from the UVF. That same Parliament, it should be noted, had agreed to the Anglo-Irish Agreement. The SDLP delegation reaffirmed its view that the UK Government had backed down in 1912. It had done so again in 1974: and the IRA had then, as before, concluded that British Governments only understood force. The UDUP delegation said that the same Parliament had approved the Anglo-Irish Agreement and the Assembly. Unionists had been criticised for boycotting the Agreement but the SDLP had boycotted the Assembly. In continuing discussion, the leaders of both the SDLP and UDUP delegations reaffirmed that they had never approved physical force, and had never sat down with gunmen.

6. In reply to a question, the SDLP delegation emphasised that its proposals were not intended to lead to a united Ireland behind closed doors; they had indeed been the first nationalist party to say that a united Ireland could not happen unless the people of Northern Ireland agreed. To the UDUP delegation, the proposal nonetheless meant that Northern Ireland was not part of the UK in the sense that it was not to be ruled in the same way as the rest of the UK. People from outside would be in charge. The SDLP delegation argued that people from outside, in the European Community, already had authority, in areas such as agriculture.

7. The UDUP delegation said they drew attention to the SDLP's view that many of the issues to be faced by the new Commission would involve common ground. The best people to work the common ground were those who lived on it. It was not clear how outsiders could improve the chances of working together. The SDLP delegation said that in the past, such working together had not been possible. It was necessary to move into a new world beyond the nation state.

8. The UDUP delegation would be at one with the SDLP in agreeing there was a conflict of identities; but there would be a disagreement over the definition of identities, which the SDLP sought to express in the new structures. What the SDLP called "identity", the DUP also saw as an expression of a political

aspiration. It was not clear why the presence of a Dubliner, as an external Commissioner, would strengthen the minority identity and make it more tangible. If the question was one of the minority needing a protector, that was an issue for Strand 2. The SDLP delegation said that such an expression of identity was needed because Northern Ireland was an artificial area, and the minority an artificial minority. The SDLP would not accept majority rule in Northern Ireland. If this problem were not tackled, there would be no solution. Their views were based on experience. The proposal for an Irish representative was only a small part of the identity question. The proposals also provided recognition of the Unionist and European identities. The Alliance delegation asked how the Irish identity was reflected in the Sunningdale agreements. Had not the Nationalists in the Executive reflected the Irish identity? The SDLP delegation stressed that the package had included both power-sharing and a Council of Ireland. It had not worked, because it had been possible for any party to bring it down. The SDLP proposals aimed to be workable.

9. The UDUP delegation raised the conformity of the SDLP proposals with one of the Common Principles, which stressed that new structures needed to be based on democratic principles. Here there was a partially nominated top tier, and the elected Assembly would lack power. It could not be said to reflect the wishes of the electorate. In reply, the SDLP delegation stressed democracy did not merely mean majority rule; there had also to be acceptance. Partially appointed structures worked elsewhere, notably in Europe. A European government directly accountable to the European Parliament would certainly not be acceptable, because it would be felt a threat to their identity by some States. In reply to a question from the Government Team about the possible applicability of qualified majority voting in Northern Ireland, the SDLP delegation suggested that unanimity still applied frequently to the Council of Ministers' decisions because of mistrust; but as trust grew, the qualified majority principle was expanding. The SDLP had proposed an independent report on the relevance of European structures to the present talks.

10. In response to a question, the SDLP delegation said they did not envisage that those who appointed Commissioners would contribute to the budget of Northern Ireland in the same proportions, but would be prepared to discuss that. The UDUP delegation argued that it would be easier for the Commission to reach agreement if the members all came from Northern Ireland. In response to the point that the structures needed to accommodate the two main identities the UDUP further argued that the central relationship to be addressed was within Northern Ireland, between the elected representatives of the parties round the table, but that they had proposals to bring forward in Strand 2 which might further accommodate the identity of the minority community. The SDLP delegation said that it would be prepared to suspend discussion and move to that now.

