

RECORD OF A PLENARY MEETING
HELD AT PARLIAMENT BUILDINGS ON THE AFTERNOON OF 18 MAY 1992

Those Present:

<u>Government Team</u>	<u>Alliance Party</u>	<u>UUP</u>
Secretary of State	Dr Alderdice	Mr Molyneaux
Mr Hanley	Mr Neeson	Mr Empey
PUS	Mr Morrow	Mr Cunningham
Mr Fell		
Mr Thomas	Mr McBride	Rev Smyth
Mr Bell	Mr Ford	Mr Allen
Mr D Hill	Mrs Bell	Mrs Bradford
Mr Maccabe	Mr Dickson	Mr Donaldson
<u>Talks Secretariat</u>	<u>SDLP</u>	<u>UDUP</u>
Mr Brooker	Mr Hume	Dr Paisley
Mr Smith	Mr Mallon	Mr Robinson
	Mr McGrady	Rev McCrea
<u>Also Present</u>		
	Mr Hendron	Mr Campbell
Mr Fittall	Mr Haughey	Mr Dodds
Mr Smyth	Mr Farren	Mr McClure
	Mr Gallagher	Miss Paisley

The meeting began at 12.15 and concluded at 13.11.

2. The Government Team invited the SDLP to respond to the comments on their paper made in the previous session.

3. The SDLP delegation said that they found some of the comments outrageous and a total misinterpretation of what was in their paper, which was trying to solve a problem which began as far back as 1912. There were clearly two loyalties in Northern Ireland and the answer to the problem was not to allow one to be victorious over the other, but that both would be accommodated, a position, they noted, that was also acknowledged in the DUP paper. Several models had been looked at to accommodate both traditions and the SDLP had deemed that the best was that of the European Community. The significance of European institutions had also been recognised, they said, by HM The Queen in her speech to the European Parliament in the previous week which had noted that the European Community had ended the bitter conflict of centuries and had realised that difference should not be a source of conflict but should be respected and accommodated.

4. Referring to earlier specific comments, the SDLP delegation said that its paper was not trying to lead people by the back door to a united Ireland. It referred to the largest industry of the island, that of agriculture, on which decisions were taken by shared responsibility between the Irish, the British and others. It was suggested that Northern Ireland should now "plug-in" directly to that shared decision-making. The SDLP claimed to be the first political party to lead nationalists away from territorial demands and towards the accommodation of the people. It noted that any final agreement in these Talks would need to have the endorsement of the people both north and south of the border and that consequently it would be the first time since 1912 that a true basis for peace and order had existed.

5. The SDLP, and others, knew well that the people of Northern Ireland were losing out in Europe and cited the example of the cohesion fund where, it was said, the Republic of Ireland was benefitting fully but that Northern Ireland was losing out. The SDLP's proposals would put Northern Ireland in a stronger position in the future.

6. Referring again to earlier comments, the SDLP delegation said that the Unionist delegations had recognised that the Nationalists had a different identity but this approach had not been followed through in their proposals. The SDLP had no problems with the Unionists' British identity, which was not in any doubt in the future under the SDLP proposals. On the question of separation, raised by the Alliance Party, it was commented that the first time separation had been raised was in the Constitution of the United States. The Declaration of Independence had been drawn up by Ulster Presbyterians who had left Ireland because of persecution and had written the American Constitution to recognise and accommodate people's differences.

7. There was no question, the SDLP delegation said, of eliciting support from anyone concerning the election to the Presidency. The SDLP paper envisaged that the Commissioners would have a full-time job and would not be allowed, nor able, to be representatives in

other Parliaments. They continued that the powers of the Assembly were a matter for discussion, as was the decision-making process of the Executive. Referring again to comments from the Alliance Party, the SDLP delegation said that Irish unity could not take place unless the people in the North agreed. In the earlier session the UUP had also raised the question of Article 4 of the Anglo-Irish Agreement. The SDLP delegation indicated that they could have discussed devolution under that section of the Agreement but had not done so because they understood that the Unionists wanted a new Agreement.

8. In response to an earlier UDUP point about the sovereignty of the Northern Ireland people to decide on their future, the SDLP delegation said that the people of Northern Ireland would be represented in the Executive and their Assembly. Others on the Executive would be there to give expression to other relationships. They repeated that there could be no change in the status of Northern Ireland unless the people agreed to it.

9. The SDLP delegation summed up by saying it wished there had been more considered thinking by others before they had reacted.

10. The Government Team thanked the SDLP delegation for its response and asked two points of clarification. Firstly, it recognised that on the current SDLP plans the Executive would be responsible for initiating legislation and that the Assembly would have hardly any legislative powers. The SDLP delegation responded that this was open to discussion. The European Commission offered a broad analogy. Under their proposals any legislation initiated by the Executive Commission would be sent to the Assembly for consultation; as with the US Congress, they might then require something like a two-thirds majority for approval. The SDLP were, they said, prepared to look at ideas along these lines. The Government Team reflected that this was an important point. If any new legislation, though initiated by the Commissioners, could not be implemented unless it was approved by the Assembly, then this put the SDLP proposals in a different light. The SDLP delegation added that it would be prepared to put a factual paper on the table

to carry on this discussion and this first paper was only their outline proposals. The Government Team asked if the SDLP would be prepared to allow the Assembly to initiate legislation. The SDLP delegation said that this too would be open to discussion.

