

RECORD OF A MEETING OF THE STRUCTURES SUB-COMMITTEE  
AT PARLIAMENT BUILDINGS ON THE MORNING OF 13 MAY

Those present:

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

The meeting began at 10.35 am and concluded at 11.45 am.

2. The Government Team opened by thanking the party delegations for attending the meeting, in spite of the serious breach of confidentiality that had taken place. The Government Team very much regretted that breach, and whilst recognising that trust would inevitably be damaged, said it hoped there would be a constructive reaction from the parties, involving the completion of the discussion of the two Unionist parties' papers on political structures as planned. The Government Team hoped that the frankness of the exchanges would continue despite the leak.

3. The SDLP delegation said the leak was a clear breach of faith. They believed it undermined the whole process, and made it difficult for proper negotiations to continue. They placed it on record that the SDLP had not been responsible, and proposed a meeting of party leaders to assess the damage and to determine how to proceed in the light of the leak.

4. The DUP delegation said they had considered whether it was proper to continue the deliberations given the lack of trust which the leak would engender, but had concluded that whoever was responsible for leaking the document should not be allowed to disrupt the talks. The DUP suggested the Government prepare a paper addressing the confidentiality issue, and making proposals for the improvement of the current situation. They saw the leak of the paper as an embarrassment for them, not least because they could not respond to the leak. The Irish Times appeared to have a full copy of the SDLP paper.

5. The UUP delegation also deplored the leak, and saw it as a direct attempt to wreck the talks process. They recalled that the last talks process had been more damaged by the constant leaks than by the disagreements across the table. They agreed that ways to limit the danger of further leakage should be considered.

6. The Alliance Party delegation shared the feeling of frustration voiced by the other parties. They emphasised the need for trust, and drew attention to the nature of the Irish Times leak, which was both calculated and deliberate rather than just a misplaced conversation with a journalist by accident. They also advocated consideration of changes to paper-handling in the light of the leak.

7. The Government Team said it was important for the process to continue as planned, in order to ensure whoever was responsible for the leak did not gain a victory. They said there would be a leaders' meeting at 10.30 am on Friday at which the confidentiality issue would be raised. There was some speculation that leaks had come from more than one source, and the SDLP said that those commenting on leaks compounded the problem and suggested all parties seek to avoid doing so. The UUP delegation asked whether there was any prospect of doing a deal with the journalists, in the same way the police asked for co-operation during sieges. It was agreed this might be considered on Friday. The sub-Committee also considered whether to issue a statement on the subject at the close of the day's business. It was agreed that this would be reconsidered at the first afternoon session when all parties had had the opportunity to consider the matter.

8. The Government Team then asked whether there were any comments on the minutes of the previous morning's deliberations (SC/2 and SC/3). There were a number of comments, most of which were accepted. The DUP wished to extend the record of their opening statement in paragraph 3 of SC/2 to reflect their view that the SDLP document fell outside the remit of the 26 March 1991 statement and did not conform to the Common Themes and Principles papers. The SDLP delegation said that this was a preliminary statement, which they had not challenged, although they did not agree with the DUP points. The Government Team recalled that they had explained why they considered the paper within the remit of the 26 March statement. The SDLP also commented that they did not believe it was helpful to minute comments such as that from the DUP. The DUP delegation were asked to provide a form of words to meet their concern. It was agreed that the Talks Secretariat would arrange for the minutes to be resubmitted with amendments.

#### Ulster Unionist Party Proposals

9. The UUP delegation explained their proposals were an outline form of the essential framework of the internal governance of Northern Ireland. Their proposals fell within the parameters of the talks as agreed, and constituted workable proposals which they believed would prove durable. The proposals sought to return the governance of Northern Ireland to a population which currently had a missing generation of politicians as a consequence of direct rule. Their proposals had been designed to overcome stresses and divisions they had foreseen, and they recognised that the institutions must be able to develop in the light of experience and in parallel with constitutional changes in the rest of the UK.

10. The Alliance Party delegation asked about the electoral system, focussing on the under-representation of minorities under the "first past the post" system which the UUP said they preferred. The UUP delegation explained that demographics would ensure that minorities were represented across Northern Ireland. They then outlined the modified list system which is the form of proportional representation they found most acceptable, were that to be the

method decided on. Under the modified list system, each elector had two votes. The first was a constituency vote in which he could choose an individual to represent him. This election might be conducted either under the "first past the post" system or the alternative vote proportional representation system. The second vote was a party vote. Each party would draw up a list of candidates, and the number elected would depend on the proportion of the votes secured. In response to a question on their opposition to STV, the UUP said that STV tended to encourage maverick elements, whereas the system they had proposed allowed the party greater control, whilst ensuring proportionality. The system was similar to that used in Germany. The election of single constituency representatives gave the electorate a clearer view of who was their representative.

