

SUMMARY RECORD OF A MEETING OF THE STRUCTURES SUB-COMMITTEE  
AT PARLIAMENT BUILDINGS ON THE AFTERNOON OF 12 MAY

<u>Government Team</u>	<u>Alliance</u>	<u>UDUP</u>
Mr Hanley	Mr Morrow	Mr Robinson
Mr Fell	Mr Close	Mr Vitty
Mr Bell	Mr McBride	Mr Campbell
Mr Hill		
	<u>SDLP</u>	<u>UUP</u>
<u>Talks Secretariat</u>	Mr Haughey	Mr Empey
Mr May	Mr Farren	Mr Cunningham
	Mr Durkan	Mr Donaldson (part)
<u>Others present</u>		Mr McGimpsey (part)
Mr Smyth		

The meeting lasted from 15.42 to 17.12.

2. The sub-Committee recommenced its discussion of the SDLP paper. The Alliance Party delegation suggested that those who framed the SDLP document did not properly understand the Protestant community if they believed that community could accept a nominated appointee from Dublin. The delegation believed that Protestants could be persuaded to accept representatives of the SDLP in positions of Ministerial power, but that the suggestions put before them were unrealistic. The SDLP delegation commented that this illustrated the gap in the perceptions between the sides of the community, and that their proposals did not represent the removal of British identity from those who felt it.

3. The SDLP delegation reiterated that they had proposed a system of Government within a UK framework, and accepted that Northern Ireland could not be taken out of the UK without the consent of a majority. The Secretary of State had been given a possible role, and the SDLP had acknowledged that excepted matters would be dealt with at Westminster. There were many within the community who felt themselves to be Irish, and to belong to a body politic comprising the whole of the island of Ireland. At present they were immersed in a wholly British framework, and their proposal sought to reflect the sense of Irish identity as well as that of British identity.

The SDLP had also accepted the remit of power to local institutions. The SDLP were content for Unionists to define their own relationship in terms of links to the rest of the UK, but reserved the right to do likewise to the rest of the island of Ireland.

4. The SDLP delegation returned to their analysis of the problem, based on the concept of identity. The Northern Ireland system of Government had collapsed twenty years ago largely because the state took account of only one side of the community. The SDLP proposals didn't diminish the Britishness of the majority or deprive them of access to power. Any proposal to recognise the Irish identity of the community represented by the SDLP was interpreted by Unionists as implying a loss of UK sovereignty. The UDUP delegation sought a response to the question of whether the majority community could accept the proposals. The SDLP responded that inevitably there would be some difficult elements to sell to the community, but that was a job for the politicians who had reached agreement on the structures. The basic constitutional position had been assured.

5. The Alliance Party asked how the three elected representatives might work together and with the three appointees. The SDLP suggested that the elected representatives would obtain political authority from their direct election. There would be great pressure for consensus. The SDLP's proposals were based on a European model rather than the British one. It had been shown that EC institutions worked. The UDUP delegation suggested there was a movement for change within the EC.

6. The Government Team recognised that the SDLP proposal did not entirely fit the EC model, as the EC did not have power over domestic matters. They asked what powers would be reserved from the Commission. The SDLP recognised that security and policing issues would be the most difficult. The security problem clearly had an external dimension, as Unionists recognised in their criticism of the Irish Government in this respect. The SDLP foresaw a potential common European approach to the problem of terrorism, with collective responsibility for security being shared perhaps in a European police force. Such a development would make it difficult

for the terrorists to continue their attacks. The Government Team queried whether any account was taken of the European dimension by the extremists in the Republican community. The SDLP suggested the past twenty years had seen new economic opportunities and increased awareness of the role and importance of Europe in the context of Northern Ireland. The work of the MEPs in articulating common concerns was widely respected within the community. The SDLP delegation suggested the Secretary of State might retain some powers in the security field in the meantime. There was also a clear North/South dimension to security matters. The UDUP delegation suggested the British Government would not hand over security powers in any case.

7. The UDUP delegation asked for the SDLP view of what had caused the failure of the Sunningdale Agreement. The SDLP suggested there were a range of explanations. The UDUP said that if Unionists had not felt able to accept the power-sharing Executive, how could they ever expect a direct role for an Irish Commissioner. They doubted whether the SDLP's concept of an Executive improved on the power-sharing model proposed by the Alliance Party. The SDLP suggested the distinction lay in the fact that the Executive had a direct mandate. There would be no need for political deals in the Cabinet style of Government proposed by the Alliance.

