

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 Jones	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 May	Mr Hume	Dr Paisley (part)
	Mr Mallon	Rev McCrea
	Mr McGrady	Mr Vitty
<u>Also Present</u>		
Mr Fittall	Mr Haughey	Mr Campbell (part)
Mr Smyth	Mr Hendron	Mr Dodds
	Mr Farren	Mr Gibson
	Mr Gallagher	Miss R Paisley

The meeting began at 16.17 and ended at 17.52.

1. The meeting resumed its discussion of the SDLP proposals. The UDUP delegation suggested that the SDLP proposals would entrench community divisions rather than avoiding them. The SDLP delegation disagreed, suggesting that while perceptions of division were important they were not the only thing. The SDLP had not put proposals forward for a federal or confederal Ireland as they might have done, but merely suggested one person be appointed by the Irish Government. Their aim was to encourage both traditions to accept the institutions of the state. The entrenchment of community divisions would be still greater if other proposals were followed. Innovation was required in order to move away from entrenched divisions. The SDLP repeated that their proposals were gentle by comparison with what they might have offered.

2. The UDUP delegation responded that the average Unionist would not find the proposals gentle, or acceptable. It was insulting to suggest the SDLP's proposals were a mild form of accommodating

identities. The SDLP said their proposals respected both traditions, and asked how the UDUP accommodated them both. The UDUP replied that their proposals had greater respect for the Nationalist community than the SDLP did on their own. The SDLP said their proposals saw Northern Ireland remaining within the UK, thereby accommodating the British identity. The UDUP failed to acknowledge that Nationalists needed expression to their identity.

3. The UDUP delegation said that every society had one sovereign government. The SDLP drew an analogy with the European community with the pooled sovereignty there. The UDUP said that that the two scenarios were different as in the latter each constituent state had given up some of its sovereignty to the whole, whereas the SDLP's proposals suggested that only Northern Ireland give up some of its sovereignty, but not the Republic of Ireland or the rest of the United Kingdom. The SDLP said that many of their constituents would like to see them put forward more radical proposals. The UDUP delegation asked how their Commission proposal would avoid entrenching identities. The SDLP said it would meet regularly, agreeing decisions on matters of common concern thereby breaking down the distrust and entrenchment that existed.

4. In response to a UDUP question about local representation, the SDLP explained that the Assembly would be made up of entirely Northern Ireland people, and the 6 Ministers of State would all come from Northern Ireland also. They confirmed that (b) was their preferred option in paragraph 9 of their proposals. The UDUP asked how the Northern Ireland community would react to the Commission, and whether each Commissioner would have responsibility for separate Departments. The SDLP said they envisaged that the 3 elected members would appoint Ministers of State, but were willing to discuss proposals further. The UDUP said that the separation of powers did not properly exist given the only partial role proposed for the Assembly. The SDLP pointed out that the Unionist Commissioners would have a veto over any measures about which they disagreed in the Commission, and reiterated that their proposals were gentle in comparison with some they could have made. The UDUP delegation, said that they too could have prepared a form of majority rule without safeguards to meet their constituents'

desires, but that was not the point. Unionists would not be able to sell the SDLP's proposals even if they accepted them. The SDLP suggested that the Unionist politicians needed to offer leadership to their people in order to sell the SDLP's proposals. Previous arrangements had led to 70 years of failure. The UDUP delegation said that no proposal offering Dublin a role had worked. The SDLP suggested no-one had been damaged by the Anglo-Irish Agreement, but the Alliance Party delegation suggested that Loyalist paramilitaries had become more active since the signing of the Agreement. The UDUP delegation agreed, arguing the Agreement had been a boost for Loyalist Paramilitaries because it had not been introduced by democratic means. The SDLP delegation said that Loyalist paramilitaries had been active prior to the signing of the Agreement.

5. The Government Team asked, given that nothing could emerge from the Commission without the agreement of Unionists, whether the implication was that proposals with widespread support could be blocked by an Irish Commissioner. The SDLP delegation said that proposals could be blocked by any Commissioner, but by working on agreed areas first before moving on to more controversial ones the likelihood of this would be minimised. The UDUP delegation said the SDLP's proposals were an attempt to avoid a Unionist majority in any area. The SDLP said they sought to encourage both sides of the community to work together. Their proposals covered the British identity through the constitutional guarantee, the maintenance of members of Parliament at Westminster and possibly a Secretary of State, but the Unionists did not recognise the Irish identity. The UDUP delegation disagreed, suggesting that the Nationalist tradition had been given expression via those elected for the SDLP to the Assembly. The UDUP delegation said that they did not need a Minister from the United Kingdom to hold their hand, and the SDLP should not need one from Dublin.

