

I N C O N F I D E N C E

PT/17

SUMMARY RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE AFTERNOON OF 20 MAY 1992

Those present:

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Cunningham
Mr Hanley	Mr Morrow	Mr Empey
PUS	Mr Close	Mr Allen
Mr Fell	Mr McBride	
Mr Thomas	Mrs Bell	Mr McGimpsey (part)
Mr Bell	Mr Ford	
Mr Hill		
Mr Maccabe		
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UDUP</u>
Mr Lindsay	Mr Hume	Dr Paisley
Mr D Smith	Mr Mallon	Mr Robinson
	Mr Haughey	Rev McCrea (part)
<u>Also Present</u>	Mr Feeley	
	Mr Rodgers	Mr Vitty
	Mr Farran	Mr Dodds
Mr A Beeton	Mr Gallagher	Mr McClure
Mr A Smyth	Mr Durkan	Miss Paisley

The meeting began at 12.15pm and ended at 1.05pm.

1. The Government Team said that if it was necessary to go into the afternoon they would propose starting at 2.15pm and finishing no later than 4.00pm, as some members had Parliamentary Business to attend to. The Secretary of State would have to leave at 12.30pm for another engagement. It was proposed that the next Plenary after today would be Tuesday 26 May (Monday being a Public Holiday) but that the leaders might meet in the House of Commons the following day, after Prime Minister's Questions (21 May). The Alliance delegation mentioned that they might have considerable difficulty with this but would talk to the Secretary of State about it separately.

2. The SDLP delegation were invited to continue their questioning of the UDUP paper. They said that the discussion before the coffee

break was getting to the heart of the issue, that is that Strand 1 was essentially about relationships within Northern Ireland and that these could only be adequately dealt with if the respective groupings could accurately define their respective identities. Each group defined its identity as part of a larger whole. For instance the Unionists saw themselves as part of the British Nation within the UK context and it was accepted by the SDLP as a political reality that Northern Ireland would remain part of the UK for the foreseeable future. What the Unionists did not seem to be able to grasp was the Nationalist need to identify themselves as part of the Irish Nation. The SDLP needed to be able to tell their electorate that any institutions created in the talks process reflected the legitimate right of the Irish nation to some involvement in their destiny within Northern Ireland.

3. The SDLP delegation said that the Unionists view, as they understood it, was that any acceptance of Nationalists' allegiance to Ireland at all meant that the Secretary of State, the UK context, etc, was automatically set aside. The SDLP considered that this was an extreme and irrational reaction. The Government Team intervened, to say that they had not understood the Unionist view in that way. They thought the Unionists had accepted the need for expression of the nationalist identity but argued that that particular relationship was for discussion in Strand 2. They reminded the SDLP that nothing would be agreed until everything was agreed in the process. The SDLP delegation responded that if Unionists did accept the Nationalist identity and that their proposals in Strand 2 were designed to cater for that, then the SDLP were ready to consider them but would need a firmer understanding of what was on offer. In a discussion about identities the Alliance delegation interjected that there were those who did not regard themselves primarily as British but as Ulstermen. There was a view that the UUP were never really anxious to have a devolved administration and were prepared to work directly to Westminster; from that perspective some within the Alliance delegation regarded themselves as closer to the DUP way

of thinking about Ulstermen ie that they were different from being British. They could relate to people in Ulster better than people in England. It was important that the SDLP understood this and that they did not confuse the Irish nation with the Irish state. There was a willingness to accept that Ulster was part of the island of Ireland.

4. At this point the UDUP delegation said that the discussion had been side tracked into Strand 2 issues. Strand 1 was supposed to be about internal structures for Northern Ireland and they challenged the SDLP to point to anything in the UDUP paper which was against the SDLP interest. The facts of this situation were that Northern Ireland was part of the United Kingdom; therefore this particular aspect did not enter into the document. Strand 1 was not about identities but was meant to define structures where everyone was equal and would have equality of treatment within Northern Ireland. Strands 2 and 3 were meant to deal with the relationship any new administration would have with the Republic of Ireland, and to create a better agreement than the Anglo-Irish Agreement. The SDLP team said that they assumed from that that the DUP were rejecting any role for the Republic of Ireland Government in the Government of Northern Ireland. Yet the British Government had taken the position through an international agreement that there was a legitimate role for the Republic of Ireland Government in the affairs of Northern Ireland. They found it difficult to understand how anyone could expect the SDLP to negotiate away the Anglo-Irish Agreement which gave such a role, however tenuous, without replacing it with some other form of link. The nationalist identity had to be accommodated in the structures under consideration now, not in strand 2.

5. To a question from the Government Team about the significance of the fact of Article 4(a) of the Anglo-Irish Agreement - which removed from the ambit of the Agreement those matters which might be devolved - the SDLP delegation said that both the DUP and UUP had said that they would not discuss structures for Northern Ireland within the Agreement and repeated their earlier question - why should the SDLP negotiate away the Agreement if there was nothing

visible to replace it in terms of the structures agreed for administering affairs in Northern Ireland?

