

RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE AFTERNOON OF 19 MAY 1992

Those present:

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Molyneux
Mr Hanley	Mr Close	Mr Empey
PUS	Mr Morrow	Mr Cunningham
Mr Fell		
Mr Thomas	Mr Jones	Mr Allan
Mr Bell	Mr Ford	Mrs Bradford
Mr Hill	Mr McBride	(part)
Mr Maccabe	Mr Dickson	
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UDUP</u>
Mr Hallett	Mr Hume	Mr Robinson
	Mr McGrady	Mr Vitty
<u>Also Present</u>	Ms Rodgers	Mr McClure
Mr Fittall	Mr Gallagher	
Mr Smyth	Mr Durkan	
Mr Beeton		

The meeting began at 14.22 and concluded at 16.05.

2. At the start of the session the SDLP delegation asked if it was agreed that the UUP paper would be discussed that afternoon with the DUP paper being left to the following day. This was agreed.

3. The UUP delegation outlined the background to their paper. The report of the Northern Ireland Constitutional Convention of 1976 had been ignored by the then Labour Government. This had given rise to a mood of pessimism in Northern Ireland and the mistaken conclusion by many that progress was impossible. The UUP had not accepted this and had initiated the search for a common basis for agreement which could be built on. The results had been expressed in the week long debate on the report of the Kilbrandon Commission in December 1976. No progress had been made however until discussions took place with the then Conservative Opposition in 1978-79, which led to the conclusion that the power sharing executive approach was not viable and that the only way forward was to have an Assembly with no

Executive. The then leader of the Opposition had indicated her determination to introduce proposals on these lines if returned to Government. This had been recorded in the Conservative Manifesto for the 1979 election. The UUP had been assured at the time that the intention was to set up an independent group after the election to design the new structures in detail, with the new system being in operation, with an elected Assembly, by the autumn of 1980. This did not come about however. The UUP was confident that had those proposals been implemented, there would now be an effectively operating system of devolved government in Northern Ireland. The powers devolved would initially have been modest but with scope for progressive extension. The UUP was convinced that proposals along the lines of those considered in 1978/79 were still workable and were the basis for their current paper. The UUP was flexible about the detailed provisions, which could incorporate elements of their own proposals as well as those of the DUP and the Alliance. The UUP had no wish to exclude the SDLP from this debate, but they appeared to have excluded themselves.

4. The UUP delegation then turned to the specific proposals set out in their paper. They had not attempted to go into too much detail and accepted that the proposals would subsequently have to be "worked up". They were aiming for a simple structure which was not subject to the instability associated with attempts to form an Executive or Cabinet. The aim was a modest regional Assembly with the capacity for its functions to be expanded progressively. It was not their intention that the majority would be always able to impose their will on the minority. They were prepared to discuss ways in which minority interests could be protected. The UUP approach was based on the belief that it was possible to reach agreement among the parties present on ways in which Northern Ireland elected representatives could govern themselves. They did not accept the pessimistic SDLP view that this was not possible and that it was necessary to introduce external elements into the arrangements in order for them to work effectively. The basic question to be addressed was whether Northern Ireland elected representatives had the capacity to work together to carry out certain basic functions.

Once the system had established itself, its legislative role could be progressively expanded. With regard to the expression of identities, the UUP were confident that the Northern Ireland parties could effectively represent their own traditions. The UUP accepted that outside elements could not be ignored, but the 26 March 1991 document made clear the sequential nature of the talks process and the present phase was concerned with internal Northern Ireland arrangements. Identities would be protected by participation in those arrangements. The UUP would put forward their proposals on external relationships at the appropriate stage.

5. The Government Team said that the central question appeared to be recognition of minority rights and identities. How would this be achieved by the UUP proposals? The UUP delegation replied that Committees would be made up in proportion to the strength of the parties in the Assembly. Committee Chairmanships would also be allocated on a proportional basis. Committee Chairmen would have security of tenure and would not be subject to the risk of dismissal by committee members. They would have day-to-day responsibility for running departments and would be able to introduce their own proposals into the committees. The Government team asked whether there was any way under these arrangements in which the will of the majority would not always prevail. The UUP delegation replied that this would certainly be possible. There were various ways in which obstacles to the operation of the normal democratic procedure might be put in place so as to protect the position of minorities. The UUP accepted that straightforward majority rule was not possible in this context, but it had to be recognised that there was a price in terms of decision-making efficiency in introducing mechanisms to safeguard minorities.

6. The SDLP delegation asked why such safeguards were not already operating at local government level. The UUP delegation replied that that was essentially because of the constitutional problem, which was the reason for the present talks.

7. The Government Team then invited the Alliance delegation to put their questions to the UUP.

8. The Alliance delegation asked why the UUP appeared to favour a modified list system of proportional representation. The UUP delegation replied that this system as it operated in Germany for example, had the advantage of combining single member constituencies with a high degree of party control over who was elected. The Alliance delegation commented that there could be problems if parties were given too much control over who was elected.

9. The Alliance delegation asked whether the UUP considered there was a need for some system of co-ordination between the different committees. The UUP delegation replied that this point was covered by paragraph 6.3 of their paper. There clearly had to be some co-ordinating arrangement particularly with regard to finance. The finance committee might have a co-ordinating role with regard to the spending bids put forward by the departmental committees. This was clearly a matter for negotiation and had not been spelled out in detail in the paper. The Alliance delegation asked why the Chairmen of committees could not collectively form a co-ordinating body. The UUP delegation replied that they saw the finance committee as having the co-ordinating role, given their overall responsibility for expenditure. The Chairmen of departmental committees could meet with the finance committee to make decisions about the allocation of expenditure. A separate co-ordinating body of departmental committee chairman might duplicate the role of the finance committee.