6. The Alliance Party delegation asked, on the issue of workability, what would happen if the Commissioners could not agree. Would the day-to-day function of government be stopped? The SDLP said that the Ministers of State would administer Departments on a day-to-day basis. The Commission would concentrate on

policies, to try and promote agreement on the important areas. The Government Team asked whether one Commissioner might block the budget allocation. The SDLP confirmed this was the case but believed the situation was most unlikely to occur. The proper analogy with Europe on budgetary matters was with the European Commission not the European Parliament.

7. The UDUP asked about the future of the SDLP's proposals if there was sizeable opposition to the structure, though less than a majority. If an anti-commission candidate system was elected, then the system would be paralysed. The SDLP explained that the Commissioners would need to take an oath that they would work together for all in Northern Ireland. They further commented that no proposal would work if sufficient people had sought to prevent it. The UDUP noted the Alliance Party proposals required only 70% of Assembly approval, whereas the SDLP needed 100% of the Commission to approve all measures for the system to work. The SDLP suggested positive attitudes were necessary. If the Unionist parties were not prepared to discuss, or offer amendments to, their proposals then there was little point in continuing, as there would be no agreement in the end. The UUP delegation, commented that the proposals were being discussed, and it was important the process should continue for otherwise the gunmen would have a free rein. The Government Team pointed out that all parties would undergo the same questioning process.

8. The UDUP asked about accountability, given that members of the Assembly would feel they had a democratic mandate whereas the appointed Commissioners did not. The SDLP said that appointed Commissioners would also be accountable, and that if necessary the appointing body could be asked to intervene. In response to a question about fraud or impropriety, the SDLP suggested that the rest of the Commission or the relevant appointing body would dismiss the Commissioner concerned. The Government Team said that judicial review on grounds of impropriety or unfairness should solve the problem. Members of the UK Government were subject to the same restraint. The SDLP said Commissioners would be accountable to the British Government, which could intervene if necessary. The Assembly would also have a role in accountability terms, as they

would be able to question Commissioners as well as putting forward views and motions of their own. If the Assembly were to resolve that a Commissioner was acting unacceptably, then that individual would need to be replaced.

9. In response to a UDUP question, the SDLP said initially all decisions would need to be unanimous, but that the Commission could evolve to a majority vote in certain areas at a later point as had the European Council of Ministers.

10. The UDUP delegation asked whether Commissioners were accountable to the Assembly. The SDLP said the Commission would have collective responsibility, and were willing to discuss the powers of the Assembly, which might in any case regularly consult with the Commission.

11. The UDUP delegation, picking up on another of the common principles, suggested the SDLP's proposals failed to provide all constitutional parties with the opportunity to have a role at all levels. Its proposals limited that role to the major constitutional parties. The SDLP explained that all parties could stand for election and thus had an opportunity to be represented. The UDUP delegation said that the Alliance Party would have no Commissioner or Minister of State under these proposals. The SDLP delegation commented that a Sinn Fein involvement could result were more posts to be directly elected. The UDUP delegation argued that Sinn Fein were unlikely to have a member elected to a 6 person Executive. They emphasised the Common Principle that there should be a role for all constitutional parties at each level. One could argue that under a majority rule system each party had an equal "opportunity" to form a majority and play a role at each level; the SDLP would not accept that system but seemed indifferent to the fate of other minorities in their system. The SDLP said that Northern Ireland was not a natural democratic society, and therefore different systems could be justified.