6. The UDUP then asked the SDLP team to define what they meant when they said that the Republic of Ireland must have a role in the affairs of Northern Ireland. The participants were told that Strand 1 of the talks would take place with the Republic of Ireland Government excluded and Strand 2 would deal with the relationship between any agreed structures and the Irish Government. The participants accepted that the SDLP were not going to give away the Anglo-Irish Agreement for nothing. Equally, nothing in the process would be agreed until everything was agreed and in Strand 1 parties were simply asked to produce structures for the good government of the Province. Were the SDLP now saying that the AIA did not go far enough and there must be a Cabinet member from the Republic brought into the Government of Northern Ireland? That stance seriously undermined the concept of structures which made everyone equal, as did the proposal for UK and EEC Commissioners. The UDUP delegation said that Ulstermen should be able to stand on their own feet and take decisions for the good of the whole community. The SDLP team insisted that the DUP were not fully taking their point. The AIA, as the DUP said continuously, provided a role for the Republic of Ireland in the affairs of Northern Ireland. The talks were designed to get a replacement for the AIA and they still had not heard what there would be in terms of structures which would justify the SDLP negotiating that away. In reply, The UDUP said that the SDLP were trying to deal with two areas of the talks at once and were in fact saying that the Republic of Ireland's consultative role in the Agreement should be replaced by a decision making role for representatives of the minority community. The UDUP delegation said that any arrangements should be based on democratic principles ie the wishes of the electorate and should be widely acceptable. They also queried whether the meeting was discussing Strand 2, the SDLP document or the DUP document. They acknowledged that there had been a profitable discussion on the SDLP's points and the DUP had taken

note of what the SDLP were saying, that is that they required within the structures for Northern Ireland a presence for the Republic of Ireland Government.

7. To a question from the SDLP team about a reference in paragraph 5 of the DUP document about preventing those who seek to effect change through support for terrorism from corrupting the structure. The UDUP delegation said that the reference was not to IRA, but to all terrorism from wherever it came. The SDLP team then asked if all decisions of the Assembly would be by a majority vote. The UDUP commented that this would be so but that there would be a facility for a weighted majority for matters of extreme controversiality. The SDLP then asked several times if decisions on legislation would be by majority vote in Committees. The UDUP replied that they would, and pointed out that initiation and decision taking were two different things but that recommendations from the Committees would be by majority vote. They also pointed out that majority vote was needed at some stage. There was a discussion of the type of Committees envisaged by the UDUP, and the SDLP delegation suggested that it was a rather cumbersome system which fudged the issue and shied away from having a single co-ordinating body so as to avoid power-sharing and Cabinet responsibility. The UDUP accepted that Cabinet style government would get round the problems of co-ordination, steering and deciding on policy but pointed out that there was no agreement on a Cabinet system. They also explained that they were opposed to Executive power-sharing in principle and their documents sought to get round this problem by having a Committee system. It was not possible to turn a majority into a minority and in their judgement the important thing was to get away from the concept of majority or minority rule. The SDLP Team interjected at this stage to say that this was exactly why there was a problem - Northern Ireland was not a democratic entity, it had an artificial boundary: therefore could not operate as a natural democracy.

8. The Alliance delegation intervened to say that many Nationalists did not realise that Unionists were also dissatisfied with partition to some extent; Nationalists got 26 of the Counties and Unionists only got 6. Their perceptions and anxieties were that the number of Unionists in the 26 Counties had for whatever reason significantly reduced and there was now a desire for the same to happen in the six counties. On the point about majorities, the UDUP Team said that under the AIA if a majority wished to go into the united Ireland then both Governments would facilitate that. This was greatly resented by Unionist people but at the end of the day they would have to accept the wishes of the majority. The SDLP team said that in their view it was madness for anyone on the island of Ireland to argue that such a change should happen on the basis of a simple majority, and said that this was a proposal of the British Government. The Government team made the point that in fact the two Governments had agreed Article 1 of the AIA. The UUP team at this stage took issue with the SDLP's definition of democracy. They contended that it was the democratic will of the people expressed through a majority with safeguards for the individual rights of all. The Government team asked the UDUP team whether in their document they were giving protection to groups or individuals; they replied that it was to both, through the safeguards for minority groups in the Assembly and through the proposed Bill of Rights.

9. On the question of legislation (para 8 of the DUP document) the SDLP team asked what legislation would remain at Westminster. The UDUP replied that it would be reserved and excepted matters. The SDLP asked if this would apply to the Emergency Provisions Act, Rules of Coroners inquests and so on. The UDUP Team said that these would only be amenable by influence of the Assembly. By way of clarification the Government team explained that excepted matters would be retained at Westminster, and that these included special measures for dealing with terrorism. Reserved matters, eg the criminal law, could be transferred by Order in Council but the whole system was capable of alteration by Westminster Bill. The UDUP team

said that the British Government and Parliament would have difficulty in resisting proposals coming from an Assembly in Northern Ireland if they had widespread cross community support. The SDLP then raised the question of the social security benefits in Northern Ireland being on a par with those in the rest of the United Kingdom yet people in Northern Ireland were paying up to 30% more for coal, heating etc. There was a case for parity plus and, they queried whether there was any mechanism whereby a local Assembly could change that principle of parity. The Government Team said there was no reason why an Assembly could not argue for parity plus or indeed for others to argue parity minus. Social Security was a transferred matter and if an Assembly wished to pay parity plus then they would have to find the money to do so. The SDLP delegation suggested that if the educational reform programme was considered unacceptable by all the parties presumably the Assembly could change it too.

10. It being 1.05pm, The Government Team suggested a break for lunch until 2.15pm, at which point the SDLP team could continue their questions. The SDLP team indicated that they had only very minor points and it was therefore agreed that the resumed Plenary would simply consider the Press Statement for the day.