11. The Government Team's second point was the comparison drawn between the SDLP's paper and the European Community. Without in any way wishing to appear partisan, it questioned how valuable the EC was as a comparison. There was a substantial difference in character between the EC "club" and a region of the United Kingdom having legislative powers that it would share with not one but two external bodies. The SDLP delegation observed that its proposals were not meant to be identical with EC models, although there was a basic similarity. The reason why the European model was attractive was because it allowed trust to be built up. It envisaged a consensual approach; if one Party said "no" nothing could be done. The consensual approach meant that all concerned would have to work the common ground and no one party would be overlooked because they would all have a veto.

12. The Government Team felt that it still had difficulty with the EC comparison. It noted that the SDLP delegation had given a useful explanation of the principle of workability of its proposals, but there was still some difficulty with the common theme of Northern Ireland remaining within the UK when it was considered there would be two external influences over Northern Ireland under the SDLP's proposals. The SDLP delegation replied that in the past there had been a problem of the UK and the Republic of Ireland being separate sovereign states but, it said, the situation was different now, given developments in Europe. Indeed, they said, Europe already had a say in the affairs of Northern Ireland. The UDUP delegation added that the United Kingdom also had a say in other countries' affairs and that in the European role everybody gave up something. It suggested that in the SDLP model the sovereignty of Northern Ireland would be given up, but what would the others involved be giving up? The SDLP delegation replied that the issue came back to the question of identities.

13. The Government Team reflected on the earlier comments of the Alliance delegation. The quotations from Garrett Fitzgerald were, it said, an encouragement to Unionists towards devolution. The then Taoiseach had said to Mrs Thatcher that the SDLP would support a devolved Government. The Government Team questioned whether the SDLP proposal was compatible with the Anglo-Irish Agreement which envisaged the diminishing of the influence of the Irish Government as the devolved powers to Northern Ireland increased. The SDLP delegation replied that the Unionist Parties had refused to accept any part of the AIA and the SDLP had entered the Talks with that in mind. As a result they were not talking of the Agreement but of something new. The UDUP delegation suggested the Talks should stick with Article 4 of the AIA and that this provided the framework of models to be discussed, which should be put forward only on a basis of discussion at Strand I level.

14. The UUP delegation said that there had been substantial debate in the sub-Committee to clarify how the SDLP define the nationalist identity and how that identity should be expressed. The Unionists deserved similar treatment. The difficulty with the SDLP's proposal, as they saw it, was that if Unionists accepted the appointment of persons from outside of Northern Ireland who would exert authority in Northern Ireland, then by definition the Unionist identity had been watered down because the United Kingdom as we now know it would no longer exist. If persons from external jurisdictions were allowed to legislate for, and take decisions affecting Northern Ireland, then Northern Ireland could no longer be regarded as an integral part of the UK. The SDLP delegation responded that their proposal was a minimum reflection of the Nationalist identity and that their proposals still came under the power of Westminster. The UUP delegation said it believed the SDLP were trying to squeeze too much into a Strand I paper that in fact combined issues that were both Strand I and II. This put the UUP delegation at a disadvantage, and also meant that the SDLP, and others, were not in full possession of the UUP's full package, because they had concentrated solely on a Strand I paper. The SDLP delegation replied that they regarded this as a constructive contribution. Under the terms of the Talks nothing would be agreed

until everything was agreed and so it was only when people could see the total package that they would be able to make up their minds. They went on to say that their proposals were designed to move the whole debate into a new arena.

15. The Government Team asked whether, if the proposed Assembly had powers of veto and could initiate legislation, this would go some way to meeting the Unionist problem. The UUP delegation replied that they had been looking for ways around the obstacles in the SDLP's paper, but that even if the appointed Commissioners were UK Nationals they could not get away from the fact that they would be giving over the right to outside nationalities to have a say over the people of Northern Ireland. The UDUP delegation said that what was being discussed overall was a bigger problem than minor details. The road being suggested by the SDLP paper was not a road to peace nor a road to consensus, but a road to Dublin. The SDLP delegation responded that it was also possible to say that it was a road to London and a road to Brussels.

16. The Alliance delegation referred back to an earlier point made by the SDLP delegation about the Unionist Commissioners having the power to veto proposals advocated by others and pointed out that the European and Irish appointed Commissioners would also have a similar power of veto. The SDLP delegation suggested that all appointed Commissioners would take an oath to work alongside the elected Commissioners and to work towards common interests. At this point the meeting adjourned.

TALKS SECRETARIAT