12. The UUP delegation suggested the SDLP had tried to achieve too much in their paper. The problems of identity they had referred to frequently might be accommodated in the three-stranded process as a whole. As the current structure of the talks stood the SDLP might never know if that were the case. An accommodation should be sought through the whole, not each of its constituent parts. Roughly half the time set aside for Strand I had passed, and there was no sign of the convergence on Strand I issues which would allow Strand 2 (which constituted the relations between any Northern Ireland institutions and the Irish Government) to be set in train. If those institutions were not agreed at least in outline, how would it be possible to enter Strand 2. The SDLP commented that an alternative strategy would be to take the Common Themes and Common Principles as the basis for agreement in Strand I and move into Strand 2. It was increasingly clear that their analysis, suggesting that the central relationship was the one between the Unionists and those living on the rest of the island of Ireland, was correct. That would imply the need for an early move to Strand 2. The UUP delegation said that some outline at least was required before negotiations could begin. There was no question of the UUP delegation putting its cards on the table regarding the other strands now as this would pre-empt negotiations with the Irish Government. The SDLP suggested that a parallel process with Strands I and 2 running concurrently might work. Alternatively Strand 2 could examine the type of relationship between Northern Ireland institutions and the Irish Government no matter what institutions were finally agreed. The UUP delegation said it was not possible to negotiate in space. They suggested the SDLP could accept an institutional model in Strand I, without prejudice to their overall position, before moving into Strand 2 discussions.

13. The Government Team commented that this issue was at the centre of the dilemma facing all the parties. They outlined the circularity of the current positions of the main parties and suggested it might be possible to move forward by fleshing out both alternatives without prejudice to each party's own preferences. As nothing would be agreed until everything was agreed, the parties who lose nothing through this process. The Government Team was anxious not to lose the opportunity to move into further Strands because a

single set of structures could not be agreed on at this point. The UUP delegation noted that the 26 March Statement defined what was and was not possible. Some of the identities issue had been addressed by Strand I and more would follow in the other Strands. The UUP recalled that last year, it had been criticised for not being interested in other relationships whereas it was the 26 March Statement that set out the parameters. The UDUP commented that outline approval rather than firm agreement would be necessary on Strand I issues. The SDLP commented that they had not gone beyond the 26 March Statement in any of their proposals. The UUP delegation quoting from the 26 March Statement said that Strand I should concentrate on arrangements within Northern Ireland, leaving aside Dublin's role as a protective power until Strand 2.

14. The Government Team said that if the SDLP could not agree to any form of majority rule, and the Unionists thought there was no chance of the SDLP's proposals being sold to the Unionist population, it was necessary to find a way of moving on. The SDLP delegation, said in a response to a question from the Government Team, that they had put their proposals forward on accommodating the Irish identity, but were willing to listen to any better ones. There were none in sight at present. The UDUP asked whether there were any circumstances in which institutions in Northern Ireland would be acceptable to the SDLP if they did not involve a Dublin representative. The SDLP delegation said they did not have closed minds on the role of the Irish Government, but that the alternative proposals put forward thus far did not go far enough.

15. The UUP said that some saw the talks starting upside down with Strand 3 being the natural starting point. The UUP delegation sought a different Anglo-Irish Agreement based on a broader basis, covering relations between the British Government and the Government of the Republic of Ireland. The framework within which that relationship would work could be very different, and would need to be different in order to achieve consent. That framework could impact on the first two Strands. Similarly the Unionists' proposals in Strand 2 would affect the Irish Government's readiness to make concessions in Strand 3. The UDUP stressed that Strand I would create the structures within Northern Ireland on which Strand 2

could then build relationships with the Government of the Republic. If all sides stuck to their current positions an outline agreement would not be possible. The UUP delegation said that each of the parties was entitled to have its proposals discussed and clarified in Plenary session.

16. The UDUP delegation drew attention to the courage of the Unionist parties in agreeing to the 26 March Statement, given the barrier which had existed since 1937 on Unionist representatives meeting with those from the Republic of Ireland. The safeguard was the framework to be agreed in Strand I. If Strand II were entered without such a framework, then the community would not appreciate the Unionists efforts. The UDUP pointed out that three parties had similar proposals, the commonality of which was considerable. They saw the SDLP's proposals as offending against the spirit of the 26 March Statement, although they accepted that the Government Team's ruling on the subject. The SDLP delegation said there was nothing in the SDLP paper which was not confined to the institutional arrangements for Northern Ireland. The involvement of external bodies did not change that fact, and the SDLP's proposals were compatible with the 26 March Statement.

17. The Government Team in concluding, said that the Plenary session would resume tomorrow (Tuesday). The Plenary session would start by discussing the Alliance Party's proposals. A decision on the timetable for the remainder of the week would be taken in light of progress made then.

PETER MAY
Talks Secretariat