8. The UUP challenged the SDLP assertion that Northern Ireland would remain a part of the United Kingdom. They saw the proposals as an embryonic condominium proposal based on the new Ireland Forum conclusions and SDLP 1975 Convention paper. A major Constitutional Bill would be required to enable the SDLP's proposals to take shape. The terrorist would be pleased about such a move as he would see it as the start of the disruption of the Union. The UUP assumed the Anglo-Irish Agreement had been an attempt to accommodate the Nationalist tradition. The SDLP proposals would lead to further major constitutional change, which would mean Northern Ireland would not then be part of the United Kingdom. The SDLP disagreed with the latter part of this statement. They said that different arrangements were required in Northern Ireland because of the different problems facing the area.

9. The Government Team asked how collective responsibility might work within the Commission. The SDLP said it would work in the same way as it did within the European Commission. The Government Team asked how the Commission would relate to the Assembly on matters of legislation. The SDLP explained that this was a matter for negotiation, and were willing to discuss and develop proposals further. They envisaged a scrutinising role for the Assembly in legislative matters, with the possibility of initiating legislation. The Assembly might also have an important role to play with regard to budgetary matters. The Commissioners would devise the programme of Government, and propose items of legislation to an Assembly who might examine it in Committee. In the scrutiny process, the Assembly could suggest amendments, and it was for consideration whether the legislature should have the power to block the Executive in a similar way to that the House of Representatives could exercise over US presidential actions.

10. On financial matters, the SDLP anticipated the continued Block Grant from Westminster. The Commission would agree the allocation of finances between Departments. An EC financial input might be forthcoming, with the possibility of finance from the Irish Government. These proposals were very much intended to supply a broad structure for discussion rather than screw down the nuts and bolts of every issue. The Government Team asked how the Northern Ireland deficit might be financed, and the SDLP suggested that as sovereignty remained unchanged so financial arrangements would also.

11. The UDUP delegation asked whether the Commission was a necessity for a small community in terms of administrative need, or was rather intended to provide for a focal point of both identities at the highest level. The SDLP recited a number of examples of States which were smaller than Northern Ireland and had Executive and legislative powers. Not all of these were sovereign nations. Each had developed its own institutions on the basis of individual circumstances. The SDLP saw the need for co-ordination of the various Executive functions in the interests of good government. This might be called a Council or an Executive. At that level both identities needed to be represented. The UDUP delegation suggested

a scenario in which the Assembly might run smoothly without an Executive, and involved both identities at the highest decision-taking level. Proposals in Strand II might meet Irish nationalist concerns about the need to accommodate their identity within the package as a whole.

12. The Government Team asked on what basis non-elected Commissioners would be appointed. The SDLP explained it would be similar to that for the European Commission, with the appointing body having no role once the appointment had been made. The European Commissioners pledged themselves to act without regard to those who had appointed them, and something similar might apply for Northern Ireland.

13. The UUP delegation said that even if the non-elected Commissioners were removed, they saw difficulties in ensuring the elected ones worked together. Some form of negotiation or coalition would be required in order to ensure collective responsibility and a common programme. The SDLP's proposals would therefore be subject to the same difficulties faced by the Alliance Party ones. The SDLP explained that they believed there was considerable consensus on social and economic issues between the Parties in Northern Ireland. The difficulties lay in areas of structures, identities, constitutional arrangements and external relationships. If an accommodation could be reached on those issues, then consensus on a programme of Government ought not to prove insurmountable. The SDLP also explained that external appointees need not be from outside Northern Ireland.

14. The Government Team asked whether the SDLP envisaged a separate judicial institution concerned with 'human rights' to complete the separation of powers as, for example, in the EC and US. The SDLP explained that they saw some judicial structure in this area as necessary. They suggested this would be further negotiation depending on the nature of the institutions agreed.

15. In response to an Alliance Party question, the SDLP suggested the Assembly would be able to disrupt its own working, but not that of the Executive. The SDLP envisaged the need to give the Assembly

real power, but not to allow it to paralyse the decision-taking system, as the European Parliament had done by refusing to pass the budget. Further thought would need to be given to how such an arrangement might work. The SDLP also acknowledged relations between the institutions they proposed and District Councils would need further consideration. The UDUP asked what safeguards there were for the Unionist community in any Commission. The SDLP agreed to consider any proposals to ensure such safeguards existed.

16. In response to a clarification sought from the Government Team, the SDLP said they did not envisage a situation in which one or more elected Commissioners would refuse to work the system. Provided all agreed on the structures, that situation ought not to come about. Any group which refused to work within the system would be denying itself power and influence.

17. At the conclusion of the consideration of the SDLP paper, the Government Team proposed the sub-Committee adjourn until 10.30 on 13 May, when the two Unionists' papers would be examined. A press release was agreed, and the Government Team reasserted the importance of press confidentiality, and urged restraint if approached by journalists. The Government Team also agreed that in the light of the sub-Committee's deliberations the following day, it would consider what might be done to assist the sub-Committee in its work.

TALKS SECRETARIAT