

FROM: PETER MAY
TALKS SECRETARIAT
14 May 1992

Dr J Alderdice

SUB COMMITTEE: SC/8 and SC/9

I attach the minutes of the Sub Committee meetings held on 13 May. Copies are also attached for those members of your delegation who attended the meeting.

Peter May

PETER MAY

HS/A2/845

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

Those present:

Government Team

Mr Hanley
Mr Fell
Mr Bell
Mr Hill

Alliance Party

Mr Close
Mr Morrow
Mr McBride

UDUP

Mr Robinson
Mr Vitty
Mr Campbell

Talks Secretariat

Mr Lindsay

Also present

Mr A Smyth

SDLP

Mr Durkan
Mr Farren
Mr Haughey

UUP

Mr Empey
Mr Cunningham
Mr Allen

The meeting began at 2.15pm and adjourned for tea at 3.15pm.

1. Amendments to the minutes of previous Structures Sub-Committee meetings (SC/4 and SC/5) were proposed and accepted. These minutes will be re-issued as amended. The Government Team invited the SDLP to continue their examination of the UUP's submission.

2. The SDLP Team asked how the Chairman and Deputy Chairman of each executive Committee would be chosen in relation to party strengths in any Assembly. The UUP Team replied that this would be under the same system as the DUP had suggested in their document ie the D'Hondt rule. This would ensure that the largest party did not get all the main positions: each party would have a series of preferences for posts and these would be allocated using the D'Hondt formula. In response to a question from the SDLP Team about Committees having a legislative role, the UUP Team said that proposals for legislation could come forward from members of a Committee, from a Department through the Committee Chairman or because it was essential legislation eg an EC directive. They said it may be necessary to establish a legislation committee (as in the 1978 Wales Act) to ensure technical compliance in terms of EC/Westminster/international legality. The role of the Assembly would be as a legislature passing legislation into law. The UUP

Team continued that they were reasonably flexible on the question of weighted majority requirements at Committee level or in the Assembly and further that legislation could be categorised by importance, together with thresholds. The only criterion would be that the system should be fair and practicable. The UUP Team said it may prove feasible to devolve full legislative powers to the Assembly in relation to transferred matters but again they thought the situation should be reasonably flexible at the beginning.

3. The SDLP Team made the point that the UUP submission was not new and was virtually unchanged from the Way Forward document of a few years ago. In their view the UUP were again saying - trust us and you will be amazed at developments which will occur if the Anglo-Irish Agreement is replaced. The UUP Team replied that they had set out to put forward an outline which would enable the provision of basic services within Northern Ireland. In order to achieve consent and participation there had to be a point of convergence and in order to negotiate it was necessary to have a certain amount of agreement on the outline of a solution.

4. The UUP Team argued that the SDLP model in its present form made the tabling of amendments very difficult indeed. There were only a limited number of ways of administering services and in their view more significant opportunities to address SDLP concerns about identities would occur in Strands 2 and 3. In their terms participation and consent were the two main parts of recognising identities and of being able to express these openly and adequately within Northern Ireland. The SDLP Team said that there appeared to be nothing in the UUP document different from anything that had been produced before. The Government Team asked the SDLP if there was any way the UUP structure as proposed could be altered to accommodate the minority community and they replied in the negative. The Government Team thanked the UUP Team for their points of clarification and then invited the UDUP Team to introduce their paper "A Sure Advance".

5. The UDUP Team explained that they had attempted in their paper to recognise the reality of a clearly divided society and one which had attempted several different systems of Government, all of which

had failed. They recognised that the room for manoeuvre was very narrow and therefore other than attempting a revolutionary structure they thought they should try something different which did not offend against publicly stated principles but yet was a significant step forward, hence the title of their document. They saw it as part of a jigsaw with interlocking relationships and had attempted to take account of all concerns where this was possible. The UDUP Team continued that they recognised the SDLP's requirement for a wider relationship and identity and said that nothing in their proposals was inconsistent with this and in fact would facilitate the process of giving meaning to these in the UDUP's Strand 2 proposals set in a context of a new British/Irish Agreement. The UDUP Team explained that their document was only one part of their strategy and they had 78 pages of other proposals dealing with override powers, external relationships, a Bill of Rights and so on.

6. The SDLP Team acknowledged that, unlike the UUP submission, the UDUP paper had the merit of endeavouring to link proposals to agreed principles and there was also some evidence that SDLP concerns had been addressed. If the task in the talks was just to define powers for District Councils then the UDUP document would have been helpful. However it did not adequately tackle the problem of devising arrangements for the government of Northern Ireland at a fairly high level in the context of a deeply divided society, diverse identities and varying perceptions of those identities. The SDLP Team said that they had looked forward to fresh thinking following recent DUP papers on basic principles which eg stated that there should not be a 1992 model of past failures and that there should be maximum delegation of authority etc. There was perhaps some disappointment that this new document did not live up to that and in fact there was no attempt to accommodate all the wider relationships both external and internal. Another example cited by the SDLP was in Common Theme 6, yet there was no reference to any wider relationship in this island but only as part of the United Kingdom. The SDLP team said that nowhere in the UDUP document was there any mention of Northern Ireland being part of the island of Ireland.

7. The SDLP Team did accept that in the DUP paper there were certain safeguards but it represented a slide rule approach to the politics of a divided society. They had already pointed out that under the system proposed minority parties would be little more than couriers for the Committees and Chairmen would be able to record dissent but little else. The co-ordination of government and allocation of resources were shrouded in mystery. The SDLP Team asked if they were to be subject to corridor or backroom dealing between Committee Chairmen. They wondered if DUP and UUP delegations had been listening to the fundamental problems as expressed in committee and in Common Themes Nos 3, 6 and 8.

8. It was suggested by the UDUP Team that the SDLP were like little boys who liked ice-cream and jelly particularly but wanted it with their soup and main course as well. The UDUP argued that the Common Themes were not written solely by the SDLP but jointly by all and contended that UDUP proposals met every aspect of these Common Themes. If the SDLP were saying that there must be a role for Dublin directly in Strand I this would never be acceptable to the people of Northern Ireland. The UDUP proposals gave nationalists representation at the same level as unionist representatives as the SDLP leader had called for. In conclusion the UDUP said that Strand I was intended to work out how both communities in this small divided society could participate fairly in decision making, and in a meaningful way which provided good government. The proposals they said did not undermine any section but gave status and a meaningful role for each section of the community.

8. At this point the Government Team suggested a break for tea (at 3.15pm).

TALKS SECRETARIAT