10. The Alliance delegation asked how the arrangements for allocating committee chairmanships could overcome the problem of minority chairmen having to represent views they did not share. The UUP delegation replied that, as they had already said, there was a price in terms of efficiency in trying to develop systems which protected minority positions. It was quite possible that committee chairmen would be at odds with the majority on their committees. In that situation the committee as a whole would have to come to an understanding which would enable them to carry on their work. Some accommodation of views would be necessary. The Alliance delegation commented that compromise did not come naturally to Northern Ireland politicians. The role of a chairman could be made impossible if he

had to represent views he did not share or there was a deadlock on his committee. The problem had to be faced. The UUP delegation commented that this pointed to a major difference between their proposals and those of the Alliance party. Under the Alliance proposal there could be a deadlock at the highest level over the formation of the Executive. This could paralyse the whole system. Under the UUP proposals, on the other hand, any deadlock would be confined to a single committee. It would be in the interests of both the chairman and the committee as a whole to ensure that a deadlock did not arise, since they would ultimately be accountable to the electorate. The Alliance delegation repeated their view that under the system proposed by the UUP, a minority chairman could be continually prevented from acting by a majority of committee members. The UUP delegation replied that they were simply trying to address the broad problem of minority representation. It was necessary to devise appropriate mechanisms. Unlike the former Assembly, the fact that the committees would have a real power of decision would give them a major incentive to act responsibly and constructively. The UUP delegation commented that the problem of minorities had not been acute in the previous Assembly. The then Alliance party leader, had, for example, been made chairman of the Education Committee and his committee members had not been disloyal to him. The Alliance delegation replied, however, that his appointment had in fact caused serious problems simply because he had been a Catholic. Things had not gone as smoothly in the Assembly as the UUP were suggesting.

11. The Government Team asked if the SDLP's concerns about safeguards for minority views would be met if the Secretary of State were given a supervisory role in ensuring that any safeguards in the new system operated fairly. The UUP delegation replied that they were not asking the other parties to sign a blank cheque. They were open to negotiation about the details. With regard to the role of the Secretary of State, the 26 March 1991 document specifically recorded the need to address relations between any new institutions and the Westminster Parliament. The Secretary of State could well have a supervisory role in the new arrangements. Decisions of the new institutions would also be subject to the possibility of judicial review.

12. The Government Team asked the SDLP delegation whether a supervisory role for the Secretary of State, with a power to impose sanctions, would meet their requirements. The SDLP delegation replied that they could not say without knowing what the safeguard mechanisms would be. The UUP delegation commented that the Secretary of State would in any event retain a safeguarding role through his control of the purse strings.

13. The SDLP delegation said that much would depend on who was the Secretary of State. There was a more fundamental problem however. The people of Northern Ireland had never up to now given total loyalty to its institutions. The SDLP proposals were designed to create structures in which all in Northern Ireland could give their loyalty to the institutions of the state. The heart of the problem was that one identity had always regarded the other as a threat and for that reason had sought to exclude them from power. The SDLP proposals gave the Unionists all symbols they needed regarding their UK identity. The only expression of the Irish identity in Northern Ireland would be one member of the commission, yet the SDLP had been told that this was outrageous. The UUP delegation said that the SDLP proposals would give rise to a state to which Unionists could not give their loyalty. The SDLP delegation replied that they had gone to great lengths to modernise the traditional nationalist view of the problem. They were only asking the Unionist parties to pay a small price in return. The UDUP delegation commented that the price was suicide.

14. The Government Team returned to the question of whether the SDLP would accept a situation in which the Secretary of State had a statutory duty to monitor any safeguards set up under the new arrangements to ensure fair treatment of the minority. The SDLP delegation replied that they were being asked to accept that a British Secretary of State would be the guarantor of the Irish identity. The Secretary of State already had considerable supervisory powers, for example over fair employment, yet there was still widespread discrimination against the minority. The Government Team asked the SDLP nevertheless to give further thought

to the proposal. The SDLP delegation replied that they would certainly consider the suggestion but doubted whether it would satisfy their electorate.

15. The UUP delegation said that the SDLP had referred to the way in which they had changed the nationalist approach to the problem. Would the SDLP not accept that Unionists had changed significantly over the last twenty years, for example by their willingness to meet the Irish Government? This would not have been possible in earlier times. The UUP delegation said that the agenda of the present talks was very largely that put forward by the SDLP. The SDLP delegation commented that the present talks had been the most genuine of all which had taken place in recent times. It was clear that all were trying to seek agreement. Despite this, the SDLP had been told that their proposals were unacceptable. They were merely trying to outline an overall approach to all three strands. The UUP delegation replied that the basis for the current talks was that all accepted de facto that Northern Ireland was part of the UK. The SDLP proposed a derogation from that, however, which would lead to Northern Ireland having an undefined status. The proposed external appointments were not compatible with paragraph 2 of the Common Themes paper regarding the constitutional status of Northern Ireland. The SDLP delegation replied that their proposals accepted the status of Northern Ireland, but reflected the fact that changes in Europe meant that decisions were already being taken for Northern Ireland by outside bodies. The Government Team commented at this point that there was a danger of repeating the discussion which had taken place the previous day. They proposed a break, with a resumption at 16.25.

TALKS SECRETARIAT