11. The Alliance Party asked whether it was advantageous to have such party control over the list element. The UUP responded commented that parties had some control no matter what system was employed, and suggested their proposal offered a greater choice by allowing individuals to choose both an individual and a party. The DUP delegation suggested that an additional advantage of the system was that it elected a body of members who were free of constitutional duties, who could then take a greater part in the work of the Assembly. The Alliance Party delegation suggested this would make those members out of touch with the community. The UDUP also recalled that the UUUC had made a similar proposal to the UUP one some years ago involving a top-up list system, in which proportionality was ensured by removing the disparity resulting from the single member constituency results through the list system allocation.

12. The UUP delegation said their proposals were open for negotiation and that no party should close its mind to different forms of proportional representation. PR was not a central issue in their view. They also acknowledged that the forthcoming boundary commission might mean that the first election of an Assembly would use the STV system.

13. The SDLP delegation said they found the UUP paper a severe

disappointment. As well as being short, it contained nothing new. It largely consisted of the proposals made in their "Way Forward" document published during the last Assembly, with minor modifications. In particular, the SDLP were disappointed that the paper took no account of the need to accommodate different identities as all parties had accepted the previous week. The SDLP acknowledged that the DUP paper had addressed that dimension. The SDLP delegation questioned whether the UUP seriously believed their party could accept it. The committee structure, in which committees would run departments, allowed for minority parties to have a share of the chairmanships but the number suggested meant this would be a small input. The proposal that business should be directed by majority voting was not one that endeared itself to the SDLP given their experience in some district councils. They also questioned whether the chairmanship of committee offered minority parties any real say given the majority voting arrangements.

14. The UUP delegation, commenting on the number of committees, noted that the SDLP had proposed only six Commissioners. The UUP paper had made it clear that the number of committees could vary, and said this was a matter for negotiation. The UUP had anticipated the SDLP concerns regarding majority voting in committees and the position of the chairmen. They were prepared to negotiate on these points also. The UUP paper should be seen as an outline. They did not wish to see the chairmen swept aside by majority rule and had proposals on how to avoid that. The SDLP said they would need to see them before they could comment.

15. The UUP delegation said it was important not to see their proposals in isolation. They had sought to accommodate the different identities in two specific ways. Firstly, by leaving open the question of institutional arrangements with the Republic of Ireland, and secondly by ensuring that those elected to the Assembly represented the electorate as a whole, and that the numbers of representatives in committees and the chair and vice-chairmen of those committees were also proportional to support. This would mean that all well-supported constitutional parties would have representatives at the highest decision-taking level. It was a fact of life that if the majority decided to conduct its business in a

certain way, that would be decisive. That was always going to be a problem for the SDLP. The UUP had not found the SDLP proposals practical, and said they found it difficult to see how negotiations could proceed from the basis of that paper.

16. The SDLP delegation said that the SDLP had embarked on the talks by attempting to reach a common understanding on the question of identities. It was far more than just relationships between institutions in Northern Ireland with the rest of the island. It also stretched beyond proportional allocation of committee jobs. The SDLP questioned whether the UUP proposals could ever be acceptable to those who saw themselves to be Irish because those proposals did not reflect that fact.

17. The UUP delegation argued that through constituency representation, each individual could reflect his views to the Assembly. They reaffirmed that local institutions ought not to be examined in isolation. However, if local institutions were to take responsibility, there needed to be a practical way of taking decisions. The question of identities would be addressed at other levels also, and the total package must be examined. The UUP also said that the current arrangements of direct rule did not reflect identities at all. They sought to improve the situation and end the democratic deficit.

18. The SDLP commented that those who saw themselves to be Irish were not an ethnic minority, but an indigenous part of the population of Northern Ireland. They had not been accommodated in the UUP proposals. They reaffirmed the need to see the proposals which avoided the pitfalls of majority rule they had outlined. The UUP delegation responded that their paper covered one part of the negotiating process. Their proposals allowed parties to influence events in proportion to the numbers elected. They accepted the need for protection against unqualified majority rule.