11. The Alliance Party delegation questioned whether the operation of the proposed Commission could be satisfactory, if all six members had a veto. The outside members might exercise their veto for self interested reasons. There was also the question of the Assembly. If it could only defer matters, it was irrelevant. If it had powers of veto, that significantly changed its nature. The SDLP delegation said it was prepared to look at the powers of the Assembly, and perhaps draw on the US model, involving the overturning of executive decisions by qualified majority, but this would be a waste of time if others were saying the outline of their proposals was unacceptable. The Alliance delegation replied that there were serious doubts about every party's proposals.

12. The UDUP delegation believed that the SDLP proposals could never command the endorsement of the Unionist community. That community had firmly rejected the Anglo-Irish Agreement which gave what some called a merely consultative role to the Irish Government. These proposals would excite a much fiercer reaction, and any Unionist elected representative who went along with them would be turned out by the electorate. The SDLP delegation replied that this model gave influence to Unionist representatives that they lacked in the current system, under the Anglo-Irish Agreement. In the past, arrangements had always stumbled over Unionist fears of the South wanting to take over; this reinforced the argument that the North/South relationship was central and had to be settled on a basis to which Unionists could consent.

13. The UUP delegation picked up this point. The proposals in the Conservative Manifesto of 1979, in which they had had some part, had never been tried. The scheme now put forward had the support of the entire party. It guaranteed a role for the minority, since the entire elected body envisaged was executive.

14. The Government Team invited the Alliance Party delegation to give its view of the acceptability of the SDLP proposals. The Alliance Party delegation recalled its experience at the time of the Anglo-Irish Agreement. There had been reservations about that Agreement within the party. It had positive features: only a consultative role for Dublin; and it offered a way in which devolution could take place. Nevertheless there had been great difficulty in persuading people to give it a chance. Against that background, there appeared no possibility that the new SDLP proposal could be accepted by the Alliance Party. They could not accept a Minister nominated by Dublin. It was a bridge much too far.

15. What was needed was a means by which the two communities in Northern Ireland could themselves work together to produce a solution that would find general acceptability. People who had contacted the Party recently from the minority community had conveyed no suggestion that they required their identity to be represented by people outside Northern Ireland.

16. The DUP delegation considered that they were seeking to bridge the divide between the parties, but the SDLP seemed to be moving further away.

17. The SDLP delegation stressed that the realities to be confronted were formidable. Since Northern Ireland had been created as a separate entity, there had never been a normal situation; there had been periodic recourse to internment, and war for the last 22 years. Political attempts to solve the problem had been brought down - on occasion by those who were now promoting something similar - something contributed to by a failure of will on the part of British Governments. The Catholic community had to be brought along, or else it would be alienated completely, perpetuating the

problem and consequently perpetuating violence. In what was proposed, the nominations by the Irish Government and the European Community would be a small price to pay if they supplanted a further 20 years of violence. A package that would win praise outside Northern Ireland for statemanship, but solved nothing, could quite easily be achieved. It was not enough unless it solved the problem, including the problem of violence. The SDLP proposal posed, it was true, considerable questions for Unionists; it would also pose difficulties for Nationalists. 'Unionists should recognise that the gains to them from the proposal, and from the resolution of the problem, far outweighed the presence of one Irish and one European appointee.

18. The UDUP delegation wished to make one point about Sunningdale. It had been said that Sunningdale had involved everyone. This was not so; among Unionists, only the Faulkner wing of the Ulster Unionist Party had been present. Neither the UDUP, nor Mr Craig's, nor Mr West's groups had been invited. It was different now. The leaders of the two Unionist parties could deliver the Unionist people seeking as best they could to find a solution. They were as determined as anyone to do so; those they represented suffered as much as anyone from the present situation.

19. The Government Team, adjourning the talks for tea, stressed the importance of the Common Themes, and especially Theme 15, with its emphasis on realism.

Talks Secretariat